

# Republicanism in Theory and Practice

Edited by  
Iseult Honohan and Jeremy Jennings

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# Republicanism in Theory and Practice

Recent claims that civic republicanism can better address contemporary political problems than either liberalism or communitarianism are generating significant debate.

This book is a sharp insight into this debate, confronting normative theory with historical and comparative analysis. It examines whether republican theory can address contemporary political problems in ways that are both valuable and significantly different in practice from liberalism. Expert authors offer contrasting perspectives on issues raised by the contemporary revival of republicanism and adopt a variety of methodological approaches to address the practical implications of republican thought within a coherent thematic framework. This book also

- clarifies core themes and contested areas of republican thought, especially the notion of liberty, the specific political institutions needed to realize it, and the nature of solidarity among citizens;
- shows how republicanism continued to influence the development of liberal thought in nineteenth century Britain;
- examines the development of alternative republican discourses, including the established political practice and ideology of the French republican tradition;
- applies republican perspectives to contemporary political concerns such as the creation of social trust and the expansion of public accountability;
- explores the implications of republican theory for policy areas including housing, education and marriage in diverse multicultural societies.

This book will be of great interest to researchers and students of republicanism in political science history, social policy and education. In addition, it will provide a valuable resource for those concerned with issues such as citizenship, democratic theory, multiculturalism, nationalism and patriotism, and politics beyond the nation-state.

**Iselt Honohan** is Senior Lecturer in political theory in the Department of Politics, University College Dublin. Her current research interests lie in republican theory and its applications to areas including citizenship and immigration, and issues of morality and public life in contemporary societies. She is the author of *Civic Republicanism* (Routledge, 2002). **Jeremy Jennings** is Professor of Political Theory, University of Birmingham. His research interests cover French (and European) political thought from the eighteenth century to the present day. He is completing *Revolution and the Republic: a History of Political Thought in France since the Eighteenth Century* (Oxford University Press, forthcoming).

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## Series editor's preface

Can civic republicanism 'better address contemporary political problems than either liberalism or communitarianism'? And how is it significantly different from liberalism? These are the guiding questions of the present volume, which, broadly speaking, concentrates on four major themes: conceptions of liberty; the historical expressions of republicanism; the social conditions for trust and solidarity; and aspects of citizenship. This is a formidable task since, as the editors point out in their introduction, 'republicanism is not only multi-faceted but also very much a theory still under construction'. Thus, the answers to the guiding questions are not final or conclusive but are instead more likely to foster debate and analysis. This is especially the case as the authors also identify three specific challenges. First, multiculturalism may be difficult to reconcile with 'the republican conception of citizenship', which rests on 'the possibility and desirability of integration'. Second, how can European integration be squared with the traditional republican ideal of a national community – a question that is even more pertinent in the wake of the third challenge, that is, globalization? To be sure, this collection of essays does not only engage in theoretical debates, but it also moves on to apply republican theory to policy in Part V.

Per Mouritsen sets the stage by suggesting a historical typology, discussing the different shades and traditions of republican conceptions of liberty, and highlighting important distinctions between different traditions (Chapter 2). The next part of the book is concerned with historical expressions of republicanism. Duncan Kelly demonstrates the persistence of republican thought in nineteenth-century Britain (Chapter 3), while Jeremy Jennings looks at the development of French republican thought during the same era (Chapter 4). He concentrates particularly on Charles Renouvier and Jules Barni, whom he considers to be representative of the French debate. He concludes that republicans like Barni allied republicanism 'to a stable, property owning democracy' where 'equality came to mean an equality of rights rather than an equality of opportunity or, even less, an equality of outcome'. Pierre-Yves Baudot takes a somewhat different perspective in the next chapter (Chapter 5) by looking at the 'symbolic



politics' of republicanism. His analysis of republican funeral rites shows that there was no substantial departure from the monarchic past. 'Republican burials were therefore at best a repacking from the past. They neither instituted a decisive break with traditional practices nor produced a space between the public and the private.' In the next chapter Mark McNally argues that Irish Republicanism is a peculiar case in that it has dominated political practice while it has played little role in theoretical debate. He argues in Chapter 6 that there are 'at least some grounds for doubting that authentically republican ideals of the United Irishmen were completely eclipsed by anti-colonial nationalism in Ireland'. The next two chapters focus on foundations of republican theories. Francisco Herreros Vázquez suggests that political trust should be understood as an expectation about politicians' personal characteristics (Chapter 7) and Laura Andronache analyses the nature of solidarity within republican thought (Chapter 8). Moving on to political institutions in Part IV, John Maynor argues that the republican vision of freedom requires a strengthening of direct citizen consultation and involvement in order to stress 'democratic contestation throughout the policy-making process as a way to minimize domination' (Chapter 9). Similarly, John Schwarzmantel argues that the 'quite demanding view of citizenship' within republican theory requires new institutions in order 'to enable a wider degree of political participation' (Chapter 10). Clearly, this is not easily reconciled with the expansion of supranational governance in a united Europe, a problem addressed by Kostas Lavdas and Dimitris Chrysochoou in Chapter 11.

The final part of the book (Part V) is concerned with practical applications of republican theory. Margo Trappenburg discusses the delicate issue of 'restricting family rights', which is related to the tendency of immigrants in Western Europe to choose marriage partners from their countries of origin. The chapter explores this issue from liberal, communitarian and republican perspectives (Chapter 12). In Chapter 13 Valérie Sala Pala explores the effects of the 'republican taboo on ethnicity' in France on the country's housing policy and concludes that 'the gap between theory and practice in the "republican model of integration" is striking'. Growing ethnic and cultural diversity of contemporary Western societies has also renewed the relevance of an old debate about education as a means of nation-building and Iseult Honohan discusses its limits from a republican perspective in Chapter 14.

As the editors point out in their conclusion, the contributions to this volume reflect the 'variety and complexity of the republican argument' but there remains a clearly identifiable core of republicanism that sets it apart from both liberalism and communitarianism: 'it distinctively combines concern for liberty and civic engagement in the political community'. In an age of immigration and resulting cultural and ethnic diversity, these concerns are certainly of paramount relevance to contemporary theoretical debates and political practice alike.

# Acknowledgements

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# 1 Introduction

*Iseult Honohan and Jeremy Jennings*

To remark upon the recent revival of interest in republicanism has become something of a commonplace. We are all familiar with the context in which this has taken place. The collapse of actually existing communism in Europe seemed to denote not merely the demise of Marxism as a political philosophy but also the triumph of economic and political liberalism. If, in philosophical terms, John Rawls and others, such as Isaiah Berlin, came to define the character and parameters of debate, in the world of political practice the message was that of the market and a much-reduced level of State activity. To that extent, the eighteenth-century advocates of a commercial society, such as David Hume and Adam Smith, seemed at last to have secured their victory. The fact of pluralism announced by Rawls, far from being accompanied by the social democratic policy of wealth distribution he advocated, has looked in reality to be no more than one manifestation of a broader individualism that has come to characterize society as a whole. Perhaps understandably, political philosophers showed themselves unwilling to abandon their historic pre-occupation with issues of social justice and thus, in reaction to the triumph of liberal individualism, set out to recover and to develop an alternative and more attractive vision of what it might mean to be a citizen in the societies of today.

The republican argument has come a long way since it first began to surface in the writings of Quentin Skinner, John Pocock and Philip Pettit. The core of its claim, however, amounts to the conviction that a doctrine, which has its origins in the Roman Republic, and which subsequently has intermittently made itself felt in Western political thought and practice, can be re-claimed and re-configured in such a way as to furnish a workable model in present-day politics. Conceptions of self-rule, non-domination and an attachment to a more vigorous form of individual liberty are brought to the fore so as to challenge the purely negative (and dominant) description of freedom as the absence of coercive interference. This ‘act of excavation’, to use Skinner’s phrase, has not been without its successes or influence – it has itself established something of a new orthodoxy – but to an extent it has left more questions unanswered than answered.

Here then we might pause briefly to reflect upon the challenges and objections that the republican revival has encountered. These have been usefully and accurately summarized by Robert E. Goodin (Goodin 2003). Goodin makes one general and overall criticism. Whilst the component propositions advanced by republicanism are ‘independently attractive . . . their attraction is independent of republicanism’ (Goodin 2003: 72). All, in short, could be arrived at by other means. Self-government, a mixed constitution and ‘a resilient liberty’, he points out, could be defended on many different grounds, of which republicanism is only one. In particular, it would be difficult to differentiate the defence of all three offered by republicanism from those advanced by liberalism. Beyond this, Goodin makes a series of specific criticisms. Understood as non-domination, republicanism ‘constitutes a movement back to a status society of a strikingly pre-modern form’ (Goodin 2003: 61). If contemporary republicans reject the hierarchical status orders associated with ancient and early modern republics and picture their new republics as single-status communities, the equality they envisage ‘is purely an equality of status, the status of citizen’. As a consequence, Goodin contends, many republicans are ‘indifferent to broader distributional questions’ (Goodin 2003: 62). Next, status societies tend to be societies ‘driven by notions of honor and shame, dignity and embarrassment’ (Goodin 2003: 63). The requirement is that people internalize a set of social norms, and such is the case with republicanism. This produces at least two negative consequences. The code of honour applies only to fellow citizens; thus, according to Goodin, republicanism ‘constitutes a particularly vicious form of closed communitarianism’ (Goodin 2003: 64). Second, republican virtue is a virtue attributable to character, and as such is not only narrowly circumscribed and limited in application to one’s fellow citizens but also focuses upon self-image and is therefore ‘indifferent’ to its consequences on others. Moreover, for republicans, civic virtue has traditionally come with ‘a martial twist’. Again, Goodin accepts that contemporary republicans ‘may no longer welcome the martial implications of the model with quite such gusto’ but nonetheless ‘the republican ideal still clearly remains the sturdy man of honor, relying only on the strength of his own arms’ (Goodin 2003: 66). Goodin, however, reserves his most-telling criticisms to the last. What is attractive about republicanism, he contends, is its attachment to self-governing communities grounded upon extensive public deliberation. But deliberation presupposes small numbers of people and is ‘simply infeasible’ when the ‘populace is too populous’, i.e. in modern societies (Goodin 2003: 68). Finally, republicans count on deliberation as a means of allowing individual citizens to transcend narrow self-interest and seek out the common good. Yet republicanism’s ‘strong prioritization of the public over the private risks undercutting the autonomy (and indeed independence) of individual judgment’ (Goodin 2003: 69). If republicanism is to avoid ‘sliding into communitarian excess’ the challenge is to

identify 'some method whereby the common good can be discerned among individuals whose identities are not assumed to be (or reconstructed to be) wholly constituted by their membership in the collectivity' (Goodin 2003: 67). Goodin's stark conclusion is that we should not be fooled by republicanism's seductive and deceptive charms: 'it does not represent a way forward for contemporary political theory' (Goodin 2003: 73).

It would be incorrect to suggest that the essays gathered together in this collection are an attempt, either directly or indirectly, to refute these criticisms. Their origin was rather a four-day workshop organized under the auspices of the *European Consortium for Political Research* at its conference in Edinburgh in April 2003. They are, however, a response to the considerable prominence achieved by the claims of civic republicanism to better address contemporary political problems than either liberalism or communitarianism, and to the debate that has ensued. The intention was thus to confront normative theory with historical and comparative analysis in order to explore the argument that republican theory can address contemporary political problems in ways that are both valuable and significantly different in practice from liberalism. The essays attempt to do this in four distinct ways: by clarifying the core themes and contested areas of republican thought; by addressing key issues that have come to the forefront of debate in the current republican revival; by examining alternative republican discourses (including the established political practice and ideology of the French republican tradition); and by applying republican perspectives to contemporary political concerns in a variety of different contexts.

In line with these objectives, the essays are organized around a set of common themes or sections. They begin with an assessment of the conceptions of liberty that have been the principal focus of much of the academic debate on contemporary republican thought. Using a historically informed typology of republicanism, Per Mouritsen argues that republicans are distinguished less by the conception of liberty they hold than the conditions they identify as being necessary to enjoy liberty. The controversial contention is that the particular way in which republicanism has been characterized, most notably by Skinner and Pettit, is not the only possible way, nor is it necessarily the most helpful. In this account, there have existed a series of distinct republican moments as well as distinct modes of republican thinking, with the latter carrying quite different messages for a contemporary audience. In particular, Mouritsen draws attention to a later strand of liberal-pluralist republicanism associated with such thinkers as Tocqueville that has not only been largely ignored in recent writings but that would be potentially immune from the types of criticism levelled by Goodin.

The next part of the collection comprises chapters exploring distinct historical expressions of republicanism. While the precise connection

between historical ideas and contemporary arguments is a matter of debate, historical analysis has played an important role in the republican revival. The focus in recent studies has been on retrieving the early modern period (e.g. Bock *et al.*, 1990; Fontana 1994; Wootton 1994; van Gelderen and Skinner 2002). The nineteenth and much of the twentieth century have been understood as a period in which republicanism virtually vanished from the political scene, in which socialism and nationalism were the dominant ideologies and liberalism and utilitarianism were the prevailing political philosophies. These chapters challenge this consensus, highlighting the persistence of republican thinking at this time and showing how republican thought was used to criticize current political practice. In the case of France, this is probably not altogether surprising, but even here the conventional picture of a stable and relatively unchanging republican doctrine needs to be modified. Under the shadow of events – especially the 1848 Revolution and the advent of the Second Empire in 1852 – republicanism was transposed into a more practical and moderate doctrine. The programme developed by leading theorists of republicanism came to emphasize the provision of education by the State rather than the pursuit of economic equality, the recognition of rights rather than the reign of virtue, the advent of social solidarity rather than the all-encompassing embrace of fraternity, and in institutional terms the need for restraints on executive power rather than an advocacy of direct popular sovereignty. Again, this version of republicanism, for all its lack of romantic fervour, might be less susceptible to the '*folie républicaine*' diagnosed by Goodin.

The British case is also instructive. The case advanced by Skinner and others has been that neo-Roman arguments for republicanism were eclipsed by utilitarianism and thus that an understanding of liberty as non-domination was replaced in British political thought by the conception of freedom as the absence of interference and coercion. An alternative reading suggests that republican thought persisted in nineteenth-century Britain and that it interacted with utilitarianism and liberalism rather than being replaced by them. Moreover, under the pressure of external events (especially the spectre of French republicanism) the languages of republicanism in Britain were transformed into a modified constitutionalism. In doing so, the neo-classical vision of the active citizen was reworked in the context of a modern commercial society, thereby finding its way into the writings of J.S. Mill as well as later idealist-liberals such as Bosanquet and T.H. Green. An even more surprising challenge to the tenor of Goodin's argument comes from examining the case in Ireland. It is a somewhat curious fact that to date the republican revival has not turned its attention to Ireland, surely one of the few countries where it could be said that republicanism has played a decisive, not to say dominant, role in determining political thought and practice. Here we see a clear example of how republicanism in the hands of the Irish state was transposed into the narrow communitarianism of which Goodin warns us. Yet the chapter in

this volume shows precisely how the language of republicanism was itself deployed to combat this very phenomenon. The Irish government's programme for a Catholic and Gaelicized communitarian republic built upon a romanticized vision of a pastoral, pre-colonial mythical past was challenged, albeit unsuccessfully, in the name of a modern, urban, non-sectarian and liberal republicanism.

The third section focuses upon the social underpinnings of trust and solidarity between citizens, issues which republicans have traditionally tended to emphasize more than liberals. These have increasingly come to be seen as important in the light of declining levels of voter participation in liberal democracies as well as in the context of establishing democratic institutions and practices in transitional polities. In Goodin's account 'republican honor' is reduced to *amour propre* and 'narcissistic personalism' and he therefore characterizes it as little more than a 'list morality' (Goodin 2003: 65). There is no substance to it, only appearance, and it is a 'precious' appearance at that. Political trust, something which is generally considered good for democracy, could presumably have little real purchase in such an ethically shallow environment. Again there is plenty of evidence to suggest that republican authors were aware of this problem – they readily accepted that the trust-warranting properties of political representatives could be easily imitated – and that they therefore recognized the importance that needed to be attached to the ability of the people properly to assess the personal characteristics of their representatives. In this view, republican writers from Cicero to the American founders acknowledged that institutional devices – in particular those that later were associated with the idea of a mixed constitution – provided at best imperfect solutions to the problem of a divergence of interest between governed and governors, and thus that the people should possess the capacity either to recognize or select good agents who genuinely sought to realize the common good. Accordingly, the trust necessary for representative politics is not a substitute for, but is rather strengthened by, information on the character of politicians.

When we consider the issue of solidarity, Goodin looks undoubtedly to be on firmer ground, for is it not the case that at the heart of the republican revival is the desire to endorse a post-traditional community held together by the civic concern and participation of ordinary citizens, and is this not a form of solidarity that looks dangerously threatening to those who hold divergent or minority views? An analysis of the ideas of Viroli, Pettit and Hannah Arendt goes some way to endorsing this conclusion. There is a danger that the forms of solidarity described will either be too thick to guarantee toleration or not thick enough to unite citizens effectively into the sort of civic community that is being envisaged. However, here again there is room for a nuanced response. In addition, the argument can be advanced that the model of solidarity propounded by Arendt – understood as equal access to the public realm and cooperation in



political action – is relatively free of what might be regarded as threatening communitarian excesses. If Arendt wishes to establish that individuals have more in common than their private interests, she does not see solidarity in terms of replicating common perspectives, or as requiring either the redistribution of wealth or the realization of social justice.

Our next section examines the kinds of political institutions required for republican politics and in so doing addresses the frequently expressed criticism that contemporary republican theory is insufficiently specific about the political institutions it entails. Two chapters outline contrasting proposals for democratic republican institutions, one based on freedom as non-domination, the other on a more transformational politics of participation. The third chapter explores the republican framework necessary to secure the development of democratic institutions beyond the nation-state, specifically in the European Union. The challenge faced by such proposals is made clear enough by Goodin. ‘The problem’, he writes, ‘does not lie in any analytic difficulties with the notion of “public interest” or “common good” . . . The difficulty with these concepts is operational, a problem of finding some reliable way politically to determine their content and to harness political action effectively in their service’ (Goodin 2003: 72). Lacking credible institutional mechanisms, the argument goes, republicanism is reduced to mere verbiage. The challenge can be readily met however, although no doubt not to the satisfaction of all critics. Maynor, for example, moves beyond the abstract claim that ‘republican processes and policies must guard against both active and passive domination’ and argues that the realization of republican freedom as non-domination in plural societies requires contestatory institutions that increase electoral competition, actively consult citizens, promote deliberation and constantly review the exercise of governmental power (Maynor, this volume: 128). Accepting that such initiatives would not, on their own, resolve the problem of voter apathy, he nevertheless disputes the claims that the institutionalizing of contestation would lead to intractable deadlock and that the burden of participation would make excessive demands on citizens. Schwarzmantel’s approach is arguably a more radical one. If Maynor alludes to the need for a republicanism committed to equalizing ‘intersubjective power relationships’ to pay more attention to the forms of economic inequality, Schwarzmantel addresses the issue head-on. Responding to the problems of citizenship and fragmentation evident in current liberal democracies, he argues for a transformational view of the ‘new republic’ detached from its liberal connections, creating new political spaces and addressing socio-economic inequalities as the basis for empowering citizens. In this view, citizens are formed and transformed in part through institutional design. At another level, contemporary theorists have looked to a variety of republican arguments – from mixed government to enhanced citizenship – to address the current perplexities of the European Union more satisfactorily than liberal democratic models (e.g.

Bellamy and Castiglione 2000; Lavdas 2001a; Bellamy 2003). But the challenge to republicanism is arguably even greater at a supra-national/European level. How can citizens fulfil the duties and obligations demanded of them by republicanism towards a political community that is at best an artificial and recent invention? How can that community create institutions that will provide the democratic public space necessary for meaningful citizenship? How indeed can the common good of an amorphous (some would say non-existent) European demos be articulated? To resolve those questions is no easy task, but it is possible for republicanism to provide a sketch of the general direction in which the European polity ought to move if it is to come to embody republican ideals. As a first step this would require the substantial reconfiguration of EU civic arenas so as to allow the level of public deliberation necessary for the articulation of the public interest and to facilitate the construction of a constitutional framework ordered around the principles of balanced government. The chapter by Lavdas and Chrysochoou specifies some of the institutional arrangements that this would require. Crucially they would be designed to make possible an active European citizenship.

The issue of citizenship is at the heart of the final section of our volume. The three chapters examine the policy implications of republican theory for the areas of marriage, housing and education, showing how republican thought may be applied in contemporary contexts of plural and multicultural societies, and analysing the extent to which this leads to policies different from contemporary liberal approaches. It was Rousseau, writing in his *Discourse on Political Economy*, who commented that 'to form citizens is not the work of a day' (Rousseau 1993: 147). This is a sentiment shared by all republicans, but what sense can be given to citizenship in an age which seems at times incongruously to combine the demands of diverse ethnic communities with those of individual economic self-interest? In this context, republicanism can look a touch reactionary, like a plea to *re-establish* a lost world where citizens were law-abiding and community-minded and where we all upheld what are taken to be the decent values of civility. As Iseult Honohan therefore shows, the key question is that of deciding what kind of commonality or solidarity is now to be desired amongst citizens. From this will follow a set of institutional arrangements that can be designed to facilitate this outcome. Crucially, in an age characterized by the fact of pluralism it cannot be the case that solidarity should be understood in terms of fostering a common cultural identity. Religious and cultural differences have to be accommodated and not integrated to the point of non-existence.

None of the above is to suggest that republicanism can easily brush aside the arguments that are levelled against it, nor is it to imply that republicanism has a set of ready-made and definitive answers. Republicanism is not only multi-faceted but it is also very much a theory still under construction. How then might republicanism evolve in the future?

It is worth remembering that republicanism is not only a theory but also a practice and one that has been with us for centuries. If, broadly speaking, it has come to be associated with a particular set of institutional arrangements it is important to recognize that actually existing republicanism (much like actually existing liberalism) has been forged by historical experience and that out of that experience has come not only variety but also compromise. Republicanism has produced a diverse set of political cultures and mythologies, each of which has its heroes and villains, its key historical moments and symbols. For many, the difficulty has been that of marrying ideals of ancient and classical origin to the demands of a modern society. In the eighteenth century (and subsequently) republicans were for example obsessed (not to say haunted) by the question of whether a republic was a viable model for large states. To resolve that problem they were obliged to reconcile themselves to indirect, as opposed to direct, representation, and to countenance not merely the balance of powers but also their separation through such institutional arrangements as federalism. That model, as testified most famously by Tocqueville, appeared to work in America, providing the modern world with its most successful and enduring republican form, but only a few years later the attempt to repeat the exercise in Europe came quickly crashing to the ground in a welter of indiscriminate violence and terror. The contrasting experiences of France and the United States tell us much about the many-sided and complex nature of the republican tradition. Both conceived the Republic in terms of the sovereignty of the people and saw freedom in terms of the absence of privilege and of arbitrary power. However, if in the USA, and after much debate, institutions were constructed so as to accommodate both political faction and a diversity of religious faiths, in France the First (Jacobin) Republic was characterized by a passion for political unity and a deep enmity towards established Christian religion. Only later did the French Republic endow itself with a contrived institutional arrangement of President, Senate and Chamber of Deputies, which ensured that the popular will of the people was never able to push the Republic in a radical direction. The struggle against religion remained however, often in the form of a virulent anti-clericalism, which assumed that the destruction of religion was the necessary prelude to all future progress in society. In America, the Republic was content simply to separate Church and State, thereby not actively discouraging religious belief but rather relegating it to the private sphere. In both countries the sociological and electoral backbone of the Republic now became the small property owner, an outcome which arguably led in both to the effective political exclusion of the working class movement (and to a lesser extent the Catholic tradition). More glaring exclusions characterized both republics at the outset: in France the gradual extension of the suffrage to all males was not matched by its extension to women, who only received the vote after the Second World War; whilst in America the Republic had

no difficulty accommodating itself to the institution of slavery. Recent historical practice, in short, reveals that freedom as non-domination was extended only so far as to include privileged (white) males. In the name of the universal principles of the Republic, France set out to build an overseas Empire; America on the other hand nominally turned its back upon such practices, casting itself as an anti-imperial power. Both Republics, however, have seen themselves as beacons of light and examples to the world as a whole: their message and their values were potentially applicable to all. Not the least of these values were the virtues associated with active citizenship, and in that respect it is intriguing to note that, to this day, both countries place a heavy emphasis upon the school (and to a lesser but still striking extent the army) as instruments of citizenship. Likewise, each remains attached to the symbols of republican ceremony as important vectors of civic patriotism. Republican citizenship had to be cultivated and citizens were expected to be patriots.

The historic practice of republicanism points us in a series of directions, and not all of them would be that welcome to today's theorists of republicanism. Those practices also throw up a series of dilemmas at the level of theory. Let us briefly consider the most famous republican slogan of all: Liberty, Equality and Fraternity. Is this maxim a coherent one, capable of easy translation into policy and practice? The evidence would seem to suggest that it is not. Prior to the recent republican revival, each of these terms has been subject to continuous re-definition in republican discourse. Liberty, for example, was originally seen as self-rule and thus identified with the absence of rule by oppressive princes, be they foreign or home-grown. To this was added freedom from oppression by the Church. In America, the Jeffersonian vision equated liberty with independence and therefore with an agrarian society peopled by peaceful, self-reliant and self-respecting yeoman. As a consequence, in later years it was the agrarian and slave-owning South – free from commercial, industrial and urban corruption – that was able to portray itself as the bastion of the free republican nation (Bailyn 2003: 49). Moderate republicans sought to free the concept of liberty from these classical overtones, preferring to emphasize liberty of conscience, freedom of speech, and the freedom to go about one's business as one wished. Unlike many of their forebears, they believed that republicanism was compatible with capitalism. They also stressed the importance of the liberty to own property. Those on the left of the republican spectrum have never been eager to accept this liberal definition of freedom as their own. How, they asked, could such a wholehearted recognition of the right to property be allied to the republican value of equality and the requirement that the republic must benefit all the people? Here again the debate amongst republicans has been long-standing. Equality, in both America and France, was understood as an end to aristocratic privilege and thus in terms of civil equality. The law of the Republic was to accept no distinctions on the grounds of

birth (nor indeed those of religion) and citizens were to be equal in terms of rights (a principle that was gradually extended to include political rights) but this was not translated into social or economic equality (as the American case demonstrates). Understood thus, within the dominant republican discourse, equality was a principle of non-discrimination rather than a vehicle for radical change. Again it is important to understand that this reading has not gone unchallenged in recent years. Should an equality of rights be extended to a real equality of opportunity and outcome? Is the reliance upon an equality of rights a sufficient response to the so-called new inequalities that have arisen as a result of high unemployment and large-scale immigration in Europe? Indeed, should the term equality be replaced by calls for more exact equity and parity (especially with regard to gender issues)? If so, does republicanism have within its conceptual armoury the means of effecting this terminological transition? More controversially still, should the Republic contemplate a policy of positive discrimination as a means of overcoming the disadvantages suffered by ethnic minorities? Here the examples provided by America and France are at opposite ends of the spectrum, with French republicans such as Régis Debray vigorously denouncing American policies as a new form of 'communitarianism' (Jennings 2000).

Beneath this lies the suspicion that reference to the republic is meaningless and misleading rhetoric. It is pure nonsense, argue critics from both within and outside the republican camp, to believe that republican France (never mind America) is a country which provides equality of access to higher education and health, despite public expressions to the contrary. Fraternity, in other words, has always been the poor relation within the republican pantheon. Its high-water mark within republicanism was in 1848, when, with the birth of the Second Republic in France, it attained an almost messianic dimension. The Republic, it was announced, would be a social republic or it would not exist. The latter proved rapidly to be the case, although the belief that the republic was to aspire to a condition of social justice never entirely disappeared. This was best exemplified in France by the mood of national renovation that followed the liberation in 1944, when for the first time the constitution of the Republic saw the formal inclusion of many social rights. In the following decades republicanism set out to construct the welfare state.

In practice, therefore, republicanism has been subject to considerable internal tension, if not contradiction. Moreover, it is sometimes difficult to gauge the relationship between republicanism seen as a public philosophy that has guided the implementation of policy and the theory of republicanism associated with the recent revival. One area of relative consistency and unanimity, however, has been the distinctive conception of citizenship that has informed both republican theory and practice (and which is still much in evidence today). The literature on this topic is truly vast, so what follows is at best a superficial sketch. The guiding thread is

that it is citizenship rather than race, ethnicity or religious affiliation that defines membership of the political community. 'This means', as Walter Berns writes, 'that we are first of all citizens, and only secondarily Christians, Jews, Muslims, or any other religious persuasion' (Berns 2001: 31). As an ideal this has had various components: the citizen is first and foremost a member of a national community, rather than a local, particularistic or even supra-national community; the citizen is expected to participate actively in the political life of the community; the citizen is possessed of both rights and obligations towards this community; the citizen is expected to display the moral characteristics appropriate to life in such a community (through the payment of taxes, obeying the law, national military service, etc).

Arguably, one of the clearest recent accounts of this republican conception of citizenship has been provided by Dominique Schnapper (Schnapper 1994). Her central idea is that the Republic is to be conceived as 'a community of citizens'. Crucially, she distinguishes the republic from the ethnic group, seeing the former solely as a political entity divested of all ethnic considerations. She is thus able to argue not only that the Republic 'is more open to others than all forms of ethnicity' but also that cultural homogeneity is not necessary for the Republic to exist. 'In return', Schnapper argues, it is a necessary condition for the existence of the Republic that 'its citizens accept the idea that there exist a political domain independent of their particular interests and that they must respect the rules governing its operation' (Schnapper 1994: 44). The Republic defines itself as 'an attempt through citizenship to transcend particularistic adherences', be they biological, historical, economic, social, religious or cultural (Schnapper 1994: 49). In short, citizenship is open to all those who are prepared to accept the laws of the Republic, irrespective of birth. It rests upon the possibility of political integration. Jefferson and Madison said much the same thing in the eighteenth century, except in their case the focus fell not upon Muslims but upon the threat posed by monarchists arriving as immigrants into the country.

What are the challenges faced by this republican conception of citizenship? They come in various shapes and sizes. One is to suggest that republicanism is simply a form of nostalgia and that the institutions it prizes – especially the school – are no longer capable of producing the public-spirited citizens it requires. Another is to suggest that the demands made by republicanism upon citizens are unrealistically burdensome. Critics cite mounting levels of voter apathy, crime, violence and social fragmentation not only to illustrate an increasingly individualistic attitude amongst citizens but also to suggest that a conception of the common good is increasingly alien to an electorate long since converted to the materialistic 'virtues' of commerce. Indeed, in such a context it may be asked what the civic virtue praised by today's republicans would look like. To some it looks positively oppressive and entirely inappropriate to a

society where individual choice rather than public service is the dominant maxim. Something similar applies to the enthusiasm of republics for citizen participation and deliberation in the public sphere. Have not the last two centuries demonstrated that politics is the business of elites and that politics cannot be freed from self-serving corruption? And did not Tocqueville reveal that popular, democratic participation leads to the tyranny of the majority?

Beyond this we might outline three more specific challenges. The first can be described as the multicultural challenge. As we have seen, the republican conception of citizenship rests upon the possibility and desirability of integration. But, the argument goes, in today's ethnically diverse societies is such a goal either practicable or desirable? Even if it were realizable through such institutions as citizenship ceremonies and so on, would it not itself constitute a form of domination? Promoting citizen autonomy, for example, looks unproblematic until such time as it entails banning young Muslim girls from wearing veils in State schools. To accept such an argument on the basis of the politics of identity, however, would be to abandon the republican ideal of the community of citizens. It would also mean that republicanism would need to respond to the demand for the recognition of group rights. Would this be to jettison the humanistic, rationalist vision that has for long informed republican theory and practice? Next come the challenges of Europe and of European integration. For all its universalistic aspirations, republicanism has until recently invariably focused upon the national community as the political unit most likely to foster the requisite level of civic attachment and participation. It is interesting to note, for example, that for Schnapper the terms republic and nation are synonymous. It is to this national community that the citizen owes his or her allegiance. It is within the sphere of the republican nation state that the citizen has been called upon to play an active role. In an environment where loyalties and allegiances are becoming increasingly transnational, can such a conception of citizenship transcend the nation state, or is it increasingly redundant? To refer to Schnapper again, she doubts whether a 'post-national' identity can be constructed. The third challenge can be straightforwardly identified as being that of globalization. Republican virtue requires individuals to put the community's interest above their own: as we have seen, it has always had difficulty accommodating itself to a system that places the pursuit of self-interest before the common good. Wage labour, many early republicans, such as Jefferson, believed, was no better than slave labour. What purchase can it therefore have in a situation where the unrestrained global pursuit of profit is becoming the guiding principle of all economic behaviour? More particularly, how could republicanism possibly set out to provide the material conditions for equality and social justice in an environment characterized by ever-more strident demands for market liberalization? If, as Pettit has remarked, 'the demise of republicanism coincided with the rise

of the notion of the invisible hand' (Pettit 1997: 226), what chance does it have of flourishing when the hand of capitalism has become all too visible?

For advocates of republicanism meekly to accept that these challenges amounted to compelling reasons to abandon their project would be, to quote Pettit again, to accept the 'admonitions of theory-weary, world-weary critics' and to fall prey to 'counsels of despair' (Pettit 1997: 274). A more positive response, as many of the essays in this volume demonstrate, would be to ask what resources are available within republicanism to respond to these challenges. It is not beyond the bounds of possibility, for example, that measures could be introduced designed to reduce voter apathy and to enhance civic participation. There is ample evidence to suggest that republicanism can respond to the challenge of ethnic and religious diversity in a constructive and innovative way. The question would be just how far republicanism can go in modifying its model of community and to what extent it would be prepared to abandon its claim for a neutral public space expressing the ideal of equal citizenship. On Europe, clearly much will depend upon the evolution of the European Union itself, but again it does not seem beyond the bounds of possibility that something resembling a republican conception of citizenship could be transposed upon a European framework. Indeed, this might be the very thing required to give a sense of belonging to the citizens of a multi-ethnic and multinational Europe. The power of the international market and all that it brings with it in terms of practices and values might, on the other hand, pose a more intractable challenge. Structured inequality not only hands power to the economically strong but also undermines republican calls to solidarity and autonomy. With the welfare state already in retreat what, if any, are the chances of wealth distribution and greater social provision designed to enhance our sense of republican community? It might therefore well be economic realities, rather than any theoretical inadequacies, that derail the republican project. Contemporary advocates of republicanism will no doubt have something to say against that conclusion.





## **Part I**

# **The republican conception of liberty**



## 2 Four models of republican liberty and self-government

*Per Mouritsen\**

This chapter deals with a body of literature in which the concept and value of ‘liberty’ is intimately connected to the exercise of political self-government by ‘a people’. This does not necessarily imply self-government in a direct or deliberative manner in any of a number of strong senses given to it in much contemporary democratic theory. Indeed the argument I deal with *began* with the notion that the people were but one part, with their specific interests and role to play, of a larger body politic. More particularly, this chapter is about the identity of that ‘instrumental’ or ‘classical republican’ or ‘neo-roman’ thesis that constitutes a *re-revision* of the first generation ‘revisionism’ of, among others, J.G.A. Pocock (Pocock 1975). This instrumental republicanism is not yet a new orthodoxy among intellectual historians and is often ignored by political theorists. But excavations are obviously, if indirectly (Skinner 1998: 118–20), driven by perceived contemporary theoretical relevance. The question is: relevance for what? As one looks at the long historical sequence of authors conventionally labelled republican, they are so diverse and conflicting as to make the new republican house appear divided against itself. Divisions and distinctions enabling us to ask ‘which republicanism?’ are long overdue.

Of course, there *is* no such thing back there as ‘republicanism’; only clusters of arguments, values, and employments of concepts. Tracing the genealogy of these clusters facilitates reflection on the non-obviousness of the present political arrangements (Skinner 1998: 101–20). However, although we avoid ahistorical constructions of the past in terms of *eternal ideas* (Skinner 1969), we still collect and categorize ideas and conceptual moves, establish boundaries and define conflicts in ways that serve us in making critical points about our own time, about what was forgotten and should be remembered (Goodhart 2000). I suggest that the particular *way* the republican tradition has been represented, notably by Skinner and Pettit, is not the only possible way, or in several respects the most helpful way.

In particular, I will question the use of a *concept of liberty* to distinguish the tradition.<sup>1</sup> Republicans were indeed centrally concerned with liberty,

and its meaning did not change much over the centuries. The trouble is that concentrating on this concept – whether one uses Pettit’s (law-centred) or Skinner’s (law-and-consent-centred) concept – tends to direct attention away from the changing forms and modalities of *arguments about* this value. Some of these were clearly in conflict. And each of them carries quite different messages to moderns who heed Skinner’s advice not to forget the past. This chapter calls for a more complex approach to the many faces of republicanism. Whereas it makes sense to speak of a generic republican argument about the conditions of liberty, we make little progress until, first, we distinguish *four different dimensions* of the link between civic virtue/self-government and liberty. Second, it makes sense to delineate a sequence of *three different historical types*, some of which are usefully subdivided in turn, and each of which represents quite significantly diverse political ideals.

This schematic historical typology also challenges the view that boundaries between republican (or neo-Roman) thought and its critics (whether it makes historical and conceptual sense to refer to the latter indiscriminately as ‘liberals’ or simply ‘anti-republicans’) were merely a matter of conceptual dispute over ‘liberty’, i.e. between proponents of liberty as a value tied to legal citizenship in a constitutional state and certain utilitarians and *laissez-faire* ideologists who supported a view of liberty as simple non-interference. There were other disputes of equal or possibly superior interest. For authors such as David Hume, who doubted the central role of a virtuous people in securing a liberty fit for moderns, the problem with republicans did not concern the conceptual meaning of liberty, but competing *arguments about* conditions of the very same liberty-value. These authors questioned facile populist-republican equations between the will of the people and the liberty of individuals – and suggested that letting such a people exercise its will (or have it manipulated) in unanimous passion was the illness, not the cure. Finally, we should appreciate that some later (liberal) republicans, above all Tocqueville, shared these enlightenment worries, and yet insisted on ‘civic’ remedies for exactly those flaws that Hume and others found in the wish to revive the world of the ancients.

### **The instrumental republican platform and four analytical dimensions**

What is the new platform of instrumental republicanism? Specific to this understanding of liberty is that it ‘sees politics as a means rather than an end in itself’. This is different from ‘[C]ivic humanism [which] regards human beings as essentially political animals for whom political participation is a necessary aspect of the good life. Classical republicanism, in contrast, originates with Machiavelli and treats civic involvement as merely the condition for retaining our liberty’ (Bellamy 1992: 259).<sup>2</sup> Liberty here, on

the one hand, is negative in the sense of protecting each *individual's* basic interest in security of person and property. The 'point of it all' in Machiavelli (de Grazia 1989: 193) as in later republicans was 'enjoying what one has, freely and without incurring suspicion ... the assurance that one's wife and children will be respected, the absence of fear for oneself', everybody knowing that 'they are born as free citizens and not as slaves'. Liberty, on the other hand, is also 'positive' in the specific sense that these great goods for the individual are all part of 'that common advantage ... which results from a self-governing state' (Machiavelli 1970, *Discourses*: I 16; II 2). Liberty can be achieved, and achieved securely, only in the collective sense of being expressed in (constitutional) laws that bind all, and of such laws being protected by (and indeed derived from) an externally and internally independent political exercise of the will of all of the body politic (and eventually 'the people'). This in turn involves some, possibly induced, exercise of civic obligations. It also implies the existence and generation of sufficient quantities of solidarity and patriotic identification.

All republicans share some form of the above – controversy is in the details. It is useful to break down the generic idea in four analytically distinct ways that civic activity was *instrumental* to common liberty.<sup>3</sup>

First, the argument concerns the installation or protection of the *institutional and legal artifice* of the republic, including the rights, liberties and safeguards that make up the status of a person's citizenship (Wirszubski 1950), including the actual manner that this status is effectively 'materialized' (e.g. the conduct of police, tax-authorities or the legal system towards citizens). The core idea is that you are free only if you are a citizen. Whatever the disagreements about the rights and liberties embodied in this status, everybody has an interest in having it. In order to remain citizens it is rational – in a collective sense (cf. Skinner 1986: 243) – that everybody does their share to *protect* the state, which in turn protects them from enslavement by external or internal dominators, and also to protect oneself *from* states, when they are tyrannical, whether by fighting in wars, deliberation or shouting in the *Piazza*.

Second, the argument concerns the creation and proper quality of *civic space*. i.e. interpersonal relations, generated dispositions and expectations, which are necessary to make citizenship status more than a merely legal reality. Republicanism, here, contains arguments about how beneficial dispositions in citizens to practice virtuous activities – both in their private and their public dealings – are the results of a public space, which is generated in turn by the public part of the virtues it helps produce. This space is often seen as an aspect of common liberty: it is associated with the social and subjectively felt *expectation* that one's liberty will be respected by others and by the state, and of knowing that one has to respect the rights of others in turn. Liberty, here, and as in the very definition of the term in Montesquieu, is about feeling safe. It is about the *protection* yielded by

norms, social visibility, and censure.<sup>4</sup> However, this intersubjective aspect of liberty importantly receives different emphases, ranging from social control and shaming to reflective impartiality and democratic civility and tolerance (Mouritsen 2003).

Third, the republican argument concerns what I call *political autonomy*. On the one hand, basic private security and inviolability of person and possessions, enjoyed by citizens, is a surprisingly uncontested core of republican *libertas*, eventually conceptualized as a set of inalienable, divinely bestowed rights. On the other hand, there is also the notion that liberty, along with the institutional formats of a self-governing republic, had historically contingent shapes ('around' its core), which somehow reflected the common good of a people. Self-government and various deliberative activities associated with it were the means to establish and legitimize the temporal or geographical specifics of this common good, either as a straightforward expression of the people's will, or as a compromise between groups on a particular constitutional content.

Fourth, republicanism contains arguments about the necessity of *civic identity* or *patriotism*. Patriotism is a sense of solidarity and public spirit, which may motivate people to civic action to protect common liberty. It requires forms of collective identification in a bounded group. In the republican tradition, patriotism is connected with civic activities in two ways, one primarily concerned with the future, the other with the past. Both involve the idea that, to be virtuous, a motivation must be aided by identification. On the one hand, these forms are connected with the real or represented experience of the value of common liberty, its particular history, and its fragility or non-obvious existence in time. On the other hand they become values in themselves, as affective attachments and as links to shared ideals of what constitutes a good citizen. This *identity-formation* may be a side-effect of activities undertaken by citizens to preserve their common liberty directly (civil service, fighting in wars). Or it may involve a public and reflective mnemonic narration of the republic's past, reproducing integrative stories of common liberty.

One way to summarize these modalities of the republican argument is to see them as four different interpretations of how liberty is collectively constituted as a *common good*. The common good may be primarily *economic* as an objective common interest (or 'public good') that a group shares. It may also be social, understood as norms about what you may expect in (from) a group and what the group expects from you. It may be *practical-moral*, understood as the specific normative content required for liberty to be sufficiently general to speak to a larger group of citizens. Finally, it may be an *identitary* common good, which involves a mutual recognition of worth and esteem, and may only be enjoyed with other citizens. Table 2.1 is a summary.

Evidently, this ahistorical typology does no justice to individual authors

Table 2.1 Modalities of the liberty argument: four interpretations of ‘common goods’

<i>Artifice</i>	<i>Civic space/civic virtue</i>	<i>Political autonomy</i>	<i>Civic identity/patriotism</i>
The mutual defence of citizenship status (liberties, rights).	Generating interpersonal relations: dispositions, pressures, expectations.	Political legitimization of the specific content of liberty (historical, geographical).	Generation of solidarity and identification with (national) projects of common liberty.
Securing the state/protection from the (corrupted) state.	Norms about what you can expect (security of liberty) and what you are expected to do	Deliberation, compromise	Side-effect of common action or public re-interpretation of civic narrative
Foundation, revolution			



or their projects. Moreover, apart from some institutionally secured and actually exercised popular share in government, each account expresses different notions of who constitutes the ‘public’ that secures its liberty, the *size* and *composition* of this public, as well as different ideas of what constitute *threats* to common liberty.

### Three historical stages

I shall now suggest a further division of republican discourse into three historical stages (Table 2.2), reflecting broad political cosmologies in the history of republicanism – and in Western political thought more generally – as this history in turn reflects real historical developments in polity structures.

In what we call the classical period, which is remarkably constant from ancient Greece through to the Renaissance, a polity was conceived in terms of a unity of natural orders, each having its specific interest or mentality, its function in a whole. A republic that governed itself could secure a balanced or just mediation of interests, each order having its proper say and share in government, protecting itself from internal domination by one of its classes, and from external conquest. Needless to say, some writers were more on the side of the few, some spoke on behalf of the many. Anti-republican theory consisted of *fixing* this static hierarchy as a closed chain of command with ecclesiastical and princely (or philosophical) rulers as dispensers of rational authority.

In the early enlightenment, and starting with British writers before the ‘Glorious Revolution’, this cosmology was gradually replaced with a different one. Its republican variant is a populist-democratic conceptualization of the republic as an undivided people,<sup>5</sup> who, as (natural) rights bearers exercised their relatively unambiguous political will to protect these rights. They did so, not so much against external enemies, as against monarchical, aristocratic, or new commercial elites scheming against the people. They also exercised it against the centre in a (too) large and unresponsive republic, and finally against the tendency of the people itself to have its will divided by factions and free-riders. Anti-republican theory in the period consists of new ideologies of absolutist state-sovereignty (e.g. Hobbes); remaining feudal-conservative appeals to natural orders and a mixed constitution (in America exemplified by John Adams); and rationalist-contractarian derivations of a *finite* set of inalienable natural rights (John Locke).

Finally, I wish to point to a third republican stage found in American constitutional debate on the Federalist side, and above all in the writings of Tocqueville. This is a ‘liberal’ generation of republicanism with a more individualist and pluralist view of politics. Here, ‘the people’ is conceptualized as a heterogeneous ensemble of individuals and groups, including religions and economic classes. Its self-government takes the

Table 2.2 Historical models of republicanism

	<i>Classical</i>	<i>Populist-democratic</i>	<i>Liberal-pluralist</i>
<i>The 'self in self-government and what the conception of Res publica expresses</i>	The natural orders A balanced <i>concordia</i> or harmony between different interests	The undivided people An unambiguous popular will/ common interest	Individuals and groups A (precarious, negotiated, represented) general interest as constitutional settlement
<i>Threat to liberty</i>	One order dominating; External enemies/slavery	Scheming elites; the rich; Faction (the centre)	Majorities, masses, prejudice, conformity (the locality)
<i>Anti-republican theory</i>	Papal and imperial lordship as God's will (Augustine) Platonism	Absolutism (Hobbes); classical/ 'feudal' conservatism (Adams); natural rights 'foundationalism' (Locke)	Liberal conservatism (Hume) Libertarianism/moral <i>laissez-faire</i> theory

form of some form of deliberative political transcendence of individual inclinations in the name of reason, impartiality or readiness to compromise. Common liberty is threatened by forces that *deny* this plurality and reasonableness, either in the form of tyrannical majorities, parochial localities or intolerant masses. The main anti-republican moment in this period comes from liberal conservatives who believe that individual liberty is *not* served by civic virtue and self-government but by schemes of institutional architecture or soothing commercial spirit. Later on, it comes from a *laissez-faire* ideology, which sees liberty as a property of persons owned and enjoyed in a naturally existing (market) condition outside politics.

### Classical republicanism

The *civic space* of classical republicanism (Table 2.3) reflects the static normative universe of the period. Virtuous conduct (courage, willingness to sacrifice, honesty) is a matter of *being seen*, of seeking honour and esteem and avoiding the disapproval of one's fellows. Examples include the structure of Thucydides's rendering of Pericles's funeral speech for dead Athenian warriors, where citizens are told to match their 'courage and gallantry' and to '[m]ake up [their] minds that happiness depends on being free, and freedom depends on being courageous' (Thucydides 1972: II 37–43), or Cicero's constant appeal to the common man to imitate ancient customs and avoid licence, and to the statesman to be a model or 'a mirror to his fellow-citizens by reason of the supreme excellence of his life and character' (Cicero 1999, *On the Commonwealth*: II 69a).<sup>6</sup>

The proper civic outlook is a form of impartiality. In Aristotle, it took the form, through the use of reasoned speech, of seeking a moderate compromise that recognized the interests of all. In Cicero, it was the statesman-lawgiver's willingness to give each class its due. In Machiavelli, it was the somewhat more modern, context-sensitive virtuosity of the good leader. These outlooks are closely connected to, and reflected in, conceptualizations of the forming and legitimization of liberty as a general common good of the whole republic, all of which are versions of Aristotle's idea of a balanced constitution, which entered the Roman and Renaissance worlds with Polybius.

In Aristotle we find a conception of *political* justice and *political* friendship aimed at and reflecting the *homonoia* or pragmatic-utilitarian agreement between different classes of people for common advantage, which is the first purpose of all political law-giving (Aristotle 1976, *Ethics* 1160a 10–16; 1167a23–b4).<sup>7</sup> In Aristotle's own view, criticized in his day by egalitarian democratic ideologues, a stable polity should capitalize on the moderating influence of the propertied middle classes.

Cicero's version, developed as an idealization of republican Rome, with its more elitist flavour, had a smaller place for the people than for the

Table 2.3 Classical republicanism

Writers	<i>Civic space/civic virtue</i>	<i>Political autonomy</i>	<i>Civic identity/patriotism</i>
Aristotle and Greek democratic ideologues	Honour (shame/esteem) – ‘being seen’	Laying down or deliberating ‘good’ (impartial, balanced) laws and securing support of all orders	Overarching loyalty to the city which secures peace and liberty of all orders
Cicero	<i>Form of impartiality</i> : considering the interests of other orders		
Machiavelli	Statesmanship (virtuosity, wisdom)		

natural aristocracy. Still, it contained the idea of a well-ordered republic as, again, an orchestrated *concordia*, supported by the just statesman, and involving distinct functions and responsiveness towards the demands of each class (Cicero 1999, *On the Commonwealth*: II 57).

Machiavelli, having a humanist view of *virtù* asserting itself against *fortuna*, advanced a modern conception of free cities *bene ordinati* by virtue of constitutions, laws and customs civilizing those inevitable (and potentially beneficial) conflicts, which arose from egoism and envy, but also from the different *umori* and aspirations of each class. Princes sought power, the nobility wanted honour, and the people were content with liberty and safety. Machiavelli's *bene commune* (de Grazia 1989: 157–93) was a dynamic, institutionally and psychologically maintained settlement that extracted the necessary degree of civility and compromise from all in the name of a greater common interest in maintaining the republic. At the same time it respected the integrity of each group, defending the weak against the arrogance of the strong, defending the state against the partiality and licence of the people, and allowing nobles their positions and glory.

*Patriotism* in the classical period was conceived of as a straightforward, unconditional – but also rational – identification with that fatherland which was the condition of one's liberty. In Machiavelli's formulation, which echoed Cicero, this spirit of sacrifice with its ideals of citizenship was an outcome of military conscription in the service of the city. It was also preserved as a collective memory of the city's liberty, potentially mobilized (or manipulated) from above through a variety of civic myths connecting the fate of the republic to divine intentions. In the latter respect, Machiavelli's love of the city – more important than his immortal soul – compares with Cicero's depiction in *Scipio's Dream* of a place in Heaven reserved for the founders of cities (Cicero 1961: II 69.5,7; Machiavelli 1965: 21; Machiavelli 1970, *Discourses*: I 11–12).

## Populist-democratic republicanism

The difference between classical and populist-democratic republicanism is the latter's invention of *the people* as an undivided body of (natural) rights holders, capable of governing itself in its own obvious interest. Here, the people's liberty was a straightforward matter. In British republican writers like Algernon Sidney and *Cato*, links were made between an embryonic natural law language of the right to 'liberty, life and estate of every private man' (Sidney 1990 [1698]: III 2.19) or 'the Power which every Man has over his own Actions, and his Right to enjoy the Fruit of his labour, Art, and Industry, as far as by it he hurts not the Society', and on the other hand the ability to live in 'free nations . . . governed by their own laws and magistrates according to their own mind' (Trenchard and Gordon 1995 [1755]: No. 62). This language of individual rights – protected though the

collective self-legislation of the people – travelled to America through republican readings of Locke and via Scottish jurisprudence, and was gradually given a more democratic form by anti-federalists, and in the works of Paine and Jefferson.

The point to note is that few authors saw a conflict between the rights of individuals and the self-government rights of states or peoples, as their interests were assumed to be one. It was not the case (as argued by Wood 1969: 608–9 and Ball 1988: 55) that, up until the anti-federalists, republican liberty rights really meant collectively exercised political (state) rights. It is true that certain authors almost ran individual rights and collective self-government together conceptually,<sup>8</sup> but they did so not out of disregard for the importance of individual liberty, but because the potential conflict escaped them. And the more usual line was to argue in a traditional republican fashion that, as faction and diversity was disruptive, normally ‘a people’ *would* agree – or *would have* to agree – on its rights. This point was made by anti-federalists in the constitutional debate (Mouritsen 2002), even as more sophisticated observers noted that in a ‘government by ourselves . . . the sober and industrious . . . should be protected from the rapacity and violence of the vicious and the idle’ (Storing 1981: 4.6.73). It was also a line taken by Paine on behalf of the *whole* of the new nation, which, in his view, could ‘have no interest in being wrong’ (Paine 1989: 185). Earlier, the same assumption was required for Rousseau’s notion of self-government, conceptualized as a general will, to work (Rousseau 1993, *Social Contract*: I 8).

Correspondingly, models of *civic space* of this period contained a motivational structure of shame and honour much like in the previous period. Sidney typically argued that beneficiary conduct would be made popular by the ‘praise which is the reward of virtue’ (Sidney 1990 [1698]: II 21).<sup>9</sup> Civic vigilance was conceptualized as a propensity to expose shady schemes against the people or censure fellow citizens who failed to do their share of contributing to an obvious general interest. In this simple ethical universe, *Cato’s Letters* could argue, against too much *moderation*, that an excited opinion or ‘[p]olitical Jealousy . . . in the People is a necessary and laudable Passion’ (Trenchard and Gordon 1995 [1755]: No. 33). *Impartiality* was to look inside one’s heart, ‘the greatest support of public authority’, ask the right question, and act on the unambiguous answer (Rousseau 1993: 140).

As regards the last two modalities of the republican figure, it makes sense to distinguish between two versions of the undivided will of the people, Rousseau’s and the democratic anti-federalists, and the latter should again be broken down into two variants – political and nativist (Table 2.4).

Table 2.4 Populist-democratic republicanism

Writers	<i>Civic space/civic virtue</i>	<i>Political autonomy</i>	<i>Civic identity/patriotism</i>
Sidney, 'Cato's letters', Rousseau; Anti-Federalist localism ↙ Political ↘ Nativist	Honour (shame/esteem) – 'being seen' <i>Form of impartiality</i> : 'Asking your heart', refraining from cheating on obvious common interest	Exercise or expression of a particular people's liberties in a small and/or homogeneous republic	Participation in political self- government. Identifying with equals in action; shared interests and history/cultural sameness

*Rousseau*

Against Montesquieu, Rousseau maintained that it was after all possible to have a republic in a bigger state, even if smallness was to be preferred. Preaching against the refinements of civilized Paris, the price to be paid was laid down in his plans for uncorrupted Poland (Rousseau 1972). The people must be kept homogeneous, equal and sharing a national culture created *by design*. Only thus could men enjoy the ‘sweet society of ... fellow citizens’ finding ‘security in the ease with which they could see through one another’, recognizing each other as nothing *but* citizens (Rousseau 1993: 36, 6). Rousseau was perfectly aware of the pluralism and inequality of a modern society. He knew that the people could speak with unity in the general will only if they were disposed to find the same answer in their heart through similar (economic) conditions, and if they were constantly aware of the demands of the republic and compatriots through direct political forms that prevented faction and required citizens to acquiesce and confirm, not to deliberate and question. In addition, Rousseau was willing to foster patriotic identification (whose core did remain common liberty) using proto-nationalist paraphernalia: festivals, rites, and costumes (Rousseau 1972: 8, 19; 1993, *Social Contract*: III 8).

*Democratic anti-federalists*

Rousseau’s assimilation-based idea of the unified people may be contrasted with democratic republicans who argued the case for a confederation of independent states against proponents of a federal constitution. Here, *political autonomy* was understood in terms of the *different* requirements and interests of states, which were in turn assumed to be relatively homogeneous *internally*. This diversity was not a communitarian reflection of cultural identity, and it did not collide with the language of universal natural rights.<sup>10</sup> Rather, states had to be self-governing so that their laws and constitutions could cater for specific circumstances. To Agrippa, the ‘object of every just government is to render the people happy, by securing their persons and possessions from wrong’. For this purpose ‘there should be local laws and institutions; for a people inhabiting various climates will unavoidably have local habits and different modes of life, and these must be consulted’. Also ‘unequal distribution of property, the toleration of slavery, the ignorance and poverty of the lower classes’, even (lack of) ‘religion and good morals’, served to distinguish ‘Southern’ and ‘Northern’ conditions. Apart from sheer prejudice, the anti-federalist spirit of locality (as Madison called it) concerned specific differences in state infrastructures and the potential arbitrariness of federal laws in areas like taxation, customs and administration of courts. Also, a Montesquieu-inspired point was made about ‘fits’ between the climate, *moeurs*, institutions and laws best conducive to liberty (Storing 1981: 4.6.48).



Democratic arguments about constitutional reflection of state diversity involved *small republics* in classical fashion, implying *closeness* and *transparency*. The best government was one where the governed retained direct control. If representation was needed, mandates should be fixed, legislatures large and nearby, sessions long, representatives drawn from the people, and legislative control of executives tight. As some anti-federalists accepted the inevitability of a union, these requirements were transferred to the new level. Here they clashed with Madison's *complex government*, indirect representation, and checks and balances.<sup>11</sup>

Patriotism for the anti-federalists was primarily political, aided by participation in self-government and inculcated reverence for constitutions and their history. But the framework for this rational allegiance remained the small republic. Only here would citizens be close enough, geographically and mentally, for representatives to trust them.<sup>12</sup> To *some* anti-federalists, patriotism also required a shared culture. The point was not that everybody should be culturally moulded from above in Rousseau's nationalist fashion. Rather, it was a pragmatic concern with a diversity of local manners, which were difficult to *change*.<sup>13</sup> This occasionally took anti-federalists down a nativist (racist) path in instrumental republicanism, where state rights were needed to regulate immigration 'to keep their [the states'] blood pure . . . from the foreign mixtures' (Storing 1981 4.6.34).

### **Liberal-pluralist republicanism**

The last phase of republican argument (Table 2.5) involves a whole set of reactions to *anti-republican* discourse. The first of these reactions concerns *civic space*. The Enlightenment debate on the merits of *the ancients* versus *the moderns* saw a rhetorical reversion whereby moderation and toleration became associated with commercialism and private materialism (traditional republican sources of corruption), whereas exercise of civic virtue on the other hand became linked to irrationality, passions and religious fanaticism. Republican government, to writers such as David Hume, was a problem, not a solution. Rousseau's open-eyed celebration of nationalist narrow-mindedness was reversed.<sup>14</sup>

This new ideology of commercial manners and *politeness* was countered by Hume's friend Adam Ferguson and later on by Thomas Jefferson. The latter linked an Enlightenment language of reflective autonomy with a republican one of maturity through self-government. In Jefferson, we see a new conception of moderate, enlightened and distinctly *democratic* civility, exhibited by the free Americans, whom Jefferson contrasted to the unruly mobs of European cities. But the real *Aufhebung* took place in Tocqueville. He criticized exactly those tendencies towards conformity and unanimous public opinion that Hume feared, and that earlier republicans such as Harrington, Trenchard and Gordon, and Rousseau had praised. However, Tocqueville associated these dangers with a socially levelled,

Table 2.5 Liberal-pluralist republicanism

Writers	<i>Civic space/civic virtue</i>	<i>Political autonomy</i>	<i>Civic identity/patriotism</i>
Jefferson and Paine Madison Tocqueville	Autonomous reflection and tolerance; 'Seeing others'. Preservation of individuality and plural perspectives. <i>Form of impartiality</i> : Enlightened reason. Deliberative prudence	Mediated/represented constitutional deliberation and settlement of rights of 'we the people' in a large republic	Patriotism of universal, cosmopolitan values. Reflective-rational reverence for constitution and common background culture of rights

materialist culture and then added that the only way to cure such democratic ills was through democratic means. Thus, tolerance and impartiality were outcomes of participation in associations and local government, *not* of business or polite society (Tocqueville 1969: II I.2; II II.5).

*Political autonomy* took two main forms, associated with Jefferson and Madison. Both reflected a concern about tyranny by popular majorities that was visible on both sides of the American debate. Both were informed by the liberal enlightenment stress on pluralism and tolerance. They also reflected a more conventionalist or 'political' understanding of rights, compared with John Locke. Above all, they were reactions to (in Madison, modifications of) Hume's conservative constitutionalism and reliance on unreflective habituation rather than democratic consent, let alone deliberation. Jefferson and Madison, one optimistically, the other cautiously, advanced new versions of the old idea of self-government as protection of the liberty of peoples *in a way that also secured the liberty of minorities*.

Jefferson, distinguishing inalienable from 'municipal' rights, proposed (with Paine) that the people must re-deliberate periodically on its constitution, including the content of property rights in land and other established privileges and argued that 'the earth belongs always to the living generation'. Jefferson was a staunch supporter of a Bill of Rights, particularly emphasizing religious rights, intellectual freedom, and freedom of speech. But he also thought it was impossible to foresee which new rights or constitutional principles later times would require, and significantly substituted 'pursuit of happiness' for Locke's 'property' in the Declaration of Independence. But he shared neither Madison's fear of unjust majorities *nor* the anti-federalist fear of unresponsiveness to local liberties in a large republic. Instead, he saw widespread participation, directed towards the nation, but possibly carried out in local wards, exactly as a civilizing agent. Participation was a road to enlightenment, where pluralism could become unity in a universalistic sense. Jefferson thought that the common man could educate himself (Jefferson and Madison 1995: 670).

Madison's view may be divided into two elements. First, he accepted Hume's rejection of a simple republican government, substituting fear of democratic majoritarianism for the republican fear of princely tyranny. To counter this threat, he reformulated republican self-government to involve indirect and infrequent representation, a strong executive, dual legislature and checks and balances between and inside the branches of government. Whether this great move is still republican is a matter of taste. Madison argued that in a plural republic the institutional form of the *people's* voice, to tap its wisdom at its most impartial, had to be a complicated reflection of circumstance and political 'science', including a less direct form of representation. This would economize on a residual virtue in the people, which Madison, unlike Hume, thought the republic could not do without (Mouritsen 2002: 153–8).

Second, Madison's thoughts on the Philadelphia convention imply a

theory of constitutional deliberation. He agreed in principle with Jefferson that constitutions were not immutable, but not with the latter's radical conclusions. A constitutional settlement should be seen as a pragmatic 'compact founded on conveniency'. Madison developed a two-track theory whereby, in rare circumstances, *We the People* was capable of degrees of impartiality (Mouritsen 2002: 137–40; cf. Ackerman 1991). Thus, 'a constitutional road to the decision of the people ought to be marked out and kept open' for 'certain great and extraordinary occasions'. Madison's view of the people's constitutional will is thus very different from both Rousseau's culturally engendered national unity and Jefferson's cosmopolitan universalism. Any constitution would reflect the fallibility of mortals, the difficulty of foreseeing consequences, and the complexity of things political, whereby '[a]s long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed' and many compromises between several types of faction would ensue (Madison *et al.*, 1987, *Federalist Papers* Nos. 10 and 49; Jefferson and Madison 1995: 650–3).

In addition, *civic identity* could take on a liberal-republican form as a response to the enlightenment criticism, notably in Hume and Hamilton, of dangerous patriotic *zeal* in older republican discourse.<sup>15</sup> The representation of 'ancient' patriotism as an immoderate, selfless, and *irrational* sentiment largely reflected rhetorical moves which shaped the self-perceptions of Enlightenment philosophy.<sup>16</sup> But this change in discourse also caused some authors, notably Rousseau and some anti-federalists, who argued republican cases for patriotism, to outdo classical writers in praise of martial spirit and enforced homogeneity. Again, Tocqueville is the reference-point for a reinterpretation of patriotism, which exploited an ambiguity in previous conceptualizations of how citizens could and should identify with the fatherland. For him, patriotic sentiment was a particularistic attachment to the 'memories of the past, activities of the present, and dreams of the future' of one's country, most effectively generated at the local level of the 'little republic', but transferred into 'love of the common motherland'. Such patriotism was *necessary* but had to be of the right, reflective sort; indeed it was the new patriotism of a democratic age. In addition, a common background culture was conducive to liberty – to Tocqueville, primarily a culture of rights and respect for the law. Moreover, again reversing an Enlightenment argument, the main threat to this modern patriotism was exactly the *withdrawal* from politics that Hume lauded, but that Tocqueville represented as a new privatism, whereby 'each man is forever thrown back on himself alone ... shut up in the solitude of his own heart' (Tocqueville 1969: I II.6; II II.2; II II.6).

## Conclusion: the plural identities of ‘instrumental’ republicanism: Pettit and Skinner

The preceding pages have complicated talk of a homogeneous ‘third’, a republican idea of liberty between Aristotelian virtue ethics and liberal rights, as originally announced by Skinner (Skinner 1986, 1990a). My didactic exposition has demonstrated the pluralism of republicanism and highlighted, more particularly, a number of republican *moments*. Keeping them distinct is a way to keep the republican tradition of political thought alive as a repository of arguments – which may inspire and revitalize diverse and internally conflicting visions of politics in contemporary political theory. To take a single example: theorists with an interest in a ‘republican’ Europe, must begin by telling us who are the European ‘people’, and what is the most prudent format of self-government to secure their liberties. Are we talking about a Rousseauian Europe of enforced cultural homogeneity, a Madisonian republic of complex government, an anti-federalist Europe of divided and decentralized sovereignty – or indeed some other variety or combination?

In a recent book, Skinner plausibly suggests that the neo-Roman language of liberty reminds us of insights which some liberals – particularly Isaiah Berlin – tended to deny, i.e. that there is a causal or even a constitutive link between the exercise of self-government by ‘peoples’ and the secure enjoyment of individual liberty by members of that people (Skinner 1998: 101–20). These are indeed insights that make more sense of the battles of oppressed peoples, national minorities and workers’ unions than certain liberal accounts. But to leave matters there is too simple. To begin with, it leaves aside the sheer diversity of *arguments inside* the republican liberty universe, i.e. about the proper levels and formats of self-government, where some of the most interesting disputes were *between* republicans. More particularly, the ambition of both Skinner and Pettit to represent the identity of republicanism and its boundaries towards liberalism solely in terms of a distinct *concept of liberty* is likely to make us overlook important normative ambiguities inside the republican tradition, which enlightenment counter-arguments exposed. Anti-republicans, liberals or not, had important reservations about republican depictions of the *conditions* of liberty, which cannot be characterized strictly as conceptual difference. If these ambiguities are overlooked, we are also more likely to miss the liberal-republican world of Madison, Jefferson and Tocqueville, which lifted the argument to completely new ground.

Least helpful, here, is Pettit’s claim that republicanism is defined by its use of a law-centred conception of *resilient* liberty (Pettit 1989, 1993) or liberty as *non-domination* (Pettit 1997), whereby he means a version of the core Roman value of *libertas* as a mutually guaranteed and secure liberty status, protected by law. Although this idea of liberty as dependent upon and defined in its extension through the medium of law is shared by

republicans of all stripes, the trouble is that it is also shared by virtually all authors conventionally classed as liberals, including Locke, Hume, Constant, Mill, Kant, and almost all contemporary authors. Outside the republican fence fall Hobbes, Isaiah Berlin, and, of course, Bentham and other utilitarians. The delineation of a tradition is legitimate and respectable. Law-centred liberty *does* contrast constitutionalism to a licentious market society, whose successful agents think they own a right to do as they please, as a private possession, and whose victims are told they are free when their experience tells them otherwise. But despite the sophistication of Pettit's own work, the concept of liberty alone is no challenge to mainstream Rawlsian liberalism and other supporters of the constitutional welfare state. Moreover, in historical terms, it completely overlooks the heated debates of the Enlightenment, where Hume and others (who *shared* the concern with *libertas* in Pettit's sense) challenged the link between this value and the ancient vocabularies of active self-government, virtue and patriotism. These anti-republicans had more than conceptual sophistry to offer: did European history not show that the reign of a constitutional monarch was a better safeguard of liberty than the taxing independence of a short-lived republic?<sup>17</sup>

In this light, Skinner's slightly different delineation of neo-Roman thought is a step forward. Here, liberty consists of Pettit's non-domination, or 'not being a slave', *and* the constituent laws of liberty being enacted with the consent of the governed, i.e. some form of self-government. The trouble here is that this makes the monarchists the only anti-republicans (or anti-neo-Romans). Once we go beyond Hobbes to Hume, Locke, Adams or Hamilton they all shared some notion that liberty requires a constitutional framework where some form of representation put a check on rulers. These writers, however, also made a variety of counter-republican moves to the effect that *inside* this new universe of representation and more or less equal citizenship, the best governments to secure the liberty of individuals had constitutional forms that limited the unmediated representation, let alone active involvement, of ordinary citizens, lest they become too 'enthusiastic', as Hume would put it.

In fairness to Skinner, his favourite neo-Romans generally stressed popular involvement and patriotic identification, and not just consent to laws. But once the tradition is defined exclusively in conceptual terms – here linking liberty to popular consent – we cannot differentiate as we may when looking at the different *arguments* about the role of consent, only some of which I would call republican. In particular, Skinner's insistence permits him to stay inside a populist-republican conception of the nexus between self-government and common liberty, whereby the will of an undivided people simply *is* the liberty that each individual member of that people would want. By linking the two aspects of liberty so tightly, Skinner gives us no reasons to doubt the optimistic belief of Paine that the people would have no interest in mistaking its own liberty. By offering this

simple equation to contemporary politics and political theory as a lost and found treasure, Skinner ignores the thorny question for republicans (arising in Rousseau, and later on in American debates between federalists and anti-federalists) of *who* are the people. Worse still, Skinner has nothing to say about many reasonable points made in the anti-republican discourse of the Enlightenment, as well as the liberal-pluralist reinvention of a republican vocabulary, by Madison and Tocqueville, in which some of the most immediate dangers to the liberty of individuals included the will of tyrannical majorities.

A final, related lack of concern for republican ambiguities is visible in Philip Pettit's notion that republican liberty is (also) linked to a specific conception of *civic space*, i.e. his interesting development of individual liberty as a subjectively experienced security that will arise in societies governed by clear normative expectations and an 'intangible hand' of shame and esteem (Pettit 1997: 206–70). Again, we should beware of overlooking the tensions between *different* conceptions of civic space in historical republicanism. Contemporary theorists may agree that no society of any degree of complexity and distributive ambition could survive without a dose of Pettit's civic space – which is inspired by the republican world of Harrington and Rousseau. But they may also believe that our contemporary experiences of nationalist and cultural conflict should alert us to the merits of Tocqueville's (or indeed Hannah Arendt's) space, and lead us to fear the tyranny of majority opinion in a transparent society of brothers. (See Andronache's chapter in this volume.)

Republican arguments about civic involvement as a precondition for common liberty should be preserved. But interpretative searchlights on the tradition are invariably contested, reflecting different theoretical and normative emphases. The historical typology offered here tries to preserve the diversity of republican arguments. However, it also contests the specific *conceptual* identity (or identities) of the tradition, claimed by Skinner and Pettit, and suggests an alternative one which, I submit, allows us access to republicanism as a body of thought which is much more conflictual, ambivalent and questionable (and thus interesting) than when looked at as a golden age discourse on the liberty of the people.

## Notes

\* I am grateful for comments on this text from participants in the ECPR workshop 'Republican Theory, Republican Practice', Edinburgh, March 28–April 2, 2003. Some of the material was also presented to the conference 'The Political Economy of Democracy', Copenhagen, August 23–24, 2001.

1 In doing so I can only very briefly sketch some of my differences with these authors – both of whose work I greatly admire and depend upon for my own conceptions.

2 To Pocock, civic humanism, born in the *polis* and conceptualized by Aristotle, was reinvented in the Renaissance as a secular ideal of *human character*, i.e. the

‘truly manly man’. This ideal had connotations of self-development, authenticity, dignity and self-mastery and entailed ‘the affirmation that *homo* is naturally a citizen and most fully himself when living in a *vivere civile*’ (Pocock 1981a: 355–7). Pocock’s admitted ‘tunnel history’ (Pocock 1981b: 53) made him overstate his case. Pure civic humanism is occasionally found in the Italian Renaissance. But from Machiavelli onwards, civic discourse was closely tied to values of Roman *libertas* and instrumental languages of common liberty under law, although the *vir virtutis* certainly remained a standard of value and at times a motivating device in numerous later writers. In this sense, it is not entirely justified to see politics as *only* a means in itself (see contributions to this volume by Schwarzmantel, Andronache and Honohan). Indeed the dignity associated with civic sacrifice resonates in all republican conceptions of patriotism.

- 3 Contemporary commentators who expressly appeal to republican ideas also have different emphases – a useful fact to bear in mind for anyone trying to make sense of the literature. In terms of the proposed division, Pettit is much concerned with the first and second dimensions, Bellamy and Skinner with the first and third, Habermas and American jurisprudentialists like Ackerman and Michelman exclusively with the third, Viroli with the first and fourth, and Miller with the third and fourth. Each also has different republican heroes.
- 4 The most detailed analysis of this aspect, with elements of which I disagree, is in Philip Pettit’s work
- 5 Needless to say this ‘democratic people’ generally still excluded not just women, the young, and servants, but also males without some adequate income to support themselves independently.
- 6 ‘The governing statesman strengthens this feeling in commonwealths [to behave justly and respect laws] by the force of public opinion and perfects it by the inculcation of principles and by systematic training, so that shame deters the citizens from crime’ (Cicero 1999, *On the Commonwealth*: II 69.7).
- 7 On political justice see in particular Aristotle 1981, *Politics*: 1282b15–1283a22.
- 8 In fact the equation was as often made on the federalist side, particularly by Hamilton.
- 9 Sidney argued that ‘man naturally follows that which is good, or seems to him to be so. Hence it is that in well-governed states, where a value is put upon virtue, and no one honoured unless for such qualities as are beneficial to the public, men are from the tenderest years brought up in a belief, that nothing in this world deserves to be sought after, but such honours as are required by virtuous actions: by this means virtue itself becomes popular’ (Sidney 1990 [1698]: II 25).
- 10 The quarrel between federalists and anti-federalists was not a deep division between ancients and moderns, positive and negative liberty, or communitarians and liberals. They were ‘the much less sharp and clear-cut differences within the family, as it were, of men who agreed that the purpose of government is the regulation and thereby the protection of individual rights and that the best instrument for this purpose is some form of limited, republican government’ (Storing 1981: 5). Discussions revolved around the meaning of this ‘some form’ (Mouritsen 2002).
- 11 See the following anti-federalists: *Centinel* 2.7.17–19; *Cato* 2.6.13–21; *The Federal Farmer* 2.8.14; *Brutus* 2.9.14–20 (Storing 1981).
- 12 See *The Federal Farmer* 2.8.197; *A Delegate who has caught cold* 5.19.16; *Cato* 2.6.13–14; *Brutus* 2.9.49 (Storing 1981).
- 13 *Cato* 2.6.12, 14; *The Federal Farmer* 2.8.14 (Storing 1981).
- 14 Classical references are Hume’s *Political Essays* and, more ambivalently, Montesquieu’s *Spirit of the Laws*.



15 For instance, Hamilton's *Federalist Paper* No. 17.

16 For example, Montesquieu's *Lettres Persanes*.

17 In fairness to Pettit, his main definition of republican liberty in the tradition as defined and delineated by law – and the implication that popular consent to the laws of liberty was immaterial, so that liberty-constituting laws could be had in a monarchy (Pettit 1997: 24–7) – by no means exhausts his own theory. Even so, his neo-Rousseauian account of political legitimization, with its peculiarly objectivist liberty measuring rod of 'intensity' and 'extent' (Pettit 1997: 104–5) strikes me as another, if rather more sophisticated, version of the populist-republican cross-circuiting of individual liberty and self-government.

## **Part II**

# **Historical expressions of republicanism**



### 3 Reforming republicanism in nineteenth-century Britain

James Lorymer's *The Republican* in context

*Duncan Kelly*

#### Introduction: contemporary republican lineages

One of the many interesting aspects of recent historical and theoretical discussions of republicanism concerns the claim that there is a distinctively republican conception of political liberty. Those who support this argument suggest that republican freedom challenges the boundaries of the celebrated dichotomy between negative and positive liberty erected by the late Isaiah Berlin, which continues to structure more recent accounts that relate effective negative freedom with the degree to which agents are both capable of acting, and have the power to act, in ways they choose (Berlin 1988: 121; cf. Kramer 2001, esp. 207).<sup>1</sup> The political implications of Berlin's account, though well known, are less interesting here than the observation that he appears successfully to defend the idea, noticeably rejected by many contemporary philosophers, that there are nevertheless two different senses of freedom capable of being analysed (cf. MacCallum 1972; Baldwin 1984; and on Berlin, see Riley 2001; Kelly 2002).<sup>2</sup>

Traditionally, republicanism has been concerned with the active participation of individuals in political life, interested in guaranteeing the autonomy of its citizens through the fostering of strong attachments to the political community through the promotion of civic virtue (see Honohan 2002: Part I). Realizing freedom through laws underpinned by the general will and in the service of the common good would seem to be a type of positive freedom, and offer something distinctive to negative liberty. Republicanism also presupposes the cultivation of a political attachment to the *patrie*, another fundamental element of most classical republican ideas and an element of the typology of republicanism outlined by Mouritsen in the previous chapter (see also Viroli 1995; cf. the chapters by Andronache and Herreros Vázquez in this collection). In fact, recognizing communal relationships as fundamental to the active 'exercise' of political liberty, as opposed to the idea that liberty is an individualistically conceived 'opportunity' concept, has been central to the various communitarian critiques of liberalism that seem to be closely allied to the republican political tradition (cf. Taylor 1979, 1989).

However, the claim of some contemporary writers sympathetic to republicanism has been that a distinctive, ‘third’ concept of republican liberty is actually negative, not positive in orientation, and furthermore that its object is not simply the absence of active interference. Rather, it is concerned instead with the question of individual autonomy and independence, which suggests that if one is dependent upon the will of another in general, or that one is effectively subject to the arbitrary will of a ruler in particular, then one effectively has no liberty of which to speak (see the chapters by Maynor and Schwarzmantel in this collection). Although one may be free to pursue any number of liberties, one is not at liberty. Philip Pettit in particular has argued that this focus of republican liberty on non-domination, as opposed to non-interference, allows for a distinctive conceptualization of negative liberty as a theory of freedom – recently discussed by him in terms of an agent’s fitness to be held responsible – from which flows a distinctive view of the role of government (Pettit 1993, 1997, 2001, 2002; cf. Skinner 2002b). The relevance of these types of arguments for the future of European politics is clear, as several other essays in this book demonstrate.

Nevertheless, such a conception of liberty is often traced back to those critics of the Crown in the dramatic ideological debates concerning the establishment of the English Commonwealth. In these debates, it is argued, alongside more conventional common law and constitutionalist arguments, a strongly neo-classical set of considerations emerged to justify both the critique of, and resistance to, Crown and Parliament. This was undertaken in terms of arguments about the right to property and equal representation, but which also showed as the debilitating moral and characterological effects of the monarchical ‘negative voice’ upon parliament and the people whom it purported to represent (Glover 1999; Skinner 2002c: esp. 19–26). The proponents of these arguments were the ‘democratical gentlemen’ whom Hobbes vilified in his *Behemoth, or the Long Parliament*, and its reference points were, alongside Aristotle, the Roman historians and moralists, particularly Livy, Tacitus and Sallust.

However, because of his ascription to these writers of the label ‘neo-Roman’, Quentin Skinner effectively denies the validity of the general term republican to his sources, in contrast to various other historians of political thought (Skinner 1998: 22, 54ff). This is because not all neo-Roman writers were strict republicans, to the extent that a republican is considered as one whom, to paraphrase Dr. Johnson, simply desires government without monarchy. Indeed, as Pincus (1998: 710) suggests, ‘opposition to monarchy did not define the republican tradition’. Second, rather than the neo-Roman theory of free states and free citizens presenting a distinctive though related conception of negative liberty, these neo-Roman writers were instead concerned with two separate questions about the nature of liberty. The first concerned the extent to which freedom is undermined by the practical activities of both Parliament and Crown; the

second, more fundamental question, examined the prior issue of what it actually means to be a free citizen of the realm in the first place.

Yet, in a move that I would like to question, Skinner has suggested that towards the end of the eighteenth century and through the nineteenth, neo-Roman arguments began to be eclipsed by utilitarian discussions of negative liberty as the absence of impediment and coercion, until they were largely absented from political discourse (Skinner 2002a: esp. 177–85; Patten 1996; cf. Kelly 2001; Larmore 2001). In a variation on the Gothic bequest that Smith has elsewhere talked about, the legacy of Hobbesian ideas of liberty as the absence of external impediments to motion returned to its paramount position (Smith 1987). Henceforward, the earlier and rival conception of what it meant to be at liberty became effectively hidden from view. Indeed, other writers have developed such an account, in order to suggest that as a coherent concept of freedom, republicanism understood as non-domination was simply not a fundamental language in British political thought in the last decade of the eighteenth century. Moreover, it then continued to decline through the subsequent century. For example, Philp (1998: 244) suggests that ‘the language of republicanism, rather than providing an integrated and sophisticated explanatory and normative paradigm for politics, became increasingly thinned and accommodated to a wide range of potentially divergent political and philosophical positions’, something clearly illustrated by the various elements of republicanism illustrated in this book. Yet still others have suggested, by contrast, that we must distinguish between liberalism as a youthful political ideology in the first quarter of the nineteenth century, and utilitarianism in particular as a wider philosophical theory underpinned by a constitutionalist account of political liberty as security (Rosen 1992, 1997, 2000), which once more complicates the picture of a simple decline in republican concerns with the rise of liberalism.

I do not wish to enter into the debate about the philosophical character of utilitarianism, and whether those who see its challenge as having defeated the neo-Roman theory of free states have incorrectly caricatured it. It does seem, however, that the focus on constitutionalism attendant upon the development of British political thought towards the end of the eighteenth century did capture the language of liberty, and transform it into one of security, as opposed to a neo-classical concern with active and engaged citizenship. A general challenge remains, though, for those interested in conceptions of political liberty in the nineteenth century, to try to mediate between these two rather different claims. This is all the more difficult given the general historiography of the period, which illustrates, at the level of political theory at least, a movement away from political towards ‘social’ science, in an age dominated by the ascendancy of liberalism out of the legacy of Whiggism. The neo-classical and republican political tradition seems to vanish from most histories of political thought in

this period. And when it is focused on, it is typically by social historians concerned with the nature of radicalism, and in particular Chartism, in the nineteenth century. Clearly, practical proposals for the establishment of a republic in Britain were most obviously restated through the mass platform and anti-monarchical politics, and, whilst therefore 'republican', they were not obviously neo-classical in conception. Nevertheless, the legacy of the seventeenth-century Commonwealth loomed large in the ideological legitimisation of the movement (Gossman 1962; Belchem 1981).

Here, therefore, claims about the decline of the neo-classical vision seem to hold. Yet, similar sorts of claims have begun to be modified by recent historians, who urge us to locate a more wide-ranging assessment of republicanism in nineteenth-century Britain within the framework of constitutionalism (Vernon 1997). Even explicitly anti-monarchical political thought takes on a slightly more subtle hue here (Taylor 1999; Prochaska 2000). Most discussions of republicanism, as opposed to anti-monarchism, however, remain limited to the second half of the century. Therefore, one purpose of this chapter is to suggest that key developments in the concept of liberty during the earlier part of the nineteenth century in British political thought were at least informed by both modern and neo-classical conceptions of republicanism (for a traditional account, see Weinstein 1965). In particular, these stem from the developments in the concept of representation drawn from the recent examples of the American and French Revolutions and the constitutional debates they engendered. I argue, then, against the traditional historical view that the only meaningful republicanism of nineteenth-century British political thought is to be found in the radical politics of the mass-platform. Important as this was, one of the claims I want to pursue is that several broader visions of republicanism, understood as a form of historical rhetoric, played a key role in rethinking the nature of liberty in nineteenth-century political thought.

### **The character of modern republicanism**

The American Declaration of Independence – explicitly constructed as a declaration against the state of slavery into which the colonies had been forced under colonial rule (Armitage 2002a: 43ff, 58ff) – provided inspiration for explicitly republican political writers in their own struggles against the English crown (Sheps 1975). That the importance of political representation to the republican critique of rule from Westminster was an important rallying cry is well known (Pole 1971). However, the actual impact of this new theory of representation in the development of modern republicanism is less often investigated.

Perhaps the most obviously influential figure here is Thomas Paine, whose experience of both the American and the French Revolutions deeply affected his thinking about the rights of man. In the former case,

debates over the constitution involved applying the classical tropes of checks, balances and boundaries to modern political conditions as well as invoking classically Lockean rights talk (Manin 1994). Yet these debates just as much asserted the profound rights of citizens to take an active part in the formation of the law, in the manner of Machiavelli and Rousseau, as they aimed at constitutionalizing liberty through the security provided by a mixed regime, much as Montesquieu had suggested. A central aspect of the American constitutional debates was Madison's recognition of the importance of (virtual) representation to the modern age. Therefore, as Publius, he famously suggested in *Federalist Paper* No. 10, that a republic is simply government by law, and in *Federalist Paper* No. 51, that in a republican system of government, the legislative branch necessarily predominates. This was a general need, according to Paine, of modern commercial societies, and it was this theme he advanced through debates with the position of the Abbé Sieyès during the French Revolution.

For Sieyès, only legislative representation was true representation, legitimate under modern conditions, and this led him to a specifically modern conception of constitutional republicanism. Kant too had elaborated upon these ideas in his essay on perpetual peace, where he reflected upon the institutional arrangements that might guarantee the individual freedom and autonomy of the will, earlier sought in his *Groundwork to the Metaphysics of Morals* (Kant 1970). Kant distinguished between a republican form of sovereignty, which could be defended, and a republican form of government, which could easily become despotic (Stedman Jones 1994: 155–8). Sieyès, however, made a particular claim about popular sovereignty as the foundation of modern republicanism, suggesting that the people are to be equated with the nation, and it is the people who, as the nation, possess *pouvoir constituant*, or constituent power. Constituent power is itself the very foundation of the constitution, and all other forms of political power flow from this, including the capacity to authorize representatives to act on your behalf. This, noted Sieyès, was the purpose of *l'état social*, the social state, which was the only appropriate form of government for commercial societies and which could be opposed to the *démocratie brute* of the ancients (Forsyth 1987; Pasquino 1999). His republicanism was based on the assumption that one needs to distinguish sharply between the nature of the constitution on the one hand and the government on the other, as well as between the liberty of the ancients, the moderns, and the Jacobins (Hont 1994). Later nineteenth-century reflections on the Third Republic in France would modify these presuppositions in various important ways, as the following chapters by Jennings and Baudot illustrate.

In England, this message was mediated through the Society for the Friends of the People, the London Corresponding Society, and other groups keen to promote a constitutionalist political programme, and was imbued with elements of an eighteenth-century civic-humanist idiom



(Hampsher-Monk 1979). Indeed, it has been suggested that the astounding importance placed on the notions of representation in general, and legislative representation in particular, led to a transformation in republican language in British political thought. This involved a modification of classical discussions of virtue, slavery and corruption, and came to focus more on the institutional requirements of balanced and constitutional government, where the traditional republican dilemma between empire and liberty could be rethought (Hampsher-Monk 1979: 81ff; Armitage 2002b). Consequently, the broadly republican model of liberty pertaining only to the free citizen of the free state ceased to be a widely applicable model, as the focus moved on to a more general institutionalist concern with the interrelationships between crown, parliament and commons.

Within this broad characterization, a central issue has concerned the nature of British loyalism in the wake of these two revolutionary episodes. The arguments of Linda Colley in particular have been influential in suggesting that the language of patriotism, previously most obviously associated with the opposition to Walpole's ministry, was captured by a Protestant loyalism devoted to the king. Patriotic loyalty, moreover, was promoted via a general celebration of the ancient English constitution in direct contrast to modern French republicanism. This led quite naturally into many romantic and indeed 'vulgar' conservative approaches to the value of the English past (Eastwood 1989; Colley 1992; Philp 1995; Gilmartin 2002). But this thesis has been challenged for neglecting the complexities of patriotism during the reign of George III especially, as well as ignoring its revival in the aftermath of 1848 at the hands of radicals (Cunningham 1984; Finn 1992; Harling 1996). It seems unlikely that republicanism had little to do with the transformations in the concept of liberty in the early part of the nineteenth century. To illustrate this we can look to the French side of Paine's political thinking.

As Richard Whatmore has recently argued, Paine not only modified Adam Smith's jurisprudential account of the development of natural liberty, to present the American and French Revolutions as reverting those societies back to a 'natural' order; his was also a particularly 'modern' form of republicanism – perhaps best understood outside of English and North American Commonwealthman traditions – which aimed to foster a 'gigantic manliness' in terms of the promotion of public virtue (Whatmore 2001: esp. 136, 148). It is well known that Paine thought England effectively lacked a constitution. But it is less often remarked upon that as well as his anti-monarchism – undoubtedly a central resource for British radicals – Paine's modern republicanism asserted the importance of a national convention (cf. Parssinen 1973). This was undertaken in order to present, as the Abbé Sieyès had done, the sovereignty of the nation and to promote equality between 'ranks' (Whatmore 2001: 153f). There was a religious element to this as well, brought out in Paine's engagement with Burke (Harris 1993). The point about equality, however,

surely illustrated an implicit critique of the earlier stadial historical schemes developed by John Millar and Adam Ferguson in particular, and the veneration for military values in their accounts of the progress of civil society (Millar 1960; Ferguson 1995; Berry 1997). Given Sieyès's interest in theories of modern commercial society drawn from the Scots, that Paine should comment on such issues given his own debates with Sieyès about the nature of a modern constitution is hardly surprising.

If the republicanism of the period after the American Constitution and the French Revolution was concerned with the question of representation, the import of these discussions was quickly operationalized in the debates over the Great Reform Act of 1832. In the remainder of this discussion, I focus on one such illustration of the ideological re-description of republican political language rarely mentioned in the historical literature, which concerns James Lorymer's short-lived journal *The Republican* (for background see Hollis 1970: chs. 6–7; Prochaska 2000: 57ff). Through this publication, one could usefully describe Lorymer as an innovating ideologist, for the magazine stands at something of a midway point between more obviously intellectual accounts of republicanism on the one hand, and radical anti-monarchical politics on the other. In its attempt to promote a vision of reformed republican liberty through representative government as a means to an end, its anti-monarchic sentiments were kept (sometimes only very slightly) submerged, as one might expect in a society still deferential to royal power and subject to political censorship (Prochaska 2000: 62).

### **James Lorymer's reforming republican moment**

Intellectual historians have made clear the importance of the notion of 'character' for Victorian liberalism, whose structure was linked to the rise of a 'science of society' (Collini 1991: ch. 3). A focus on a 'muscular Christianity', allied to the cultivation of a particular type of public persona, illuminates one aspect of the character of political thought in this period. However, a more general assessment of the importance of 'character' would focus on the critique of the character of the political classes and the monarchy illuminated by the broad radical and republican movements in nineteenth-century Britain. Loyalty to the Crown was certainly never uniform, but always conditional, and caricature of the personal lives of royalty certainly formed a staple of radical discourse, as it had also done in France. This applied scurrility can even be traced later on to the radical critique of Queen Victoria's civil list (Kuhn 1993). Nevertheless, my interest here is what happens to republican ideas when the traditional critique of representation drawn from the American and French Revolutions becomes operationalized in British political discourse at this time, and what it might mean for the concept of liberty.

The first volume of *The Republican* was addressed to 'Fellow Citizens',

not only illustrating the impact of 1830 upon the memory of 1789 in Britain, but also re-asserting the greetings of those radicals from the London Corresponding Society (Large 1984; Dinwiddy 1992: 215f, 216 n. 37). Correlatively, ‘aristocratic bloodhoundism’, according to Lorymer in the second volume of *The Republican* (explicitly subtitled ‘The Sovereignty of the People’), would be ‘silenced by the advent of the REPUBLIC’ (Lorymer 1832: 13). Written in April 1832, the claim is clearly being made in the context of continuing debates about the character of parliamentary reform, and the movement for male suffrage for those meeting the £10 property qualification. Equally so, traditional links between the nature of the republic and the importance of government through the law, as outlined by Rousseau and modified by the later American and French revolutionaries, were also made here. Lorymer suggested that ‘when the laws are made by the REPRESENTATIVES of ALL for the good of all, they will be based on JUSTICE’ (Lorymer 1832: 13). It is also interesting that Lorymer denied the validity of those staples of early nineteenth-century Whig discourse concerning both the ‘ancient constitution’, and the ‘Glorious Revolution’. He criticized eighteenth-century virtual representation, arguing that Parliament and its Acts are of concern only to the represented, and not the unrepresented, but the unrepresented constitute the majority of the population (Pitkin 1967: 173–8; cf. Langford 1988). In the next issue, moreover, the capacity of republicanism to transcend party political divisions was outlined, and the importance of the *bonnum commune* asserted in the editorial:

Republicans belong to no particular party or sect in politics of religion. The object of sincere Republicans is the PUBLIC GOOD – as the derivation of their appellation evidently implies: – RES PUBLICA.  
(Lorymer 1832a: 21)

Lorymer goes on to proclaim himself an advocate of justice and humanity, as well as a supporter of the ideas of Thomas Paine, although, of course, delineating the precise character of Paine’s republicanism is, as already implied, an area fraught with difficulties (Lorymer 1832g: 88).<sup>3</sup> Furthermore, and in contrast to my earlier discussion, Mark Philp has even suggested that there is little in Paine’s *Rights of Man* that moves beyond the language of constitutionalism to affirm a distinctively *republican* political position (Philp 1998). However, as Whatmore counters, this critique only really works if we remain tied to seeing Paine in a ‘classical’ as opposed to a ‘modern’ republican framework.

Indeed, unusually for the radical tradition – or at least unusually in terms of the dominant historiographical interpretation of nineteenth-century radicalism and anti-monarchism – Lorymer here, as well as advocating justice and humanity, reinterprets classically republican themes in a modern style. Building on the critique of ‘legal murder’ he had outlined

in the previous issue of the periodical, several pages of another seminal utilitarian-constitutionalist text, Beccaria's *Crimes and Punishments*, is excerpted.<sup>4</sup> This was undertaken in order to bolster his wider claim that 'happy the nation' would be, 'where the knowledge of law is not a science!' and that the people made the laws (Lorymer 1832a: 26). If punishment is the prerogative of the state, and if those laws enacted by the will of the people underpin the state, then penal policy becomes a particularly important issue.

In fact, under such a classical construction, Lorymer also nods in the direction of Bentham's utilitarian moral philosophy, stating that crime prevention is better than punishment. Indeed, 'this is the fundamental principle of good legislation, which is the art of conducting to the *maximum* of happiness and to the *minimum* of misery, if we may apply this mathematical expression to the good and evil of life' (Lorymer 1832a: 33). This seems, at the very least, to imply an admixture of both constitutionalist, utilitarian and republican arguments, suggesting that republican concerns did at least remain central to certain of those in the radical tradition, although they were now balanced with a particularly reformist character (Lorymer 1832b: 41–7).<sup>5</sup> The claims were further expanded when he argued that 'liberty' must be attached to knowledge. Thus, 'the *most certain method of preventing crimes is to perfect the system of education*', and this was justified by recourse to further excerpts from Voltaire's commentary on Beccaria, as well as a discussion of corporal punishment taken from William Godwin. There are interesting precursors here of more sophisticated recent positions on republican theories of justice, but that would be to go beyond the scope of the chapter (cf. Pettit and Braithwaite 1990).

Godwin had been a major advocate of the importance of republican arguments in contemporary British society, and in his incredibly prolific writings devoted some eight volumes to a discussion of the English Commonwealth. The type of historical rhetoric and vision of republicanism illuminated by this and other writings renders an understanding of the Stuart heritage in nineteenth-century Britain particularly important. And one of Godwin's central claims in his writings on the seventeenth century, explicitly tied up with his own position within the radical dissenting English tradition, was that the Commonwealth failed because of the lack of political education amongst the majority of the people. As Blair Worden has suggested, 'Godwin resembles Carlyle in being dissatisfied by the moral claims of "civil" or "negative" or "individual" liberty, which makes us "selfish"'. Yet, where 'Carlyle looks instead to a religious ideal of human fulfilment, Godwin looks to a pagan, classical one, which favours the notion, spurned by Carlyle, of "independence" of character and status' (Worden 2000: 155, n. 156). Godwin also thought this was a major stumbling block of British political life in the first three decades of the nineteenth century, and he expended much energy on trying to develop a programme of education for citizenship as the necessary requirement for

the promotion of a broadly republican virtue (Morrow 1991; Lang 1995: 97–101). But this was particularly unlikely to happen towards the end of 1832 in any case, thought Lorymer, as another issue of *The Republican* appeared in May of that year with the headline ‘PREPARATION FOR THE WORST!’ (Lorymer 1832f).

Lorymer was highly critical of Grey’s position on the Reform Bill in particular, and he also took delight in poking fun at the figure of the king. Taking up Bolingbroke’s discussion of the Patriot King, itself an earlier attack on Walpole’s venality, Lorymer wondered whether such a person could really be human (Skinner 1974; Armitage 1997). Although they ‘look like men’, he began, ‘never having been so fortunate as to catch one, we cannot decide’. The anti-monarchical strain within his republicanism came to the forefront here, and it was clearly also motivated by the second anniversary of the July 1830 Revolution in France, the source of such chagrin to those Tory opponents of the Reform movement.

The impact of 1830 on British parliamentary reform has been much discussed, and the idea that a broadly peaceful revolution in France had a profound impact on the cause of reform in Britain in general, and in London in particular, is a staple of conventional historiography. But Lorymer looked forward to the anniversary for its reminder concerning the ‘removeability of kings’ and the fact that that ‘the kickoutability of Royal Puppets will be properly celebrated’ (Lorymer 1832f: 78). The implications of Lorymer’s analysis for contemporary republican politics, however, were once again focused on the nature of representation. Asking whether there ought to be a national convention given the situation of Wellington’s ministry, he concluded, in wholly classical style, that the King can neither say yes or no to the ‘just claims of any man to representation’ (Lorymer 1832e: 81). Quite simply, and in an echo of the cry of the American colonists of more than a half-century before, the deliberative rhetorical claim was that ‘LEGISLATION WITHOUT REPRESENTATION IS A NULLITY’, that ‘TAXATION without representation is Damnable Robbery’ and ought to be resisted. Hence, ‘NO MAN OUGHT TO BE TAXED BUT BY HIS REPRESENTATIVE’ (Lorymer 1832e: 83, 89–90). Lorymer claimed that a delegation of all the unrepresented should be formed into a national convention as the most ‘efficient method’ of acquiring a ‘*Reform of the Representation*’ (Lorymer 1832e: 83). This proposal places him straight in line with the prescriptions of Paine’s modern republicanism.

Contemporary politics offered another way of relating practical political ideology to the classical republican tradition, and this was the problem of the National Debt, or the ‘sponge’, as it was commonly called. The status of the debt in relation to commercial policy had been the subject of many essays by McCulloch in the *Edinburgh Review*, where his attacks on protectionism were intended to refine the work of Adam Smith. This necessarily linked the sphere of political economy once more with

the idea of the natural progress of liberty, so important to the Scottish Enlightenment, in promoting an active role for government in the maintenance of policies that would develop the character of the nation (Smith 1976: 687; see also Fontana 1985; Winch 1996; Teichgraber 2001). For Lorymer, therefore, the problem of the 'sponge' seemed akin to Hume's savaging of the impact of huge public debts upon individual character, the character of the state, as well as on civil liberty (Hume 1985a: 95–6; Hume 1985b: 354ff; Hont 1993: esp. 331). This important focus on character is necessary for further considerations of republicanism in nineteenth-century British political thought, where many debates about the nature of liberty were framed by their concern with the *character* of citizens.

The constitutional republicanism of Paine, mediated by Lorymer, provides one illustration of the practical political proposals of late eighteenth- and early nineteenth-century radicalism as it developed into a type of reforming republicanism. Conversely, the wider 'republican' context for considering the virtuous life of citizens might be most clearly seen in what has been called the 'civic' liberalism of J.S. Mill, whose writings certainly engage with a republican political heritage that he reforms and interprets in the light of the challenges of contemporary representative government. It seems fitting, therefore, to close this chapter with a broad reflection on the relationship between the political thought of the eighteenth and nineteenth centuries, which incorporates one absolutely crucial aspect of Mill's outlook.

It is plausible to see nineteenth-century notions of 'character' as the adaptation of the eighteenth-century political conception of 'independence' to a wider, less exclusive, more mobile, more competitive, and certainly no longer necessarily landed society. The newer term is less directly political; in the long run political liberty may depend on it, but its field of exercise is primarily 'society' rather than politics. But the chief difference from 'independence' of the political sense of 'virtue' is a different relation to competition and to history . . . The nineteenth-century man of character was most typically thought of as forging that character through struggles, through competition. And whereas the price of failure in the former case was the loss of constitutional liberty, in the latter it is seen by Mill as stagnation, submission to the inertia of mediocrity.

(Burrow 1985: 89; cf. Claeys 1994: esp. 285)

Mill's writings, with their language of active citizenship, civilizational advance, and the necessity of political education for public virtue are closely tied to the ideologically charged debates about the classical heritage in Victorian Britain (see Turner 1981; cf. Urbinati 2002).<sup>6</sup> It is also an illustration of the importance of notions of character, independence and representative government to the period, which in some important

ways are echoed by the ideological re-description of republicanism undertaken by Lorymer in *The Republican*. By combining elements of both classical and modern republican traditions with liberalism, however, Mill outlined the requirements of what he considered to be the morality of constitutionalism. It is, therefore, perhaps to Mill that we should look when we wish to trace the development of modern republican as well as liberal ideas in the course of the nineteenth century; in so doing, we might get away from his celebrated, though surely exaggerated assessment, that the nineteenth century is best understood as a reaction against the eighteenth.

## Notes

- 1 Kramer (2001: 207) suggests that: 'Under my theory of negative liberty, then, some person *P* who lacks the power-to-act must *ipso facto* lack the liberty-to-act'.
- 2 MacCallum (1972) famously defended the idea that the concept of freedom is always a triadic relationship between *agents*, who wish to *do* something, and the *constraints* or otherwise upon their actions.
- 3 As well as excerpting passages from Paine, Lorymer also advertised the re-publication of John Locke's essay on government in the Everyman 'Library of Republican and Philosophical Knowledge'.
- 4 An English translation of Beccaria's work, and the commentary attributed to Voltaire, had been published in 1767. See Rosen (1999: 178, n. 24, 177–9), on *Crimes and Punishments*.
- 5 Lorymer distinguished his adherence to the 'irrefragible principles of republicanism' (Lorymer 1832b: 41), from those in *Tait's Edinburgh Magazine*, which had been critical of the ultra-Tory *Blackwood's Edinburgh Magazine*, which was of course so scathing of the Reform Bill and Catholic Emancipation. Lorymer sarcastically lampoons it with the title of the 'Grandmother's Magazine' (Lorymer 1832b: 41). He was equally critical of other periodicals, such as the *Penny Magazine*, published by the *Society for the Diffusion of Useful Knowledge*, as 'the consumers of political nutritive food could not confine themselves to such an un nourishing diet' (Lorymer 1832b: 45), as well as *The Crisis*, edited by Robert Owen.
- 6 Another short-lived periodical established in 1832, *The Philological Museum*, was a fine illustration of the interrelationship between scholarly argument and political polemic that typified contemporary debates over the history of the ancient world.

# 4 Two philosophers of the French Republic

Charles Renouvier and Jules Barni

*Jeremy Jennings*

## Introduction

One of the most striking features of the Revolution of 1789 is that, from the outset, its participants believed that their actions were of global significance and that what was at stake was a set of universal values. One example of this universalist mentality was the assumption that France was not born to follow the examples of others but was rather the example that should be followed. Another is the manner in which it was assumed that the truths being proclaimed were applicable to the whole of humankind.

Republicanism had no difficulty in developing this universalistic vision. This is Robespierre's interpretation of how France through the Republic would realize 'les destins de l'humanité': 'May France, formerly illustrious amongst the countries of slavery, eclipse the glory of all the free peoples that have already existed, become the model to other nations, the dread of oppressors, the consolation of the oppressed, the ornament of the universe, and, by sealing our work with our blood, may we see shine the dawn of universal bliss.' Accordingly, the peoples of Europe (and beyond) would become full participants in humanity to the extent that they espoused the principles of France's Revolution and Republic.<sup>1</sup>

The belief that France and the Republic were the privileged vehicles of future progress and emancipation was a commonplace amongst republicans in the period prior to 1870. If this entailed a certain nostalgia for the glories of Napoleon Bonaparte it also frequently placed the republicans as the partisans of war. As Karma Nabulsi has shown: 'republicans believed that all citizens had a duty and a right to fight for their liberty and for the establishment of the republic' (Nabulsi 2002: 33). If the preferred objects of enmity were tyranny and arbitrary power, whether at home or abroad, this meant that republican values were at no time more vibrant than when the republic itself was under threat.

This, in turn, drew upon the relationship of republicanism with Enlightenment ideals. Here we need only to recognize that the cosmopolitanism of the *philosophes* placed man – the abstract individual – at the centre of the world and that they, like later republicans, believed in the



power of reason to discover truths that were both invariable and of universal application. The most obvious manifestation of this lies in the doctrine and rhetoric of the rights of man and the manner in which republicanism has subsequently embraced it as a set of universalist political ideals. The problem was that republicans proved themselves incapable of agreeing upon what those rights were. In this regard, the successive constitutions of the French Republics make for fascinating reading.<sup>2</sup> This, however, is how Mona Ozouf summarizes this aspect of what she terms the 'horizon républicain': 'In opposition to the propensity to think of humanity as being essentially heterogeneous, divided into races, into classes or even into sexes, the republican idea posits the possibility of rational communication between men and the unity through law of humanity' (Ozouf 1998: 1087).

Most importantly, this philosophical universalism impacts upon republican conceptions of citizenship. This model of citizenship is a complex one. Sophie Duchesne's empirical investigation into *Citoyenneté à la française* describes two models which serve to characterize distinct self-representations of French citizenship, those of the *citoyen par héritage* and the *citoyen par scruples* (Duchesne 1997). It is the latter that draws most heavily upon republican universalism. Repudiating the equation of citizen with nationality, the citizen minimizes the importance of a sense of group belonging, preferring rather to emphasize the universalistic dimensions of relations between all human beings. The citizen's principal obligation is not towards a particular (French) State but exists in the form of an acknowledgement between individuals of respect for others. The former model draws upon the humanitarian ideals born out of the Republic's revolutionary past but does so by referring to a conception of the French nation as the *patrie* of liberty. Universalism is expressed through loyalty to a set of national institutions (and a national history) which are taken to embody universalistic values and through participation in the public political sphere as a means of transcending individual interests.

This is precisely the description of citizenship embraced by Dominique Schnapper, now a member of the *Conseil Constitutionnel* and surely one of the most thoughtful (and persuasive) advocates of a modified version of republican universalism. Writing in her widely read *La Communauté des citoyens*, she talks of 'the citizen as an abstract individual, without identification and particularistic qualities, over and above his concrete characteristics'. The important distinction she makes is between 'the abstract citizen and concrete individuals', with citizenship taking precedence over ethnic and religious particularisms or clan and family solidarities (Schnapper 1994).

The problem has been that this universalism brought its own forms of exclusion, especially during the nineteenth century when workers and women in particular were either partially or totally excluded from effective citizenship. The permanent difficulties experienced by republicanism when faced with the issue of representation only added to the problem.

Drawing upon an often-mistaken reading of Rousseau, republicans from the very outset had inordinate difficulty grappling with the issue of the representation of private or group interests, all too often falling back upon an 'ancient' definition of liberty and a consequent confusion of politics with morality. The most vivid institutional expression of this lay in the preference of republicans for a single chamber form of government, as all other forms would continue the representation of privilege and of sectional interests. It was only in the 1860s that republicans first began to tackle the issue of how the interests of the working class could be represented.<sup>3</sup>

The universalistic aspects of this republican definition of citizenship have several important dimensions. Crucially, as Marc Sadoun has commented: 'The Republic does not conceive of citizenship without the instruction of the citizen: the individual becomes but is not born a citizen' (Sadoun 2000: 15). It is, in short, the school that figures as the principal site or location of individual emancipation. It is here, leaving behind the dogmas and traditionalisms of family, regional and religious life, that the individual, divested of irrational prejudice, enters the world of progress, justice, toleration and liberty. Here, in the form of an extraordinary pedagogical optimism, we again see the impact of Enlightenment patterns of thought upon republican universalism. Indifference to the past, its customs, its languages as well as (most obviously) the dark forces of religious ignorance was combined with a faith in the almost limitless potential of education to create new enlightened and reasonable human beings. Continued hostility towards the earthly powers of the Church pushed republicans towards the endorsement of a secular ethic and, after 1870, towards the development of a secular educational system. The former again rested upon a set of universalist assumptions, namely that a stable and permanent set of moral beliefs could be established and that these could be discovered through the processes of reason and science. Subsequently, the doctrine of *laïcité* – understood as the idea that the school, in the name of individual autonomy, equal respect and civic solidarity, should remain neutral towards such private practices as religious observance and that these practices should be confined to the private sphere – became a core element of republican ideology.<sup>4</sup> The problem was that such a rationalist universalism could be easily transposed into a virulent and intransigent form of anti-clericalism characterized by the desire to impose a single pattern of belief upon society as a whole.<sup>5</sup>

This negative response to what some would see as the legitimate claims of certain excluded sections of society is informed by the idea that a synthesis between the liberty of the individual and the general interest is attained through, and only through, the autonomous citizen. The Republic acts as if groups and collective identities do not exist. Such an approach is grounded not in any sociological reality but rather upon the belief that it is through the recognition of the inalienable rights of

individual citizens and their identification with the general interest that the potential contradiction between the particular and the universal can be overcome. This is a doctrine littered with problems and one that contrasts sharply with what might be termed the sociological empiricism of Anglo-American constitutionalism and philosophy.

What I intend to do in the remainder of this chapter is examine the manner in which republicans in mid-nineteenth-century France approached some of these enduring problems of republican theory and practice. I will in particular focus upon two figures – Charles Renouvier and Jules Barni. Other figures could have been selected but these two are chosen because, first, I take them to be broadly representative of the republicanism of their day and, second, because they illustrate how republican preoccupations changed between the periods immediately before and after the creation of the Second and Third Republics (broadly 1845–75).

### **Renouvier and the republicanism of the Second Republic**

During the revolutionary decade of the 1790s, what was meant by property was essentially land. Suggestions for the redistribution of private wealth, for example, usually took the form of demands for periodic redivision of landed property rather than the socialization of the means of production. This began to change in the early decades of the nineteenth century as it became increasingly obvious that it was the bourgeoisie that appeared to be the principal beneficiary of the emerging industrial system. The eradication of pauperism, as it became known, called for radical measures. To these demands were added, especially from 1840 onwards, a secularized religious impulse that saw the attainment of equality as being the key component in the advance towards the rediscovered goal of fraternity.<sup>6</sup>

No one better embodied this republican attachment to equality than socialist Louis Blanc. Liberty, ‘without equality and fraternity, its two immortal sisters’, Blanc writes, would only produce ‘the liberty of the savage condition’.<sup>7</sup> This, in effect, was what existed under the capitalist system of unbridled competition. Blanc’s response, set out famously in *L’Organisation du travail* in 1840, was to recommend the establishment of *ateliers sociaux* for which funds would be forwarded by government (Blanc 1840). This was not to be a system of enforced collectivization nor of State-imposed equality but one where equality would emerge through the principle and practice of association. The end to be pursued was unambiguous. It was one where ‘all men have an equal right to the full development of their unequal faculties, the instruments of production belonging to everyone like the air and the sun’ (Blanc 1840: 3).

Liberty, in this view, was seen not just as a ‘right’ but as the ‘ability’ to exercise our faculties to the full. If therefore Blanc recognized the importance of those liberties which he listed as liberty of the press, of conscience,

and of association, he believed that our conception of liberty had to be pushed much further, so as to embrace a range of liberties that would abolish the servitude which arose from poverty and hunger. These he described as the liberty to life, the liberty to pursue one's aptitudes and to choose a job, and the liberty that would arise from physical abundance. Only when the latter had been satisfied would it be possible to speak of '*l'homme libre*' (Blanc 1840: 5–6). By liberty, then, was meant not just the narrow conception of the absence of restraint but something which was tied to a different vision of society: the *social* Republic. If 'man has the right to life', Blanc argued, 'then by the same token he should have the right to the means to preserve it' (Blanc 1840: 78). At the level of the individual this entailed a recognition of the right to work; at the level of society it demanded the replacement of a system of competition by a system of association: socialism

Nevertheless, it was the argument against the right to work that carried the day, leaving the preamble to the Constitution of 1848 with no more than a recognition of the obligation of the Republic, 'through fraternal assistance, to secure the existence of those citizens in need, either by providing them with work within the limits of its resources or, for want of a family, by giving help to those who are not in a position to work'.

Where did this now place discussion of rights, liberty and equality within republican discourse? For guidance we can turn to Charles Renouvier's *Manuel Républicain de l'Homme et du Citoyen*, written in 1848 and commissioned by the Ministry of Public Instruction as a civic catechism for the new Republic.<sup>8</sup> If the text itself betrays the heated debates of the period, it also clearly indicates Renouvier's personal conviction that the Republic should embody 'justice' and 'fraternity'.

The starting point of Renouvier's argument is a definition of the Republic as a state where the people 'obey only those men that they have themselves chosen' and where the people 'in its unity' alone constitutes the sovereign. The law is the expression of 'the will of the people as expressed by its representatives'. Accordingly, the people have an obligation to obey the law. Next, Renouvier's argument rests upon a formal, legalistic definition of liberty as 'the power to do everything which does not harm others, everything which does not infringe upon the rights of others' (Renouvier 1904: 145). The 'principal liberties' which are 'natural' and which it is the responsibility of the Republic to guarantee for its citizens are taken to be 'the liberty of conscience, the liberty to speak, the liberty to write and to publish'. To these are then added three more liberties: 'individual liberty', which is defined as the right not to be accused, arrested or detained without proper authority; 'political liberty', which is described as the right of the citizen to obey only those laws authorized by his representatives and to pay only those taxes to which he has consented; 'the liberty to assemble and to associate', where special mention is made of the activities of religion and politics.

The complications begin to arise when Renouvier considers liberties associated with the right to property. 'The most important outcome of a well-ordered Republic', he writes, 'is to guarantee for each citizen the protection of his person, of his rights and of everything which belongs to him' (Renouvier 1904: 161). This includes a citizen's property, which is described as 'the fruits of a man's work'. Accordingly, Renouvier concludes that a law that takes away the right to property 'would very much diminish the liberty of man, would place the citizen in a position of too great a dependence upon the Republic' (Renouvier 1904: 169). Property is a stimulant to work and a cause of material progress.

What did this mean for an understanding of equality? All men were 'born equal in rights' and this was affirmed through 'the empire of law'. The emphasis thus fell upon the civil equalities declared in 1789: 'The law of the Republic does not accept any distinction between citizens based upon birth or any hereditary possession of power. Civil and political functions can never be held as property' (Renouvier 1904: 203–4). The law, in terms of both protection and punishment, was the same for all. Equality of conditions, however, was to be rejected because 'it could be established only by depriving citizens of their liberty'. How could equality be made compatible with liberty? Renouvier's answer, in true *quarante-huitard* fashion, was to call upon the sentiment of fraternity. 'It is', he writes, 'fraternity that leads citizens, brought together through their representatives in parliament, to reconcile all their rights, in such a way that they remain free men whilst, as far as possible, becoming equals' (Renouvier 1904: 206). What substance could be given to this aspiration? Renouvier was clear that the rights of property were not without limits and that industry and commerce could be subject to public regulation. Unfettered competition had led to abuses and exploitation. He therefore specifically recommended that the State should provide cheap credit, that associations of workers should be allowed to run factories and workshops, and that land should be redistributed more equally. Renouvier also advocated the introduction of progressive taxation 'as a means of moving from a regime based upon inequality to one based upon equality'. Unnecessary 'luxury', in line with republican enthusiasm for frugality, was to be avoided. England, as was also usually the case for republicans, figured as the example of what went wrong when wealth was unevenly distributed.

The interesting part of Renouvier's argument, however, lay elsewhere. If Renouvier went further by embracing what he termed 'the right to work and to subsistence through work', he gave a similarly prominent place to what was to become one of the great republican *leitmotifs*: 'the right to receive an education' (Renouvier 1904: 207). This education was to be the same for all; it was to be not merely a technical education but also a moral and civic education: its aim was 'to elevate the soul'. Henceforth, it was to be education, rather than the pursuit of demands for economic equality, which would be the motor of republican equality. Moreover, it was to be

this education that would produce an 'enlightened people' capable of expressing its will through the mechanism of universal suffrage.

Citizens were also deemed to have duties towards the Republic. If one of these was the paying of taxes, 'the first, the greatest, the most noble, as well as the most demanding' was military service. All citizens were to spend two years in the army, and after this were to remain members of the army reserve. This was inspired by the republican tradition of just war. 'At the moment I speak', Renouvier wrote, 'most men and nations groan under the weight of tyranny; liberty is oppressed; work is a form of slavery; one part of humanity odiously exploits the other part like a herd of sheep given to it by God, and the sacred laws of fraternity are violated: humanity suffers' (Renouvier 1904: 224–5). Fortunately, with the Revolution of 1848 a 'shudder' had passed over the entire earth.

The messianic tone continued until the very last sentence of the volume. We will, Renouvier pronounced, 'establish a Christian Sparta, a Christian Jerusalem, a true republic where the spirit of Greece and the strength of Israel will be united in the heart of France and where Christ, if he were to reappear here, would not disdain from calling himself a citizen' (Renouvier 1904: 299–300).

Renouvier's text tried its best to produce a synthesis of republican thinking that would preserve the radical aspiration towards greater equality and a universal message of liberty whilst seeking to avoid the rhetorical excesses of those who challenged the very right to property. It is intriguing to note that when faced with the hypothetical situation of there being too many people for the number of jobs available, Renouvier's response was not to contemplate further assaults upon the privileges of property but rather to suggest that the Republic should establish a colonial empire. 'The earth', he wrote, 'is vast and still largely unpopulated. Could we not, if the need arose, create new Frances overseas?' (Renouvier 1904: 214). Similarly, Renouvier's text was imbued with the desire to reconcile Christianity with the cause of the Republic: fraternity was nothing else but 'the application to society of the doctrine of Christ'. Only the fact that the clergy had turned away from the 'cause of the people' justified republican opposition to the Church. The descent of the Second Republic into Bonapartism left Renouvier bitterly disillusioned (especially with regard to universal suffrage) and recognizing that the philosophy of the Republic had to be grounded on more than vague humanitarian sentiment. On this project, beginning with the *Essais de critique générale* and ending with *Science et la morale*, he was to spend the best part of the next twenty years.<sup>9</sup>

## **Barni and the republicanism of the Third Republic**

Nor was Renouvier to be alone in this. As Sudhir Hazareesingh has commented: 'there is no doubt that a great deal of the political thinking that went into the transformation of republicanism occurred in the 1850s and

1860s' (Hazareesingh 2001: 5). Moreover, that transformation was diverse in both content and intellectual inspiration – republicanism drawing upon a wide variety of ideological and political influences.<sup>10</sup> Nevertheless, by way of conclusion, we can turn our attention to the writings of Jules Barni as a guide to what arguably became the dominant republican position on the interrelated issues of rights, liberty and equality.<sup>11</sup>

Like Renouvier, Barni spent a significant proportion of these years engrossed in the study of Immanuel Kant, producing a series of commentaries and translations of his major works. He did much of this first during the 1850s, in what amounted to self-imposed internal exile – having resigned from his teaching position in the wake of Louis Napoleon's *coup d'état* in 1851 – and then during the 1860s in Switzerland. With the fall of the Second Empire he returned to France, later to secure election as a representative for the Somme in 1872 and, again, in 1876. He died in 1878 and, despite his major contribution to republican thinking, was quickly forgotten, even by his fellow republicans.

The similarity with Renouvier is not limited to their mutual admiration for Kantian philosophy. Like the latter, Barni himself published his own *Manuel Républicain* in 1872 (Barni 1872a).<sup>12</sup> This itself built upon Barni's earlier, *La Morale dans la démocratie*, published in 1868 (Barni 1868).<sup>13</sup> Barni did not disguise his desire to escape from the misplaced equation of politics with morality. This, he announced, 'had been the error of the republics and the philosophers of antiquity' (Barni 1868: 13). Moreover, it had been perpetuated by such eminent eighteenth-century philosophers as Rousseau, Mably and 'even Montesquieu'. Each, in Barni's view, had not embraced 'the modern spirit' which, he argued, 'gives greater autonomy and liberty to the individual conscience, frees it from the intemperate yoke of politics and encloses the latter within the limits of the law' (Barni 1868: 14–15). It followed that the first duty of the State was to respect and protect the 'natural rights' of all citizens and therefore that liberty should be defined in terms of the absence of arbitrary restraint and interference upon the actions of individuals (Barni 1868: 143). 'Liberty in its essence', Barni wrote, 'consists of the faculty which allows man to direct and to organize himself, in a word to be *his own master*, and not to be the property of someone else' (Barni 1872a: 2). He gave this definition of liberty further description by specifying that it included the ability of each person 'to think and to speak freely, to work freely and to make free use of the fruits of his labour' (Barni 1868: 2). Displaying the distance that separated him from the Jacobin tradition, he commented that to curtail liberty in order to protect it was just an excuse for arbitrary power. 'It is time', Barni wrote, 'to finish with these theories which, in the name of securing liberty in the future, only serve the interests of tyranny today or of despotism tomorrow' (Barni 1868: 166). The proper role of government was not to govern men but to teach them to govern themselves.

There are at least three features of Barni's account of republican liberty

which merit further comment. Each tells us something about how republicanism was to develop in the years following the establishment of the Third Republic. The first is Barni's oft-repeated conviction that liberty must not be confused with either 'licence' or 'fanaticism'. 'There is no republic worthy of its name and which will last without the proper habits of liberty', he wrote (Barni 1872a: 103). Liberty had to be informed by a comprehensive set of republican values, values which obliged every citizen to seek personal moral improvement and to respect the dignity of others. The conservative character of this moralized vision of liberty is shown in the central place allotted to hard work, sobriety, chastity, the sanctity of the family and respect for the law. Next, rejecting the arguments of Proudhon, Barni unequivocally includes the right to property as one of the fundamental rights of the individual. 'Not only has a man the right to make use of his own physical person', he writes, 'but he also has that of working as he wishes, as long as he respects the same right in others' (Barni 1868: 150). The right of the individual to own property, Barni contends, is the condition and source of the prosperity of society and it must be respected by government. Charity and self-help, rather than 'the organization of work by the State', would provide the best solutions to the misery of the poor. Recognition of the right to work would only lead society to 'despotism and ruin'. Third, Barni extended his definition of liberty of thought to include 'liberty of conscience' and from this concluded that a State religion was an affront to such a liberty. Two things followed from this. Most obviously, Barni endorsed the call for a complete separation of Church and State. Next, he placed renewed emphasis on the importance of the provision of primary (and, where appropriate, secondary) education by the Republic. Taking up the theme announced by Renouvier, the first obligation of the Republic was to provide instruction for the people. Without this – as the disastrous experience of the Second Empire of Napoleon III all too vividly demonstrated – the liberty granted the people through universal suffrage would become an instrument of domination and despotism.<sup>14</sup>

How did these arguments impact upon Barni's views on equality? If liberty was 'the first principle of republican government', then equality was its 'necessary corollary' (Barni 1872a: 3). What this entailed was equality before the law, civil equality and political equality. It meant 'no more privileges, no more distinctions, no more castes and no more classes', but it did not entail 'the strict leveling of all wealth', as this would denote the end of liberty (Barni 1872a: 5). The first duty of the citizen was to respect the law and this was to be accompanied by a willingness to subordinate personal self-interest before the common good. The good citizen was to display 'the virtue of abnegation'. As Barni eloquently commented: 'the love of equality does not denote a hatred of all superiority'; it was not driven by envy (Barni 1872a: 103). Not once in this analysis, as Barni himself acknowledged, was the word socialism mentioned, although 'the



social question' was not forgotten. The aim was to ensure that 'the workers and the bosses, the poor and the rich, no longer form two antagonistic classes in society, as too often occurs today' (Barni 1872a: 112). The solution lay in 'good will', 'individual effort and a sense of solidarity'. The amelioration of the condition of the workers, in other words, rested less upon the actions of the State than upon the sentiment of fraternity, of belonging to the same family and loving each other as brothers. 'Citizens', Barni proclaimed, 'be *human* towards each other; the observance of this simple maxim will smooth out many difficulties and, better than the army, will secure social peace' (Barni 1872a: 105).

Yet the most telling example of Barni's willingness to accommodate his understanding of equality to the forces of social conservatism is shown in his statement that equal political rights should be denied to women. As he explained: women were the equal of men 'as moral beings' and everything should be done 'to emancipate women from all degrading tutelage'. This meant removing the 'injustices' of the Napoleonic Civil Code. However, Barni went on, 'in general the life which is appropriate to women is not political life but private life'. 'Their proper place', he explained, 'is not in the public forum but in the domestic home', supporting their husbands and caring for their children. In any case, direct involvement in politics was unnecessary as women possessed their 'natural representatives and deputies in the form of their fathers, their brothers, their husbands and their sons' (Barni 1868: 33–49, 126–38).

Barni's desire to move republicanism away from radical stances was also evident in his rejection of the republican 'just war' tradition. In the final section of *La Morale dans la démocratie*, published shortly before the outbreak of the Franco-Prussian war, he was quick to reject all the arguments then advanced in defence of war and conquest: those that justified war in terms of the advance of civilization, the claims of nationality and the need for natural frontiers. 'What', he writes, 'is a State, a people, a nation? Not a herd of animals but an association of men, of free beings, forming a kind of *moral person* . . . we must therefore grant States the same rights that we grant to individuals and apply the same moral rules to them as those which govern the relationship between persons' (Barni 1868: 219). It followed from this that no state had the right to intervene in the internal affairs of another and that one of the first rules of international morality was the 'principle of non-intervention'. Until such time as war could definitely be abolished, the best that we could hope for was to 'moralize and humanize it'. The ultimate goal – as befitted a convinced Kantian – was 'a federation of free States designed to guarantee the rights of each nation and to resolve the differences that arise between them by means of binding arbitration' (Barni 1868: 255).

Barni's most significant innovation, however, fully reflected the impact of the experience of the Second Empire upon republican thinking. Renouvier's text had been content to make a few general references to

the nature of the Republic and the location of sovereignty. Barni's *Manuel Républicain*, in contrast, gave a detailed presentation of the institutional arrangements appropriate to a republic and, in doing so, showed how far republicanism had distanced itself from its earlier views on representation and the organization of the state.

According to Barni, universal suffrage was 'the fundamental feature of any republic worthy of the name'. Given that, in practice, it was impossible for the people to 'deliberate' on all matters of public interest, representatives had to be chosen. However, in line with earlier republican thinking, Barni contended that these representatives were to be 'mandated' and that these mandates were to be 'limited, temporary and revocable'. In this way the people would preserve 'the sovereignty which belonged to it and of which it can only divest itself by committing suicide' (Barni 1872a: 12). Again, in practice, Barni recognized that this sovereignty translated into 'the law of the majority', but his memory of the *coup d'état* of 1851 was such that this was combined with an insistence that this must not be confused with 'the despotism of number'. 'All absolute power', he wrote, 'is a usurpation of the rights of citizens' (Barni 1872a: 14).

The real innovations become evident when Barni addresses issues concerned with the institutional structures and geographical location of power. First, Barni, breaking with the centralist tradition of republicanism, embraces municipal liberty. Each commune, he contends, should, as far as possible, govern itself, like 'a small republic within a large one' (Barni 1872a: 24). The same went for intermediary bodies such as *cantons*. 'In general', he writes, 'we should allocate to central government or to the State only what the communes and the intermediary bodies either cannot do or cannot do well' (Barni 1872a: 26). In this way public life will be more vibrant, citizens will be more active, and the State will cease to be overburdened. The traditional republican fear of political disintegration was, however, not entirely absent from Barni's mind. Municipal independence was not to be a pretext for 'the despotism and pretensions of local powers' and therefore the State had an obligation to ensure that 'this decentralization' did not compromise the rights of individuals and the public interest.

Next, breaking with the republican tradition, which sought to place no limits upon the sovereignty of the people as expressed through law, Barni openly embraced the separation of legislative, executive and judicial power (Barni 1872a: 27). When all three are combined in either one person (Bonapartism) or one assembly (republicanism) the result is despotism and 'caesarism'. Most important of all was the independence of the judiciary.

With regard to legislative power, Barni's sought to ensure not only that elections were held regularly (every two years was his recommendation) but that it was recognized that the fundamental purpose of legislative activity was to ensure 'the liberty of citizens'. The purpose of government,

in short, was not to secure the reign of virtue. Just as intriguing was Barni's comment that the State should allow 'each member and each group within society to act and to develop with the greatest amount of independence possible'. In this way would general prosperity be secured.

What of the thorny question of whether parliament should have one or two chambers? Again, Barni breaks with republican tradition by recognizing the merits of a second chamber – it allows for greater reflection in the discussion and passing of laws – even if he ultimately opts for the one-chamber option (Barni 1872a: 40–2). This, however, is on the pragmatic grounds that, in the present circumstances, a two-chamber arrangement might foster a return of 'aristocratic pretensions'.

Finally, it is Barni's reflections upon executive power that most clearly display the impact of the experience of Second Empire upon his thinking (Barni 1872a: 42–53). Executive power was to be subordinate to but not absorbed by the legislative power. Most importantly, everything had to be done to prevent executive power becoming a form of '*personal government*'. The Second Republic's system of electing a President via direct universal suffrage was therefore not to be re-instituted. Nor indeed did Barni recommend that the office of President should be continued. His preference was for a form of ministerial committee or *conseil d'état*, again not elected by direct universal suffrage, but chosen by the legislative chamber. To avoid an undue and debilitating dependence upon the latter the executive power was to be nominated for the same period of time as the parliamentary chamber.

## Conclusion

Here was a definition of the republican project that came to predominate amongst republicans from the 1870s onwards. How can we summarize the end point of this long process of evolution? Republicans like Barni sought to detach liberty from the threat of tyranny and dictatorship (in the shape of either Jacobinism and Bonapartism) and thus to ally it to a stable, property-owning democracy.<sup>15</sup> It provided republicans with a political programme that could appeal to an emerging new middle class and to a conservative peasantry. Just as importantly, it sought to de-legitimize radical and socialist understandings of liberty within republicanism. Within this discourse, equality came to mean an equality of rights rather than an equality of opportunity or, even less, an equality of outcome. It was understood as civil equality (principally equality before the law) rather than as an equality of wealth. In the key area of schooling, it meant that all pupils, irrespective of their beliefs, were to be treated in an equal manner and, increasingly, that education was to be perceived as the primary route to personal emancipation and autonomy. Having progressively removed all property qualifications, political equality existed in the form of universal male suffrage. Not until 1946 did the Constitution of the Fourth

Republic 'guarantee to women in all spheres rights equal to those of men'. Despite this grave anomaly, the State was under an obligation to treat all citizens equally; inequalities of treatment could only be justified in terms of the general interest. In institutional terms, it meant an acceptance of the separation of powers and a move away from the 'legicism' of the republican tradition. Executive power was not to be the direct expression of popular sovereignty.

The republicans, once they had secured political control of the Republic after 1879, introduced a series of reforms designed to enhance and protect the liberty of the individual citizen. These covered such areas as freedom of speech and of the press, the right to hold public meetings, as well as the key reforms which granted both the right to join a trade union and the right to strike. For this reason, this period has sometimes been regarded as the 'golden age' of republican liberties. A less glowing picture is revealed in Jean-Pierre Machelon's *La République contre les libertés?* (Machelon 1976).<sup>16</sup> On this account, the pursuit of stability and order meant that striking workers, anarchists, religious congregations and civil servants (not to mention women) felt the full force of State repression as the fundamental liberties of certain categories of individuals were disregarded in the name of social peace. The result was growing disillusionment amongst the working class movement and renewed hostility from the Catholic Church.

The preoccupation with social peace also produced its quintessential ideological expression in the shape of the doctrine of *solidarité*, most eloquently enunciated by Léon Bourgeois (Bourgeois 1904 [1896]). Bourgeois was no minor figure. Amongst his many public offices, he was minister for public instruction between 1890 and 1892 and again in 1898. In 1895, the year before he published *Solidarité*, he formed his own short-lived government. He later went on to be president of both the Chamber of Deputies and the Senate. The argument behind this new doctrine was that the concept of *solidarité* should replace that of *fraternité* in republican thinking, for the simple reason that, whilst the latter was abstract and metaphysical, the former could be scientifically grounded. The 'law of solidarity', which affirmed the 'reciprocal dependence' that existed between men, was 'universal'. Accordingly, from an observation of situations of reciprocity it would be possible to establish a 'theory of rights and duties' that was 'neither abstract nor subjective but concrete, objective, in line with the necessities of nature, and thus definitive' (Bourgeois 1904 [1896]: 83). All individuals would come to recognize the mutual debt they owed towards each other and through this it would be possible to secure an 'equitable distribution' of benefits and costs, rights and duties. 'Thus', Bourgeois concluded, 'the doctrine of solidarity appears, in the history of ideas, as the development of the philosophy of the eighteenth century and as the culmination of the social and political theory of the French Revolution' (Bourgeois 1904 [1896]: 156). What this meant, as

he subsequently made clear on several occasions, would have greatly pleased all those who in the 1790s had voiced their doubts about the political wisdom of using the language of rights: it was necessary 'to complete the declaration of the rights of man by adding a declaration of duties'.<sup>17</sup>

## Notes

- 1 See Sophie Wahnich, *L'Impossible citoyen* (Wahnich 1997).
- 2 Jacques Godechot (ed.), *Les Constitutions de la France depuis 1789* (Godechot 1995).
- 3 See Pierre Rosanvallon, *La Peuple introuvable: Histoire de la représentation démocratique en France* (Rosanvallon 1998).
- 4 On this concept see Jean Baubérot, 'La Laïcité', in V. Duclert and C. Prochasson (eds), *Dictionnaire critique de la République* (Baubérot 2002: 202–8).
- 5 See Jacqueline Lalouette, *La République anticléricale* (Lalouette 2002).
- 6 See Michel Borgetto, *La Devise 'Liberté, Égalité, Fraternité'* (Borgetto 1997); Mona Ozouf, 'La Révolution française et l'idée de fraternité', in *L'homme régénéré: Essais sur la Révolution française* (Ozouf 1989b: 158–82).
- 7 Louis Blanc, 'La Liberté', in *Le Nouveau monde: journal historique et politique* (Blanc 1850: 1–12).
- 8 Charles Renouvier, *Manuel Républicain de l'Homme et du Citoyen* (Renouvier 1904 [1848]). All quotations will be taken from the 1904 edition, published by Armand Colin: Paris. On Renouvier see Marie-Claude Blais, *Au principe de la République: le cas Renouvier* (Blais 2000).
- 9 See Blais (2000). For a sense of the conclusions reached by Renouvier, see Charles Renouvier and François Pillon, 'La doctrine républicaine, ou ce que nous sommes, ce que nous voulons', *La Critique philosophique, politique, scientifique, littéraire* (Renouvier and Pillon 1872).
- 10 See Philip Nord, *The Republican Moment: Struggles for Democracy in Nineteenth-Century France* (Nord 1995).
- 11 On Barni, see Hazareesingh (2001: 227–80).
- 12 Of this text, Hazareesingh comments that it 'was widely regarded as one of the most cogent intellectual formulations of the emerging new order' (Hazareesingh 2001: 228).
- 13 For a discussion of similar themes, see also Jules Barni, *Ce que doit être la République* (Barni: 1872b).
- 14 This is a theme powerfully evoked in Barni's *Ce que doit être la République* (Barni 1872b).
- 15 This perspective did not meet with universal approval: see Louis Blanc, *Histoire de la Constitution du 25 février 1875* (Blanc 1882).
- 16 This is not a view fully shared by Philip Nord. If he accepts that 'French republican culture concealed a hidden, authoritarian self', operating with what he terms 'certain exclusions', he nevertheless contends that in the areas of education and civil liberties the achievements of the Third Republic in this period were considerable. '[T]he Third Republic', he argues, was 'a democratic regime that sprang from and then nurtured a resurrected civil society': see Nord (1995: 246–53). See also Pierre Rosanvallon's fascinating discussion of these issues in *La Démocratie inachevée: Histoire de la souveraineté du peuple en France* (Rosanvallon 2000: 313–35).
- 17 This remark was made in a speech by Bourgeois in 1900, reprinted in the fourth edition of *Solidarité* (Bourgeois 1904: 234; see also 210).

## 5 Creating republican ceremony

### French Presidential funerals 1880–1940

*Pierre-Yves Baudot*

In 1936, Marcel Mauss, nephew of Emile Durkheim, engaged in a correspondence with Svend Ranulf where he placed responsibility upon the *Ecole Française de Sociologie* for the invention and success of Nazism. Mauss wrote that, by emphasizing the idea of collective enthusiasm, ‘Durkheim and his successors [of whom he was one] were the inventors of a theory of the authority of collective representation’. He argued that

We were content to demonstrate that it is in the collective spirit that the individual could find a grounding and thereby extend his liberty, his independence, his personality and his critical capacities. At bottom, we failed to take the extraordinary new resources into account.

(Mauss 1997: 766)

Four years later, Marc Bloch made the same point in his *Etrange Défaite*.<sup>1</sup> According to him, Fascism and the Republic had been in competition to control the energy of the crowd and to aggregate it around a political project. The defeat of the Republican project had allowed the victory of fascism. If we are to believe the founder of the *Annales*, whilst the objective of the two regimes was the same, their methods differed radically with regard to how they envisaged the relationship of politics to acts of celebration. ‘Hitlerism’, he wrote,

replaces persuasion by emotive suggestion. For us, we have to decide; either, in our turn, to turn our people into a keyboard which responds, blindly, to the magnetism of certain leaders (but which ones? The present crop lack sound waves); or educate them to be the conscious collaborators with the representatives that they have given themselves. At the present stage of our civilization this dilemma does not allow a middle solution ... The masses no longer obey. They follow either because they have been put into a trance or because they know.

(Bloch 1990: 177)

The responsibility for this defeat lay with the elites of the Republic who had not thought it 'worthwhile to enlighten the man in the street or the fields' and who had not given to the Republic 'celebrations truly open to all citizens. We left the field open for Hitler to resuscitate the old songs of triumph' (Bloch 1990: 199).

These two analyses derive from writers engaged in the elaboration of a republican political thought. Certainly the connection between their work as researchers and their political commitments is not difficult to discern. If Mauss and Durkheim declined officially to turn political analysis into an element of sociology – 'Politics is not a part of sociology', Mauss wrote. 'The two kinds of research are too intertwined today. We insist upon their separation' (Mauss 1969b [1927]: 233) – other followers of Durkheim such as Robert Hertz came to sociology indirectly as a result of their political opinions. According to his biographer Robert Parkin, Hertz first perceived social anarchy as the problem that would be resolved at one and the same time by sociology and by socialism (Parkin 1966: 6). Marcel Mauss published numerous articles in the interwar socialist daily *Le Populaire*, which disclose his political position and, as Christian Paupilloud has written, 'the relationship between sociology and politics in the work of Marcel Mauss immediately strikes all those in the least interested in understanding his life and work' (Paupilloud 2003: 3). Similarly, for Durkheim the links between his work as a sociologist and his political commitment are now well accepted. In 1893, for example, writing in *De la division du travail social*, he commented that 'this research would not merit an hour's attention if it did not possess some speculative interest' (Durkheim 1986: XXXIX).<sup>2</sup> Similarly, as a sociologist he did not hesitate to use his own concepts to understand the issues of his own time. This appeared clearly when he referred to differentiated and exotic societies in order to illustrate his notion of 'totem'.

The soldier who dies for his flag, dies for his country; but at the level of conscience it is the idea of the flag that is uppermost. Indeed it is the former that directly determines the nature of the action. Whether a regimental standard remains or not in the hands of the enemy will not determine whether the homeland is defeated but nevertheless the soldier will die in order that it might be retaken. One forgets that the flag is only a symbol, that it has no value in itself and can only recall the reality that it represents. It is treated as if it were itself this reality. From this, the totem is the flag of the clan.

(Durkheim 1994: 314)

The work and the commitments of these investigators – Hertz, Durkheim, Bloch and Mauss – placed them in the republican camp. Their sociological theories and their political writings sought to provide a definition of the republican order that combined individual liberty

with the social cohesion of the State. This perspective led them to examine festivals as occasions for creating or reanimating the latent collective links that united the individuals who made up a society to a political project, namely the Republic. How, therefore, was it possible that these investigators could themselves have believed that their own theories had encouraged fascism? In order to reply to this question, which itself raises issues concerning the putting into practice and the appropriation of sociological theories by the Republic, we need first to consider how, at a political level, it was thought that political ceremonials that were specifically republican facilitated social cohesion. Next, we will need to show that these theories were not in fact put into practice by the Third Republic in the years between 1880 and 1940. To do this we will focus upon the practices of the public burials of the Presidents of the Republic. This is not an arbitrary choice because, as I have shown at greater length elsewhere,<sup>3</sup> it can be said that these funerals ran the risk of 're-personalizing' the Republic. At issue was the capacity of intellectuals at the beginning of the twentieth century to give structure to a funeral rite that could define as republican a ceremony brought about by the death of an individual, when the republican idea was built around the disembodiment of power. As we will see, however, the agents of the State, obliged in theory to privilege the Republic in a ceremony where the body of an individual, the repository of power during his period of office, was at its centre, did not refer to republican ideology to guide their actions.

### **In search of a republican structure for funeral rites**

The Republic was re-born in France with the defeat of the Second Empire. At that moment it was but one solution amongst others as a political form that would allow the country to take its revenge and to reclaim the lost territories of Alsace and Lorraine. Thus, the enduring quality of the republican form in France depended upon its capacity to construct a social and political linkage that was sufficiently strong to elicit from citizens a sentiment of national belonging that would legitimize the possibility of 'dying for one's country'.<sup>4</sup> 'In the wake of the disasters of 1870–71', writes Chanut, 'the battle for power between monarchists and republicans rested upon the ability to demonstrate a capacity to rebuild the country and to provide it with order, prosperity and greatness' (Chanut 2000: 14). Of the various systems on offer, the Republic did not necessarily seem best placed to provide this political linkage. In the eyes of its detractors it had many weaknesses. For royalists in particular, the Republic lacked the linkage of personal dependence between the Head of State and the individual citizen. Philippe Ariès, historian of our collective attitudes to death and himself a royalist, took up this familiar criticism of the republican regime in 1957 when he wrote that:



The indifference of our contemporaries towards politics can be explained by, amongst other things, the absence of a connection between private life and political life. This is an absence that is ever more felt as the two become more distanced from each other, as private life becomes more intimate, more secret, and public life becomes more bureaucratic, more anonymous. Happy are the people who have preserved this existential relationship between the particular and the social!

(Ariès 1997: 111–12)

Similarly, the Republic had destroyed the corporatist linkages that had been the basis of society under the Ancien Regime. As Durkheim stated, the Republican State, which demanded that the individual who stood before the ballot box was ‘a man without qualities’, stripped of his social appurtenances, motivated exclusively by his own sense of the general interest, placed the individual and the State face to face. In other words, the creation of a political linkage, divested of its traditional supports, was not without its problems.

The necessity faced by the Republic to define a new form of political linkage, which could be qualified as republican and which would not draw upon early techniques of government, led Durkheim to announce the existence ‘of a way of allowing oneself to be guided which would not diminish our independence’ (Durkheim 1975 [1883]: 417). In other words, the individual, freed of his particularistic associations, could align himself with a political project without losing anything of his capacity for judgement. At the beginning of the 1880s, different views on this subject existed and those of Durkheim and the *Ecole Française de Sociologie* were just one set amongst many. In particular, the French sociologist was obliged to define his political and sociological position in contrast to the definition of the Republican project provided by Ernest Renan and Maurice Barrès. The speech of 1883, from which the above quotation was taken, can only be understood as a response to the elitism of Renan. To understand the criticisms addressed by Durkheim at Renan we need to return to the definition of the nation provided by Michelet. Based, according to Gabriel Monod (1894: 217), upon the cult of the dead, this perspective is characterized by its sense of dynamics. The identity of the nation is a work in progress built around the will to define a common future based upon the overcoming of past conflicts. ‘History’, Michelet wrote,

welcomes and renews its disinherited glories; it gives new life to the dead, resuscitates them. Its sense of justice associates together those who did not live at the same time, makes amends to those who lived but briefly before disappearing. They live now with us, who feel their parents and friends. In this way a family, a community between the living and the dead, is made.

(Michelet 1982: 267)

Compared to the definition provided by Michelet, the perspective advanced by Renan denotes a significant change. Whilst the former saw the nation in terms of its capacity to overcome differences – and especially differences in the past – between the individuals who composed it, Renan constructed his theory upon the principle that those who are dead define the unity of the country through their blood. By referring to the Spartan proverb ‘We are what you were’ he sought to construct national identity in terms of the continuity of past struggles:

The cult of our ancestors is the most legitimate of all: our ancestors made us what we are. A heroic past, great men, glory; that is the social capital upon which sits the idea of the nation. To have common glories in the past, a common will in the present; having done great things together and to want to do the same again: there are the essential conditions for a people.

(Renan 1995 [1882]: 240)<sup>5</sup>

Moreover, Renan’s perspective rests upon an undisguised elitism. For him it was not a matter of constructing a republican method capable of associating citizens to the State but rather that of inventing a system that would produce ‘great men’ whose genius would enlighten the labouring masses. ‘In brief’, Renan wrote,

the goal of humanity is to produce great men. Great works are accomplished by science and not by democracy. Nothing is achieved without great men, salvation is the work of great men. . . . The most important thing is not to produce enlightened masses but to produce great minds and a public capable of understanding them.

(Renan 1992 [1876]: 138)

If Renan defined the nation in a conservative way, it was Barrès who further distanced this definition from that provided by Michelet. After the defeat, the nationalist deputy only took into account the traditionalist dimension of Renan’s argument. The Nation was now defined only in terms of those who had sacrificed themselves for it. Barrès wrote:

Here is the assembly of France. Here are all the French. Not those people born of the same father . . . but those brought together over the centuries. There they all are, the most ancient and most recent arrivals, the Algerians and the Savoyards. And I see those missing, the empty seats of the representatives of Lorraine and of Alsace. This edifice has been watered with blood; it has flourished in a few geniuses.

(Barrès 1968: 107)

Heroic action produced these great men and the only meaning that can be attached to the actions of these heroes lies in the maintenance of heroic sentiment. The choice of political regime only mattered to the extent that it was a question of choosing the one that would best preserve the linkage between citizen and the State and between each citizen and his ancestors.

You would be mistaken in establishing patriotism for any length of time upon empty images that were good only for the exercise of oratorical skills and the deployment of deductive logic. You would do better to connect your efforts to a reality.

(Barrès 1899: 11)

The nationalism of Renan shut out the foreigner who had not participated in past struggles. Not having spilt his blood, he had still to pass the test. 'Let the foreigner', Barrès wrote,

first get to know us and through the roots that are born nourish himself through our land and our dead. The grandchildren will be French other than by a legal fiction. At the outset we should not impose responsibilities that are too great upon foreigners in order that we are not led to inflict too harsh punishments upon them. In recent years those that have recently acquired French nationality have much troubled the national conscience. This could be purified by a prudent law on naturalizations.

(Barrès 1899: 22)

Faced with this type of argument, Durkheim sought to define a form of relationship with the State that was not based upon the irrational and that was not limited to those who shared the same history. His statement of 1883, which should be taken more as a programme of research than the demonstration of a conclusion, led him to interest Robert Hertz, one of his students at the *Ecole Normale Supérieure*, in the question of funeral rites. The political implications of such a subject are self-evident. At issue was the possibility of proposing an alternative to the exclusive relationship with the land associated with nationalism and of inventing a new type of funeral ceremony. The preoccupations of the master thus coincided with those of the student. In a letter to his friend Roussel, Hertz wrote that 'Durkheim virtually forced me to write the article on death for publication' (quoted in Parkin 1996: 9). The analysis provided by Hertz, based upon secondary sources examining exotic societies, had the aim of showing, according to Jack Goody, how 'society ensured its own continuity in the face of the impermanence of its members' (Goody 1962: 26–7). How, in other words, societies could be more than the sum of their parts.

The article by Hertz did not so much focus upon the beliefs associated

with the survival of the soul as upon the definition that the living gave to the ritual itself. His thesis distinguished three stages through which passed the deceased and his heirs. The body was first placed in a coffin specially constructed so as to allow the disposal of the elements associated with the decomposition of the body and the coffin is removed far from the village. The members of the family are similarly isolated from the rest of the community, as during the period of decomposition they, like the deceased, are considered to be impure. But this first response of exclusion is redressed – and it is this which principally interested Robert Hertz – by a second funeral ritual. Whilst this can be contested, Hertz presented this second stage as being universal, as it allowed him to establish the structural element of funeral rites. This second burial annuls the threat that the death of one of their own poses to society. It transforms the deceased into an ancestor and reintegrates the living back into society. According to Hertz, this final ceremony possesses a triple function. These functions are: ‘to give burial to the remains of the deceased, to ensure the soul peace and access to the land of the dead, and finally, to free the living from the obligations of mourning’ (Hertz 1970: 54). The central point resides in the reparation of ancestors from the living, thus liberating the latter from all obligations to the former. In order to demonstrate this separation between the two distinct worlds, Hertz focuses upon the parallels between the practices attaching to these groups: the bones of the deceased and the bodies of the living are washed with the same attention. Thanks to this funeral ritual the living and the dead no longer belong to the same social unit. The contrary view, articulated by Barrès, assumes that the duty of the living is to maintain the continuity between the living and the dead. To quote Barrès,

it is not an exaggeration to say that the dead speak to us ... Our forefathers whose line we prolong transmit to us the accumulated heritage of their souls through the permanence of the action of the soil ... Every one of our acts which denies our soil and our dead forces us into a falsehood that neuters us.

(Barrès 1903: 244, 247)

Robert Parkin insists that, according to Hertz, until such time as the second burial has taken place ‘the deceased is not fully dead, and indeed he or she remains marginal, wholly in the world of neither the dead nor the living’ (Parkin 1996: 90). This means that, as described by Hertz, funeral rites have the purpose of affirming the links which exist among the living. Isolated individuals (those who are freed from obligations towards their genealogical roots and free in the sense that they freely accept the laws upon which society is based) are attached to a community because they share the same ritual involving the dead rather than because they share the same dead. The distinction is important. At the moment

when a community gathers together in order to celebrate the funeral of the deceased, it does not gather together around a body (which is decomposed) but around a soul. This dichotomy between the soul and the body receives its clearest expression in the Durkheimian definition of the first term. 'The soul', he writes, 'is nothing more than the totemic principle incarnated in each individual' (Durkheim 1994 [1912], quoted by Parkin 1996: 98). It is in this way that the collective communion of funerals is expressed through the collected principles embodied by each individual. Thus, the community celebrates itself through these ceremonies.

We can now understand the interest that the work of Hertz held for the work of Durkheim. The analytic schema rests upon the idea that the structure of the rite determines its efficacy. Both Hertz and Durkheim envisaged a ceremonial ritual premised upon the fact that the beliefs being affirmed did not arouse a collective devotion towards the individual but rather a set of fundamental values relative to the society under consideration. This structure, which within the Durkheimian framework was defined as 'republican', was conceived in opposition to nationalist theory. The living were no longer affirming their dependence towards their dead but towards the values which allowed them to live together.

The Durkheimian perspective did not seek to deprive the notion of national belonging of all emotional content, provided that its expression was sufficiently controlled so as to allow it to be directed towards such collective entities as the Nation or the State. As Mauss explained to Lucien Lévy-Bruhl, 'the term Nation is preferable to that of State not only because it is less juridical but also because it contains within it a certain affective resonance' (Lévy-Bruhl, quoted in Mauss 1969a: 572). This willingness, however conditional, to make use of the emotions during political ceremonies made the position of Durkheim, according to Hertz, 'seemingly bizarre' (Hertz, quoted in Parkin 1996: 185). The French sociologist in fact called on a number of occasions for the development of a public form of worship.<sup>6</sup> In his 1907 lectures at the Sorbonne as well as in the conclusion to *The Elementary Forms of Religious Life* he called for the organization of events which would allow the putting in place of this worship. As he wrote,

A day will come when our societies will know again those hours of creative effervescence, when new ideas will arise and new formulae will emerge to serve for a while as a guide of humanity; and when these hours have been experienced, men will spontaneously feel the need to relive them from time to time in thought, that is to say, to keep alive their memory by means of celebrations which regularly reproduce their outcomes.

(Durkheim 1994 [1912], quoted in Gephart 1998: 133)

This aspiration can only be understood to the extent that the ceremonies envisaged by Durkheim could be structured in such a way as to ensure the

collective celebration of the values established by the collectivity and brought together through the celebration. It is in this sense that the Durkheimian celebrations can be presented as being 'integrative'.<sup>7</sup> The emotions created during these national ceremonies did not serve to create a feeling of dependence towards an individual. The participants in these celebrations accepted their participation in the values upon which the ceremony was established. Therefore, by having broken the links that connected the living to the dead and by defining a ceremony directed towards the collectivity, the Durkheimians believed themselves to have succeeded in establishing a collective link that united atomized individuals, shorn of their geographical or familial roots, thereby allowing them as free individuals to accept the legitimacy of the State. Marcel Mauss was thus able to write in 1920 that the Republic had become 'self-conscious, self-reflective' (Mauss 1969a [1920]: 593).

### The impossible republican practice of saying farewell

By making themselves in part responsible for the rise of Nazism and for the French defeat of 1940, Marcel Mauss and Marc Bloch undoubtedly overestimated the part played by their writings in the putting into practice of the republican idea in France. What Bloch drew attention to was the absence of any real attempt to put the Republic in France into practice rather than the failure of the republican idea itself. A series of different factors can be cited by way of explanation. The failure to give proper political expression to Durkheimian thought would be one of them.<sup>8</sup> However, following Bloch, it might serve us better to reflect upon the manner in which the regime presented itself in practice. Thus, by focusing upon the manner in which the funerals of a President of the Republic were devised we can see that republican ideology – defined as a regime built upon a disembodied power<sup>9</sup> – acted at best as a constraint that limited the options available as justifications for the actions of the State. By looking at the workings of the *Bureau du Protocole* of the French Ministry of Foreign Affairs, which, along with other ministerial offices, was responsible for the organization of these funeral arrangements, we can show the constraints that determined the undertaking of these activities.

The Protocol office at the *Quai d'Orsay* only became independent of the Diplomatic Archives section, with which it originally formed a single unit, in 1872. The joining together of these two activities can be explained by the fact that the staff of the Protocol section made frequent reference to the archives. Even today, the two sections are brought together under the direction of the Minister in charge. The recourse to precedent on the part of the Protocol office is easily understood. It was the respect for tradition that allowed protocol to act as a political symbol. Under normal conditions it was essential that protocol should be directed by individuals who perfectly understood the demands of tradition. With few exceptions, these

customs were little theorized and were largely the result of lengthy familiarity with previous practice. Correct forms of procedure were reproduced to the extent that fidelity to the demands of past precedent was deemed a necessity. When he took up his post, Armand Mollard received the advice that he 'should draw inspiration from the traditions left to you by the distinguished superior under whose orders you began your career and whose memory is dear to you'.<sup>10</sup> The familiarity of the person with the activity was necessary for the appropriate performance of the function.

These requirements explain the pattern of recruitment and the career structure of those who worked in the Protocol office. They have the particularity of staying at the head of this service for longer than they performed their other duties, and in many cases of having climbed up through the ranks (see Table 5.1).

Reference to precedent by the protocol service of the Quai d'Orsay therefore amounted to the pursuit of good practice, whether it was taken from the past or abroad. For example, with the death of Sadi Carnot, the staff of the Protocol section had no previous example of the assassination of a President of the Republic to draw upon. They therefore asked their ambassador in the United States to inform them about the arrangements put in place for the funerals of Lincoln and Garfield, both of whom had died in office. This enquiry led to the sending of a circular to all French outposts abroad with the aim of securing their participation in the act of national mourning. This initiative was not anticipated in the texts governing public acts of mourning in France (specifically articles 310 and 330 of the decree of 4 October 1891). This example might lead us to believe that republican rituals, by refusing to consider the funerals of the kings of France as acceptable models, broke with the past practices associated with the ceremonies of monarchical mourning. This conclusion is tempered by an awareness that the civil servants responsible for the organization of funerals sought examples of good practice by consulting the archives of the Empire. The accounts section of the Ministry of the Interior, for example, at the time that it was preparing its request for the exceptional funding required to cover the costs of the funeral, interested itself in the manner in which funerals were arranged under the Second Empire.

If we refer to Marc Bloch's observation that tradition, when passed on from generation to generation through the reproduction of a body of specialists, forms a kind of 'collective memory' (Bloch 1925: 79), we understand that the status of the Protocol Bureau allowed the putting in place and the transmission of a body of knowledge governing procedure. This administrative organization ensured the reproduction of administrative practices and, through this, prevented the development of a funeral ceremony that was in structural terms genuinely republican. The bureaucratic functioning of the Republic combined with the constraints determining good practice within the Protocol service made impossible the development of new ceremonials. Republican burials were therefore

*Table 5.1 Careers of directors of protocol in France (1893–1940)*

<i>Name</i>	<i>Start of career</i>	<i>Period in office</i>	<i>Previous position</i>	<i>Next posting</i>	<i>Reason for leaving</i>	<i>Date of end of career</i>
<i>Félix de Bourqueney</i>	1871 (but took up post in 1886)	Sept. 1893–Apr. 1895	Reporting to political leadership	French consul at Sofia	Protocol error	1902
<i>Philippe Crozier</i>	1881	Apr. 1895–Sept. 1902	Resident Minister in Luxembourg	French Legation in Denmark	French Legation in Denmark	1912
<i>Armand Mollard</i>	1881	1902–13	Assistant chief of Protocol	Minister plenipotentiary to Luxembourg	Promotion	1925
<i>Richard Martin</i>	1889	1914–19	Director of affairs of the Chancellery and administrative legal department	Minister plenipotentiary of the Republic to Lisbon	Promotion	1925
<i>Pierre Beq de Fouquières</i>	1896	1920–37	Attaché to the Protocol service	None	Retirement	1940
<i>Maurice Lozé</i>	1905	1937–41	Assistant chief of Protocol	None	Retirement	1941

Note

This table is based on the personal dossiers of Directors of Protocol deposited in the Archives at the Quai d'Orsay. Records prior to 1893 and after 1940 were not available for consultation or are missing.



at best a repackaging of practices borrowed from the past. They neither instituted a decisive break with traditional practices nor produced a space between the public and the private. They did not aim to develop new structures for ritual and therefore to symbolize and to create a new political linkage between the governed and the governors, a linkage which would be based upon the rational acceptance by the citizens of the principles and values of the regime.

## Notes

- 1 On the relations between the Durkheimian school and the co-founder of *Annales* see Rhodes (1978).
- 2 See Mucchielli (1998: 158–62) and Filloux (1987: 5–72).
- 3 This chapter is based upon research for a doctoral thesis at the Université Paris I Panthéon Sorbonne devoted to the funerals of the Presidents of the Republic between 1887 and 1996.
- 4 See Kantorowicz (1951).
- 5 On this see Noiriél (2001: 95).
- 6 On the importance of Republican ceremonials in the development of Durkheimian thought see Davy (1919); on the confusions associated with the promotion of such acts of public worship see Isambert (1992).
- 7 See Ozouf (1989a) and Ben Amos (2000: 29).
- 8 See Mucchielli (1998: 522–3); Donzelot (1994: 73–120) and Müller (1993, Vol I: 133–4).
- 9 See Nicolet (1994).
- 10 See *Archives du Ministère des Affaires Etrangères* (Paris: Dossier Armand Mollard, 1088, 5 May 1902).

## 6 Seán O’Faoláin’s discourse of ‘the betrayal of the Republic’ in mid-twentieth century Ireland

*Mark McNally*

Republicanism and the republic have occupied a central place in the daily discourse of Irish politics since at least the period of the French Revolution. Yet the recently renewed interest among political theorists in the genesis and longevity of republican ideas – of which this volume is yet further testimony – has paid scant attention to Irish republicanism. While two Irish theorists, Philip Pettit and Iseult Honohan, have now made significant contributions to the theoretical debates, their work contains little if any reference to writers in the Irish republican tradition (Pettit 1997; Honohan 2002). How can this concerted lack of interest in the development of Irish republican ideas, even among Ireland’s homegrown theorists, be explained?

Richard Kearney has offered one persuasive answer to this particular anomaly. While acknowledging that Irish republicanism certainly owed its genesis to the influx of Enlightenment ideas into radical circles in Ireland at the end of the eighteenth century, Kearney nonetheless argues that throughout the nineteenth century, and particularly after the Great Irish Famine (1847–51), it quickly descended into ‘a version of separatist nationalism’ fuelled more ‘by everyday practical struggles against the local tyranny of bailiffs, landlords and battering-rams’ than ‘a visionary project for a new world’. ‘More colonial rebellion than radical revolution: it knew what it was *against* rather than what it was *for*’ (Kearney 1997: 36). It is not surprising in the light of Kearney’s comments that today’s Irish theorists find very few harvests to reap in the intellectual field of Irish republicanism.

However, one is bound to wonder if the overbearing hegemony of the colonial paradigm – whether accepted or contested – has not led historians and theorists alike to concentrate their gaze too rigidly on the ideological battle between Ireland and Britain. The question arises whether a strand of republican thought – however thin – has not endured in the nationalist tradition from the undisputed republicanism of the United Irishmen in the 1790s, through the nominally republican Young Irelanders (1840s) and Fenians (1860s) of the nineteenth century, up to the 1916 Declaration of the Republic and the War of Independence (1919–21) in the twentieth century; the key events in the foundation of

the Irish Free State in 1922 which subsequently declared itself a republic in 1949. If nothing else, the consistency of the language of republicanism merits closer scrutiny.

In this chapter I hope to take a step towards demonstrating that there are at least some grounds for doubting that the authentically republican ideas of the United Irishmen were completely eclipsed by anti-colonial nationalism in Ireland by focusing on the polemical writings of the dissident republican intellectual, Seán O'Faoláin, in 1940s Ireland. Here it will emerge that O'Faoláin clearly viewed his alternative vision for Ireland as not only in the republican tradition of the United Irish Movement of the 1790s, but, crucially, also in the tradition of the original Sinn Féin movement, with both these local manifestations of republicanism owing their ultimate genesis to the very same Classical, Renaissance and Enlightenment sources that contemporary republican theorists have looked to in seeking to revive and modernize republican theory. In O'Faoláin's opinion, consecutive Irish Governments had betrayed the republican ideals for which the War of Independence had been fought in Ireland, and it is in this discourse of 'the betrayal of the Republic' which O'Faoláin's republicanism will be explored.

It should be acknowledged from the outset, however, that no systematic theory of republicanism is revealed in O'Faoláin's work, since his writings were primarily of a creative and critical genre. Blair Worden has noted of Milton that behind the 'rhetoric' of his work 'we would search in vain for a systematic republican theory', and, citing J.G.A. Pocock, he defines Milton's republicanism as 'a language rather than a programme' (Worden 1990: 227). Given that O'Faoláin, like Milton, was also primarily a creative writer, it is precisely as a 'language' or 'a discourse' that we should view his republicanism too. This should not, however, blind us to the ways in which O'Faoláin's republican discourse, like republican theory, incorporated key values in the republican canon such as liberty, equality, civic virtue and participation. As Per Mouritsen has reminded us in Chapter 2 of this volume, the interpretation of the central value of liberty and its relationship with other republican values (mainly participation) has led to a common distinction being made in the recent literature between neo-Roman (instrumental) republicans and those of the civic humanist tradition who trace their roots back to Aristotle. While I do not propose to revisit the debate on where the exact parameters lie between these two schools of republican thought, in the course of this chapter it should emerge that O'Faoláin is not easily placed into either school as he clearly borrows ideas from both. While the approach adopted here, given the nature of O'Faoláin's critique of the Irish State, can only be a thematic one, my intention will nonetheless be to draw out the correlation between the rhetoric of O'Faoláin's attack on the Irish State and the key republican values of liberty, equality, civic virtue and participation. The hope is that in the course of this chapter it will become clear why O'Faoláin's

work is best understood as part of a wider European liberal republican tradition, and indeed, where his work stands in relation to contemporary definitions of republicanism.

It was mainly from the platform of the social and literary journal *The Bell* (1940–54) that Seán O’Faoláin launched his ideological crusade against the conservative nationalism of the Irish state, calling for a renewal of a republican faith, which the Fianna Fáil leader, Eamon de Valera, along with ‘associates’ inside and outside his own party, had, he claimed, shamelessly abandoned. It is essentially this ideological project that concerns us here, and particularly O’Faoláin’s attempts to force the issue of ‘the Republic’ back on to the agenda of Irish politics at a time when most believed that the 1937 Constitution had laid this acrimonious debate to rest. Article I of that Constitution had declared the state a republic in all but name. That title, according to its main architect, Eamon de Valera, would await the addition to the Southern State of Northern Ireland, over which Article II had laid a *de jure* territorial claim, even if Article III recognized the State’s *de facto* inability to legislate there. These three articles taken together seemed to bring at least some closure to the whole issue of sovereignty and the North, which were largely responsible for a bloody civil war (1922–23) in the early years of the State as the nationalist movement split between Treatyites (Cumann na nGael, later to be Fine Gael) and Anti-Treatyites (subsequently the basis of Fianna Fáil). The Treaty in question was the 1921 Anglo-Irish Treaty, which offered Southern Ireland dominion status within the British Empire but confirmed the right of Northern Ireland to remain separate and part of the United Kingdom. Although a majority of the nationalist movement and the Irish people had originally voted in support of the Treaty, de Valera and his followers had never accepted the compromise it entailed for their original goal of a 32-county sovereign Irish republic. They had spent the late 1920s portraying themselves as the true Irish republicans, railing against a governing party of corrupt and fallen republicans in thrall to England. By 1932, Fianna Fáil had won a sufficient number of Irishmen to their position to take power and, in defiance of the British State, to begin the work of removing those articles of the Treaty that offended republican principles, and the 1937 Constitution represented the limits of this project. In the aftermath of the ratification of this Constitution, Fine Gael quickly came to terms with the constitutional status quo, and indeed, it was a Fine Gael Prime Minister who was eventually to declare the state officially a republic in 1949 when Fine Gael returned to power in a multi-party coalition, thus going some way to lay to rest the enduring suspicions that had existed about the party’s republican credentials (Lee 1989: 300). But it was precisely this narrow interpretation of republicanism, as essentially a political philosophy, which meant little more than complete independence from Britain in political, economic and cultural terms, which O’Faoláin sought to challenge. O’Faoláin, in particular, set out to widen the parameters of

the debate, drawing on a range of carefully selected – if at times tendentious – republican sources that might prove useful in his efforts to expose what he saw as the gaping abyss between republican theory and what passed as republican practice in the Ireland of his day.

It was particularly in the writings of the United Irish leader, Theobald Wolfe Tone (1763–98) – the recognized founder of the republican tradition in Ireland – that O’Faoláin found one useful ally whose Enlightened, liberal and humanist republican principles could usefully be deployed against the ideology of the state.<sup>1</sup> In an article in *The Bell* in November 1946, O’Faoláin thus claimed of Tone’s revolutionary diary that ‘it and he are the only sensible definition that exists of what Irishmen mean today when they talk of being republicans’ (O’Faoláin 1946: 106). While recognizing that Tone had failed to define his ideals in any comprehensive manner, he nevertheless drew on the fact that his republicanism was a product of the Enlightenment to highlight the disparity between his political thought and the ‘counter-Enlightenment’ forces he saw at work among the nationalist political elite of his day:

[W]hat Tone would have said had he been first president of an Irish Republic, nobody knows because he has not told us. But from the nature of the man we can see the kind of life that would have pleased him and the things (for example) in this modern Ireland that he would not have tolerated, such as the least sign of sectarianism, Puritanism, middle-class vulgarity, canting pietism, narrow orthodoxies whether of Church or State. One feels that his laughter and his humanity would have blown all these away, would have defined political liberty not merely in terms of comfort but of gaiety and tolerance and a great pity and a free mind and a free heart and a full life.

(O’Faoláin 1946: 109)

Tone’s vision of a ‘political liberty’, which brought ‘gaiety’, ‘comfort’, ‘a free mind’ and ‘a full life’ was, according to O’Faoláin, exactly what the contemporary *Republican Party* (Fianna Fáil) and its leader, Eamon de Valera, had abandoned and the article thus concludes with a call to renew this republican faith:

Ever since 1922, there has been a sly campaign, conducted by all the same shabby genteel forces that he (de Valera) himself disliked so much, – revived under new forms, new names, – to draw us away from Tone’s presumably dangerous concept of republicanism, that he, like so many rebels had not the time to elaborate. He introduced Ireland to the word. If that word means anything to Ireland it means what it meant to him. It means the flash and thunder of other words that lit his mind and lit the mind of dying Ireland, and for which, poor ragged Irish peasants fought and died – *France, la République, le serment*

*de la liberté* – the beginning of a great and generous experiment in human happiness fluttering and falling, like seed from the sower, under the Republican tricolour, into the poor soil of Mayo. We could do worse than go back to those beginnings.

(O’Faoláin 1946: 114)

This theme of ‘the betrayal of the republic’ was to set the scene for much of O’Faoláin’s criticism of the Irish State in the period we are concerned with here. It is, however, only when we excavate this critique further that we become more acutely aware of O’Faoláin’s much richer concept of a republic than that of the contemporary political elite, and indeed, the quite obvious gap that existed between his republican vision and the reality of the policies of successive Irish governments. It will simply not do, however, to accept O’Faoláin’s account of the nature of the republicanism of the Irish State unreflectively, given his obvious and understandable ideological interest in exaggerating its perceived weaknesses. My approach from here onwards will therefore be one of prefacing O’Faoláin’s critique of state policy with a more general account of each policy. Moreover, in keeping with Kearney’s view of the colonial dimension to pre-independence Irish nationalism, a particular emphasis will be given to post-colonial interpretations of policies (particularly in relation to culture) of the early governments of independent Ireland as one useful way of theorizing their agendas.<sup>2</sup>

According to the political and cultural historian Margaret O’Callaghan, ‘the first Irish Government had their mentality formed by Gaelic revivalist ideas’ (O’Callaghan 1998: 154), and consequently an array of educational and administrative policies were quickly introduced after independence to promote and re-instate the Irish language as the first language of the Irish nation. In 1932, when Fianna Fáil came to power, the momentum on the language issue was maintained, with Irish (Gaelic) becoming a compulsory school subject in 1934 and the 1937 Constitution declaring the state bi-lingual with Gaelic as its ‘first official language’. ‘The Irish language, like the Catholic religion, was a badge of identity which set apart what Ireland had been in the United Kingdom from what it should be after independence’ (Fanning 1983: 79–82). What such policies amounted to in effect was that project of ‘essentializing the native’ so typical of post-colonial nationalism (Fanon 1965: 167–89), rather than republicanism, and indeed, its emergence in early twentieth century Ireland largely anticipated similar policy trends in the more recently liberated former colonies of Africa and Asia (Kiberd 1995: 4).

While O’Faoláin had found the Gaelic Revival movement in language and in literature inspirational in the struggle for independence, he was soon to maintain that the manner in which Gaelicization was being pursued in the Southern State was actually acting as a barrier to the republic. Foremost among O’Faoláin’s concerns was the threat this policy

represented to *liberty*, which he believed was severely curtailed by policies aimed at cultural homogeneity in a state where only about 17 per cent of the population were now native Irish speakers, and the long years of Ireland's colonial past had produced a hybrid people influenced by Norman, Scottish and English culture as well as Gaelic. What is particularly interesting in O'Faoláin's critique of this policy in defence of liberty is that he seems to span both republican traditions in his application of this key concept by interpreting liberty not only negatively, as non-interference (instrumental republicans), but also positively, as a value that implies self-expression and self-realization (Aristotelian republicans).<sup>3</sup> In the following condemnation of Gaelicization we thus find this mixture of opposition to state interference and a demand for free and 'natural' self-expression that is consistently present in O'Faoláin's interpretation of liberty:

They are trying to block or thwart the natural development of our people. They are trying to squeeze us, as the feet of Chinese women used to be squeezed, into an ideological shoe. . . . To such lengths will this curious Procrusteanism go that even what we have of true Gaelicism is itself liable to mutilation.

(O'Faoláin 1942b: 79)

At his most vitriolic, O'Faoláin was actually capable of accusing the State of attempting 'to discover in the old Gaelic World a model, a master type – rather like the National Socialist mythology of the Pure Aryan – to which we must all conform' (O'Faoláin 1944b: 186), but it was as much the policy's lack of equality (or inclusivity) rather than liberty which O'Faoláin concentrated on, given that in reality the State had taken few coercive measures actually to impose the language or Gaelic culture on individuals.<sup>4</sup> Here, it was the descendants of the original colonists whom O'Faoláin sought to defend, pointing out the huge contribution or 'gifts' the Anglo-Irish and the Ulster Presbyterians had made to Ireland, including the fact that it was intellectuals and political leaders of both these traditions who had introduced republican ideas into the country (O'Faoláin 1947a: 83–94). O'Faoláin believed that the State was in fact excluding these minorities by pursuing the language agenda too rigorously; to Gaelicists such as Daniel Corkery (who described Anglo-Irish writers in English as 'colonial') and Michael Tierney (who claimed that republicanism should be rejected since it 'was essentially a product of the English mentality'), O'Faoláin replied that 'The test of a true national spirit is whether it is inclusive' (O'Faoláin 1943a: 427). In demanding inclusive government policies O'Faoláin was merely echoing a republican principle which Quentin Skinner has shown to be as old as Cicero, and one which re-emerged emphatically in the writings of the lawgivers of the city-states of pre-Renaissance Italy and later in the work of Machiavelli. For Skinner,

these writers were all agreed with Cicero that the magistrates in a republic 'must look after the welfare of the whole body politic' and that the surest way 'to introduce sedition and discord into a city is to look after the interests of only one part of the citizens while neglecting the rest' (Skinner 1990b: 130). While O'Faoláin's republican position here is evident in his opposition to a policy that he saw as factional (i.e. not in the common interest), and thus inimical to equality, it should be noted, nonetheless, that he did not see this sectarian approach as a threat to the security of the state – as the above writers clearly did – since an overwhelming majority of the Irish population were in favour of, or indifferent to, Gaelicist policies.

A final criticism of Gaelicization in O'Faoláin's discourse was one which drew on more advanced republican arguments on the necessity for *virtuous* and *rational* governance. In the world of the classical republics this had implied that citizens, in fulfilling their public duties, were required to act rationally and independently in the interests of the common good and this could be guaranteed only if these were educated men (women were excluded), well-versed in the humanist arts of oratory, poetry and writing. Enlightenment republicans such as Thomas Paine – whose work was widely read in the circles of the United Irishmen – also revived this humanist dimension of classical republican thought by condemning governments founded on power, Burkean tradition or the Divine Right of Kings, which he derided as 'superstition' and 'priestcraft'. Indeed, for Paine, the only state that was founded on *Reason* was the republican state that was conducted in 'The common interest of society and the common rights of man' (Paine 1996: 35). Just as Enlightenment republicans viewed their philosophy as a project of liberation of the human mind from the superstition of religion and tradition in the interests of reason and the common good, O'Faoláin also saw his support for a republic in a similar light, condemning Ireland's fixation with the past, and especially the Gaelic past, which he believed had led to the abandonment of Tone's dream of a modern Irish republic with an enlightened rational and independently minded populace who could play a full and vital role in the development of the new nation. 'The antique Gaels', he argued, 'never heard of and would have fought to the death against the idea of a Republic and all it connotes' and he castigated the 1916 rebels, Patrick Pearse and James Connolly, for having given credence to this 'absurd and impossible' idea of an 'Ancient-Modern-Republican-Gaelic-Nation' by suggesting that Gaelic society had been a 'democratic paradise' (O'Faoláin 1944b: 190–1). O'Faoláin declared the Gaelic world to be, on the contrary, 'absolutely undemocratic', and indeed, he maintained its absolute poverty for the modern humanist given that 'it had no philosophy, no science, no metaphysics, virtually no sculpture, an undeveloped architecture, no theology, no drama, no criticism, no painting, hardly a dish, not a wine' (O'Faoláin 1945: 766). To present this antique world, which had aborted



three hundred years ago, in any other light was, for O'Faoláin, 'to go on myth making long after the age of myths' (O'Faoláin 1944b: 195), and to suggest that this world could be recovered was to submit to the 'tyranny of tradition' – a 'fake tradition' – and reject the humanity and liberty of a modern republican state (O'Faoláin 1941a: 5).

A second aspect of the ideology of the new Irish state which incurred the criticism of O'Faoláin was its commitment to, and extolling of, a rural way of life. This was once again not unrelated to the post-colonial dimension of the new Irish State, lauding a version of 'the ideal Ireland' which 'consisted of small farms and small towns – the antithesis of urban and industrial Britain' (Daly 1998: 78). While other European nations were hastening to industrialize, Irish Governments were totally preoccupied with the concerns of rural Ireland. In one respect, this was hardly surprising in a country where two-thirds of the population lived outside the town in 1926 and 53 per cent of its productive workforce were employed in agriculture (Fanning 1983: 72). However, it is clear from the Minister of Agriculture, Patrick Hogan's declaration that agriculture 'would remain the most important industry in the Free State' (Fanning 1983: 76), and de Valera's much cited later remarks commending the virtues of bucolic life<sup>5</sup> that many of Ireland's political elite did indeed see rural Ireland as the essence of the Irish nation.

O'Faoláin's critique of this nationalist penchant for a romanticized pastoral Ireland was also one that was cast in his central discourse of the 'betrayal of the republic' as he derided de Valera's idealization of rural Ireland and claimed that republicanism had always preferred the city over the heath as the environment where men can achieve a genuine liberty in exercising the whole range of their human capacities at the heart of an energetic political community. O'Faoláin saw the origins of this myth of the 'Noble Peasant' in nineteenth century romanticism, which he challenged in the humanist terms of a republican tradition that required an educated and intellectually vibrant populace as constitutive of *civic virtue* and a bulwark for the maintenance of liberty in the republic. Pouring scorn on these 'Simple Lifers', O'Faoláin accused their chief exponent, the Taoiseach, Eamon de Valera, of 'weak mindedness' in 'presenting us with a (would-be) lyrical picture of an Ireland that should count herself rich if rich be no more than the virginal simplicities of the poor but honest twenty-five acre farm'. Their answer, he continued, 'comes properly out of the century in which this romantic abstraction (for that is all it is) of the Noble Savage and the Gallant Peasant first saw the light of day' when, according to O'Faoláin, Dr Johnson referred to it as a 'brutish' and a 'gross absurdity' (O'Faoláin 1942a: 1). Interestingly, O'Faoláin does not, however, leave the argument at that. But once again he sketches an alternative humanist vision for his countrymen which he now relates for the first time with that other republican value of *participation*:

[W]e must agree that no view as to the splendid development of our country can dispense with the humanist concept of life – with man's natural ambition to participate in all that can enrich him in nature and in history, with man's efforts to exploit all his human potentialities, to make the powers of the physical world the instruments of his freedom, to develop his reason and employ his creative powers to the utmost.

(O'Faoláin 1942a: 1–2)

In a later editorial for *The Bell*, O'Faoláin returned to this issue, now giving participation a much more political slant and openly claiming that the nationalist political elite in extolling the simple life of the 'plain people of Ireland' were attempting to prevent the development of an educated, independently minded populace who could form the basis of a real and effective democracy. Drawing on a line of democratic heroes from Irish history such as Tone, O'Connell, Davitt and Parnell who had succeeded through the mobilization of a *politicized* people, O'Faoláin posed the rhetorical questions: 'Why, one asks, are the people suddenly become plain? . . . Is there a desire abroad that we should be artless and simple-hearted, as guileless as children, as simple as the dawn?' (O'Faoláin 1943c: 4). The answer is not withheld long from the reader and it is significantly related to a raft of state policies which O'Faoláin clearly sees as complementing the 'plain people of Ireland' doctrine in an effort to block the way to a genuinely enlightened republic:

We are all involved in the conspiracy to foster this modern illusion. It is part of the Celtophilism manufactured by Civil Servants in that Murder Machine known as the Department of Education, with their fairy-tale textbooks on history and their quite unrealistic school readers. The spurious picture drools out week after week on the radio, where nobody is allowed to discuss anything frankly. And this Arcadian fairy-tale has been further protected year after year by the banning of every book that denies it, so that today, almost every known Irish author is safely on the list of the damned.

(O'Faoláin 1943c: 6)

Once again O'Faoláin concludes this article with a call for the establishment of a genuine *res publica* which seeks to prepare and involve its people in the governance of the state rather than idealizing and inventing a tradition of a passive, simplistic Gaelic peasantry. For O'Faoláin, the latter was to conjure out of existence 'the political people' without whom Ireland's great historical nationalist leaders would have been rendered impotent. His call to the republic is thus delivered here in the Aristotelian tradition of a *political liberty*, based on participation and the ideal of 'collective self-rule among equals' which would of course require, in Aristotle's terms,

that ‘the good citizen must have the knowledge and the ability both to rule and to be ruled’ (Honohan 2002: 24). He therefore attacked the attempts to strip the people of their right to political liberty, claiming:

There is an effort being made here to ‘take the harm’ out of political history by pretending that it does not exist or function. There are plenty sentimental or self-seeking men here who would like to forget the political People – the men and women of Tone, of O’Connell, of Davitt, and Parnell, and Collins, and to put up instead of them, an incoherent helpless mass with no political integration and no political pedigree. Man is essentially a political animal. He can only live in political societies. If we do not persist in seeing our people politically we shall fall back into that chaos of our history which O’Neill failed to hammer into a shape, but to which Tone and O’Connell, and Davitt, and Parnell, and Collins gave a form when they made The People a definition. It would be a betrayal and a calamity to dissolve that bond which the generations have so painfully welded.

We are all plain people. The question is how many of us are with *The People*?

(O’Faoláin 1943c: 7)

One of the key conspirators with the nationalist political elite in this effort to sustain a powerless and passive people and thus thwart the way to a genuine republic was, according to O’Faoláin, the Catholic Church. In Ireland, republicans had historically enjoyed a particularly hostile relationship with this institution and O’Faoláin was no exception. He had in fact been excommunicated in 1922 with de Valera and the rest of those republicans who refused to compromise with the British or the majority of their countrymen – supported by the Church – on the issue of the integrity and independence of the Irish republic. ‘Riff-raff, scum, looters and murderers’ were just some of the inglorious epithets which the Catholic Church bestowed on the Anti-Treatyite republicans at the time (Harmon 1994: 56). Once again the post-colonial dimension of the nationalism of the early Irish State was in evidence here, as the support of the Catholic hierarchy served not only to consolidate the legitimacy of the state among a deeply divided people but also to distinguish that state from its ‘Protestant’ or even ‘Pagan’ mother country, Britain. John Whyte has pointed out how successive governments ‘proved willing to use the power of the State to protect Catholic moral values’ (Whyte 1980: 36) and introduced a series of laws<sup>6</sup> promoting Catholic social policy, which culminated in the acknowledgement of the Church’s ‘special position’ in the State in de Valera’s 1937 Constitution. In Whyte’s view, the Catholic moral code had by this stage become enshrined in the law of the State (Whyte 1980: 61), although it should also be noted that the same Constitution recognized the rights of religious minorities, including the Jewish

faith, at a time when much of the rest of Europe was drifting towards fascism.

O'Faoláin's critique of this cosy relationship between Church and State was also couched in a language of republican values that demanded government in the common interest, the avoidance of faction and the development of a materially and intellectually independent citizenry as a condition for the flourishing of the whole community. O'Faoláin, like many republicans before him, saw the subservience of Ireland's political elite to the wishes of a Catholic hierarchy that had formerly disowned them as a further betrayal of the republic. His main charge against this nefarious relationship between Church and State was the familiar and long-held republican belief that government could not possibly be conducted in the common interest where the sovereignty of the people was compromised by a Church which set itself up as a second source of political authority in the state. This was a continuing theme in O'Faoláin's writings of the 1940s, and when a government minister was forced to resign by his colleagues in 1951 because the 'Mother and Child' health scheme he was preparing to introduce ran up against the moral disapproval of the Church, O'Faoláin set out the republican position for the first time in very stark and polemical terms. 'No country', he claimed, 'can be ruled democratically by two parliaments. . . . Here in the Republic . . . we have two parliaments; a parliament at Maynooth and one in Dublin.'<sup>7</sup> O'Faoláin did not deny the Catholic hierarchy the right to comment on government policy 'provided that in the end that it is the parliament that freely decides'. However, he condemned the fact, which was clearly illustrated by the scandal, that the hierarchy was actually consulted on policy before the elected assembly of the people. This led O'Faoláin to the conclusion that Ireland had 'a form of democracy unlike any other in the world, that is to say, the supreme power is not here in practice – which is what matters – vested in the people's parliament. It is vested in the Second Parliament' (O'Faoláin 1951: 6–7). This was an understandably exaggerated assessment of the real relationship between Church and State in Ireland, given that his obvious aim was to cause as much trouble as possible for both parties in this unhealthy alliance. Predictably, a complete divorce was O'Faoláin's recommendation, and he later argued that this is 'something on which everybody should (but doubtless won't) be glad to agree . . . that the domain of the Church and the domain of the State are disparate' (O'Faoláin 1953: 527).

O'Faoláin was also quick to seize on what he regarded as the blatant factionalism in the Irish State which the 'Mother And Child' scandal had exposed. Wolfe Tone's political creed was that of replacing the sectarian epithets of Protestant, Catholic and Dissenter with the common name of Irishmen, and, indeed, de Valera's 1937 Constitution had guaranteed freedom of conscience and equal rights for all regardless of religious affiliation. But O'Faoláin now claimed that 'that part of our constitution which

gives equal liberty to all is poppycock'. 'Why', he asked in relation to the consultation of the Catholic hierarchy on government policy, 'should we not also give the same rights to say, the Protestant Hierarchy; or to the Presbyterian Synod ... or to the Trades Union Congress?' (O'Faoláin 1951: 6–8). For O'Faoláin, there was no justification for such a factional approach to policy formation in a republic, not even in a state like Ireland where the Catholic faction amounted to over 90 per cent of the population. He thus extolled the anti-sectarian, republican creed of Tone in his writings, echoing the central philosophy of the United Irishmen:

I never think of myself in relation to Ireland as a Catholic at all, and I strongly resent being compelled to think of myself as a Catholic, or of seeing other people compelled to think of themselves as Protestants, when we should all feel quite content to think of ourselves as Irishmen.

(O'Faoláin 1944a: 186)

Significantly, O'Faoláin did not however leave the argument at that, but went on to echo a republican and humanist condemnation of the Church, which Machiavelli had made in the *Discourses* and Rousseau had revived in the Enlightenment period. In this book Machiavelli claimed:

[T]he old religion did not beatify men until they were replete with worldly glory: army commanders, for instance, and rulers of republics. Our religion has glorified humble and contemplative men, rather than men of action. It has assigned as man's highest good humility, abnegation, and contempt for mundane things whereas the other identified it with magnanimity, bodily strength, and everything else that conduces to make men very bold.

Classical religion only deified men who had already been heaped with worldly glories, men such as generals of armies and rulers of states. Our religion, by contrast, glorifies men who are humble and contemplative, rather than those who do great deeds. In fact, it regards humility, self-abasement, and contempt for worldly goods as the supreme virtues, while classical religion valorized boldness of spirit, strength of body, and all the other qualities that make men redoubtable.

(Machiavelli 1970, *Discourses*: II 2)

In a similar vein, O'Faoláin accused the Catholic Church in Ireland of being complicit in, if not responsible for, the dissemination of the state-sponsored myths of the 'noble peasant' or 'the plain people of Ireland' which thwarted the way to a genuine republic. The Church, he maintained, was crucial for the entrenchment of such a mentality since it had been handed over virtually complete control of the education of the

nation's children, 'the murder machine' where this attitude was fostered.<sup>8</sup> What emerged from the Irish education system was not therefore, he claimed, a nation of men and women ready for the responsibilities of citizenship, but '[a] population of peasants ruled over by a patriotic priesthood, patriarchally. And the significant word there is ruled' (O'Faoláin 1947b: 24).<sup>9</sup> Thus, O'Faoláin maintained that the republic had been debased yet again by the willingness of the state to join forces with the Catholic Church in preventing the development of an education system that might produce a people prepared for the responsibilities of genuine citizenship.

O'Faoláin's overriding critique of the Irish state was, however, one which he related to all the essentializing aspects of post-colonial nationalism we have been discussing above, and, indeed, it parallels Fanon's similar argument some 20 years later when he declared in *The Wretched of the Earth*:

Before independence the leader generally embodies the aspirations of the people for independence, political liberty, national dignity. But as soon as independence is declared, far from embodying in concrete form the needs of the people in what touches bread, land and the restoration of the country to the sacred hands of the people, the leader will reveal his inner purpose: to become the general president of that company of profiteers impatient for their returns which constitutes the national bourgeoisie.

(Fanon 1965: 134)

O'Faoláin argued similarly that Ireland's revolution had not brought liberty to the people at all because 'the final stage of the Revolution around 1922 became – and is to this day – a middle-class putsch. It was not a society that came out of the maelstrom. It was a class.' The leader he held most responsible for this predicament was of course the contemporary Taoiseach, Eamon de Valera, who had, in O'Faoláin's view, originally 'resisted it' only to allow it 'to swallow him and his republicans up too' (O'Faoláin 1943b: 187–8). For O'Faoláin, like Fanon, the revolution and the republic had thus been betrayed to the interests of a middle-class faction that were exploiting nationalism – bound up with Gaelicism, Catholicism and a pastoral pre-colonial mythical past – to cash in on the opportunities that independence had brought them. Significantly, O'Faoláin, unlike radical republicans of his period, did not turn to Marx to explain this betrayal, but to Milton, for an alternative in his inspiring republican vision:

How differently we had once dreamed it all! We had not merely seen the English flag and the English army go, and the Royal Irish Constabulary, and the sepoy of Dublin Castle. That was but the clearance.

We had not merely seen even those first steps of the new thing – land for the landless, homes for the poor, factories rising, rivers harnessed, a fair share of our own people in business, an end to emigration and unemployment. That was but the framework. We had looked forward to seeing all classes united, all religions equal, all races welded, all ideas welcome, that hammering and clanging of a young nation at work which Milton so finely describes in his ‘Speech for the Liberty of Unlicensed Printing’.

(O’Faoláin 1943b: 191–2)

The ‘hammering and clanging of a young nation at work’ had, in fact, been one of the earliest themes of *The Bell*, and although the abysmal conditions of the Irish working classes in the 1940s had increasingly led O’Faoláin to employ such analogies – as in the above example – to condemn the nationalist political elite for failing to supply the promised and long-awaited material basis of freedom, such pronouncements in earlier editorials had referred rather to the editor’s and the journal’s commitment to playing their role in the arts, and especially literature, in the growth and promotion of a native Irish civilization (O’Faoláin 1941b: 6). But the optimism expressed in the early years of *The Bell* was not to last. Faced with the entrenchment of a post-colonial nationalism which eschewed the republican values of liberty, equality, participation and civic virtue, O’Faoláin became increasingly gloomy about the future prospects of a genuinely republican form of government taking root in the Irish State. Concluding his 1951 article condemning the role of the Catholic Church in the affairs of the State, he thus declared:

The so-called republican tradition and all the by-echoes of that tradition are washed-up: 1916 and Fenianism, ’67 and ’48, Wolfe Tone and the French Revolution. . . . Republicanism we see at last never did work. It gradually became verbiage . . .

(O’Faoláin 1951: 12–13)

This was to be, in fact, one of O’Faoláin’s final interventions in the public life of his country, as *The Bell* ceased publication a few years later and O’Faoláin, disillusioned and resigned to the direction the country had chosen, retired to the private realm, where he concentrated almost exclusively on his literary career.

In the course of this discussion I have attempted to demonstrate how O’Faoláin’s espousal of the values of liberty, equality, civic virtue and participation is revealed in his discourse of ‘the betrayal of the republic’, thus placing him in a wider European liberal republican tradition which he believed to be inherited from the United Irishmen. However, and indeed as the above analysis reveals, O’Faoláin is not easily situated in either of the two categories of instrumental or Aristotelian republicanism that

modern theorists have tended to work with. While his opposition to the imposition of a factional state cultural agenda suggests that liberty for O'Faoláin, like the instrumental republicans, should be understood in negative terms (i.e. non-interference), his equal insistence that the state had a responsibility to foster a 'higher life' among its people which he related to rationality, self-expression and participation also draws him nearer to the Aristotelian republican tradition in its espousal of a more 'positive' definition of liberty. In spite of the inconsistency of these two positions, which O'Faoláin never really attempted to resolve, his work nonetheless reveals at least one Irish republican who attempted to define his republicanism outside the dominant paradigm of colonial and post-colonial nationalism.

## Notes

- 1 In light of the distinction made by Rawls between civic humanism, which privileges participation in the political life of a community as the highest good available to individuals, and a school of neo-Roman republicanism, which regards participation as an instrumental good in the opportunity it affords to citizens to safeguard their rights and liberties (Rawls 1993: 205–6), it is important to note here that O'Faoláin's humanism is much broader than that of civic humanists in the tradition of Aristotle. In fact, as will become apparent in due course, his humanism is best situated in a school of perfectionist liberalism in the tradition of Mill, which does indeed see the intrinsic human value of participation, but nonetheless does not regard it as the highest or ultimate human good. On the contrary, participation is to be placed among a catalogue of Enlightenment humanist values which it complements and facilitates, including 'reason, freedom for self-creation and fundamental scepticism' (Luik 1998: 529).
- 2 See for example Coulter (1990), Gibbons (1996) Lloyd (1999).
- 3 For a view of republicanism that makes a sharp distinction between instrumental and Aristotelian republicans, see Will Kymlicka's recent discussion of 'Citizenship theory' (Kymlicka 2002: 284–326).
- 4 In fact, as Joe Lee has pointed out, incompetence and insincerity were more adequate markers of the State programme of Gaelicization (Lee 1989: 670–2) rather than any serious agenda to impose cultural homogeneity. This does not, however, affect the republican arguments with which O'Faoláin opposed it.
- 5 See for example his 1943 St Patrick's Day address to the Irish people in Moynihan (1980: 466–9).
- 6 These included laws on the censorship of films (1923) and publications (1929), on the sale of alcoholic drinks (1927), taxing 'corrupting' foreign newspapers (1933), and restricting public dance halls (Whyte 1980: 24–61).
- 7 Maynooth is the site of the main Catholic seminary in Ireland.
- 8 The use of the term 'murder machine' was a deliberate and polemical use of a phrase which the leader and martyr of the 1916 Rebellion, Patrick Pearse, had used to describe the British education system in Ireland (Brown 1985: 51).
- 9 O'Faoláin here deliberately paraphrases the founder of Ireland's first Catholic university, John Henry Newman, who used the term 'population of peasants' in the 1850s in the context of the Catholic hierarchy and clergy's disapproval of his determination to make that institution a place dedicated to genuine scholarship as opposed to the maintenance of Catholic influence in the country (Newman 1961: 385).





## **Part III**

# **The foundations of republican community**



# 7 Political trust, democracy and the republican tradition

*Francisco Herreros Vázquez*

## Introduction

Political trust is almost universally considered good for democracy. High levels of trust in politicians, political parties and political institutions are, on the one hand, synonymous with good democratic health, and, on the other, good assets to make democracy work. It is usually argued that political trust has an impact upon the willingness of citizens to pay taxes, the desire of the brightest citizens to enter into public service, their voluntary compliance with the law (Nye 1997: 4; Tyler 1998: 275; Norris 1999: 8), and, more generally, the voluntary acceptance of governmental policies. As has been convincingly argued by Margaret Levi (1997: 19–20), if citizens perceive that the government is trustworthy, they will more readily comply with government policies.

The analysis of political trust is not a new topic in democratic theory, although it has been considerably revitalized recently by modern political science. The problem of trust in politicians and political institutions has been studied at least since the time of Aristotle's *Politics*. This problem, to a great extent, has to do with the different information that politicians and citizens have about political processes and political issues. Politicians have private information about the consequences and the content of their policies. It is generally assumed in political science that the quantity and quality of citizens' information about politics is rather poor. So, how can citizens be sure that politicians will pursue the common good instead of their factional interests? Given that citizens are generally uninformed about politics, they lack the information required to make politicians accountable in elections. For modern political scientists, one solution to this problem is that uninformed citizens rely upon political trust to form their political opinions. That is, they argue that political trust is a more or less perfect substitute for political information. In this chapter, I will argue that, to a certain extent, this argument is misleading, because it is based on a definition of trust as a decision rather than a belief. Using a definition of trust as beliefs or expectations, this 'trade-off' between information and political trust, to a great extent, disappears. I will show how the

distinction between different pieces of information and its influence on political trust was advanced by the authors of the so-called republican tradition. These authors acknowledge the problem of how uninformed citizens could make their political representatives accountable. They distinguished two types of political information: information about political issues and information about the politician's personal characteristics (their honesty and competence). Only the second type of information was important for political trust. If citizens lacked information about political issues but had enough information about the politicians' personal characteristics, republican authors argued, they could solve the problem of how to control politicians by selecting 'good' politicians, responsive to the people's preferences.

This chapter will be structured as follows. In the next section, I will present how the problem of trust in politicians has been generally analyzed, and I will argue for a somewhat different conceptualization of this problem. In the third section, I will present the republican view about the problem of trust.

### **Political trust and information**

The relation between representatives and constituents can be pictured using an agency model. In this agency model, the citizens are the principal and the representatives are their agents. As in all agency models, there are information asymmetries between the principal and his agent. Specifically, the agent has private information about the level of effort he has invested in the implementation of the policies, or about the foreseeable consequences of different courses of policies, or both. The principal wants to make his agent accountable for his behavior, and, according to most political scientists, the main mechanism of accountability is repeated elections (Manin 1997). In elections, the principal makes a retrospective evaluation of his agent's behavior. The problem with this mechanism of accountability is that it requires that the principal has enough information about the behavior of his agent. And it is mostly assumed that voters do not have enough information about the policy process (Ferejohn 1999; Manin *et al.*, 1999: 44). In fact, it is often assumed that this lack of information is, to a great extent, rational: the investment required in gathering and processing political information is costly, and the payoffs of this investment are uncertain (Popkin 1991: 10). We have, then, an agent model where the principal apparently has no incentives to invest in information about his agent's behavior, and, consequently, the agent has no incentives to fulfil the interests of the principal. How should the principal act in these circumstances? One solution is to trust the agent. If they do not have all the relevant information to control their representatives, citizens can decide to trust them (Bianco 1994: 22). Trust is understood, in this case, as a more or less perfect substitute for political information.

According to many political science authors, trusting representatives does not necessarily mean making wrong political judgments. There is a growing literature about the use of various types of shortcuts to form political opinions, and trust can be easily included among them. The basic idea in the understanding of trust as a shortcut in making political opinions is that citizens decide to trust their representatives in order to compensate for the lack of political information. As Bianco (1994: 23) puts it, political trust exists 'when constituents evaluate (or are prepared to evaluate) their representative's vote favorably, regardless of whether they believe that the vote is consistent with their interests'. This definition means that there is a trade-off between information and trust. More information means less trust, because citizens do not need to trust in their representatives to form their opinions. On the contrary, less information leads to more trust, because citizens have to rely on their representatives to form their political opinions.

In this section, I will argue that the trade-off between information and trust is, to a great extent, misleading. The problem lies in the definition of trust used in the literature. Trust, as I have already said, is conceived as a decision. 'I trust my political representative' means, according to this definition of trust, 'I approve of my representative's behavior, even though I do not know for certain whether this behavior is in accord with my interests or not'. But trust cannot be a decision: you cannot trust or distrust at will (Hardin 2001: 12). You simply trust or not. Trust is not a decision, but a belief, an expectation about the other's behavior, incentives, or preferences. The approval of a representative's promises can be determined by the level of information you have about their policies, how close is their position on a certain issue to your most preferred position, and what your expectations are about your representative's trustworthiness. Your trust in the representative is one of the many elements that can affect your decision as to whether or not to approve of their behavior.

This definition of trust changes considerably the relation between political information and political trust. My contention here is that, when analyzing political trust, it is useful to distinguish two pieces of political information: information about political issues and information about the personal characteristics of politicians. The first type of information has no effect on trust. The second affects directly your trust. An example can illustrate the effects of these two types of information. Suppose a politician promises to raise taxes in order to better finance a social security scheme. You may have lots of information about this political issue: for example, you may know the likely effects of an increase of taxes on economic growth, or if this increase is enough to improve the quality of the National Health Service or not. But you may not have any information about the politician's personal characteristics: you do not know if they are telling the truth, or if they are a dishonest politician who will spend the money, say, in a war against a Middle-East dictatorship, and you do not know about

their competence. This second piece of information directly affects your trust in the politician, even if the first does not.

My idea here is that trust is not the opposite of information. Trust is a belief that can be well or badly founded, depending on the level of information you have. In the case of political trust, a certain piece of information – more concretely, information about the politician's characteristics – can make a difference. It can lead to a trust or a distrust of the politician. This idea has another implication. It implies that in a principal–agent relationship, accountability is not the only means to maintain the honesty of the agent. With enough information the principal can discern which type of agent theirs is, if the agent will keep promises or will cheat them. The principal can form a well-founded expectation about the agent, and trust them if all the available information indicates that they are trustworthy. As Harvey puts it, if the principal could know in advance the agent's type, that is, some of the agent's personal characteristics, the previous selection of honest agents, or agents with the same interests as the principal, can work as a mechanism to overcome the principal–agent problem, as an alternative to monitoring and accountability (Harvey 2002: 233; see also Fearon 1999).

To sum up, I have argued that political trust is better understood as an expectation than as a decision. If we consider political trust as an expectation, the trade-off between political information and political trust disappears. More information about a politician's personal characteristics could mean more or less trust, depending on whether this information reveals that the politician is honest or not. If the citizen does not have enough information about a certain policy proposal, but knows certain relevant pieces of information about the characteristics of the politician that indicates that they are trustworthy, the citizen can trust the politician, overcoming the principal–agent problem by the selection of a 'good' agent.

In the next section, I will argue that this vision of political trust can be attributed to a great extent to the authors of the republican tradition. My contention is that, although they usually thought that the solution to the principal–agent problem between representatives and the people was to be found in institutional mechanisms, these authors often distinguished between information about political issues and information about politicians in order to claim that the second type of information was a sufficient basis for political trust.

### **Republican views about the problem of trust in a democratic community**

It is sometimes argued that republican authors consider that a certain degree of scepticism about their representatives is good for democracy. For example, it is said that Machiavelli considered trust as a form of dependence incompatible with personal autonomy. For him, personal

strength was related to doubt and scepticism (Pitkin 1984: 253). Another example is Thomas Gordon, one of the most significant representatives of the radical Whig tradition in eighteenth-century England, who considered that 'what is good for the people is bad for the government, and what is good for the government, is bad for the people' (Wood 1969: 18). Various institutional mechanisms advanced by republicans, concretely the separation of powers, the theory of mixed government, and the doctrine of checks and balances, have been interpreted as examples of the basic distrust of republicans towards representatives. It is true that republican authors considered these mechanisms essential for controlling representatives. Nevertheless, as I will argue next, distrust and institutional devices were not the only solutions that republican authors advanced to the principal-agent problem of representatives and constituents. Institutional mechanisms are only imperfect solutions to the principal-agent problem. Indeed, the presence of a third-party to enforce the contract between the principal and the agent certainly improves this enforcement, even if the third-party only intervenes randomly; but it does not exclude the possibility of being cheated by the agent. Republican authors were aware of this: not even the most perfect institutional design excludes a certain degree of discretion by the representative (Pettit 1998: 301). On the other hand, it is doubtful whether, for many republicans, these institutional devices were really designed to facilitate the control of the governors by their constituents. In fact, the republican tradition of the mixed constitution, from Aristotle to John Adams, was aimed at avoiding the 'tyranny of the poor', that is, the threat of an unrestricted popular government against private property (Richard 1994). If we view institutional devices in this light, we can interpret them as a way of controlling the principal by the agent. Using these devices, the agent can be more or less sure that the principal's interest will not restrain their behavior.

My contention is that, given this awareness that institutional devices were imperfect solutions to the principal-agent problem, republicans advanced a complementary idea. They considered that trust could play a role in the solution of the principal-agent problem between representatives and constituents, through the selection of the most able agent for the fulfillment of the constituents' interests.

Although republican authors vary considerably in their views about the merits of representative government, most of them agree on certain important characteristics. Especially relevant for us is their distinction between different types of political information, and their different importance for the relation between representatives and constituents, and, thus, for political trust. They disagree in the degree of information that the people (the principal) have about their representatives (their agents), and the degree of information they have about policy proposals. Finally, they disagree about what personal characteristics representatives tend to have. More concretely, they disagree about the degree of virtue



that can be found in representatives. As we have seen in the previous section, these elements are all related to political trust. The citizen wants his interests served by the representative. One way to overcome this problem is to monitor the agent and make them accountable to the principal, through repeated elections in which the principal uses a retrospective vote. To achieve this, the principal needs enough information about political issues to attribute responsibilities for actions and outcomes. Another way, outlined in the previous section, is to select good agents, that is, agents with the same interests as the principal, honest agents who will not cheat their principal. In this case, the principal-agent problem is also overcome. In order to select good agents, the principal needs to have a certain amount of information, in this case about certain personal characteristics of the agent. The relation of these factors affects the degree of trust. If the principal has much information about the agents' personal characteristics, and principal and agents have the same interests, the likely result will be a high level of political trust. If the principal has much information about the agents' personal characteristics, and principal and agents have different interests, the most likely result will be distrust. Finally, if the principal does not know much about the agents, and principal and agents have different interests, the outcome will be distrust.

My contention is that republican authors considered precisely these elements when writing about political trust. I have chosen some of the authors of the republican tradition to analyze the influence of these elements in political trust. These authors include Cicero, Machiavelli and the civic humanists of the Italian Renaissance, the radical Whigs, and the Founders of the American Republic. Table 7.1 includes a stylized account of the operation of the elements that influence political trust in some republican authors.

As can be seen in Table 7.1, republican authors have had different views about the level of political information citizens have, both about

*Table 7.1* Republicanism and political trust

	<i>People's information about issues</i>	<i>People's information about the politician's personal characteristics</i>	<i>Interests</i>	<i>Outcome</i>
Cicero, Guicciardini	Low	High	Equal: common good	Trust
Madison	Low	High	Mostly equal: factional interests	Trust
Machiavelli, radical Whigs, Paine, Anti-federalists	High	Low	Different: People: common good Government: factional interest	Distrust

politicians themselves and about political issues, and about the perceived interests of the people and their representatives. I will deal now with all the different elements included in this table.

I will begin with the people's and representatives' interests. In republican terms, this has to do with the capacity for virtue of both the representatives and constituents. One classic topic in republican thought is whether the governors can be virtuous or not, and whether they can be selected correctly by the people. For many republican authors, the representatives of the people could indeed be virtuous, and, consequently, trustworthy. The trustworthiness of virtuous people was certainly obvious for republican authors like Cicero. According to Cicero, the virtuous man was gifted with the four cardinal virtues: prudence, justice, fortitude, and moderation. Some of these characteristics of the virtuous man seem clearly related to trustworthiness. For example, justice is for Cicero 'preserving fellowship among men' and 'faithfulness to agreements one has made' (Cicero 1991, *On Duties*: I 15). This is clearly a characteristic related to trustworthiness. As Cicero himself said, justice is enough for trust: the good persons, fair and loyal, are never suspicious of fraud or injustice (Cicero 1991, *On Duties*: II 32–5). Justice is what Bacharach and Gambetta (2001) would call a 'trust-warranting property'. I think that all republican authors would agree with Cicero in that virtue, and the characteristics associated to it, is a 'trust-warranting property'. However, there would not be such consensus regarding the extent of virtue in society. That is, they would disagree about the degree of virtue among principals and agents.

Let us begin with the agents, the representatives of the people. Did the republicans think that there were 'good' agents ready to be selected by their principals? Cicero certainly thought so. He recognized that many politicians were not trustworthy: for him, the highest injustice arises from those who pretend to be honest when they are cheating you, and these injustices are more often found in politics (Cicero 1991, *On Duties*: I 41). Nevertheless, he considered that there were virtuous politicians. Some of the earlier Italian humanists, like Compagni and Latini, also recognized the possibility of trustworthy leaders (Skinner 1978: 45–7). Guicciardini considered that the political leaders, the *optimates*, had intelligence and prudence (Skinner 1978: 161). He even thought (as did Cicero) that the *optimates*, the few, were the only ones capable of virtue (Pocock 1975: 230–1). The Founders of the American Republic were also generally optimistic about the probability of virtue among representatives. Madison, in *Federalist Paper* No. 10, for example, considered that representatives were 'citizens whose wisdom may best discern the true interest of their country and whose patriotism and love of country will be least likely to sacrifice it to temporary or partial considerations'. In all republics, Madison said, there is always a given percentage of virtuous men fit for the role of representative. Hamilton also considered that 'the institution of delegated power implies that there is a portion of virtue and honour among

mankind' (Hamilton, *Federalist Paper* No. 76). All the optimists about the presence of 'good' agents agreed, then, that there are a certain number of virtuous people in the republic, and that these virtuous people have some trust-warranting properties that make them trustworthy.

A more pessimistic view can be found in the English radical Whigs, the writings of Thomas Paine, and the works of some Anti-federalist writers. According to all of them, political leaders are generally not trustworthy. We have seen above Thomas Gordon's opinions about the interest of both government and people. Thomas Paine had a somewhat similar position (Wood 1969: 62). Machiavelli considered that governors can easily imitate the classical virtues. The princes can pretend to be honest, or liberal, when they are not (Machiavelli 1975, *The Prince*: Chs 16, 18). Politicians can cheat the people because they have more information, because the people cannot directly observe the politician's behavior. In general, the Anti-federalists thought that men could not be trusted to respect the rights of others when governing. Take, for example, the following statement by Richard Henry Lee: 'the most exprest declarations and reservations are necessary to protect the just rights and liberty of mankind from the silent powerful and ever acting conspiracy of those who govern' (Storing 1981: 5.6.5). Only if the representatives resemble the people closely enough to possess the same sentiments and interest as the people, is there a possibility that people can trust their representatives (Lee 1997: 1078).

We can now summarize the views of republicans about the interests of the representatives and their opinion about the probability of 'good' agents in the republic. There are two views: Cicero, some of the Italian civic humanists and some of the Founders of the American Republic, held an optimistic opinion: there are indeed virtuous persons that can be selected as representatives of the people. These virtuous people want to achieve the common good. On the other hand, other republican authors, the Anti-federalists, to a certain extent Machiavelli, and the radical Whigs, held a considerably more pessimistic view. They considered that the interests of the rulers tend to be different from those of the people, and, consequently, that the selection of 'good' agents is very unlikely.

What about the interests of the people? We have seen the different views about the agent's interests. Now we have to consider the interests of the principal. As can be seen in Table 7.1, there are some disagreements concerning this point. Cicero, some of the Italian civic humanists (such as Guicciardini), and Madison would agree that what is best for the people is the pursuit of the common good of the community. They also more or less agreed in their views about what were the actual preferences of the people. Cicero, for example, thought that the common people were ignorant and ready to be governed by their passions (Cicero 1999, *On the Commonwealth*: I 28–9). Guicciardini agreed with this (Skinner 1978: 161). However, despite these preferences, both agreed that the people tend to

elect good representatives, probably because they know that their interests are best served by the virtuous few. Madison shared the conservative view that the common people were not capable of virtue, and so they were ready to constitute factions in order to pursue their selfish interests against the common good (Madison *et al.* 1987 [1788], *Federalist Paper* No. 10). Nevertheless, Madison and some of the Founders did not share Cicero's views about the selection of good representatives. They feared that the people would select people that shared their same interests. In fact, they considered this most likely (this is why they advocated counter-majoritarian measures to restrain popular government). Hamilton, for example, considered that demagogues often govern the Republic's will, misusing the public trust placed in them (Hamilton, *Federalist Paper* No. 6; see also Madison *et al.* 1987 [1788], *Federalist Papers* Nos. 58, 62 and 63).

The more democratic republican writers rejected this conservative and anti-democratic view of the people's preferences. Machiavelli (1970, *Discourses*: I 58) considered the people generally prudent and wise (actually wiser and more prudent than princes). Thomas Paine also considered the people wise and prudent, and he added that the best guarantee for individual rights (including the right to property) was indeed a popular government (Wood 1969: 62). Jefferson also believed, in general terms, in the 'integrity and good sense' of the common man (Sheldon 1990: 120–1).

So far we have considered the views of republicans about one of the factors that affect political trust: the interests of constituents and their representatives. The other factor concerns the type of information that citizens' have about their agents. These pieces of information relate to political issues and information about the personal characteristics of the agent. As I have argued in the previous section, only the second really influences political trust. My contention here is that republican authors were well aware of this distinction between pieces of politically relevant information. Moreover, their views about the degree of the people's information about these topics determined their conclusions about the likelihood of political trust.

As we can see in Table 7.1, there is a division among republican authors along nearly the same lines as in the previous discussion. Conservative republicans considered that the people have not enough information about political issues, but they generally have enough information about the politician's personal characteristics. Cicero distinguished perfectly among the two pieces of information: people are not well informed about political issues, but they know enough about the personal characteristics of political leaders. As we have seen, Cicero thought that people were ignorant and incapable of virtue. According to Madison, the problem lies in the fact that certain kinds of information cannot be acquired by private means, but only by 'actual service in the legislature' (Madison 1987 [1788], *Federalist Paper* No. 53; see also Jay, *Federalist Paper* No. 64). So, the

people cannot rule by themselves, and they cannot even judge adequately the political proposals of politicians. Nevertheless, they know about the personal features of these politicians, and so they can select ‘good’ agents. Cicero (2002, *On Friendship*: XXV 95), for example, thought that the popular assembly could easily distinguish between serious politicians and demagogues. Although he is not very clear about how the people select ‘good’ agents, this certainly has to do with the people’s knowledge of certain personal characteristics of the politicians. For example, being a good orator is a signal of virtue, and the people can in general identify the good orators (Cicero 1962, *Brutus*: 184–6). Some other republicans would agree with this: for example, Montesquieu (1989 [1748], *Spirit of the Laws*: II 1.11–12; V 3.43) also thought that the people, although incapable of rule by themselves, could select good representatives, and he considered frugality a good signal of virtue. In addition, some of the American Founders considered that people had enough information about the personal characteristics of their representatives. For example, Madison considered that the members of the legislature had connections of blood, friendship or acquaintance with many citizens (Madison 1987 [1788], *Federalist Paper* No. 49).

Thus, all the anti-democratic republicans agreed that, given the low capacity of the people to govern by themselves, the selection of good agents using adequate pieces of information about their personal characteristics was the best way to solve the principal–agent problem.

Other republican authors saw this topic from a different perspective. Contrary to the more conservative republicans, Machiavelli thought that the people were wiser and more prudent than princes. Nevertheless, he considered that the people did not have enough information about the personal characteristics of politicians, and, so, it was difficult to select virtuous agents. In the *Discourses*, Machiavelli said that ‘the people judge in the elections according to the surest signs of character’ (author’s translation) (Machiavelli 1970, *Discourses*: III 34). As is clear in some passages of *The Prince* and the *Discourses*, Machiavelli considered that the governors had a great ability to mimic signals associated with ‘trust-warranting properties’ (Machiavelli 1975, *The Prince*: Chs 16, 18; 1970, *Discourses*: I 2, I 53). The Anti-federalist Brutus also thought that it was most unlikely that people would know enough about their representatives. In his Essay IV, he considered that

[People] should be satisfied that those who represent them are men of integrity, who will pursue the good of the community [. . .]; but it is impossible the people of the United States should have sufficient knowledge of their representatives [. . .] [A] great part of the people will probably not know the characters of their own members, much less that of a majority of those who will compose the federal assembly.

(Storing 1981: 2.9.49)

Thus, republican authors generally thought that there were two pieces of information especially relevant for political trust: information about political issues, and, foremost, information about the politician's personal characteristics. These variables, together with the perceived interest of representatives and constituents, determined the outcome in terms of political trust. This outcome is reflected in Table 7.1. Republicans like Cicero and Guicciardini thought that people had poor information about political issues. They were ignorant and non-virtuous, and, thus, incapable of governing the republic by themselves. Nevertheless, they attributed the people with enough information about the personal characteristics of politicians: they knew which politician was trustworthy. And, finally, they thought that the people and their representatives had the same interests: the common good of the community. Given these variables, the foreseeable result was political trust. In Cicero, this is expressed in the idea that the people in the popular assembly selected virtuous men because they were the best orators. In Guicciardini, this is expressed in the idea that the poor have the capacity to judge who are fit to play a political role that they themselves cannot play. In Madison's writings this is not so clear. He certainly distinguished between the two types of information referred to: information about political issues and information about the politicians' personal characteristics. As we have seen, he thought that some pieces of political information were the politicians' private information. He also thought that the people have enough information about the politicians' personal characteristics: he considered that the members of the assembly had connections of blood, friendship or acquaintance with many citizens, and so they knew enough about the capacity and the honesty of their representatives. Yet he considered that the people could be easily dominated by their passions, and follow irresponsible demagogues in the assembly. So, although the people do not have enough information about politics, they know enough about the politicians' personal characteristics to select the politicians most fit to fulfil their preferences. Unfortunately, those preferences tend to be factional and dominated by passions, and, thus, the most likely conclusion (if mechanisms like the separation of powers and checks and balances are not in motion) is trust in factional and demagogic politicians.

On the other hand, the more democratic of the republican authors, like Machiavelli, the radical Whigs, Thomas Paine, or the Anti-federalists, considered that the people were well informed about political issues, but they were not well informed about the personal characteristics of politicians, because they thought that signals related to 'trust-warranting properties' were easily mimicked. Moreover, they thought that the interests of both people and government were most of the time in opposition. One of the fears of Anti-federalists like Brutus was that the new Federal government would not be representative enough to reflect all the different interests of the people. The outcome of this combination of variables would

be, according to Brutus, lack of political confidence (Storing 1981: 2.9.49). Other Anti-federalists agreed with him. The dissenters in the Convention of Pennsylvania, for example, thought that without a representation that possessed the same interests, feelings and views 'which the people themselves would possess, were they all assembled', the outcome would be a lack of confidence by the people in their representatives (Storing 1981: 3.11.33). This was also to a large extent Machiavelli's conclusion: in order to establish a free republic, it is necessary to think that all men are bad and untrustworthy (Machiavelli 1970, *Discourses*: I 3).

## **Conclusion**

Most of the modern political science literature about political trust considers that there is, to a certain extent, a trade-off between political information and political trust. Within the framework of the principal-agent model, it is assumed that citizens do not have enough information to make their agents (representatives) accountable. Thus, citizens tend to use their trust in politicians to overcome their information problem when forming political opinions. In this chapter, I have argued that this interpretation of the role of political trust is based on an understanding of trust as a decision. Instead, I considered political trust as an expectation about the politician's personal characteristics. This way, the trade-off between political information and political trust disappears. Information about political issues affects the citizen's political decision, but it does not affect political trust. Instead, political trust is affected by the degree of information about the politicians' personal characteristics, and the perceived interest of both politicians and constituents. I have further argued that this understanding of political trust can be found in the authors of the so-called 'republican' tradition. Authors like Cicero, Machiavelli, the radical Whigs, the Anti-federalists, and the Founders of the American Republic considered precisely these elements when thinking about political trust. Against many of the interpretations of the republican tradition, I do not share fully the idea that checks and balances, separation of powers and the theory of the 'mixed constitution', were the only republican solutions to the principal-agent problem. In many cases, these institutional devices were designed not to control the agent, but to restrain the political preferences of the principal, excluding what anti-democratic republicans considered threats to private property. Instead, republican authors thought that the best way to overcome the principal-agent problem was through selecting good agents, that is, agents who shared the interest of the principal (or that pursued the common good of the community). Personal knowledge of the politicians' characteristics, and a perceived common interest, could result in a well-founded political trust between constituents and representatives, and, thus, in the selection of good agents.

# 8 Contemporary republican theories

## In search of solidarity

*Laura Andronache*

### Introduction

Contemporary republican theorists insist on proposing republicanism as a redeeming political vision in the context of the perceived lack of political participation by citizens, and lack of responsibility and morality of political representatives in existing liberal democratic systems. The general claim is that the liberal state has contributed to (if not effected) the loss of self-government and the erosion of community (Sandel 1996). What is proposed instead is to bring about a renewed sense of politics, a ‘politics of citizens’ that would draw to some extent on deliberative democracy. This republican polity would promote a post-traditional form of solidarity stemming from the unifying tie of civic concern for public matters among ordinary citizens, and in that sense it would have a political rather than a cultural or an ethnic meaning. In this chapter, I will look critically at this ‘mission statement’ and try to see to what extent it is fulfilled by particular republican theories.

While the debates raised by neo-republicans often draw on dichotomizing thinking and embark on a political campaign for republicanism that is tiresomely rhetorical, the normative input that they bring is worth reflecting on. I will look at the three republican theories espoused by Maurizio Viroli, Philip Pettit and Hannah Arendt. If we are to consider ‘solidarity’, the possible added value that helps to distinguish republican from liberal theories, then it is important to analyse how these representative authors articulate the notion, and whether they manage to distance it from the apparent dangers of conservative traditionalism. I will argue that the tension between liberal principles and a solidaristic ethos is not dispelled in two of the models presented here (if on different grounds), while it appears less problematic in Hannah Arendt’s political theory. Maurizio Viroli’s model seems to fail on the count of potential intolerance. Philip Pettit’s republican vision is the most detailed, but runs into difficulties once we identify and try to make sense of the two levels of his conceptualization: the specific level of group-based civility and the general level of societal civility. Finally, the vision of solidarity implicit in Arendt’s theory is



the most promising in the sense that it appears not to compromise individuality, while avoiding partisan or exclusionary connotations.

### **Solidarity: an overview**

Considering that bonds of solidarity are commonly taken to be grounded first and foremost in citizenship rights, the notion of solidarity must be generally understood in its interplay with the notion of citizenship. Thus, in terms of scope, solidarity can be broadly typified at three different levels: uniform national citizenship advocated by David Miller (Miller 1995b), multicultural citizenship accommodating rights of minorities and of those who are different and under-represented in general (Will Kymlicka's (1995), model, for example), and 'human solidarity' beyond any partial type of solidarity (as presented, for example, by Garret FitzGerald (1999)). David Miller's contention is that solidarity can be effected only in a nationally homogeneous society, which thus makes some form of assimilation necessary. A view sympathetic to cultural and ethnic diversity is Will Kymlicka's vision of multicultural citizenship. His argument is that granting differentiated citizenship does not undermine shared civic identity, the sense of solidarity needed for the functioning of a liberal democratic society, but on the contrary, enhances it. While one view postulates the political framework of the nation-state as necessary to uphold solidarity (David Miller's contention), and another only tolerates the nation-state (Kymlicka's vision), there is yet another view according to which one should abstract from, or maybe do away with this particularistic framework altogether. Thus, cosmopolitan advocates argue that instead of democratic or national citizenship, one should strive to promote world citizenship (Nussbaum 1996).

The notion of solidarity most commonly employed in republican theoretical argument means a generous commitment to fellow countrymen that stems from the practice of citizenship. In this sense, it is envisaged as a practical and political, rather than a cultural, ethnic or religious, type of unity.

In different versions of republican thought, solidarity may require a national identity (Maurizio Viroli) or may entail only formal ties and thus be imagined as an abstract, legally mediated solidarity (Habermas). The two broad poles in envisaging solidarity are thus a more 'rooted' interpretation founded on cultural and national ties and, at the other extreme, one emphasizing common political purpose, practical reason and deliberation as the means of attaining a personal good entrenched in the common good. Thus, in the second tradition of thought, solidarity is presented as essentially dialogical: 'citizenship is an identity that members acquire through exchanging reasons in public dialogues and negotiations over how and by whom political power is exercised' (Tully 2000: 215), and solidarity is the product of this exchange. I will not, however, here invoke

the Habermasian argument since the author himself has straightforwardly rejected the idea that he belongs to the republican camp (Habermas 1996).

In the following sections I first discuss the more rooted version of republicanism epitomized in the texts of Maurizio Viroli; then I analyse the propositions of an apparently liberal-minded author, Philip Pettit; and finally I offer for reflection the 'dialogical' type of solidarity that Hannah Arendt develops.

### **Solidarity stemming from 'love of country'**

Maurizio Viroli, a fervent advocate of republican patriotism, argues in his book *For Love of Country* for the cathartic function of a special type of loyalty to one's own country that is substantially distinguishable from nationalism (Viroli 1995). The author actually means that patriotism is defined in 'opposition' to nationalism, and this contention entails an underlying polarization. His case for republican patriotism is dichotomized, and highly rhetorical. Patriotism, in this understanding, appears not to stand on its own, rather needing constantly to be contrasted to nationalism (which thus seems to play the necessary role of straw-man). As much as he tries to disentangle them, while condemning the contamination of patriotism with the defects of nationalism, Viroli ends up reifying the conceptual confusion by presenting his case in a Manichean manner.

Viroli's account of patriotism (what love for the fatherland actually entails) is both itself highly rhetorical and at the same time points to the rhetorical, inspirational value of the concept under scrutiny. His argument is explicit: 'Properly understood, the language of republican patriotism could serve as a powerful antidote to nationalism' (Viroli 1995: 8). He understands both patriotism and nationalism discursively as eminently rhetorical. The author promotes patriotism by contrasting it either with nationalism's closeness and exclusivity, or with the liberal type of vision of a society of impersonal, rational agents kept together by an putative loyalty to abstract principles.

Viroli is aware of the dilemma that confronts him: 'Civic virtue has to be particularistic to be possible and yet we do not want it to be dangerous or repugnant' (Viroli 1995: 12). In his account, political liberty is the one and only foundation on which love of the fatherland, and subsequent solidarity, can be built. Thus, love of country is presented as love of common liberty and the institutions that sustain it, and not of cultural or ethnic unity. As is the case with other republican authors, Viroli draws extensively on the Rousseauian precept that laws constitute the safeguard of liberty and that obedience to laws is conducive to freedom. As in Rousseau's account, laws are envisaged as culturally defined: 'The same laws cannot suit so many diverse provinces with different customs, situated

in the most various climates, and incapable of enduring a uniform government' (Rousseau 1993, *Social Contract* II 9). Thus, liberty is envisaged not as universal and culturally neutral, but as particular, as the expression of a particular way of life. Moreover, in order for political liberty to be upheld as a common ideal, citizens must exercise civic virtue. This presupposes the citizens' willingness and ability to commit themselves to the common good. The way to achieve this, in Viroli's view, is through a national education system that instils in its future citizens the love of country that underlies any attempt at solidarity.

The tension in Viroli's rather unreflective model thus stems from the equation of love of country (and consequently of something particular and unique) with love of liberty, which is supposed to be universal. The love of liberty is given a particularistic twist: it is the love of 'our' liberty. This, however, entails cultural rootedness. The most relevant question arises: considering that in order to stimulate the civic virtue necessary for citizens we need to appeal to feelings of compassion and solidarity, and if we argue (as Viroli does) that in order to be effective, these must be rooted in bonds of language, culture and history, then, how can those outside the cultural community who are part of the political community come to exercise this love? Are we convinced by Viroli's argument that this community is purely political, and is in this sense inclusive, and not cultural or ethnic? Can political unity transcend cultural plurality? Can it be inspired by the sole incentive of a shared ideal of liberty? The attachment that Viroli propounds is attachment to a particular way of living in liberty. Viroli's ideological awareness leads him to make strong claims of inclusiveness for his model.

Because it is a love of the particular it is possible, but because it is a love of a particular liberty it is not exclusive: love of the common liberty of one's people easily extends beyond national boundaries and translates into solidarity.

(Viroli 1995: 12)

In this case, the reader can reasonably restate the question: how can those outside the cultural community take part in this love if they do not possess the instruments that effect solidarity, e.g. common culture? Viroli's appeal to this sort of cultural bond is evident: 'To generate and sustain these sorts of passions one needs to appeal to the common culture, to shared memories' (Viroli 1995: 13).

From the level of what appears to be an appeal to some sort of 'thin culture' (the author is constantly cautious to emphasize that a good republic 'does not need cultural or moral or religious unity' (Viroli 1995: 13)), Viroli slides to the argumentative level of a culture of citizenship, a culture stemming from political practices: 'But if the appeal has liberty as a goal, one must resort to the culture that grows out of the practice of

citizenship and is sustained by shared memories of commitment to liberty, social criticism, and resistance against oppression and corruption' (Viroli 1995: 13). Thus, in Viroli's account, ideal love of country is inspired by the practice of liberty according to the particular culture. The relation between the cultural foundation proper and the culture of liberty sustained by the practice of citizenship is, however, blurred.

In apparent contradiction, Viroli then contends that love of country does not rely on pre-political ties, on the *ethnos*, which presupposes attachment to shared historical and cultural roots, but on the *demos*, which entails voluntary membership in a political community. Moreover, even though it proceeds from the public to the private (because it is brought about by the consideration of others' liberty and is sustained by the citizens' political participation and the practice of good government and justice), patriotism does not infringe on the civil and political rights of individuals. Patriotism 'requires us to do something more than attending to our private business'; it does not demand 'the sacrifice of our personal concerns and even our life for the common good' (Viroli 1995: 185). Viroli reaches the claim that patriotism can extend beyond national, cultural boundaries; it is not clear, however, how this is possible, since his model retains some sort of 'cultural glue' that sustains the culture of citizenship built around love of 'our' common liberty. Is, in that sense, the political community freed from the danger of self-absorption posed by a homogeneous cultural community? Viroli polemically sets his argument against the liberal desideratum of a non-cultural community that functions by the means of formal ties alone, by observing human rights and universal principles. He acknowledges, if not explicitly, the need for a historic political community in order for civic virtue to be maintained. Margaret Canovan's argument reinforces his intuition:

The fact is that any polity, however liberal its ethos, is and must be an inheritance passed on from generation to generation. Indeed, one of the best recipes for a stable liberal democracy is a widespread sense among the population that the polity is a collective inheritance belonging to a people.

(Canovan 2000: 287)

Thus, the fact that common citizenship is actually owed, as Canovan puts it, to *the most fundamental of 'pre-political' ties*, familial inheritance, should be explicitly recognized. Moreover, the outcomes should be explicitly acknowledged: unless there are some other regulatory mechanisms to prevent the cultural community organized around the ideal of liberty from sliding into exclusionary patterns, Viroli's kind of patriotism cannot claim to be more than a rhetorical reverie.

Apart from this rather thin and unconvincing argument that revived republicanism should rely on its rhetorical potency to animate a lost civic

spirit (by enforcing a system of education that draws on the nation's immortal acts of courage), Maurizio Viroli does try to give more content to his utterly rhetorical model of republicanism (see his book *Republicanism* (Viroli 2002)). He argues that a revival of secular politics can occur only from the vantage point of a form of politics inspired by strong moral ideals and an insistence on the need for social justice. Among a constellation of republican principles that should be respected in order for the republican mode of politics to prevail he includes respect for the rule of law. He also counterposes republican politics to a politics of patronage. Instead of a corrupt and incompetent elite, he proposes a 'high-level ruling elite' that is open to the challenges of competition. The patriotism that he would like to see spring up in the dry fields of atomistic, contemporary liberal democratic societies is fostered, Viroli argues, not only by the observance of justice and a meritocratic vision of elite politics, but also by the involvement of 'commoners' in public life. Thus, the most concrete element of his otherwise rhetorical model lies in the promotion of local self-government. 'If we wish to revive political participation and civic spirit, then we should give townships and cities the power to make important decisions for the life of the collectivity' (Viroli 2002: 101). We can find, however, a more detailed account of what civic involvement in a republican vein would entail (of which Viroli speaks in his own, celebrated rhetorical way) in Philip Pettit's institutional model of republicanism.

### **Solidarity stemming from 'contestation'**

Philip Pettit's contribution to articulating a distinct republican understanding of liberty is essential. If Viroli seems to trade-off tolerance for solidarity, since he can only envisage the latter in the context of a particular culture and a particular national history, Pettit propounds a different kind of solidarity. It is not cultural solidarity that informs his theory, but political, anti-power solidarity. As I will show in the following analysis, however, Pettit's vision of solidarity is far from being straightforward, since he builds his theory on the basis of partial, group-based civility, while at the same time arguing for society-based civility.

For Pettit (in line with his interpretation of classical republicanism) freedom is acquired when nobody is *subject to arbitrary sway*, and 'it requires the capacity to stand eye to eye with your fellow citizens, in a shared awareness that none of you has a power of arbitrary interference over another' (Pettit 1997: 5). In other words, it is not enough not to be interfered with. In order to be free one has to remove even the possibility of arbitrary interference. It is not, however, in his insistence on the republican pedigree of freedom as non-domination that Pettit draws most explicitly on the republican tradition, but in his rendering of a republican community infused by civility (a lighter term for civic virtue).

Pettit's institutional vision is of a 'stronger' state (not the *servant-state* of

liberals, but a *trustee-state*) that is able to provide its citizens with freedom as non-domination, and his main argument is that adding a contestatory element to the electoral type of democracy would make government more fit to ensure freedom. Unlike some of his republican colleagues, he emphasizes that it is thus wrong to understand the republican notion of liberty in the mode of the classical, Greek tradition of participatory democracy.

His main contention is that, in order to provide for the main republican aim of overall maximization of freedom as non-domination, one must not be drawn towards a populist pole of enhanced participation, but envisage a network of institutional safeguards in a constitutional republic. As long as the state keeps tracking people's common perceived interests, freedom is safe. In this sense, non-mastering interference in the form of constrictive laws does not represent an infringement of liberty because it is non-arbitrary: 'So far as law and government can be made non-arbitrary in character, to that extent they will not constitute a form of domination and will not represent a compromise of republican freedom' (Pettit 1999b: 171).

In Pettit's version of republicanism, what informs solidarity is, once again, allegiance to the political ideal of liberty, and more specifically, to fighting 'the tyranny of the majority' or any form of domination, whether *dominium* (private) or *imperium* (public). The difference from Viroli is, however, that here the ideal is also presented as a primary good, instrumental to individual dignity.

The ultimate aim of Pettit's consequentialist theory is the maximization of overall freedom as non-domination enjoyed by citizens. The political ideal of freedom as non-domination can make sense, however, only within a constellation of concepts, and, moreover, it can only make sense when given a communitarian reading.

It is clear from the observations deployed here that there can be no hope of advancing the cause of freedom as non-domination among individuals who do not readily embrace both the prospect of substantial equality and the condition of communal solidarity. To want republican liberty, you have to want republican equality; to realize republican liberty, you have to realize republican community (Pettit 1997: 125–6).

But how does Pettit envisage this republican community? We saw that in the case of Viroli, his republican community, though rhetorically capable of crossing national frontiers, was very much dependent on the bonds of a national community. The other side of Pettit's hard-core legalistic vision of a constitutional republic is the insistence on civility as the norm of society. In order for civility to reinforce and keep a constant check on the way laws are drafted and implemented, there have to be conscientious citizens out there willing to play the watchdog and ready to engage in contestation. Thus, without an ethos of civility up and running in society, 'complier-centred' strategies of legislation, the 'empire of law',

and all the screening and sanctioning envisaged to safeguard a resilient republic are reduced to a house of cards. And since such an ethos of public behaviour is listed among Pettit's preconditions of setting up the constitutional system, it becomes apparent that only 'developed', civilized societies can enjoy the benefits.

Pettit, however, does not keep to this diluted, general, wishful vision of civic-minded citizenry. He pointedly draws the picture of his republican community in terms of 'group-centred civility'. Thus, he defines civility as a form of identification beyond one's strictly personal self, identification involving allegiance to a group, be that an ethnic group, or a group of women or gay people. Through this allegiance beyond the threshold of one's self, one comes to internalize civil norms that guide one's behaviour. Thus, group allegiance is supposed to foster civic-mindedness in individuals and become the basis for government contestability: 'civility is as much a matter of identification as it is of internalization, for when I internalize civil norms I can be described, at one and the same time, as identifying with the group whose norms they are' (Pettit 1997: 258–9). However, while group allegiance can be trusted to support a platform of vigilance and anti-*dominium* or anti-*imperium* mobilization, it is not at all clear why partial civility would not simply represent the advance of sectional interests.

Thus, when Pettit talks of individuals coming to adopt civil norms he mainly refers to them 'identifying with the groups whose interests are associated with those values' (Pettit 1997: 257). In Pettit's argument, there appear to be two conceptual fronts: what he calls group-centered civility and fidelity to the civil norms of society as a whole. While his republican politics 'requires partial forms of civility in order to be effective, it also requires a disposition on the part of people, even people of quite different perspectives, to display a civility that relates to the society as a whole' (Pettit 1997: 249). I contend, however that this conceptual slide from partial to societal civility should not be taken as lightly as it is by Pettit: 'The internalization image of civility, to return to our main theme, represents fidelity to civil norms as an exercise in overcoming the self, whether the norms internalized be those of the society as a whole or just those of particular subgroups' (Pettit 1997: 258–9). Since he goes to some lengths to emphasize the identification value of civility, which, if it is to mean anything concrete and feasible, has to be understood in terms of group identification, one has to raise the question whether his main 'working' civility (the partial type) does not actually contradict the societal, general type of civility. This is because his idea of solidarity is mainly group-fostered solidarity, and this is bound to lead to clashes between the different points of view nurtured by different group philosophies: 'For the norms of civility that are required for fostering freedom as non-domination are norms of solidarity with others, not norms of compromise, and they are intimately tied to adopting group-level points of view' (Pettit 1997: 259). Thus, his

envisaged civility will yield identification not with the society or polity as a whole, but with the particular philosophy of a particular group. The civility of a gay people's group is bound to contradict the civility of a conservative, religious group.

Against the possibility that widespread civility, which he calls patriotism, would degenerate into exclusionary, uncivil patterns, Pettit has a Virolian answer: 'but if it [patriotism] goes with a proper republican form of civility it is bound to represent the attitude, rather, of "my country for the values it realizes": "my country for the freedom with which it provides us"' (Pettit 1997: 260). And yet, Pettit gives a very strong impression that it is not 'my country' that comes at the forefront of one's interests, but the group(s) of one's allegiance. Again, I need to stress, using Pettit's own reference to the Madisonian discussion of corruption, that identification with a group, particularly when that is of an ascriptive nature (as Pettit mostly seems to suggest), will yield the individual's preference for the group's interests over those of society as a whole, and, consequently, not only a positive awareness and agency in the name of the group, but also an inflated consideration of the exclusive rights of that particular group.

The next theorist under scrutiny is Hannah Arendt. In contrast to Pettit, Hannah Arendt is a forceful republican proponent of a participatory and partially anti-formalistic view of politics. Her theory is only partially anti-formalistic because, even though she promotes spontaneous citizen associations, Arendt is also very committed to constitutional politics.

### **Solidarity stemming from collective 'action'**

Hannah Arendt propounds a different model of solidarity within a republican framework. This is neither a national-identity model of solidarity like that Viroli proposes, nor a contestatory model based on partial civility like Pettit's. Her notion of solidarity is participatory in form and is distinguished by the importance she attributes to the concept of covenanting, to keeping promises and showing respect to one's peers, and to the notion of *power* as the result of individuals acting in concert. The underlying anthropological assumption of her notion of freedom as participation in politics is that individuals will consider it necessary to take political responsibility for their lives and the future of their political community in order to attain a sense of personal dignity. The prominence of this anthropological assumption, and thus Arendt's alleged lack of realism, is, however, overstated. It is true that for Arendt, freedom is unequivocally 'participation in public affairs or admission to the public realm' (Arendt 1990: 32). It is crucial that we notice in this definition that Arendt refers to participation *or* admission to the public realm. This suggests that she actually relaxes her requirement of freedom for individuals and how they should perform. Thus, it seems that Arendt's freedom-related normative requirement has an institutional rather than an anthropological focus.



She insists that there should be a space of freedom and mechanisms established to admit individuals to the public realm: 'Without a politically guaranteed public realm, freedom lacks the worldly space to make its appearance' (Arendt 1993: 149).

Arendt upholds freedom as the 'higher good' of her theory with the qualification that both 'greatness' and the permanence of the *republic* are part of this complex understanding of freedom. This understanding is organized mainly on two levels: the individual level, where Arendt presents her concept of the person and what motivates individual action, and the institutional level, where Arendt asserts that the ultimate aim of *action* is the durability of the body politic in its normative form of 'the republic'. 'Greatness' is that which an individual can achieve simply by acting, via the performance itself, and it is independent of the specific action's motivation or achievement (Arendt 1958: 206). Thus, it represents the perfection of the most elementary expression of freedom: spontaneity. This refers to the self-revealing capacity inherent in individual action. 'Greatness' is thus not some pre-determined standard, but the 'revelation' of *who* somebody specifically is. The permanence of the republic on the other hand is the aim of collective action, and can be secured only through it. It emerges that there are two levels to Arendt's analysis of freedom: the first, expressed in its extreme form by 'greatness', and the second, expressed by the constitutional aspiration of durability and based on the 'world-building capacity' of promise-making and covenanting.

Thus, for Arendt, freedom understood as participation in politics is both a good in itself, and a good that entails the resilience of 'the republic'. To say that Arendt's understanding of freedom is strictly non-instrumental and of an essentially aesthetic nature, as is commonly asserted, is to pay attention to only one of the two levels of her thought: the individual one. Considering that she explicitly emphasizes the importance of the act of foundation through a constitution, and that she presents the faculty of making and keeping promises as possibly the highest human faculty in the political realm (see Arendt 1990: 175), one has to recognize the central focus on institutional and collective action in her political thought. Moreover, the two levels do not stand in contradiction to one another, as some critics have suggested (see for example, Parekh 1981: 177), in so far as the criterion of greatness by which Arendt wants to judge individual action (as if seen in isolation) does not entail an agonistic, competition-based view of politics. This is the case because Arendt understands by excellence and 'shining' in the public space not some sort of 'proving who is the best' but rather self-disclosure of that which is most specific and unique about the person. Moreover, Arendt takes this individual self-revelation to be uncontrollable by individuals themselves. As she says, because individual action is caught in a web of actions, it is weak and most likely not to achieve its aim, for man is both a 'doer' and a 'sufferer'. Thus, Arendt points to collective action as the remedy for the weak-

ness inherent in individual action. It can be concluded that Arendt's normative focus is on constitutional and institutional, as well as on collective action. Thus, the two levels of Arendt's analysis, if properly understood, do not run counter to, but parallel to one another.

So far, I have laid the ground for arguing that Arendt's vision of solidarity, though not explicit, has an important place in her overall theory. First of all, her notion of solidarity pertains to those individuals who are more motivated towards public service rather than the whole of the citizenry, and refers to those things that are necessary to sustain collective action. As highlighted above, the notion of solidarity understood as cooperation in political action is part of Arendt's theory at the level of institutional and collective action, and as such does not stand in contradiction to the individual level of theory as long as the latter is not understood in an agonistic mode.

The precondition for solidarity is Arendt's celebrated idea of political equality in the sense of equal access to the public realm. In sharing common political goals and in being participants in political action, Arendt sees individuals becoming peers beyond personal or social characteristics that make them unequal. This seems to be highly counter-intuitive, because equal opportunity to perform freely in the public space is obviously affected by a variety of factors. On the one hand, she does say, for example, that individual distinction and power of persuasion is needed for a person to be elected to a council (which she proposes as an alternative to the multi-party system). On the other, Arendt expects people with different natural endowments or social status to be able to enter and become peers in the political realm, which mirrors her unusual belief that different aspects of life should and can be kept distinct. Under such a conception, the unity of the person is put on hold. Individuals cease to be carriers of a set of identifiers and become citizens once they get involved in public affairs, as if they leave their private identity behind the door (as if there were a door). This view of individuals appears, of course, highly abstract and implausible. And yet, this could hardly be Arendt's final view since she is so keen on promoting individual distinction and difference. The problem for her line of thought is that the diversity and difference that she finds so compelling are entangled with the private stories behind each individual appearance. And these private stories are in turn embedded in social and contingent psychological realities. Thus, keeping the influences of the private and social realms out of political activity becomes unrealistic. It is with respect to this limited understanding of equality that the charge of nostalgia for the standards of the Greek *polis* levelled at Arendt seems to make the most sense.

Whatever the problems with her conception of political equality, one has to recognize that one of the more striking things about Arendt's thought is her social conservatism. For her, solidarity is not about redistribution or social justice. She thinks that, just as equality is the innermost

principle of the body politic, discrimination is the innermost principle of society (Arendt 2000: 237). Thus, there is no doubt that Arendt is no social reformer. For her, 'The question is not how to abolish discrimination, but how to keep it confined within the social sphere, where it is legitimate, and prevent its trespassing on the political and the personal sphere, where it is destructive' (Arendt 2000: 238).

I have pointed out so far that the precondition for solidarity in Arendt's thought is political equality, and I have also highlighted that, for Arendt, solidarity has nothing to do with redistribution or ideas of social justice. In the following, I will try to highlight the actual content of the notion. For Arendt, solidarity is generally exhibited when people act in concert for political purposes, and it is most specifically expressed in the acts of promise-keeping and forgiving.

Arendt thinks that moral irresponsibility is part of a politics built on the condition of plurality. Thus, she speaks of 'the haphazardness and moral irresponsibility inherent in a plurality of agents' (Arendt 1958: 220). The author proposes 'controls' for unpredictability or irreversibility, the downsides of human action under conditions of plurality. These 'controls' are essentially of a moral character.

As a remedy for the unpredictability of action, Arendt proposes the faculty of making and keeping promises. She considers this to be, as she says, probably the highest human faculty pertaining to politics. This faculty has 'the power of stabilization', and is the main force that keeps people together in political associations, while also working as a mechanism of individual self-binding for the future. Promises are meant to introduce 'certain islands of predictability' and no more, into the space of human affairs (which is unavoidably unpredictable). Thus, if misused to cover all aspects and possibilities of the future, promises lose their binding force (Arendt 1958: 244).

As a remedy for the problem of irreversibility inherent in action, Arendt speaks of the faculty of forgiving. She argues that this faculty (as discovered by Jesus Christ) can be relevant outside a strictly religious context. The human capacity to forgive enables people not to be captive to an action whose consequences they could not foresee. Forgiving establishes a personal relationship since '*what* was done is forgiven for the sake of *who* did it' (Arendt 1958: 241). Breaking away from a cycle of action and reaction, forgiving is the only reaction that acts anew. The spring of forgiveness in the sphere of human affairs is respect. By respect, Arendt means a general 'regard for the person [...] independent of qualities which we may admire or of achievements which we may highly esteem' (Arendt 1958: 243). This 'kind of "friendship" without intimacy and without closeness' (Arendt 1958: 243) is what, in Arendt's opinion, should underlie the conduct of individuals in the public sphere. Respect should be independent of admiration or esteem, emphasizes Arendt, and it should be sufficient to prompt forgiveness. Although Arendt is indeed

very brief on this topic, this personal and yet impersonal (since it does not address the qualities of the specific individual) kind of respect is most likely fuelled by the peer-to-peer relationship between individuals that are co-participants in the public realm. For Arendt, this probably comes over and above any universal respect for human life that can be assumed.

Hannah Arendt's thought stipulates a certain vision of solidarity that tries to replace the idea on which the modern concept of government is based, that the only thing individuals have in common is their private interests. Instead, she argues, individuals have in common a *common world* that they create through the artifacts of their *work*, through a constitution, a system of laws, and through collective political action. For exemplifications of *action*, Arendt mentions the labour movements in their beginnings as the only organizations in which men acted not as members of an amorphous society, but as men, remaining distinct in their own individuality, and at the same time united by common effort and mutual respect. Hannah Arendt's understanding of ideal politics entails deliberative, grassroots associations. In her idiosyncratic rendition, solidarity bears the fruit of *power*, the power of individuals coming together, and in the process disclosing their individuality and acting together towards the preservation of their *republic*.

## Conclusions

Coming mainly in the aftermath of the liberal-communitarian debate, republican arguments attempt to accommodate a communitarian view of politics within a liberal framework. In the context of widespread pluralism, the challenge is to find the means for a different kind of solidarity (not informed by traditional ties), which would promote a sense of civic commitment and at the same time foster toleration. The three republican authors that I have looked at postulate the individual's necessity for freedom and rootedness in a political rather than a cultural community (with the exception of Viroli, who appears not to be straightforward about this). While these three attempts at defining a distinct republican polity differ in many respects, and one should also recognize their different approaches (Viroli and Arendt are more essayistic, while Pettit has a more analytical approach), they all share a clear conceptual connection between freedom and the exercise of a more encompassing concept of citizenship. The two notions appear intertwined, and thus individual freedom appears to entail civic responsibility in plurality and, consequently, some form of solidarity.

In Viroli's view, 'the right' kind of republican community is an outgrowth of a 'civilized' national community informed by a civic type of belonging. His account of solidarity is a cultural one, not thin enough to ensure the inclusion of non-nationals.

Philip Pettit's version of a republican community is built on a partial

type of civility that springs from group belonging. He also emphasizes, however, that this partial civility needs to be complemented by a general form of civility pertaining to the whole society. The author does not, however, explain how it is possible to advance from partial civility to societal civility. Since the groups Pettit takes as springboards for contestation are mainly ascriptive (e.g. groups of women, ethnic groups) it is to be expected that partial solidarities of different groups with different, at times contradictory, perspectives will come into conflict.

Despite the criticisms we may have of some of Arendt's political thought (such as her insistence on keeping the social and the private distinct from the political, her social conservatism, her argument that freedom cannot be experienced in the private realm, as well as her romantic backing of a council system to replace, at least in part, the party system), the most convincing vision of solidarity of the three can be drawn from her political thought. This is a form of solidarity that does not rest on any all-embracing and constrictive national identity. (Arendt is actually anti-Virolian in saying that the unity behind the idea of the nation state kills human diversity of opinion, and that is why she promotes federalism). Moreover, the Arendtian notion of solidarity does not rest on partisan identification with a certain ascriptive group, as in Pettit's theory. Instead, it amounts to a basic moral code underlying collective action. This moral code is mainly formed by the ability to make and keep promises to one's peers in political action and to forgive their wrongdoings. The notion of solidarity that we can infer from Arendt's thought is political and purpose-oriented in so far as what unites co-participants in political action is the shared effort to promote a certain political issue, without being overtly partisan (as in the case of Pettit's theory).

Thus, the best way to push forward a credible republican articulation of republican principles within a liberal context would ultimately seem to lie in envisaging deliberative bodies of citizens where solidarity is no longer seen as overlapping with some traditional or necessarily geographical boundaries, but as pertaining to communities of interest in different public affairs. These communities of interest would not be Pettit's 'ascriptive' groups, but rather dynamic groups defined around issues of civic interest.

## **Part IV**

# **Republican political institutions**



# 9 Modern republican democratic contestation

## A model of deliberative democracy

*John Maynor\**

### Introduction

Increasingly, the relationship of republicanism with democracy is thought to be a contentious one. On one side are those republicans who take a civic humanist view of democratic participation, who contend that political activity is a good itself and leads individuals to some type of flourishing (Oldfield 1990: 6; Kymlicka 2002: 295). This approach, however, has been the subject of much criticism and is thought to be incompatible with life in the modern world characterized by what John Rawls referred to as the 'fact of pluralism' (Rawls 1993: xviii–xix). On the other side are those republicans who take a more pragmatic view toward democratic participation and see it as an instrumental ideal that supports just institutions (Skinner 1990a; Pettit 1997; Kymlicka 2002: 294–302). These republicans argue that as an instrumental good that makes no claims about what constitutes the good life, their version of democratic participation can cope with the fact of pluralism. Philip Pettit's recent work on republican liberty as non-domination is an example of this type of approach.

The problem is that many critics fail to see that there are any significant differences between Pettit's brand of republicanism, sometimes referred to as instrumental republicanism, and liberal egalitarianism, which seems to dominate contemporary discussions within democratic theory (Rawls 1993; Kymlicka 2002; and Patten 1996). Moreover, other critics have pointed out that within Pettit's approach the active element of democracy is minimized as citizens are relegated to contesting decisions made by the state (Honohan 2002: 236). The thought is that such moves fail to bring the people into the decision making process at an early enough stage in order to secure republican liberty.

I think that these types of criticism are valid and are ones that republicans must address. In this chapter I will offer an alternative version of democratic contestation to Pettit's, which I believe enriches the democratic project and supports republican liberty as non-domination. Moreover, I will argue that neo-Roman or instrumental republicanism is not simply reducible to liberal egalitarianism and does add something of value



to debates within contemporary democratic theory. In making my argument I will first consider how democracy came to be a central feature of republican approaches. I will then outline a model of republican democratic contestation that stresses political participation throughout each phase. Finally, I will consider two important objections to the republican model.

## **Democracy and republicanism**

As those who are familiar with classical republicanism will know, democracy has traditionally played a key role in its development. According to David Held, there were two fundamental reasons in classical republicanism behind the idea of incorporating the rule of the people within the state (Held 1996: 44–5). The first, and associated with the neo-Athenian or civic humanist republicans, was the belief in the essential value of self-government. This strong version of republicanism was thought to lead to a breakdown of political order due to the lack of sufficient checks on the power of the state as different classes sought to dominate each other. The second reason some classical republicans embraced the democratic model was the great fear of tyranny, and the subsequent domination brought about by monarchical forms of government. However, the fear of domination by a tyrant or King was tempered by the realization that any form of government that vested too much power in any one institution or class would result in the same risk of domination. Just as a monarch could dominate the people, a political system based on an aristocracy or democracy could prove to be dominating as well. The thought was that each class or faction might seek to promote their own narrow self-serving interests by using the oppressive power of the state, resulting in an increase of domination.

In seeking to tame the extreme nature of classical democracy, the Roman writers, and subsequently the neo-Roman writers, stressed the need for institutional limitations on the power of both the state and the people (Skinner 1991: 193). The point was to harness the power of the people without letting that power corrupt them. The broad outlines of this move took the form of certain constitutional arrangements that gave priority to the rule of law; the dispersion of power across legislative, administrative and judicial bodies; open and inclusive representative bodies that were made up of members from the range of social classes; term limitation; and the rotation of public offices (Pettit 1999a: 284). In each of these moves, democratic contestation became a key feature in the fight against domination. The idea was to bring in as many people and interests as possible and to set down firm rules of conduct to constrain the scope of their power, all the while subjecting each official and their office to public scrutiny so that no individual or group could subvert the common good.<sup>1</sup> In this way political participation through democratic

contestation became an essential component of republican government because it could guarantee liberty so that no one individual, group, or institution could subject others to their will with impunity (Machiavelli, *Discourses*, I 16, as cited in Skinner 1984: 205). Thus, although democracy was seen as an important component of free government for these republicans, it carried with it certain risks that, left unchecked, could bring about tyranny and domination, either in the form of *imperium* through the state, or in the form of *dominium* from the people.<sup>2</sup>

Three key points emerge from this discussion. The first is that, for these republicans, a form of democratic government was essential in guarding against the domination of a monarch. The second is that democracy was itself a risky system of government when it came to maintaining liberty and securing the people from the excessive power of the state or from factions.<sup>3</sup> Experience had taught republicans that inevitably some individuals or groups will be stronger in pressing home their point of view and thus the threat of domination remained. For these republicans, there was little difference between a tyrant and a tyranny of the majority or of a faction since each ruled by dominating others. In seeking to limit the extremes of democracy, the final point to make is that these republicans believed that the risk to liberty could be minimized if the energy and commitment from the people could be harnessed and channeled in a distinctive manner by properly constituted institutions and ideals.

This final point underlines an important feature of the republican commitment to liberty. As Quentin Skinner has pointed out, these republicans believed that a conversational approach to decision making was one of the keys to tempering the extremes of democratic government. Because republicans stress dialogue and 'a willingness to negotiate over rival institutions concerning the applicability of evaluative terms', I believe that neo-Roman or instrumental republicanism is not hostile to other recent developments in contemporary political discourse such as deliberative democracy (Skinner 1996: 15–16). Indeed, as Cass Sunstein (1988) has pointed out, deliberation is a basic feature of the republican tradition. Deliberative democracy is generally a situation in which members of a political community settle political issues by deliberating with each other.<sup>4</sup> According to Joshua Cohen (1989), the crude democratic ideal of interest aggregation (with majority victory) is altered to place certain requirements on the citizenry in terms of their participatory commitments to the state and to each other. A deliberative democracy requires that citizens do not simply follow their gut instincts when expressing their interests. Instead, it seeks to bring them out into the public and asks them to justify their position by giving and taking reasons that others can accept (Cohen 1989: 17–18). In the next part, I will explore just what republicanism can contribute in this area by outlining a democratic contestatory model that can deepen our understanding of the deliberative process and promote republican liberty as non-domination.

## Non-domination and contestation

In combating the amount of arbitrary interference present within society, republican processes and policies must guard against both active and passive domination. Active domination is instances where special interests are either purposely or mistakenly taken to be ones held in common, whereas passive forms of domination are oversights that lead to common interests being ignored. The fear is that contestatory republican institutions may force some into a position of domination by faulty processes of interest aggregation or by institutions that may produce policies that do not track the interests of the citizenry (Pettit 2001: 159).<sup>5</sup> The risk comes from several different sources, including corrupt officials who may act out of their own narrow self-interests without tracking others' interests. It may come from certain rules and regulations that do not take into consideration the various ways in which members of today's modern society communicate. It may also come from agencies that do not countenance certain structural inadequacies contained within modern life, such as a failure to account for the importance of family life. Wherever the risk comes from, one thing is certain; a modern republic must strive to make both the policy and processes of democratic contestation non-dominating and participatory friendly.

The task is made even more complex by the realization that processes that are non-dominating can produce policies that are dominating. In meeting this challenge, a modern republic has several classically inspired technologies upon which to draw. In both the interest identification and policy processes, an effort must be made to minimize the amount of domination so that any emerging policy tracks the interests of the people. Certain safeguards including forms of contestation must appear in each step of these processes. In this manner, democratic contestation provides an opportunity for the people to challenge and question both the issues raised and their potential or actual impact on society (Pettit 2001: 160–7).

As mentioned above, Pettit's version of deliberative democracy is subjected to two types of critique. The first is that as an instrumental approach it does not significantly vary from many liberal egalitarian approaches. The second is that it does not give democracy its due since it does not countenance the importance of active citizen participation throughout the policy-making processes (Honohan 2002: 236). Pettit argues that citizens should see themselves as joint-editors of public policy and not joint-authors (Pettit 1999a: 295). This seems to indicate that democratic participation through contestation is something that comes after policy decisions are made. In short, democratic contestation for Pettit involves more citizen *re-action* rather than citizen *action*.

While some of this criticism may seem slightly harsh, I believe that the thrust of it must be addressed.<sup>6</sup> The overriding thought behind this criti-

cism is that Pettit seems to want to constrain the democratic impulses of the citizenry due to the fear of a tyranny of the majority. To be sure, Pettit's concerns are well founded and are consistent with the traditional republican skepticism of democratic activity outlined above. I think Pettit is right to be wary of the extremes that some democratic activity may expose. However, I believe that he unnecessarily limits certain positive features brought about by active democratic participation. In the next section I will outline a model of modern republican democratic contestation that features more robust elements of civic engagement. Moreover, I believe that such moves also help to differentiate the modern republican project from liberal egalitarianism.

Before proceeding, however, I need to stress one important point. No public philosophy is going to get it right all of the time, especially given the degree of social and moral pluralism present in today's society. The point that must be made here is that if republicans accept that no policy will be one hundred percent non-dominating, the key to ensuring that domination is kept to a minimum is to ensure that the policy processes are resilient enough to withstand spirited challenges and considerable dissent. As Brennan and Hamlin (2001: 47) have argued, the 'idea of resilience is related to the idea of assurance – a resilient liberty is one that is assured in the sense that it is not contingent on circumstances, but rather is entrenched in the institutional structure'. There are two keys to achieving this aim. The first is the republican reliance on mixed constitutions that distribute political power across a range of offices and officials. The second is to ensure that the democratic forums are strong and meaningful enough to withstand the dynamic energy created by an active democratic populace seeking to identify common interests through contestation. At the same time, however, these institutions and processes must also be malleable enough to reverse course when necessary, without causing a lack of faith and allegiance in their foundations and belief in their capacity to do better the next time around.

I now turn to three key components of a republican model of democratic contestation to get an idea just how contestatory institutions in a modern republic might take shape and contribute to the maximization of non-domination. The overriding aim of this next section is to demonstrate how republicans can incorporate more robust elements of democratic participation into the mixed constitutional provisions of the modern state and minimize the risks of domination.

## **A model of republican democratic contestation**

### *Issue identification*

The first component of republican democratic contestation must be the identification of legitimate issues to be addressed by the state. Such a

move requires a mix of both interest solicitation and consideration by the state. A modern republic must make an extraordinary effort to seek the opinions and feelings of the citizenry in identifying legitimate areas in which to act. At the same time, a modern republic must ensure that the citizenry can effectively identify issues that require state action. In other words, a modern republic needs to be not only an active force in soliciting interests by going to the people with policy options or action plans; it also must make sure that it has forums and processes where issues can be brought to it for consideration. To accomplish this, a greater effort to facilitate citizen input is necessary, as is more open communication between the governed and government. It is not enough simply to rely on the people to express their preferences in periodic elections (Phillips 1995: 145–65). A modern republic must be active in seeking out individuals and groups in order to discover just what their interests are. The overall point of these moves is to elicit citizen input at the very earliest stages of the policy making processes so as to gauge their interests and ensure that they can then be tracked.

Before any policy making process can begin, the first move must be to ensure that the republican institutions are open and inclusive. If the point of these institutions is to bring in individuals and groups to solicit their interests and opinions, the republic must make it possible for them to do so. Any modern republican state that wants to minimize domination through democratic contestation must not only make political engagement desirable, but also make the act itself matter to those involved by delivering tangible end products (Phillips 1995: 149). Again, the point here is that for the state to be a non-dominating one, it must track the interests of the citizenry. Two things are central to this effort. The first is that the institutions must make it possible for the citizenry effectively to participate in this effort. This means that a variety of locations and mechanisms must be utilized so that all have the opportunity to register their interests and participate in the policy making processes. In this way, a modern republic can overcome the objections of someone like Iris Marion Young, for whom the ways and means of republican government are too narrow and overly prescriptive (Young 1990; see also Moon 1993). Thus, modern republican institutions must be open to all and must not ask those engaging with them to bracket off their comprehensive moral doctrines (as is the case with some liberal approaches). This may involve exploiting new technologies such as the Internet or video-conferencing<sup>7</sup> or it may involve utilizing more traditional methods of citizen solicitation, such as the town hall meeting or neighbourhood advisory committees.<sup>8</sup> It might also involve ensuring that an extraordinary effort is undertaken to guarantee the participation of certain traditionally underrepresented groups or individuals. The overriding point is that there must be a range of ways and means for citizens to register their interests and participate in the contestatory institutions of the modern republic. So whatever shape

these institutions take, or whatever technology they employ, they should reflect the interests of the particular citizens involved.

It follows that if republicans can find the right mix of interest solicitation and consideration that identifies the proper non-dominating aims of the state, the state must then ensure that the actual policy-making process runs smoothly and is itself subject to scrutiny through effective contestation. Within many modern democratic polities there is a wide range of ways that issues are identified for policy action. Elected representatives, public officials, the media, special or public interest groups and individuals, all have important roles to play in identifying issues. Other ways of interest solicitation and consultation, such as Green Papers, are potentially consistent with modern republicanism. A side-benefit to these efforts is the possibility that they may help to establish group-level commitments and reduce the space between government and governed (Barber 1984; Putnam 2000).

### *Review mechanisms*

Once legitimate issues are identified as areas the state should act on, the second component of republican democratic contestation is the formulation of reasonable and measured legislative or executive policies. This process will need to involve not only legislative and executive officials; it will again need to involve the solicitation and consideration of opinions from interested parties in open and inclusive forums. There are likely to be further benefits of the open and inclusive modern republican institutions since individuals and groups will not only be exposed to other interests and ways of life. They will also be educated in the ways and means of republican ideals as they interact with each other and the state. In this respect, they will not only be exposed to the more formal constitutional power of non-domination as they engage in the institutions of the state,<sup>9</sup> they will also be exposed to the more informal reciprocal power of non-domination as they develop inter-subjective relationships with other individuals and groups. When registering their interests with the state and others, these individuals and groups will engage in conversations with each other and the state, and they will be asked to cast their ends as non-dominating ones. These conversations are likely to be a key feature in establishing such social norms as trust and civility as individuals and groups establish relationships with each other and the state (Maynor 2003: 174–202; see also Putnam 2000).

Once a remedy or policy has come out of the formative phase there is a need for a process of formal review. This requires that the proposed policies are subjected to scrutiny through mechanisms such as public review periods so that not only interested parties have another chance to study what has been proposed, but also society as a whole has an opportunity to consider the potential ramifications of the proposed policy remedy away

from the rough and tumble environment of legislative or executive battles. An example of one way to guarantee democratic contestation in this respect is to build on certain features in the United States, where public review periods are used by the executive branch. Alternatively, another way to do this is found in Norway, where the *forvaltningsloven* (the law on public administration) makes it a legal requirement that affected groups and individuals be formally consulted before policies are set (Olsen 1983: 209–10).

In the same vein, it follows that policy solutions that actually make it onto the ground and begin to operate must be subjected to periodic review in order to ensure that they are fulfilling their intended goals. There are a number of methods that states can employ, like independent review committees or the formal co-optation of interest groups, to ensure that public policy is both effective and consistent with the minimization of domination (Olsen 1983: 209–10). Whichever path is taken, the point is this: citizens need to see just what has emerged as state policies in a language that they can understand and in processes that allow their interests to be registered and addressed.

### *Elections as contestation*

The final component of republican democratic contestation is perhaps the most straightforward and pedestrian of them all. Nevertheless, in many ways this final step is the most important to the ultimate success or failure of a modern republic. On top of each of the other components must lay periodic, meaningful, fair and open elections in which officials and their performances are subjected to the ultimate democratic contestatory exercise. To many, this may seem like the most simplistic of issues and one that is already well catered for in other contemporary approaches. Others may feel that it is just this type of majoritarian ballot box democracy that deliberative models are trying to replace. This issue is made even more pressing in light of recent trends that suggest that electoral participation is dropping as more citizens tune out. To be sure, modern republicanism does not offer a silver bullet that will single-handedly solve the problems associated with growing voter apathy. Moreover, it is not clear what is actually causing the decline in electoral participation and whether or not this represents a real threat to the modern polity (Inglehart 1997; Axford *et al.* 1997: 129–30).

Nevertheless, by focusing on minimizing domination, republicans can contribute to enhancing the electoral process. An example of one way to minimize domination in the electoral process would be, in the case of the United States, to change the way campaigns are financed.<sup>10</sup> The present system seems to reinforce domination and force some out of the political process altogether. Term limits or some type of mandatory voting program may offer ways to ensure that domination is minimized by bring-

ing in new individuals with new ideas. While such moves may at first seem overly controversial and a prime example of the type of unrestrained state coercion that many liberal approaches oppose (Patten 1996: 36), a closer look reveals that such efforts may in fact be entirely consistent with political life in a modern republic if they emerge from properly constituted contestatory institutions through procedures like the ones laid out above.

Underpinning each of these three components is the realization that if legitimate issues are identified for action, the polity must act on them. Not surprisingly, along the way difficult decisions will have to be made and some may not agree with the end product. Republicans are under no illusions about the possibility that a state can rule by unanimous agreement. The fact is that whatever decisions are made, not everyone will get their way and have their self-serving preferences satisfied fully. But this line of thinking misses the point. Individuals and groups in a modern republic will be affected in different ways by the scope and modes of republicanism. Not everyone will agree with all decisions or policy prescriptions in a modern republic. Instead, what republicans strive for is widespread agreement on the institutions and the processes of decision-making and policy creation that minimize the risk of domination. Active citizen involvement and input is not only encouraged, but is also necessary to ensure that domination is minimized. Such efforts will likely involve a range of methods and seek to reach out to those who have traditionally been excluded from such discussions.

## **Objections to modern republican democratic contestation**

### *Gridlock?*

Any objections to what I have argued for above will come from those who object to the procedures and the substance of modern republican contestation. The procedural objection is likely to come from those critics who believe that the measures set out above would create intractable gridlock. The thought is that those procedures would force issue identification and policy making to grind to a halt while countless objections and opinions are considered. If such a resolution could, in the end, be found, a related objection would be that the measure itself would probably be so watered down through compromises that the end result would be an overly weak and ill-suited public policy. There are three points that I would like to raise to address these concerns. My first comment is that such criticisms are only likely to apply in certain cases where policies are, for what may be good reasons, very controversial or difficult to resolve. No contemporary approach escapes the reality that some issues are difficult or controversial. Not all of these issues are dealt with in a timely manner, but it is not always down to a lack of trying or will to do so. It is simply because the issues involved are complex and thus the remedial policies must be thoroughly



considered and measured to fit and this may take time and lead to difficult decisions or compromises.

So, some issues may need more time to be resolved than others, which leads me to my second point. Nothing that I have said earlier implicitly rejects measures that can be taken to speed up the resolution of some issues as long as those measures do not themselves constitute domination. For example, pre-agreed time limits on debate or comment periods can be imposed or, in some cases, interim measures can be put into place while certain parts of the process are still considering the final resolution of the issues. Moreover, in genuine cases of emergencies or crises, certain procedural measures can and should be in place to increase the ability of one or more of the branches or parts of government to react, as long as those measures themselves are not dominating and are subjected to contestation. The final point I want to make here is that the people themselves represent the ultimate check on the power of the state. Thus, if the people collectively object to the amount of time taken by, or the functioning of, modern republican institutions and procedures, they retain the power to change them in order better to address legitimate issues in a more timely manner if they so desire.

### *The burdens of participation*

The second, and more worrying, possible objection to the democratic contestatory model outlined above is more substantive in nature and is aimed at criticizing the types of skills and character traits that modern republicanism is likely to require. Another related objection is likely to come from those who believe that modern republicanism asks too much of its citizens, especially given the demanding nature of modern life. Allen Patten has suggested that republicans place too much emphasis on active, and thus intrusive, versions of civic virtue and citizenship that unnecessarily may restrict liberty (Patten 1996: 26; 36, esp. n. 41). This sentiment is echoed by others such as Stephen Macedo (1990: 99) and William Galston (1991: 225) who both believe that republicanism's focus on activity is too intrusive into each individual's personal sphere and results in unwarranted interference in their conception of the good. Another complaint comes from some feminists and difference theorists who take republicanism as an approach that is fundamentally biased with respect to cultural minorities and women (Moon 1993; Landes 1998; Phillips 2000).

I think that these types of complaints are important and republicans must take them seriously. Unfortunately, because of the limited scope of this chapter I can only sketch out what I see as the basic argument available to republicans in addressing this line of criticism. Before taking up the point against those who see republicanism as antiquated, and thus culturally biased, I want to have a quick word about the charge that the type of contestatory procedures and institutions outlined above are unrealistic

because they demand too much commitment from a populace that is increasingly tuning out when it comes to political matters. While the model outlined above may appear to be a prime example of unrealistic republican wishful thinking, I do not believe this to be the case. This is due to the republican understanding that not all citizens will wish to be involved in every single political issue that comes to the open and inclusive forums of democratic contestation. As David Miller has pointed out, it is not necessary for citizens to 'regard political activity as the *summum bonum* in order to adopt the republican view'. Instead, they can embrace a more modest standpoint that holds that 'different people can be expected to give [politics] different weight according to their own personal values' (Miller 1995a: 448). This realization points to a more episodic pattern of political engagement where agents pick and choose those issues in which they seek to involve themselves (Ackerman 1991; see also Kymlicka 2002). These participants will come and go at their pleasure, engaging in issues that are important or affect them while abstaining from others. Of course, the republican state may well encourage them to participate and provide open and inclusive forums, but for the most part the choice will be theirs to decide how much time and resources they commit to democratic contestation.

A large part of this decision is likely to be based on how much these agents identify with the contestatory processes and institutions and whether or not they see them as legitimate. Furthermore, whether or not they choose to participate will also be down to whether or not the ways and means of contestation can fit into their busy lives. Thus, the fact that some may wish to participate more than others does not fatally undermine democratic contestation. To be sure, there are dangers associated with the decline in traditional political participation since domination may rise. To combat this, modern republican democratic contestatory procedures and institutions must carry a status that ensures that agents who wish to participate can do so when they choose. Moreover, these procedures and institutions must make it easy for these agents to do so by accommodating different ways of communicating and operating with a realistic view of the demands of modern life. Ultimately, the success or failure of modern republican democratic institutions will in large part depend on whether or not the citizenry views them as a legitimate and an effective means of minimizing arbitrary interference.

I now turn to the issue of whether or not modern republicanism is culturally biased due to its roots in antiquity. To be sure, a modern republic characterized by non-domination must be one that takes seriously the troubling historical and present realities of the shortcomings in the equal treatment of cultural minorities and women. Indeed, any modern republic must actively seek to address these complaints and redress past injustices of domination. As Pettit has argued, even though historically freedom as non-domination was only accessible to privileged males, its

fundamental principles are culture and gender free. In short, non-domination makes sense for all individuals, regardless of background or gender. In order to move beyond the pre-modern republican image of civic virtue and citizenship as the privileged domain of propertied males, any modern republic must progressively seek to end the domination of women and cultural minorities by actively fighting their position of subjugation (Pettit 1997: 139–46). Republican liberty as non-domination cast as a foundational objective for a contemporary public philosophy requires as much.

This point becomes evident when we consider that republicans seek to equalize power relationships by non-arbitrarily interfering with agents and by encouraging them to participate in democratic contestation. Moreover, conversations that occur in the process of political engagement can serve to transform narrow self-serving preferences into ones that can account for and track the interests of others. A central feature of deliberative models is the capacity of the deliberative process itself to serve as an occasion for self-interested agents to revise their positions as they are asked to formulate new positions while discussing policy options or issues with others (Phillips 1995: 149). In the words of Jane Mansbridge: ‘deliberation often makes possible solutions that were impossible before the process began’ (Mansbridge 1992: 37). As agents engage with others in the political process, they may be exposed to views that perhaps they had not considered or to positions that they did not previously understand. For deliberative democrats these discussions are essential in removing the undesirable aspects of ballot box privacy and anonymity that feature in the mere aggregation of preferences in majoritarian democracy (Young 1993: 129; Phillips 1995: 150–1).

A further feature of deliberative processes and forums is that they can serve to, in the words of Anne Phillips, ‘dislodge existing hierarchies of power’ (Phillips 1995: 151). According to Steven Lukes, although power can be understood on many different levels, a primary concern must be in understanding how institutions use power against agents and how agents use and accumulate power against each other (Lukes 1986: 1–18). I believe that this concern is mirrored in the republican concern with domination in both its *imperium* and *dominium* forms. Moreover, because certain class, gender, and cultural norms may dominate an agent’s view of themselves and the world, exposure to diversity and difference through contestation may open the door to other viewpoints and possibilities not previously encountered or considered. Such a position for republicans can be found in Machiavelli’s view of how Roman institutions used open and inclusive forums to develop policies that were transformed by the debate surrounding them (Machiavelli 1970, *Discourses*: I 18).

I believe that the modern republican model of democratic contestation presented above is not only consistent with this sentiment, but in many ways goes beyond it and thus should be attractive to deliberative demo-

crats. This becomes evident when we consider that central to an understanding of republican liberty is the relationship between interference and domination. Interference is thought to be when an agent's activities or choices are subject to some form of intentional intervention by another agent, whereas domination is understood to occur when an agent's activities or choices are subject to arbitrary interference by other agents. Agents who have the power to choose, or not choose, to interfere with other agents without considering what the other's will or judgments are, interfere with those agents in an arbitrary manner (Pettit 1997: 52–5). These agents are dominators because they do not consider what others' interests or opinions are before acting and thus subject them to arbitrary interference. Put another way, these dominators seek to maintain their position of power by subjugating the weak. The key to determining what is arbitrary centers on whether or not the interfering agent consulted and tracked the opinions or interests of the agent subjected to the interference. For an act to be non-arbitrary, the onus is on the interfering agent to seek actively the opinions or interests of others before acting or at least to consider that their actions have consequences that may affect others. For republicans, such an obligation is one manifestation of civic virtue and civility. Moreover, it is not something that is driven by choice on a case-by-case basis. In order for me to treat others without domination they have to command my respect as non-dominated equals, not have it by my grace or pity. As long as I remain in a position of superiority and have a choice to dominate them (or not), then my actions are still arbitrary and there is no republican freedom.

Through democratic contestation, republicans seek to minimize the amount of domination present in society in both its *imperium* and *dominium* forms. To be in a position of domination is to be subjected to interference that is arbitrary because it does not account for or track an agent's interests. To have their interests accounted for and tracked removes the threat of domination and places the agent in a more secure and empowered position. This highlights a subtle, yet nonetheless important, feature of republican liberty that I believe makes pursuing it compelling and attractive. Because domination can cause and exacerbate unequal power relationships, minimizing it helps to empower and liberate those in subordinate positions. A dominator holds an inordinate share of power in their relationship with the dominated. Thus, in ending domination, power can be redistributed so that both parties hold more or less an equal share, and can command the allegiance of the other. Thus, existing hierarchies of power can be undermined by forcing them to account for and track the interests of those they dominate through the processes and institutions of democratic contestation. Such moves also emphasize the importance of listening and engaging in a dialogue where each respects the interests of the others. Thus, a republican model of democratic contestation that seeks to equalize the power relationships between agents

also has the added benefit of increasing the institutionalized recognition each receives from others and the state (Fullinwider 1999: 131).<sup>11</sup> Due to an agent's empowered status and the demands of civility, they will be able to be accepted for who they are and have equal standing as others in the contestatory institutions of the modern republic. They will not be asked to bracket off their comprehensive identities or final ends, nor will they be labeled unreasonable and thus lose their standing as in some liberal deliberative approaches.

## Conclusion

There is no doubt that there are important unanswered questions for republicans regarding the scope and content of democratic contestation. As I have argued in this chapter, the republican reply is to offer an account of liberty that seeks to equalize inter-subjective power relationships by aiming to minimize domination. While this might represent a promising start, republicans now need to further develop this line of enquiry in order to address more fully the concerns of their critics. This is especially true when we consider that a major source of domination in the modern world appears in the form of economic inequality. Admittedly, modern republicans do not seek to offer 'right' or 'true' answers like a neo-Athenian model might. But this is one of the key reasons it is an attractive approach suitable for the modern polity. The *imperium* of the state is subjected to robust and spirited contestation from not only the constituent parts that comprise the polity through checks and balances, but from the people who act as the ultimate check and balance on its powers. Furthermore, private *dominium* is rigorously confronted by strong institutions and by a robust belief in the rule of law and democratic contestatory procedures. Beyond the ideals and values that support non-domination and help to sustain and nourish the modern republic, there are few absolutes. The modern republican position is perhaps best exemplified by the old adage that decisions are made by those who are at the table and participate in the discussion. Modern republicans want citizens to engage with the state and each other as they explore their differences through deliberation and discussion in the open and inclusive forums of the republic. By stressing democratic contestation throughout the policy-making processes as a way to minimize domination, a modern republic can react to the changing nature of life in the modern world.

## Notes

- \* This chapter draws on material from chapter 6 in my *Republicanism in the Modern World* (Maynor 2003). I have been reworking the ideas in that chapter and have presented them in various forms to the University of Sheffield Political Theory Research Group, the Oxford Political Theory Conference, and Workshop 24: 'Republican Theory, Republican Practice' at the 2003 ECRP

Joint Sessions. I would like to thank the participants of those sessions for their helpful suggestions. I would also like to thank Jeremy Jennings and Iseult Honohan for their work on this project and their encouragement.

- 1 For example, see Madison *et al.* (1987) *The Federalist Papers* and Montesquieu (1989) *The Spirit of the Laws*.
- 2 For an alternative view see Schwarzmantel's chapter in this volume.
- 3 For an expanded account of the republican response to factions see Maynor (2003: 117–45, Chapter 5, 'Factions and diversity: a republican dilemma').
- 4 See also Benhabib (1996b); Gutmann and Thompson (1996); Bohman and Rehg (1997); Carter and Stokes (1998); and Elster (1998).
- 5 Pettit describes these instances as 'false negatives' and 'false positives'. For further discussion see Pettit (2001: 159–61; see also Pettit 1999a: 293).
- 6 See Pettit (1997: 187–90) and (2000: 140) for further discussion.
- 7 For a good overview of these issues see Loader (1997).
- 8 For a good overview of these types of forums see Barber (1984).
- 9 This point ties with Schwarzmantel's chapter in this volume.
- 10 Sunstein makes a similar point to this in 'Beyond the republican revival' (1988: 1576–8). For an alternative view see Richard Epstein's (1988: 1633–4) 'Modern republicanism – or the flight from substance'.
- 11 For a further discussion see Maynor (2003: 140–5).

# 10 Republican theory and democratic transformation

*John Schwarzmantel*

## Republicanism and democracy

Any attempt to realize the values of republican theory in practice has to do so with reference to modern democratic societies. In order for the 'republican revival' to have any significance in political terms, it has to confront the question of what republican theory can offer as a response to central problems of modern democratic theory and practice (Brugger 1999). If republicanism is not developed as a critical perspective on contemporary liberal-democracy, then debates on republicanism will remain limited to exchanges in the sphere of the history of ideas, of interest to specialists but lacking any wider implications for political practice in the conditions of modern mass democracies.

This chapter focuses on the question of the contribution which republican theory can make to the transformation of contemporary liberal-democracy. Ideas of civic republicanism, put into practice in the framework of modern mass democracies, can provide guidelines for a strategy of political change. However, this can be done only if such republican ideas are developed and applied in ways that have been very timidly and inadequately embarked on, if at all, in the existing literature on republicanism. The central theme to be explored here is that in order for republican ideas to be fruitful as critical analyses of modern democratic politics they must focus on themes of institutional transformation and political agency. This is the way in which republicanism can be 'updated' to make it relevant to the conditions of mass politics in contemporary society.

In order to develop this argument, it is necessary to review the relationship between republicanism and democracy. It is surprising how rarely this seems to be done in the existing literature, at least in any explicit and direct way. The connection between the two needs to be examined at three levels. These are historical, philosophical/conceptual, and practical/political. Putting the question in a crudely straightforward way, 'is republicanism democratic?' (or 'is republicanism the same as democracy?'), the answer in *historical* terms seems to be a negative one. Republicanism historically seems much more concerned with problems of the abuse or limita-

tion of power, rather than manifesting any democratic concern with popular sovereignty. While some classical republican theorists welcomed the extension of democratic participation, this was qualified by the fear that this might lead to potentially tyrannical domination by the people themselves, acting as a despotic mass, as John Maynor's contribution to this volume notes (Maynor, this volume). Two examples suggest the difference between republicanism and democracy. The first example comes from Kant and his discussion of this question in his essay on 'Perpetual Peace'. Kant writes that 'Republicanism is that political principle whereby the executive power (the government) is separated from the legislative power' (Kant 1970 [1795]: 101). However, according to Kant, a democracy is something different. A democracy is necessarily a despotism because 'it establishes an executive power through which all the citizens may make decisions about (and indeed against) the single individual without his consent' (Kant 1970 [1795]: 101). So for Kant republicanism is fundamentally concerned with the rule of law, while democracy gives sovereignty to the people who can act arbitrarily and override the consent of at least some individuals. Republicanism is thus a liberal concept, of separation of powers, defined at least in potential opposition to democracy.

In similar vein is the argument in Number 10 of *The Federalist Papers*, written by Madison, dealing with the means of controlling 'the mischiefs of faction'. Madison distinguishes a 'pure democracy', defined by him as a society consisting of a small number of citizens, from a republic. A republic differs from a democracy in two respects, by being representative, and by operating on a larger scale. In Madison's words:

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country over which the latter may be extended.

(Madison *et al.* 1987 [1788], *Federalist Papers* No. 10)

A large republic would be more likely than a small one to have worthy representatives 'who possess the most attractive merit and the most diffusive and established characters'. In this respect, Madison's argument seems to be like Kant's: the selection of 'worthy' representatives would 'refine and enlarge the public views by passing them through the medium of a chosen body of citizens' (Madison *et al.* 1987 [1788], *Federalist Papers* No. 10).

Both these views seem rather unpromising if we are looking to republican theory to give some indication of democratic reform in conditions of modern mass democracy. Republican theory is more liberal than democratic. It is preoccupied with dampening down popular power, and achieving a system of the rule of law in which a representative elite can deliberate about issues of the common good. Does this mean then that



republican theory is necessarily backward looking, unable to fulfil the requirements looked for here, namely a theory of deepening democracy in the conditions of modern mass politics? Republican theory can take a different and more relevant direction if it is viewed as a theory of common citizenship. It needs to be 'modernized' to take more seriously ideas of institutional innovation and agencies of change. These latter issues are given insufficient attention in contemporary versions of republican theory, which are still very much in the liberal dimension indicated by its illustrious predecessors cited above, Kant and Madison, among others. For example, Pettit's theory of republicanism as a theory of 'non-domination' seems more in line with the idea of restraining power rather than with the aim of increasing participation and fostering moves towards a deeper democracy, which could command citizens' allegiance (Pettit 1997).

This then leads on to the more positive side of the argument to be developed here. This involves a reading of republicanism that emphasizes two themes: its role in highlighting an account of common citizenship, and its capacity to provide an alternative to liberal-democracy in its existing form. This includes a specification of political institutions which differ from the dominant ones of contemporary liberal-democracy. A republican perspective emphasizes membership of a political community, which transcends particular group identities, and in that way it offers a critique of the weak points in contemporary liberal-democratic theory and practice. Republican theory at present concentrates on ideas of non-domination, but a better focus, and one in line with some of its historical antecedents, would be the concern with a common political space within which all citizens can deliberate. In order to sustain this claim, a defence of republicanism has to meet the charge that such an idea of common citizenship is unrealizable in modern conditions, because it is too unitary and too demanding. The best response to such a charge starts from the assumption that contemporary liberal-democracy is flawed. Its weakness stems from the fact that ideas of common citizenship have been eroded by the rise of identity politics and 'the politics of difference'. Republican theory can provide the intellectual resources for remedying this defect. Beyond that, I maintain, ideas derived from the republican tradition can form the basis for the idea of a new political system, which I call 'the new republic'. This 'new republic' represents an alternative to liberal-democracy, both feasible and democratic in ways deeper than those realized by existing institutions. While the argument presented here shares some features with the ideas of 'republican democratic contestation' presented in the previous chapter (Maynor, this volume), the emphasis in the present chapter is on a more radical form of republicanism, involving the twin ideas of institutional transformation and renewal and citizen involvement in both governmental and 'civil society' spheres. The premise for both these ideas would be a more egalitarian social and economic context than that of contemporary liberal-democratic societies.

The overall argument is that republicanism can provide a 'map' for the achievement of democracy in the contemporary conditions of difference and diversity, but only if it is steered in certain directions, which are weakly represented in the current 'republican revival'.

### **The nature of republicanism**

There is no doubting the existence of such a 'republican revival' in political theory, and the extensive literature it has spawned (Rahe 1994; Pettit 1997; Skinner 1998; Brugger 1999; Blais 2000; Honohan 2002; Maynor 2003). This renewed interest in republicanism can be seen as a symptom of dissatisfaction with what one could call 'real existing liberal-democracy'. Contemporary liberal-democracy is based on a Schumpeterian view of democratic politics as a method, seeing politics as a means of pursuing sectional interests, and sceptical of any idea of a common good (Schumpeter 1943: chapters 21 and 22). In this perspective, democratic politics is a method of choosing leaders, and removing them if their programmes fail to win public approval. Liberal-democratic societies do not seek any deeper involvement of their citizens in the political process. The revival of republicanism can be seen both as a symptom of unease with this view of politics, and also as a critique of liberal-democracy. The reading of republicanism given below stresses its role as both distinct from and critical of liberalism and of liberal-democracy. Republicanism is here understood as a broad theory of politics that can provide the basis for an alternative political system to that of liberal-democracy. The elements that comprise republicanism can be radicalized to indicate this alternative political system and the strategies for realizing it.

What then is republicanism, in this understanding of it? It offers some key concepts and a general perspective based on certain central propositions. The first of these propositions involves the idea of a common good, different from particular interests and also not to be identified with the sum total of individuals' partial interests and identities. Republican theory emphasizes an idea of a common interest, which all citizens share, and indeed in which all members of the polity must join in defining, and if need be in defending. This common interest is not just an agreement on certain procedures to be followed, but has a more substantive content. It involves the consciousness of being part of a common political body, with shared rights and duties. Here the republican idea of a common good overlaps with democratic ideas of autonomy, the idea of being ruled by laws which each citizen has had a part in formulating and debating.

Furthermore, and again in distinction from the liberal perspective, the emphasis of republicanism is not just on rights against the state, but equally on duties. While in liberal perspectives the state is the guarantor of individual rights, but also potentially a threat to such rights, the republican stance is different. It includes an idea of civic virtue, and takes the

position that citizens have duties to become good, and better, citizens. The individual should play an active part in what Habermas calls ‘democratic will formation’. In Habermas’s words:

According to the classical conception, the laws of a republic express the unrestricted will of the united citizens. Regardless of how the laws reflect the existing ethos of the shared political life, this ethos presents no limitation insofar as it achieves its validity only through the citizens’ own process of will-formation.

(Habermas 2001b: 766)

Hence republicanism takes a positive view of citizenship, seeing the role of the citizen as a valuable one (Dagger 1997).

The corollary of this is that citizenship is indeed something that should be learned and developed. The role of the citizen is not acquired naturally, but it requires a certain disposition or ‘mindset’, which should be fostered and encouraged. The hope of the republican perspective is that a republican political system would be itself engaged in a virtuous circle. Its practices and institutions will induce in its citizens those attitudes that in turn sustain the republic and its democratic practices. This is well illustrated by Pettit’s idea of the ‘intangible hand of regard-based sanctioning’, elucidated by him in the following way: ‘The intangible hand helps to nurture a pattern of behaviour by holding out the prospect that its manifestation will earn the good opinion of others and/or the failure to manifest it will earn the bad’ (Pettit 1997: 254). In other words, being a ‘good citizen’ is something that can be encouraged, and one of the stimulating factors will be the high esteem in which the good citizen will be held by his or her fellow citizens.

Republicanism also emphasizes the importance of political institutions for inducing in citizens those patterns of behaviour that sustain a republic and its attendant virtues. The republican perspective insists that the kind of institutions that exist in a society will, to a significant extent, influence and mould the character and dispositions of the citizens of that political order. The implication is that the working and accessibility of political institutions or structures is a key element in determining the nature of citizens in the polity. Good institutions at the very least will help determine what citizens’ capacities and political interests are, since these are not fixed in any determinate quality or quantity. In this respect too republican views differ from liberal ones. Institutions are not primarily or purely designed as checks against arbitrary power, but at least potentially as educative and character-forming structures. At least they should be designed with a view to those functions.

In turn this leads on to a more general view of the centrality or importance of politics. A certain degree of political activity and participation is seen as central to ‘the good life’. One can take this back to Aristotle and his idea of humans as political animals, intended to live in a *polis* (Aristotle

1981, *Politics* 1253a9). This attitude to politics marks another difference from the liberal view, if we understand liberalism and republicanism as broad conceptions of political life. The liberal perspective is inclined to see political activity as a regrettable necessity, often prompted by the need to defend one's particular interest or private sphere. Republicanism by contrast sees politics if not exactly as inherently ennobling, at least as a necessary element in a fully developed or truly social, and thus properly human, existence. Liberal and republican perspectives thus differ in their views concerning the role of political activity and its centrality, or otherwise, to 'the good life' (Patten 1996 offers a different view of the relationship between republicanism and liberalism).

Linked with this is a view of citizenship that can be understood as a logical consequence of what has been stated above. Republicanism can indeed be defined as a more citizenship-based view, again contrasting it with a liberal perspective. Republican thought takes citizenship more seriously. It has a more demanding view of citizenship than does the liberal view. It sees the role of citizenship both as requiring more 'civic virtue' from the individual citizen, and also as educating people or elevating them by giving them the training required to exercise such capacities of citizenship. David Miller notes 'just how demanding republican citizenship is' (Miller 2000a: 84), and it certainly requires more from the individual than the more minimal concept of citizenship envisaged by many liberal theorists.

This sketch of central points of republicanism concludes by suggesting that it has, as one of its main features, the idea of the possible transformation of people's lives, their self-education and character formation, through civic endeavours and political activity. The liberal perspective, on the other hand, has historically put the emphasis on the private sphere, which is seen as the realm of true fulfilment, freedom and satisfaction. The republican view is more aspirational, seeing the achievement of a free society as centrally bound up with the idea of a participatory society of individuals. Through their involvement in the public sphere, citizens become fully what they are potentially, self-determining citizens who cooperate with each other in a society of equals. This coincides with the aspirations of democracy, if we follow the idea of democracy as centrally concerned with popular control and equality in the exercise of that control (Beetham 1999: 5). In both democratic and republican visions, the public domain is seen as essential to the realization of freedom. The core values of both democracy and republicanism include active participation on equal terms, as a means to achieve autonomy or self-rule.

### **Liberal-democracy and its fragmentation**

The strength of republicanism as a critical theory of politics is that it operates with a strong concept of citizenship. In that way it remedies one of

the chief deficiencies of contemporary liberal-democratic societies. Yet republican theory can only make good its critical promise if it is extended to embrace ideas of institutional change and political agency, and so far it has not had enough to say on such matters. The chief value of republicanism lies in its view of what it is to be a citizen. Its critical analysis of liberal-democracy starts from the insight that we are living in a much more fragmented society. This makes more difficult the realization of an idea of common citizenship. The literature of social science and political theory offers a range of criticism of liberal-democracy from such a perspective (Sandel 1996; Pharr and Putnam 2000). Critiques of 'Democracy's Discontent' or of 'Disaffected Democracies' highlight the weaknesses of established liberal-democratic systems, proclaimed by some as 'the only game in town' (Linz and Stepan 1996: 5). Citizens of these societies exhibit a high degree of scepticism with regard to politics and the role of political leaders. Politics is often viewed as an instrumental process, as a means for securing particular interests or defending one's position rather than a genuine deliberative process. This leads to a situation of weak democracy, 'weak' in the sense of a lack of any deeper civic involvement, or of what in republican discourse would be called civic virtue.

The strength of republican theory is that it works with a stronger concept of citizenship understood as a common or overarching political identity. Some brief definitions of these key ideas of 'citizenship' and 'identity' are needed here. The concept of 'citizenship' can be contrasted with that of 'identity' if one defines citizenship as, in part, the consciousness of shared membership in a political community, a membership held on terms of equality. Such a concept of citizenship involves ideas of mutuality or reciprocity, creating a sense of obligation towards one's fellow citizens. This differs from 'identity' in the sense of particular affiliations, membership of sub-sections of the wider society, whether such sub-sections are based on ethnic or national divisions, cultural or religious groups, regional divisions, economic or professional organizations, or gender differences. These particular identities certainly define the nature of the citizens of a polity, but they are different and more particular than a broader political identity, or citizenship. Such a political identity overrides the more limited identities or specific affiliations, not annihilating or denigrating them, but seeking to link people together as sharing an overarching common identity of membership in a democratic association. Liberal-democratic societies have seen a proliferation of identities in the first, 'particular' sense, and a greater 'valorization' of such plural identities, giving them more emphasis and value, as being of greater significance in determining people's affiliations and commitments.

Those institutions and structures that historically fostered ideas of common citizenship have become weaker. This is notably true of the civic nation-state. The multi-cultural composition of the citizen body and the greater weakness of the state in the face of global market competition

mean that the civic nation-state is less able to integrate its citizens in a shared political community. At the same time as the integrating forces that seek to strengthen common citizenship have got weaker, the appeal of both particular group affiliations and the pressures towards a more individualized society have become stronger. What Benjamin Constant wrote in 1819 seems truer now than when he wrote it, that 'the aim of the moderns is the enjoyment of security in private pleasures; and they call liberty the guarantees accorded by institutions to these pleasures' (Constant 1988b [1819]: 317). But rather than abandon the goal of strengthening political community as a hopeless one in a more individualized and market-driven society, the aim should be to seek to use the insights of republican theory in order to strengthen citizenship. This would prevent the danger that the different and plural identities of modern citizens further erode a sense of common membership and civic association.

### **Republicanism and democratic citizenship**

Republican theory thus establishes a quite demanding view of citizenship and the qualities it requires from the members of a polity. Indeed, some theorists would argue that it is this very elevated criterion of citizenship that disqualifies republicanism from being of any use in a critique of contemporary politics. For example, Mark Philp suggests that we would be better to operate with a more 'parsimonious' idea of citizenship, which does not require the civic virtues that republican theory exalts (Philp 2000). For him, as for other critics, republicanism is not only too rigorous, it is too monolithic in its view of a common interest, which could be seen as entirely unsuited for the very pluralistic societies of the present. The aim here is to meet those criticisms, and to do so by presenting a view of 'the new republic', seen as a political system that is different in its institutional structure from present-day democracy, and which operates with a stronger concept of citizenship. At the same time, such a republican model of citizenship must be able to meet criticisms that it poses too unitary a model of politics, which cannot accommodate complexity and diversity. Strengthening ideas of citizenship and a common political community are necessary conditions for avoiding the fragmentation and enfeeblement of democratic politics that characterize present-day liberal democracy. Because the forces that sustain this idea of common citizenship are weaker than they were in the period of modernity, the appeal of political community must be reinforced by means of institutional transformation.

One of the hallmarks of a republican perspective is the idea that the nature of political institutions has a significant effect on the capacities and motivation of citizens. Any transformation of liberal-democracy that seeks to achieve a deeper or more unifying concept of citizenship along republican lines must therefore involve a project of institutional change. The

'republican revival' has not so far tackled such questions of institutional design, other than in a rather timid way, which does not differ much from what already exists in liberal-democratic societies today. The idea of a 'new republic' is developed here as a political project that goes beyond existing liberal-democracy and also differs from what is on offer in many strands of contemporary neo-republicanism (Schwarzmantel 2003).

Republican theory has thus to address itself to the question of different institutions of politics, and also to the problem of agency, the means and forces through which such institutions could be brought into being. Liberal-democracy has to be reconfigured and restructured in ways that create a common public political space. Through a variety of institutional transformations, different partial identities need to be brought into contact with each other, so that through a dialogue, or 'contestation' between them, some idea of a common interest can be realized through citizen engagement at a variety of levels. This is not addressed in current versions of republican politics.

What kind of institutional changes would be suggested by such a republican perspective? One example is furnished by the model of Empowered Participatory Governance (EPG) recently developed by Fung and Wright, and illustrated by four case studies (Fung and Wright 2003). Such a model fits into the ideas of republicanism developed above in a number of ways, since the emphasis is on institutions that at least potentially transform citizen capacities. The central feature of this model is 'that it places affirmative responsibility on institutional design to bring real-world institutions closer to normative 'utopian' ideals' (Fung and Wright 2003: 46). The case studies are those of a 'participatory budget' in Porto Alegre, Brazil; participatory local government in Kerala, India; and two examples from the USA, participation on school boards and police committees in Chicago, and the development of Habitat Conservation Plans. These can all serve as illustrations of republican democratic transformation in that they share an emphasis on forming, or transforming, citizens by means of institutional design. In these case studies, the design of institutions has an explicitly didactic component. In order to make better citizens, it is not enough just to set up institutions or participatory structures. People have to be trained and encouraged to take up the opportunities for participation afforded by those institutions, and helped to develop skills and abilities which make that participation more rewarding. The Porto Alegre Participatory Budget (PB) exemplifies this didactic element: 'the institutional design includes many meetings devoted to learning procedures and rules, as well as more specific technical criteria for municipal projects' (Fung and Wright 2003: 56).

In order to achieve a stronger sense of political community, new institutions are needed in which different groups representing different identities and perspectives can confront each other in an interactive or 'dialogic' way. This would involve a stronger degree of group representa-

tion than is the case at the moment in the institutions of contemporary liberal-democracy. In order both to recognize and to transcend the different forms of identity politics, which are reinforced in contemporary politics, it is necessary to create forums in which representatives of different groups confront each other with their perspectives. In this way democratic deliberation would occur in a clearly defined public space or public sphere. Republican theorists envisage the public sphere as a single one, though not denying the importance of the varied perspectives whose adherents engage in deliberation there and confront each other. There are different models of the public sphere, which a recent survey splits up into four distinct types (Ferree *et al.* 2002). A republican model would be open to the critique of what have been called 'constructionist theories'. Such theories 'challenge the desirability of a single public sphere, preferring the idea of multiple independent public spheres' (Ferree *et al.* 2002: 309). In return, as the authors of this same article note, the danger of identity politics advocated by such 'constructionists' is that of 'fragmenting the public sphere' (Ferree *et al.* 2002: 311). Republican theories with their commitment to ideas of common citizenship are alive to this danger of fragmentation, and see this as counteracted by the creation of a single, though not monolithic, public sphere. Indeed, in the line of argument pursued here, the existence of a forum in which different groups engage in dialogue with each other would not preclude other separate venues for public expression. The choice is not between a single public sphere and 'multiple independent' ones. It is rather the insistence that while such multiple spheres are necessary and desirable, there must be, from a republican perspective, institutions which allow interaction and dialogue between different groups. Expressed in sloganistic form, this could be expressed as 'a single public sphere *as well as* multiple ones'. The former would attempt to realize an idea of common citizenship through dialogue between particular identities, while the latter would represent the spaces within which these particular identities could express themselves without having to be absorbed in some monolithic unity.

It could be through the creation of such institutions that new forms of politics develop, and the education and self-development of citizens invoked by republican theory take place. In practical terms this would entail the creation of public forums for discussion, in which any citizen could participate to debate issues of pressing concern. This could further encourage the creation of deliberative institutions in which representation of different groups would take place, and in which interaction or interactive discussion would take place between members of such different groups. These ideas are obviously derived from theories of 'deliberative democracy', in which the public will is formed through a process of deliberation that changes the perspective of those involved in such discussion. In this way the argument developed here shares a common perspective with that of Maynor (Maynor, this volume), although the emphasis here is



more on a process of institutional transformation that would go beyond his model of 'republican democratic contestation'. While his model involves the three phases of issue identification, review mechanisms and electoral politics, the perspective developed here envisages the creation of new institutions as well as movements and agencies to realize a new 'collective will', to borrow a phrase from Gramsci (Gramsci 1971: 125). In that sense a 'new republic' would seek to achieve a more activist model of democracy, although that is open to the problems of 'the burdens of participation' noted in the preceding chapter and at other points throughout the present volume. A new republican theory is committed to extend the public sphere to seek to heighten public interest in political life and to deepen a sense of common interest and shared political will.

### **The problem of agency**

It remains to tackle the crucial question of agency, the question of the means by which such a transformation of liberal-democratic politics could be achieved. Without some specification of 'agency', any remarks like those above remain as utopian aspirations that cannot be realized. They represent empty ideals unanchored in social realities. This is a critique that applies to much republican or republican-inspired writing, which fails to tackle practical questions of the mechanisms and forces through which any form of radical politics could be realized. The aspiration to a different form of politics has thus to confront the question of agency and the means of transformation.

It also has to meet the charge that any idea of democratic transformation, whether in a republican or any other direction, is impossible to achieve for two reasons. The first of these would be that, as already noted, the demands of republican citizenship are too severe and thus impose too great demands on the members of such a polity. This is where, one could argue, the virtues of Schumpeter's view of democracy are clear (Schumpeter 1943). It does not ask too much of citizens. To be a citizen is merely to have the choice, and not even the obligation, of voting once every four or five years, to remove the government or to keep it in office. Beyond that, nothing is asked of those citizens who wish to keep to a minimum their involvement in political life, and who are not possessed of a higher degree of civic virtue. So a republican model of political life is dismissed because it operates with too idealized a view of the citizen. The second criticism would be that in the fragmented society of the contemporary world, political participation has necessarily to be occasional and partial and that it is not realistic to aspire to the goal of political community. To commit oneself to the search for a cohesive agency of change is to look backward to a society very different from that which exists now. Such a perspective seems to emerge from the writings of Bauman, who writes in *Life in Fragments* that:

If ordering and creation were the battle-cries of modernity, deregulation and recycling became the catchwords of postmodernity ... We are still going, but we no longer know where; we cannot be sure whether we move in a straight line or run in a circle. 'Forward' and 'backward' lost much of their meaning, unless they apply to short trips and confined spaces where the curvature of time-space can be for a moment forgotten.

(Bauman 1995: 35)

If such an analysis is correct, then the search for a new form of politics, and agencies to realize it, would be futile. This seems a very pessimistic perspective, though to call it pessimistic is not an argument in itself. A more adequate response is to consider what might be possible agencies for an invigorated politics along republican lines, reviewing some of the candidates for this role. The criterion for evaluating them would be their role in strengthening a sense of common citizenship. In this way the fragmentation signalled here as the characteristic of modern politics can be if not exactly negated then at least mitigated or lessened.

One can envisage three possible ways in which a greater awareness of common citizenship could be created. These would be through, first, the agency of groups in civil society; second, the actions of 'reform-minded elites', which involve an emphasis on constitutional reform from above; and third, an idea of civic education. Each of these deserves more attention than is possible here, but, in brief, it seems that while each has a role to play, each of these three agencies is also problematic, and none sufficient by itself. The groups of civil society can contribute to democratic reform, but equally civil society can play an 'uncivil' role if its constituent associations are not internally democratic. Furthermore, civil society associations often exist precisely to promote one particular identity, and therefore may not be very helpful in developing the wider consciousness of citizenship, which is emphasized here. As for 'reform-minded elites', while they have undoubtedly been important in cases of democratic transformation, such as democratic transition in post-Franco Spain, and setting up devolved representative institutions in the United Kingdom, any project of wider democratic transformation would have to go beyond such a 'top-down' approach. However sincere elites may be in wishing for democratic transformation, the whole importance of the republican perspective is that it is a process of democratic self-transformation. Civic education should be achieved by citizens themselves participating and educating themselves, and each other. Elites may inaugurate a process of republican politics and democratic transformation, but such a project would have to go beyond a perspective of political engineering from above. Finally, while schemes of political education and civic education are important, and certainly much discussed in Britain at the moment, a certain degree of scepticism may be in order, because such political

education is often presented in the framework of a rigid syllabus (Advisory Group on Citizenship 1998). While political education might help initiate the spread of a republican civic consciousness, such a transformed mentality could only emerge out of a much wider process of democratic transformation. In such a process, civic or political education in schools, along with constitutional reform from above, would be important elements, but the move to a republican form of politics and to 'the new republic' envisaged here could not be achieved by these elements on their own.

## **Conclusion**

The key problem of contemporary politics is how to reconcile difference and particular identities with a wider concept of citizenship. Republican theory is able to offer concepts of political community and democratic self-transformation which liberalism is less likely to deliver. The practical realization of such concepts in turn calls for a scheme of institutional transformation. New institutions have to be created to enable a wider degree of political participation. This would lead to more interaction between particular groups so that limited identities can be transcended, though not suppressed, in a project of democratic transformation. With reference to the problem of agency, the idea of 'democratic experimentalism' indicates a possible way forward. This concept is taken from the theorist R.M. Unger (Unger 1998; for critical discussion see Anderson 1992 [1989]; Rustin 2004). His idea of democratic experimentalism includes the aim of narrowing the huge social and economic inequalities that characterize existing liberal-democratic societies. One should not underestimate the difficulties of such an enterprise, but without such economic and social transformations republican aspirations of common citizenship are harder to achieve. Unger puts forward the idea of a minimum income that everyone should receive, irrespective of their contribution to the collective labour of society. In addition, he invokes the concept of a democratic 'hard state', which could perform an important role in the economic sphere, channelling funds into productive enterprises. These ideas certainly go against the grain of much contemporary orthodoxy, in that they involve reversing the surrender to markets, which has been the dominant strand in contemporary liberal-democratic politics. Unger also invokes ideas of an inclusive popular alliance, which would involve associations of civil society as well as organized political parties.

The topic of citizenship and identity involves the central dilemma of modern politics, which is how to overcome the fragmentation of contemporary society which both stems from and finds expression in the proliferation of identity politics. Ideas of republicanism can be fruitful in such a project of coping with fragmentation, even though this process is made all the more difficult since some of the institutions that used to bring citizens together have been weakened in the course of contempor-

ary politics. Ideas of republicanism should be oriented in the direction of institutional reform, and need to focus on problems of agency. With regard to the latter, it is to a *plurality* of forces and agencies that we must look, including actions of citizens in 'mobilization mode'. This is where ideas of citizens holding the institutions of their society up for comparison with the proclaimed ideals of that society have an important part to play. On occasions, citizens will have to 'refuse identity' with the institutions of their society if those institutions betray the ideals they are supposed to represent and embody (Markell 2000).

The conclusion then has to take a rather open-ended form. Republican practice, based on a theory of strong citizenship and institutional change, can offer an alternative to liberal-democracy in its present form, which is far from 'the only game in town'. Republican theory can provide the intellectual resources for projects of democratic reform and institutional transformation. The agencies to realize those goals must take a diversity of pluralistic forms, each of which will depend upon the specific characteristics of the society in question. It is only in that way that democracy can be renewed and the legitimacy of the existing state placed on firmer foundations. By transforming politics to achieve a deeper legitimacy, a form of state could be brought into being that would differ in significant ways from the existing structure of liberal-democracy. Such a transformation of liberal-democracy would require a greater degree of social and economic equality than is present in contemporary society, even if that requirement makes more difficult the challenge of democratic renewal (White 2003 presents a useful discussion of these issues). If republican practice can be embodied in such a project of political transformation, then this 'new republic' could provide answers to the general problems of citizenship and identity that confront the citizens of contemporary liberal-democracy at the beginning of the twenty-first century.

# 11 Public spheres and civic competence in the European polity

A case of liberal republicanism?

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## Introduction

This chapter links the debate on European political constitutionalism with different conceptions of the public sphere. Building on recent work on public discourse, this chapter suggests that Europe's multiple public spheres provide contexts for different 'polity discourses' to take place. Articulating a new republican vision for the European polity, this chapter argues further that a notion of European civic competence may serve as a way of building bridges between different public spheres, whilst developing an understanding of the European Union (EU) as a new form of polity that rests on (an implicit) meta-national social contract. Drawing insights from the case of the Charter of Fundamental Rights, and asserting that, although the prospects for institutionalizing European civic competence rest as much on legal requirements as they do on social sources of legitimacy, we argue that new forms of deliberative governance within the EU constitute a prerequisite for the emergence of a European public process. The challenge facing the EU today is to foster horizontal links among its demoi, encouraging them to feel part of an exercise that evolves from the lower level upwards, thus enhancing their institutional capacity to act within an extended political space. This would lead to a composite civic space, where minimal shared political values would sustain a degree of political motivation towards the EU, whilst allowing for other, more intense forms of civic engagement to develop at national, local, ethnic and cultural levels of participation and fields of action. Drawing on current republican discourses (Pettit and others), and conceptualizing Habermas' notion of 'constitutional patriotism' as a case of liberal republicanism, we argue that the normative power of civicness, linked with the appropriate institutional means for encouraging freedom as non-domination, may lead towards an EU-based 'demos-hood'.

## An elusive polity

Notwithstanding current globalization discourses, it would be wrong to assume that the main focus for assessing developments on rights and civiness should be on global fora. The most important political transactions concern the regional level, regionalization being a key parameter in the development of new forms of 'politicality'. As Storey reminded us a decade ago, if one adheres to the idea that the study of politics 'should follow the changing *locus* within which major political relations are conducted – be it the Greek *polis*, the medieval city-state or the 20th century nation-state – then contemporary reality calls not so much for a focus on the "global village" as on the evolving regional power-blocs. Much of the gaze, therefore, needs to be cast upon this "middle distance" (Storey 1995: 133).

At the same time, theorizing 'the most complex polity that human agency has ever devised' (Schmitter 2000: 75) is no easy task. Underlying the difficulties for reaching a conceptual consensus over the EU's elusive ontology is that its conceptualization rests on competing normative orders, accounting for different 'structures of meaning' (Jachtenfuchs *et al.* 1998: 411). In depicting a republican conception of Europe's 'political constitution' – the constitutive norms, principles and procedures composing the EU's *vie politique* – the emphasis lies on a flexible instrument of governance, aiming at 'unity in diversity'. For all its affinity with a juridical view of constitutionalism (Bellamy 2001), political constitutionalism is a hybrid system of rule that chimes well with the evolutionary nature of the EU and its reliance on a dynamic system of treaty-based rules. Such configuration of authority is key to understanding which direction the EU should take, by bringing into focus various dimensions of politics and by relating a composite demos to a series of political practices within a nascent constitutional order. Political constitutionalism offers a crucial link between the conditions of liberty *qua* civic freedom and the means by which collective arrangements are framed within an extended political space. Republicanism is also instructive in the search for legitimate forms of EU governance, linked with the development of a vibrant European civic space.

Many of its students, however, regard the EU as an essentially states-led project, albeit with an open *finalité politique*: a polity ensemble of distinct features that 'has displaced the potential to alter the relative congruence between territory, identity and function which characterized the nation state' (Laffan 1998: 238). Interestingly, such a uniquely observed political formation does not pose a direct threat to the constitutional conditions of sovereignty or the capacity of states to delegate authority at a level that is neither above, nor below, but alongside the traditional state level. This refers to 'a system which is now "federative" in the old pre-American revolution sense or perhaps more than federative in the sense discussed by

Rousseau in his “Summary” of Abbé Saint-Pierre’s *Project for Perpetual Peace* or advocated by Kant in his “Perpetual Peace” (Brugger 1999: 124). Although the EU is viewed as something more than the sum of its parts, sovereignty as ‘ultimate responsibility’ has yet to become part of its systemic properties. But for all its validity in explaining the insistence of states to preserve their autonomy, EU state-centrism has failed to account for a striking paradox: although traditional notions of democracy are losing their normative appeal at EU level, the EU exhibits a notable potential for democratic self-development. In that sense, European polity development is linked with novel forms of democratic association within a multilevel polity. Let us now turn to this central tenet of ‘civic Europe’: republicanism.

### Europe as a *res publica composita*

By ‘*res publica*’ is meant that which belongs to the public. Originating from the Latin terms ‘*res populi*’, it literally means ‘public thing’, ‘public property’ or, from a wider interpretation of ‘*res*’, the ‘affairs’ of the public. In its basic conception, a *res publica* aims at three primary objectives: justice through the rule of law; the common good through a mixed and balanced constitution; and liberty through active citizenship. Thus, *omnia reliquit servare rempublicam* captures the republican imagination of a virtue-centred life. Even 2510 years since the founding of the Roman republic, an anniversary that passed largely unnoticed by present-day Europeans, the above features still constitute the *raison d’être* of the *res publica*, marking their impact in the search for ‘the good polity’ (Schwarzmantel 2003). Of late, republican thought managed to infiltrate the disorderly universe of EU theorizing, by yielding new insights into an already voluminous *acquis académique* on how best to conceptualize the EU. Such approaches have become more than simply ‘trendy’. New republican perspectives sought to nurture a paradigm of social and political organization for the EU, founded on a new ‘civic partnership’ among distinct culturally defined and politically organized demoi.

Republican conceptions of Europe are part of a demanding intellectual current: the search for a reliable *and* democratic theory of integration able to capture the dialectic among the component public spheres through the institutionalization of a mixed sovereignty regime. The point here is that, given the absence of a formal European constitution and the inchoateness of a European civic demos, there is urgent need for a substantive restructuring of the EU’s civic arenas. This philosophy accords with a civic conception of the European polity that aims to assess the relationship between the EU and ‘the civic’. Such normative explorations have been recently brought into focus by MacCormick, Craig, Bellamy and Castiglione, as well as the present authors (Lavdas 2000, 2001a; Chrysochoou 2002a). By employing the language of a ‘second-order discourse’ (emphasizing collective norm-orientation), this recent refurbishment of

classical republican thought has given rise to a critical 'normative turn' in contemporary EU studies (Chrysochoou 2000, 2001, 2002a; Lavdas and Chrysochoou 2004). The recent paradigm shift from 'policy to polity', resulting in a composite European polity that produces authoritative decisions and allocates values in the constituent publics, illustrates this point.

Since the mid-1990s, new EU polity dynamics have activated questions of social legitimation and the importance of a transnational public sphere to the constitutive norms of large-scale democracy. This 'normative turn', drawing largely upon constructivist discourses in international relations theory (Checkel 1998; Christiansen *et al.* 1999; Wendt 1999), has also opened the way for novel conceptualizations of the EU from a metatheoretical, post-statist angle. Metatheorizing the general system as a late-modern political association is a means of making sense of the constitution of its social activity, its normative and empirical evolution, and the way that its constitutive principles (conditions of shared rule) relate to its normative commitments (the search for the common good). Metatheory, by raising basic questions about 'first principles' (foundational discourses), normative aspirations (questions of directionality) and method (what constitute legitimate questions and answers), assigns new meanings to the centrality of polity-building within 'an entity of interlocking normative spheres' (Bańkowski *et al.* 1998). This conception of the EU as an ordered political arrangement for diverse communities and arenas for action – a 'heterarchical political space' – combines unity and multiplicity, transcends pre-existing boundaries (as well as forms of allegiance and types of affiliation), and projects a multidimensional configuration of authority that is compatible with the polity's composite nature (Walker 1998: 357).

Bellamy and Castiglione have attempted to capture the complexity of the EU through a theory of 'democratic liberalism', founded upon 'a pre-liberal conception of constitutionalism that identified the constitution with the social composition and form of government of the polity' (Bellamy and Castiglione 2000: 181). This amounts to 'a political system that disperses power within civil society [so that more people can have a say in its enactment] and encourages dialogue between the component parts of the body politic' (Bellamy and Castiglione 2000: 172). The point Bellamy and Castiglione (2000: 182) make is that '[i]nstead of the constitution being a precondition for politics, political debate becomes the medium through which a polity constitutes itself'. Being critical of territorial and/or hierarchical forms of power, democratic liberalism brings the constituent groups of the polity into an equilibrium with one another, and aims 'to disperse power so as to encourage a process of controlled political conflict and deliberation [as a way of filtering and channelling preferences] ... moving them thereby to construct and pursue the public good rather than narrow sectional interests' (Bellamy and Castiglione 2000:



181). Within this pluralist polity based on a differentiated social context, there can be different forms of representation for different purposes. Differentiation is crucial to the kind of constitutionalism advocated by democratic liberals, for it links together justice, the rule of law and the democratic dispersal of political power, whilst providing a balanced mix of social forces and levels of governance.

Similarly, by reviving the usage of an eighteenth-century term, MacCormick (1997) conceptualizes the 'EU order' as a 'mixed commonwealth', within which the subjects of the 'constitution' are not homogeneous: they represent a mixture of agents who share in the sovereignty of the larger unit. MacCormick's notion of a lawfully constituted European commonwealth of post-sovereign states, whose normative validity stems from an established legal order, allows the EU to conduct itself as a *Rechtsgemeinschaft*, but not as a *Rechtsstaat*. Here, the rule of law emerges as the most fundamental constitutional guarantee of the system, 'as all other [legal] values depend on it, for them to be upheld at all' (Piris 2000: 12). In the absence of 'a single power-structure with a single normative frame' (MacCormick 1997: 338), political authority is neither proportionately nor symmetrically vested in a single decision-making centre. Rather, it is distributed through overlapping arrangements, with the polity in question being characterized by various degrees of decentralization and sources of multiple loyalty-holding.

Republican theory embodies a normative commitment to civic deliberation for the promotion of the public interest (as opposed to factional demands) and to the setting up of a particular kind of constitutional ordering founded on the notion of 'balanced government'. Such ordering, in the form of a strong constitutional state, is committed to offering citizens 'undominated' (or quality) choice. But it is not the latter that causes liberty. Instead, liberty is constituted by the legal institutions of the human association – the republican state (Pettit 1997: 106–9). Brugger (1999: 7) explains: 'whereas the liberal sees liberty as essentially pre-social, the republican sees liberty as constituted by the law which transforms customs and creates citizens'. Active civic participation is not taken as a democratic end-in-itself, but as a means of ensuring a dispensation of non-domination by others (non-arbitrary rule). Another republican variation takes participation 'as a process of constructing politics, not merely one means among others to secure something else. Non-domination, as a procedural norm, might be a condition of effective [public] political discourse, not its object' (Brugger 1999: 12–13). Thus, liberty comes through, not before, political action. In short, the rule of law, opposition to arbitrariness and the republican constitution, are constitutive of civic freedom itself.

Central to republicanism is the idea of 'balanced government'. This is forged, according to Craig, in two related ways: negatively, by associating the constitution of 'a proper institutional balance' with the prevention of

tyranny (and other forms of authoritarian rule); and positively, by ensuring a deliberative mode of democratic public engagement, 'within which the different "constituencies" which made up civil society would be encouraged to treat their preferences not simply as givens, but rather as choices which were open to debate and alteration' (Craig 1997: 114; Lavdas 2000). Liberty was expected to be best preserved under a mixed form of republican governance through certain constitutional practices or provisions, with no single branch of government being privileged over the others. Such normative issues are of relevance to the distribution of political authority within the EU (Lavdas 2000: 115). Here, republicanism claims to strike a balance between participation in the EU legislative process and the attainment of the public good, by allowing for 'a stable form of political ordering for a society within which there are different interests or constituencies' (Lavdas 2000: 116). A 'balanced constitution' is reflected in the Commission's exclusive right to initiate legislation and its interaction with civil society; the co-decision rights of the European Parliament (EP) in fostering more deliberative outcomes; the political activism of the ECJ in interpreting EU law; and the relation between the indirect democratic mandate of the Council of Ministers and the fact that Europe's political constitution rests on an international treaty.

Lavdas (2000, 2001a) draws upon Pettit's (1997) seminal study on freedom as non-domination – as opposed to a negative conception of liberty as non-interference, or a positive one as self-mastery – to argue that the EU may develop democratic forms of deliberation and a corresponding concern with active citizenship, which are necessary, but not sufficient, conditions for a more 'democentric' process of union. Given the absence of an engaging European civic demos – assuming that an economic or a legal demos already exists – republicanism emanates as a means of disentangling 'the issue of participation in an emerging polity from the cultural and emotional dimensions of citizenship as pre-existing affinity and a confirmation of belonging' (Lavdas 2001a: 4). The point is that 'some elements of the real and symbolic *res publica* may sustain a degree of political motivation *vis-à-vis* the EU and its relevance for peoples' lives, while also allowing for other and more intense forms of motivation and involvement at other levels of participation' (Lavdas 2001a: 5). Given the lack of organic unity among the member demoi, the republican challenge, in line with that of multiculturalism, is one of institutionalizing respect for difference and group rights, whilst sustaining 'a shared sense of the public good' (Bellamy 1999: 190). This is more likely to emerge through Pettit's third concept of freedom, as it combines 'the recognition of the significance of the pluralism of cultural possibilities for meaningful choice and a framework based on a minimal set of shared political values' (Lavdas 2001a: 6). Here, one expects various asymmetries to develop between member polities with different state traditions and diverse historical patterns of multi/mono-cultural legitimations of rule (Lavdas 1997, 1999).

Neo-republican approaches need to distance themselves from two important features of classical republicanism: (a) the 'strong' approach to the constitutive role of civic virtues in the good polity, and (b) republican hostility towards 'factions' (Lavdas 2000: 9–21). Thus *liberal* republicanism would signify both the insistence on a certain conception of liberty and the attempt to register certain procedural concerns of political liberalism. For classic (Roman) republicanism, the assessment of politics and the polity as intrinsically good means that these cannot be seen as means towards an end (instrumental means to the good life); they are themselves constitutive of the good life (consider here Cicero's 'Dream of Scipio', Cicero 1961). From the perspective of a quintessentially liberal era, a classical version of republicanism may function as a useful prism only if it can be divested of some of its distinguishing characteristics, such as the notion of intrinsically good republican institutions. Our interest in civic virtues (exemplified in recent discourses on political culture) is not in terms of the constitutive ends of politics: we may consider one or another virtue as valuable because, as Morrow notes, we approach it as 'a means of sustaining political systems that are valued for reasons other than their capacity to promote virtue' (Morrow 1998: 374).

With these qualifications in mind, let us return to European construction and the role of civicness. To the extent that Europe cannot motivate action by engaging with emotions and sentiments of community, European civicness calls for a different approach. The question is how to disentangle the issue of participation in the EU from the cultural and emotional dimensions of participation based on pre-existing affinity and confirmations of belonging (Lavdas 1999, 2000, 2001a). From a rather different perspective, Eriksen notes the need to 'decouple citizenship and nationhood' from the prism of the discourse-theoretical concept of deliberative democracy and to view the constitution as 'a system for accommodating difference' (Eriksen 2000: 51). But since most aspects of active citizenship can be reduced to either 'emotional citizenship' or the expression of rational and deliberative capacities, the question is how to strengthen the latter in a context where the weakness of the former presents both opportunities (people are more likely to adopt detached positions) and constraints (people are less likely to take an interest in participation in the first place). Table 11.1 presents a schematic view of our understanding of different approaches to EU polity-building.

The emphasis on multiculturalism when assessing European institutions of governance entails important implications. It brings to the fore inter-group relations within European society, at a time when the challenges posed by particularity and difference are common in their diversity across Europe.<sup>1</sup> Another implication is that multiculturalism moves away from the rigid concentration on national states as the main sources of popular fragmentation.

Table 11.1 Approaches to EU polity-building

<i>Coherence-focused approaches</i>	<i>Fragmentation-focused approaches</i>
<i>Post-nationalism</i> : need for new political myth at EU-level	<i>Consociationalism</i> : consensual institutional building + state veto (adapted intergovernmentalism)
<i>Constitutional patriotism</i> : common civic values	<i>Pluralism</i> : plurality of economic and social interests + institutions to respect these
<i>Neo-republicanism</i> : a minimal approach to common civic values + mechanisms to guarantee structural liberty (freedom from domination)	<i>Multiculturalism</i> : plurality of identities + institutions to respect these

### The plurality of European public spheres

From these neo-republican expositions, one could imagine a European *res publica composita*, within which a multitude of normative commitments can generate higher levels of European civicness and a propensity to increasing the quality of EU-wide civic engagement. One needs to go a bit further on this point though. The multitude of commitments can be understood as developing in different contexts within which infrastructures of communication and political criteria develop and reach a degree of temporary consolidation. We argue further that, in today's EU politics, such discursive contexts constitute different public spheres (Lavdas 2001b, 2002). Ultimately, this renders EU polity-building both more difficult and meaningful.

Our notion of public sphere does not follow the familiar argument that is often associated with the work of Habermas. We draw instead upon the work of Herbst (1994), who focuses on the means of political expression and forms of political communication used not only by elite groups but also by groups and movements that do not belong to the mainstream of political development. She contends that we are witnessing multiple public spheres, some of which may be overlapping (Chadwick 2000). According to Herbst, a public sphere in this sense can be approached with the help of concepts such as linguistic space,<sup>2</sup> community building<sup>3</sup> and communication environments.<sup>4</sup> Our interest in the concept of multiple and partially overlapping public spheres lies in the examination of each public sphere as a context and an arena for the development and elaboration of *public policy discourse*, which denotes conceptually public utterances on policy issues.<sup>5</sup> Distinct policy discourses are embedded in different discursive contexts. The formation of such discourse takes place in particular public spheres and is the result of multiple interactions within the sphere and between a sphere and its environment. Here, the importance of policy ideas<sup>6</sup> depends on the immediate relationship between the sphere

and the world of practical policy formation. The bearers and agents of public policy discourse can be diverse, ranging from EU institutions and NGOs to interest groups, intellectuals and the media. They help articulate policy discourses that become dominant within public arenas, in which different public spheres appear hegemonic (Table 11.2).

The EU has not yet fostered the normative qualities needed for the nurturing of an independent European civiness to demand and sustain further democratic transformations (de Areilza 1995: 9), providing a communicative civic space within which different public spheres interact on the basis of a common civic denominator. Such normative qualities refer to the construction of a common civic identity, the development of novel strategies of civic inclusion and the formation of a civic-minded system of governance. Recent treaty reforms (Chrysochoou *et al.* 2003) have not only failed to rectify this democratic deficiency, but have also managed to consolidate a new regulatory aetiology of 'post-parliamentary governance' (Andersen and Burns 1996), highly evident in existing 'comitology' procedures. As a result, European citizens failed to develop a sense of civic attachment to the larger polity and, hence, an independent source of 'input-oriented' (social) legitimacy through free public deliberation.

## European civiness

Let us now sketch a normative perspective on EU citizenship, starting from a general assumption that 'citizenship establishes an abstract, legally mediated solidarity between strangers', binding together a group of indi-

*Table 11.2* Public spheres and public policy discourse

<i>Public sphere</i>	<i>Dominant policy discourse</i>
<i>Public sphere I:</i> State elites – public institutions – technocratic institutions – mass media – consultants	<i>Intergovernmentalism:</i> Keeping the veto + restructuring intergovernmentalism
<i>Public sphere II:</i> Private interests – companies – NGOs – mass media – intellectuals	<i>Pluralism:</i> Plurality of competing interests + structural conditions of freedom/non-freedom ignored
<i>Public sphere III:</i> Political institutions (including parties) – organized labour interests – intellectuals	<i>Emerging neo-Republicanism:</i> Minimum common civic values + mechanisms to guarantee structural conditions of freedom from domination
<i>Public sphere IV:</i> Movements – intellectuals – emerging subjects	<i>Emerging radicalism:</i> Critiques of 'globalization'

viduals with no pre-political ties into 'a highly artificial kind of civic solidarity' (Habermas 2001a: 16). This translates into an 'internally-oriented relationship' between citizenship-holders (or demos) and the institutions of the polity to which they belong (Close 1995: 2–3). EU citizenship carries an undisputed political weight with crucial implications for embodying a sense of self-awareness or even self-formation at grassroots level within an ordered political association. But the most celebrated property of citizenship both as a social construct and as substantive public engagement is the range and depth of participatory opportunities it offers in the exercise of political authority. Central to this is the idea of 'civic competence': the institutional capacity of citizens *qua* social equals to enter the realm of political influence and sustain a vital public sphere (Chrysochoou 2002b). This, Habermas notes, refers to 'a network that gives citizens ... an equal opportunity to take part in an encompassing process of focused political communication' (Habermas 2001a: 17).

The pairing of 'civic' and 'competence' does not embody a category mistake, but acts in the interests of engaging the demos in the affairs of the polity, by empowering its members to direct their democratic claims to, and via, the central institutions. It aims to institutionalize a normative commitment to core democratic values, by offering a conceptual framework and giving an institutional face to a central task of legitimate rule: civic participation. From this republican view, whereby active citizenship becomes a legitimacy-conferring feature of the polity, joint decisions become more transparent, political issues more visible, and power-holders more accountable for their public actions or inaction.

The democratic potential of EU citizenship is threefold: it sets up a transnational system of political rights, giving access and voice to the member demos; it motivates greater participation, inducing further integrative popular sentiments; and it facilitates the process of positive EU awareness-formation at the grassroots, strengthening the bonds of belonging to an 'active polity'. The issue is whether EU citizenship attributes effective civic competence that could in turn generate the necessary levels of European civiness for a transnational demos to emerge *ab intra*. From a meta-institutional point of view, the answer lies in the distribution of European civic competence itself. To the extent that the latter passes through the capacity of citizens to determine the political functions of the larger entity, EU citizenship constitutes the foundation of an extended civic contract, vital to the moral ontology of democracy, but also to the prevailing value spheres of civiness. It offers the opportunity to incorporate but not amalgamate the constitutive civic contracts into a composite civic space, where the consent of citizens for large-scale decisions is being organized 'from below'. This requires the evolution of the 'member-state citizen' from a 'functionalist citizen' to a 'derived' one, and then to an 'interactive citizen' (Neunreither 1995: 10). But the transition from one

stage to the other should come about as a conscious act of civic self-development or even 'political self-identification' (Neunreither 1995: 13). Such measures to build on a common civic identity are

- the detachment of EU citizenship from the 'nationality requirement' and its placing on an independent sphere of civic entitlements;
- the institutionalization of civic competence, thus adding to the conventional ways of thinking about competences as statutory guarantees or the capacity to act;
- the extension of the right to vote and to stand as a candidate at national elections for citizens residing in a member state other than their own;
- the institutionalization of the citizens' right to information on all EU issues;
- the setting up of protective legal mechanisms against any infringement of fundamental liberties;
- the introduction of the citizens' right to hold public office within the EU;
- the enrichment of the citizens' rights to the three freedoms of movement, social welfare and working conditions;
- the introduction of the citizens' right to education and of access to training programmes; and
- the recognition of political rights to legally resident third-country nationals, which requires the transcendence of any liberal-statist norms of civic exclusion.

Central to the above are the principles of additionality and non-regression, in that Union citizenship rights are established in addition to national ones, creating a novel *status civitatis*, whilst ensuring that existing citizen rights will not be reduced (Duff 2000: 21). It is only then that these treaty-based entitlements may foster the bonds between the EU and its nascent citizenry. The above proposals rest on the political will of the states, which still act as *Herren der Verträge*, rather than on an overarching *volonté générale* deriving its normative power from a European demos. The question is whether the EU is established enough as a collective polity to acquire a distinctive political subject, whose collective civic identity exists independent of national and transnational public spheres, but whose 'politics' extends to both EU and national civic arenas. Such a move would signal a shift in the basis of legitimation from a functionalist-driven EU citizenry to a community of equals founded on more active and inclusionary virtues of belonging. For any well-thought-out debate on EU democracy to come full circle, such aims should be part of the EU's discursive agenda. A similar case can be made for a 'constitutional' document addressed to the citizen directly to clarify the range and depth of civic rights and duties. This brings us on to the Charter of Fundamental Rights.

## Chartering Europe

The distinction between an extra-treaty arrangement – a Charter that only provides for a standard for fundamental rights – and a legally binding instrument that provides for a set of basic rights guarantees is crucial, for in the latter case, the Charter and, by extension, human rights respect and protection throughout the EU, would be made subject to the jurisdiction of the ECJ. Although drawing such a sharp distinction between a legally binding and a declaratory Charter might do injustice to the normative potential of its present status, in that ECJ Judges and Advocates General can invoke its interpretative force as a more or less definitive ‘European’ statement of rights, an internally justiciable Charter would make both a positive and credible move towards ‘a more human rights-based constitutionalism’ in the EU.

But were the ECJ to become the last instance of appeal in the EU for human rights issues, this might deprive EU citizens of a final external appeal against violations of fundamental rights (Russell-Johnston 2000). A sensible way to avoid the possibility of two competing jurisdictions and jurisprudence is for the EU to accede to the European Convention on Human Rights (ECHR). In that way, ECJ rulings related to the ECHR would be made subject to the supervision of the Strasbourg Court, making the ECJ itself accountable to that Court in the same way as the superior courts of the ECHR states are today (Cooper and Pillay 2000: 17). Institutionalizing fundamental rights within the ‘EU order’ would:

- strengthen the credibility of commitments taken by the member polities to protect the fundamental rights of all persons residing within their territory;
- empower the ECJ to ensure that fundamental rights are indeed respected, whilst providing it with a firm textual guidance on the definition, nature and scope of such rights;
- lay the foundations for an EU-based human rights regime with which EU bodies and institutions are bound to comply;
- advance the fight against various forms of discrimination and protect the status of all civic associations within the EU;
- place the individual citizen at the heart of the EU’s activities by strengthening Union citizenship rights, including the right to good administration;
- make fundamental rights more visible to the citizen; codify so-called ‘new rights’ on bio-ethical, environmental and data protection issues;
- reinforce existing norms, practices and institutions of EU-wide civic inclusion;
- emphasize the importance of upholding the virtues of civility within a complex transnational environment; and



- contribute to the development of shared democratic values, whilst respecting the diversity embedded in constituent cultures, traditions and identities.

Whether or not the incorporation of the Charter into the Treaty is seen as an exercise in regional constitution-making, it would harness the democratic ethos of those who form the *pouvoir constituant* of the larger polity, by recognizing the constituent publics as bearers of rights, freedoms and duties in relation to that polity. It thus offers the constitutive framework for a politics of civic freedom within a community of sovereign citizens: 'an arena within which freedom can be fought for and (sometimes) won!' (quoted in Eriksen 2000: 45). At any rate, and despite the absence of any formal selection criteria, the Charter's drafting process opened the way to a more visible, deliberative and inclusive method of EU polity-building, as it linked the principles of transparency and institutional pluralism with an innovative process of constitutional change, which goes beyond the state-controlled nature of treaty reform.

### **The case for deliberative governance**

To summarize, the EU appears to be evolving in the direction of a civic space based on a common civic denominator providing points of common reference for a plurality of co-existing public spheres. Indeed, there are clear signs of the development of a transnational civil society composed of a plethora of organized groups and associations pursuing their interests at a level beyond or alongside the nation-state. But what it has not yet reached is the stage where a nascent civic identity meets the institutionalization of civic competence. This mix of variables is crucial for the emergence of a European civic space composed of an interactive demos. But the EU has not equally met the conditions for the institutionalization of a European civic space based on the discursive qualities of free public deliberation on ways of improving the democratic quality of its governance. This is after all what civic governance is all about: the process whereby the demos turns relevant democratic problems into topics of public debate.

Ultimately, the normative content of the envisaged transnational democracy refers to discourse-centred processes of civic engagement. Whether or not formally instituted, such processes serve the goal of a polycentric civic space, for they direct the democratic claims of citizens to those centres of authoritative decision-making that are entitled to commit the polity as a whole. Otherwise, a novel yet easily discernible form of political domination will determine the relationship between executive elites and the affected public. Indeed, given the absence of a public discourse informed by liberal republican concerns, it would be naïve to expect the structural transformation of a shadowy political space into a purposeful *res publica*: a political community of free and equal citizens – a *populus liber*

driven by a *caritas civium* – within which civic competence and ‘the right to have rights’ (Bellamy 2001) take precedence over territorially based interest aggregation. Such normative commitments at instituting a multilevel civic space can also act as an antidote to the growing impoverishment of national public life, where a decline in the quality of public discourse is met by a shrinking legitimacy of ‘the political’. In short, a republican understanding of the European polity is one whereby properly constituted laws, constitutionally guaranteed rights and duties, and deliberative institutions of governance convey the values and virtues that support civic freedom and the citizens’ right to good governance: they all are an integral part of the democratic viability of the EU, helping to instil in the members of the composite demos a sense of active citizenship.

A republican form of European governance refers to the range of normative qualities embodying the construction of a transnational civic space, where citizens share among themselves a sense of a sphere of spheres (as a civic virtue element that is a valuable resource for the polity) and a regard for good governance (as a training ground for civic learning), at the same time as they take part in different national and transnational public spheres. This civic conception of the EU contributes to the making of a political order steered by an active community of citizens, by granting them effective civic competence. The emphasis here is not on the crystallization of liberal democratic norms in the political constitution of Europe, but rather on the search for an inclusive civic space, within which citizens mobilize their energies in the pursuit of a new democratic order. Underlying this normative assertion is the belief that democratic reform is not the cause but the consequence of popular aspirations to democratic rule: a desire to participate in a socially legitimized political environment. This is linked to a crucial democratic transformation the EU ought to undertake: ‘from an ethics of integration to an ethics of participation’: ‘a deliberative process whereby citizens reach mutually acceptable agreements that balance their various communitarian commitments in ways that reflect a cosmopolitan regard for fairness’ (Bellamy and Warleigh 1998: 448). Thus, a European *res publica* requires deliberative decisions to promote certain public goods, whose relevance extends beyond the politics of democratic election or issues of policy coordination. Such goods exemplify the significance of civic virtue in public life through active citizenship. For republicans, ‘society is neither an artefact of relations among self-regulating agents nor a jointly negotiated device to advance their several interests’ (Onuf 1998: 5).

A *res publica* is not just any kind of association set up ‘for narrowly instrumental purposes’, but rather it is a civic association, a *polis* (political society) and its *politeia* (form of rule) – a system of virtue-centred political practices designed to serve and upgrade the common good – where civic

freedom, as a prerequisite for balanced government, comes first. A *res publica* is thus associated with the idea of a civic-minded constitution. By analogy, the good European polity should satisfy the following republican features: a balanced form of governance; pursuit of the general good of European citizens through an inclusive process of union; and active European citizenship. Republican theory is also instructive to the conceptual ambiguity surrounding the EU's ontology. By pointing at a mixed sovereignty regime – a sympolity of entangled sovereignties – the EU rests on a primarily political, rather than juridical, constitution. Republican citizenship, in the dual sense of institutionalizing civic competence and transcending fragmentation through an interactive demos, is compatible with the EU's multilevel character and could foster a sense of European civic-ness, responding to the question of whether the EU can be conceived of as 'a community united in a common argument about the meaning, extent and scope of liberty' (Ignatieff 2000: 265).

The formation of a European civic space – the equivalent of a *polis* whose *politeia* reflects its essential purpose – emerges as a plausible answer to Europe's current concerns about the centrifugal and socially exclusionary reflexes of embedded heterogeneity. The latter continues to be an integral part of the EU's distinctive physiognomy as a 'sympolity' of states and demoi. But this should not lead to the assumption that heterogeneity necessarily results in a segmented EU citizenry. Instead, it should become a condition for uniting – not unifying – the member publics and public spheres into a multicultural and polycentric *res publica* (Lavdas and Chrysochoou 2004). 'Many peoples, one demos', rather than 'many demoi, one people', captures the republican imagination of a Europe based on a new democratic *civitas*. In conclusion, the EU has to commit itself to a new framework of politics that embraces the virtues of civic freedom and public deliberation, by discovering a sense of *res publica*.

## Notes

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- 1 Encouraged in part by the substantial growth in migratory movements (Castles and Davidson 2000).
- 2 Concerning the communication channels within groups and between groups and their environments.
- 3 Concerning the functions of public spheres in defining boundaries and providing cohesion between groups and their supporters.
- 4 Concerning the capabilities of groups in shaping the patterns and content of political discourse in a field.
- 5 We have benefited from Chadwick's discussion of what he calls 'public political discourse', although our interest is in a considerably narrower notion: public *policy* discourse concerns policy-orientated formulations (Chadwick 2000: 283–301).

6 We do not use the concept in the restrictive sense attributed to it by Majone and others (see Majone 1996: 610–27), who insist that it may only be applied to the politics of efficiency (problem-solving) and not to the politics of redistribution. We suggest, instead, that the concept of policy ideas can be used to denote all types of systematic attempts to reach applicable formulations of the appropriate links between policy goals and institutional systems of policy making and implementation.



## **Part V**

# **Applying republican theory to policy**



# 12 Restricting family rights

## Philosophical reflections on transnational marriages

*Margo Trappenburg*

### Introduction

On 21 February 2003 an intriguing announcement appeared in the Lonely Hearts column of my local Dutch newspaper: ‘Athletic Turkish fireman is seeking clever girl. I am looking for a wife to make a future life and family together. It would be extra nice if she were from Emirdag (Turkey) or thereabouts’. The Turkish fireman is no exception. That is to say, it is exceptional that he should advertise in the Lonely Hearts column, but it is fairly common that he, as a Dutch citizen of Turkish descent, should be seeking a Turkish wife, preferably from his own home town. A large majority of former guest workers and their descendants in West European countries marry a spouse with the same ethnic background. Moreover, many of them seem to prefer a spouse imported from Turkey or the Maghreb rather than a partner whose parents were born there but who grew up in Western Europe herself (or himself; the pattern seems to exist for brides and bridegrooms alike). Governments in West European countries worry about this demographic development. The Danish government has introduced a minimum age for the citizens who want to import a partner from abroad and their future spouses. The Danish government also organizes intake interviews with the aspiring couple so as to make sure that they actually want to live in Denmark rather than in the imported partner’s home country. Norway is considering similar measures (Troost 2002; Wikan 2002: 5). The Dutch government not only wants to introduce a minimum age for importing partners and their future spouses, but also intends to introduce income criteria. The importing spouse-to-be has to earn at least 120 per cent of the Dutch minimum wage.<sup>1</sup> Moreover, the importing spouse will have to pay for his or her partner’s language and citizenship course.

In this chapter I want to find out whether this type of measure, to restrict people’s family rights, can be morally justified. First, I will provide some background sociological data regarding import marriages. Then I will discuss normative criteria derived from liberal political philosophy and evaluate the Dutch and Scandinavian family rights policy by these



standards. I will do the same for criteria derived from communitarian political philosophy and, finally, I will try to do the same for republican political philosophy. In the final section I will draw some conclusions about policy on import marriages. I will also make some concluding remarks about the merits of liberal, communitarian and republican approaches with regard to ethnic minority policies.

## **Marriage patterns**

Sociologists who investigate the fate of newcomers in a political society often look at marriage patterns (among other things). Inter-marriage between newcomers and citizens of the host society is taken as a sign of successful integration. The idea is that newcomers who feel more at home in their new country will look for partners among the native citizens of the host country (De Valk *et al.* 2001: 90). If we take inter-marriage as a yardstick we can see that the integration of certain minority groups in Europe leaves much to be desired. Less than 5 per cent of Turkish and Moroccan men in the Netherlands marry a native Dutch woman. For Turkish and Moroccan women the percentages are even lower: less than 2 per cent. Slightly more Turkish and Moroccan men and women marry Dutch citizens who share their ethnic background, but the vast majority choose to marry a partner from their country of origin. Demographic researchers have reported figures as high as 70.3 per cent for Moroccan women, 76 per cent for Moroccan men, 77.3 per cent for Turkish women and 82.1 per cent for Turkish men (Hooghiemstra 2000a: 205, 207; 2003: 23). These figures relate to the year 1999, which means that the Dutch-Turkish and Dutch-Moroccan men and women at issue were not new arrivals themselves. Many of them were born and raised in the Netherlands. The high number of transnational marriages in the Netherlands is no exception. Similar figures are reported for other European countries, notably Norway (Wikan 2002: 215).

Sociologists have tried to discover what motives lie behind these marriage patterns. They have come up with a number of explanations. Marriage to a European citizen is a relatively easy way to enter a European welfare state, and there are not many other ways to enter a country such as Norway or the Netherlands. Apparently, aspiring immigrants are willing to pay for a marriage ticket. Immigrants in European countries tend to remain very loyal to their country of origin; they feel moral obligations towards family members or inhabitants of their original region in their country of origin (Hooghiemstra 2000b: 220). This is especially true for parents of adolescents, who seem to be engineering their children's marriages (Esveldt *et al.* 1995: 203). Moreover, immigrant males and immigrant females tend to dislike one another. Young men seem to think that their compatriot girls have become far too Western and liberal. Young women on the other hand notice that their compatriot men are sometimes unem-

ployed, unsuccessful high school dropouts with a criminal record – hence the tendency to search for potential partners in the country of origin and not in Europe (Esveldt *et al.* 1995: 185). Last but not least, one could argue that citizens with a non-native, non-Western background often live in highly segregated ethnic neighbourhoods, where they attend highly segregated ethnic schools. Hence, the chances that they could meet some attractive native citizen with whom they might fall in love are severely reduced. This seems especially true for adolescent girls, who are often not allowed much room to discover other interesting neighbourhoods on their own. The fact that their behaviour is subject to strict supervision in their new country, whereas they are allowed more breathing space during the holidays in their parents' country of origin could also cause them to fall in love then and there (Hooghiemstra 2000b: 224; Esveldt *et al.* 1995: 182).

The main problem with this marriage pattern is that one has to deal with generations of newcomers over and over again. It seems inevitable that the first generation of guest worker immigrants will be raised in Turkish or Arabic, because their parents have difficulties speaking Dutch. It is much more difficult to accept that the third or fourth generation children of Turkish or Moroccan descent will still enter school at age four, speaking only Turkish or Arabic. Moreover, imported partners from Turkey or Morocco are sometimes chosen because they adhere to certain norms and values (especially with regard to male–female relations and education) that are not very popular among the mainstream native population. Last, there are reasons to think that the marriage patterns among ethnic minority groups lead to a higher risk of congenital diseases. (A long line of intermarriage in a small community, sometimes including marriages between nephews and nieces or other blood relations, entails larger risks for children born out of these marriages (Borm 2002).)

Governments in West European countries seem to take it for granted that they cannot forbid their citizens to marry a partner of their own choice, although many governments do forbid some marital choices. Thus, in most countries, one has to marry a member of the opposite sex and one cannot marry close blood relations, such as one's parent or sibling. However, with regard to transnational marriages, such restrictive rules are not considered. Governments ponder measures to discourage transnational marriages.

### **Liberal arguments**

From a liberal point of view it seems paramount that one should be able to live one's life with one's chosen partner. An outright ban on transnational marriages would never be justified. But that does not necessarily mean that there are no good arguments to try to steer people's preferences in the direction of a partner near home. From a liberal perspective three plausible arguments come to the fore.

*Autonomous choices need guidance and protection*

The first liberal argument is based on Joseph Raz's perfectionist liberalism. In Raz's opinion, liberal rights are not plain rights that do not need further justification. These rights ought to serve a higher ideal. They should enable people to live an autonomous life. Hence, one cannot use liberal rights in order to make non-autonomous choices. For example, one cannot sell oneself as a slave to one's next-door neighbour: 'Rights protect not [people's] interests generally but only their interest in freedom. The capacity to be free, to decide freely the course of their own lives, is what makes a person. Respecting people as people consists in giving due weight to their interest in having and exercising that capacity. On this view respect for people consists in respecting their interest to enjoy personal autonomy' (Raz 1986: 190).

A Razian inspired liberal might argue that many members of minority groups get married when they are still very young. Moreover, their parents often have a big say in selecting their spouse. A government wanting to ensure that people marry a partner of their own choice might argue that raising the minimum age for transnational marriages would accomplish just that (or would at least be an improvement on the current situation: it is probably easier to force an 18-year-old daughter to marry than a 24 year old).

The Razian liberal might also point out that women who find themselves in a transnational marriage often give up a large part of their independence. Traditional religious views on marriage do not leave much room for female autonomy.

At first sight the age requirements designed by the Danish and the Dutch governments seem to be an infringement on people's autonomous choices, but on a second look they might actually enhance people's room to make really autonomous choices. They may thus be morally acceptable from a Razian point of view.

However, this does not hold for the income requirements and other financial disincentives, which the Dutch government wants to introduce. Such requirements do not serve people's autonomy. People who do not have the capacity to earn much money will no longer be able to choose a partner from abroad. Other people who might be able to earn such an income will no longer have the option to work part time, or to choose certain kinds of employment that do not pay very well.

*Restricting basic rights for practical purposes*

Many liberal rights can only be guaranteed as long as people use them prudently. If every citizen in a political community wanted to exercise the same right at the same time or the same place we would run into enorm-

ous difficulties. We would no longer be able to uphold those rights. Let me give a few examples:

- I have the right to go from a to b on my bike, but if all Dutch citizens planned to cycle from a to b with me, many of us would never arrive in b.
- We enjoy religious freedom, but we could not live in a town where church-bells were ringing all the time and where we were plagued by calls from mosques all day on every street-corner. We would probably end up deaf and suffer a nervous breakdown.
- I have the right to choose a profession and to teach political theory, but if every citizen with an academic degree chose to teach political theory, this would be disastrous both for the university and for the country at large.
- Women have the right to determine how many children they want to bear and raise, but if all Dutch women suddenly chose to bear six children in a row, we could not handle the ongoing baby boom.

We cannot all exercise our rights at the same time. We are bound to encounter practical limits. If everybody practises self-restraint we can live with a few cyclists going from a to b twice a day, with a few noisy places of worship in every town or village, with an average of one or two political philosophers per university and with a small group of women who enjoy having a large family.

Similarly we can easily cope with a few citizens who fall head over heels in love with a Ukrainian, Turkish or Algerian man, or an Argentinian, Indonesian or Moroccan woman and who would like to live happily ever after in Western Europe. However, a political community would face enormous problems if all its citizens were to fall in love with partners all over the world and if they all decided to seal their romance with a marriage and subsequent life in the Netherlands. Of course, the current situation is not as serious as that (most native Dutch citizens manage to find love and happiness within their home country), but one might reasonably argue that the number of transnational marriages among ethnic minority groups is a reason for concern.

The usual way to give shape to these concerns is to introduce the possibility of restricting individual rights for certain specified purposes. Thus, it is customary that one's freedom to demonstrate can be restricted because of public order, traffic regulations, etc. One's freedom to practise one's religion is also subject to constraints for the sake of public health, public safety and so on. Likewise, one can imagine that one's freedom to marry might be restricted for the sake of public order, the welfare state, social cohesion or social solidarity in society. It is essential that these restrictions should not lead to the practical disappearance of the individual right at issue. Once again, the income criterion of the Dutch government would

probably be too severe, because it could result in an insurmountable obstacle for low-income citizens who consider a transnational marriage.

### *Using the benefit principle*

In a liberal state of the libertarian variety, immigration would not be much of a problem. If one does not have to pay for other citizens' health insurance, education, unemployment benefits or welfare allowance, the number of newcomers does not seem to be terribly important. Presumably, they will not come, unless they have the prospect of employment or family members who will look after them financially. Citizens in a libertarian state would have to pay quite a lot for police protection, so as to make sure that destitute people would not take their property away. I can imagine there would be some sort of trade-off: if borders were fairly closed, employees would be relatively scarce. One would have to pay them decent wages, but one would not have to spend a fortune on police protection. Opening the borders would lower wages, would lead to unemployment and resentment, which might easily lead to criminal behaviour, and would thus necessitate extra police protection, prosecutors, judges, and prison wardens.

Most liberal political theorists are not libertarians. They are committed to some sort of egalitarianism in a welfare state. In a welfare state, in an egalitarian society, citizens have to pay other citizens' health care costs, education, welfare allowance and so on. It seems reasonable that citizens in a liberal-egalitarian state should worry about the costs of immigration, since this would lead to more health care costs, more education costs and more welfare allowances, unless one would let newcomers in on different terms. One might after all also declare that newcomers should not be allowed to profit from social welfare arrangements. However, a society committed to liberal egalitarianism would find it hard to stomach that there were individuals living in its midst officially declared less equal than others. (The reply that these people would probably be better off as second-class citizens in a welfare state than as native citizens in their country of origin does not seem to fit in with liberal egalitarian philosophy. That argument would hold more water in utilitarian philosophy, in which the fact that this situation would enlarge the total amount of happiness should be counted as morally crucial.)

In Dworkin's liberal egalitarianism, mutual solidarity among members of the welfare state is limited to softening the results of so-called brute luck. Dworkin's liberal egalitarians want to compensate for each other's misfortunes. People are born with genetic diseases or handicaps, people are born with very little talent to be used on the labour market, people get hit by a bus. All these conditions warrant compensation. However, people may also suffer so-called 'option luck': they take their money to the casino or the stock exchange and they lose it. They go to university to be edu-

cated in one particular field of expertise and find themselves unemployable on leaving the university, because the market does not seem to reward their particular field of expertise. And people may have expensive tastes: they prefer to drink champagne instead of coffee or milk, they love to drive a Rolls Royce or they cannot be happy without designer clothes. Expensive tastes and the consequences of option luck do not warrant compensation (Dworkin 2000).

The question then is: can we qualify ethnic minority members' preferences for a partner from their country of origin as an expensive taste, for which they must pay themselves? Obviously, the same qualification should then *prima facie* hold also for ordinary native citizens who want to import a spouse from abroad. This does not seem to be totally unreasonable. If I were to fall in love with a man who was living 200 km away, somewhere in a tiny village in the north of my own country, this would make for an expensive relationship. My lover or I would have to travel in order to spend the weekends together, and we would have to pay expensive telephone bills. Should we decide to move in together, one of us would probably have to spend a lot of time finding a suitable job in another part of the country (he or she might even have to give up the idea of finding such a suitable job and suffer a severe loss of income). Moving in together might also mean that one of us would be moving away from his or her family and would have to continue travelling in order to keep in touch with parents or siblings. Still, nobody has ever suggested that such a long distance relationship should be qualified as a quasi-handicap that ought to be paid for by taxpayers or social insurance contributors. Following this line of argument it would make sense to say that the costs of ultra-long distance, transnational relationships should also be borne by the lovers themselves and not by their fellow citizens. It might be acceptable to make the future spouses pay for the necessary language courses, professional training and the like.

Would it also be justified to install a minimum income requirement, as the Dutch government planned to do? The reason behind such a requirement might be as follows. Look, here is a (native or Turkish) Dutch citizen who is welfare dependent or makes very little money. He or she might decide to import a spouse. He or she could not afford to pay for the spouse's language course and other tuition, so let us save him or her the trouble and simply state that he or she cannot import a partner on this meagre income. But why not leave it up to the individual himself or herself to draw that conclusion? We do not attach income requirements to Mercedes cars and yachts, do we? If an import partner is comparable to an expensive taste, merely stating the price should be enough. Probably, the Dutch government is afraid that the family of the spouse-to-be is willing and able to save enough money to pay the price for tuition and education (as some kind of dowry for their son or daughter). Consequently, the transnational marriage will take place, but the imported spouse may

remain a burden to the welfare state, despite the language course and the education. But it would not do to have a price-tag on an import bride amounting to tuition fees, language instruction and many years of welfare. After all, the spouse at issue might also turn out to be a real asset to the welfare state. Hence the income requirement, so as to make sure that the Dutch partner will be able to support his or her imported spouse. The argument does not get more convincing that way. From a Dworkinian perspective the overwhelming impression is that this arrangement changes the character of a transnational relationship. It is no longer an expensive taste, which you might be able to afford if you manage to get the money somehow, somewhere (provided you do not resort to criminal activities, of course); it becomes a privilege for the well-to-do. For liberal egalitarians such privileges should not exist.

We may conclude that the age criterion adopted by the Danish government and taken into consideration by the Dutch and the Norwegian government seems morally acceptable from a liberal, more especially a Razian point of view. Asking a substantial contribution from the importing partner in order to pay for his or her future spouse's language course and education might also be morally acceptable from a Dworkinian point of view. Moreover, it seems justifiable to establish certain practical restrictions on transnational marriages, provided that these restrictions do not render the right to marry whomever one chooses completely meaningless. I pass over the interesting question of whether these three arguments can be combined in either of the theoretical perspectives. The income criterion proposed by the Dutch government does not meet the liberal-egalitarian test. Liberal-egalitarian principles do not seem to have much to say about the Danish intake interview procedure.

### **Communitarian arguments**

From the perspective of ethnic or religious minority groups there seem to be two different types of communitarianism. They can either live in a communitarian society in which communities are valued whatever they are, or they can live in a communitarian society in which one particular community (the moral majority) is singularly valued and where everybody should preferably belong to that community. The difference is made quite clear in *The Curious Enlightenment of Professor Caritat*, Stephen Lukes's novel on contemporary political philosophy (Lukes 1995). Professor Caritat is a political refugee, who managed to escape a military dictatorship and thereafter wanders around the world in search of a place to live. He passes Utilitaria (obviously a state committed to the utilitarian happiness calculus), Libertaria (a Nozickian paradise where every inch of public space has become private property) and he also passes Communitaria, a country with an interesting history. Caritat learns that in the past Communitaria used to be dominated by one particular cultural and ethnic group, the

Bees. In those days everybody in Communitaria had to abide by the Bees' moral rules and celebrate the Bees' ritual holidays. However, this changed long ago and by the time Caritat visits the country the Bees are just one of many denominational, cultural, ethnic groups in Communitaria. Each group can adhere to its own rules, rituals and norms and celebrate its own holidays and all groups are supposed to respect members of other groups and to try not to hurt their feelings.

A communitarian evaluation of the issue of transnational marriages in the old, Bee-dominated Communitaria would be different from a communitarian evaluation in modern Communitaria. Let us start with the modern variety. In a large community of communities, one community might feel strongly connected to a larger society somewhere else in the world. Community-members might decide to marry partners from over there. The other communities should respect this way of life and should not try to discourage it by all sorts of restrictive measures. The central question for the communities living apart although together in such a Communitaria is: how much do they share and how much are they willing to share? Do the members of different communities meet one another at work? Or do they mostly belong to separate economies, run by ethnic entrepreneurs? Do they share a welfare state? Is there such a thing as a common system of public education, a national health service, a social insurance system, a welfare system? If the communities do not share public provisions we would have a libertarian world, consisting of numerous separate communities, as pictured by Chandran Kukathas in his latest book *The Liberal Archipelago* (Kukathas 2003). If they do share a welfare state, the communitarian society would have to deal with the same dilemmas as a liberal egalitarian state has to deal with, and it would probably resort to the benefit principle or to the restricting rights for practical purposes principle discussed above, in order to avoid a direct appeal to the moral principles of one or another particular group.

An old fashioned Communitaria, dominated by one cultural group, might feel entitled to advocate one sort of marriage rather than another, to wit a marriage based on equal partnership and monogamy, which is freely chosen by both partners, rather than a marriage between adolescents that has been arranged by their families and which might be completed in due course by one or two extra wives. Such a Communitaria would probably not enforce this moral principle, not because – as liberals would have it – there is a basic right to privacy in these matters, but because a community is not primarily about enforcing norms; it is about socialization, social reinforcement and societal institutions (cf. Etzioni 1999: 92). In the terms of the communitarian political theorist Michael Walzer: the moral majority might try to clarify the ruling 'shared understandings' in the sphere of love, namely that one should marry for love, and not for economic reasons, or to please one's parents, or to acquire a residence permit (Walzer 1983). The moral majority might perhaps also



take measures such as the minimum age policy. If one is 21, 24 or 27 the chance that one will have experienced romantic love is greater than if one is only 18. Consequently, the chance that one will marry 'for the right reasons' also becomes greater.

From a Walzerian point of view, the Dutch financial incentives (the minimum wage requirement or the fee for language courses and tuition) are much more problematic. It may be a perversion of the sphere of love if certain citizens marry for financial purposes (such as a welfare allowance or a residence permit), but it is surely a bigger perversion if the state (or the moral majority) were to pollute the sphere of love itself by infusing it with financial incentives that might after all also stand in the way of true love.

### **Republican arguments**

A liberal state is based on rights and contracts, a communitarian state is based on moral shared understandings, a republican state is based on deliberation between citizens. This deliberation may be about anything that is deemed important by citizens. It may, for example, be about the size of the state, traditionally a very important topic for republican thinkers. We can find interesting reflections on size in the works of Aristotle, in Machiavelli's *Discourses*, in the work of Jean-Jacques Rousseau whose ideal state was not to be bigger than the island of Corsica, and in the *Federalist Papers* by Madison who thought that large states were preferable to small ones, provided they were federations (Honohan 2002: 109). But we can also find observations on size and the number of citizens in the work of modern republican thinkers. The most interesting parts of republican theorist Herman van Gunsteren's *A Theory of Citizenship* have to do with admission and integration policy (Van Gunsteren 1996). Benjamin Barber's first book, *The Death of Communal Liberty: A History of Freedom in a Swiss Mountain Canton*, deals with the history of Graubünden in Switzerland. According to Barber, the inhabitants of Graubünden adhered to a republican ideal of freedom: they did not conceive of freedom as freedom from state interference, but as the liberty to live under self-government. For the Swiss mountainman 'freedom came to mean not individual emancipation from his obligations to the whole, but the right to bind himself by his own choice' (Barber 1974: 101). The citizens of Graubünden realized that they were living in a country held together by a precarious equilibrium. They should be willing and able to spend time in politics, they should not join a rat-race for ever more money and consumer goods, and they should feel enough solidarity with their fellow citizens to uphold some sort of community. Hence, according to Barber, the Swiss resistance to the guest workers joining their country in the 1960s and 1970s. Barber reproaches the Swiss for being chauvinistic, but also credits them with a shrewd insight into the preconditions of their own republic (Barber 1974: 252).

Barber's most famous monograph, *Jihad vs. McWorld*, deals with the possible disappearance of democracy and republican citizenship because of the ongoing globalization of the world and the ethnic-religious fundamentalist counter-reaction against globalization. *Jihad vs. McWorld* is a declaration of love of citizenship in old-fashioned nation states which are threatened by globalization:

In the tumult of the confrontation between global commerce and parochial ethnicity, the virtues of the democratic nation are lost and the instrumentalities by which it permitted peoples to transform themselves into nations and seize sovereign power in the name of liberty and the commonweal are put at risk.

(Barber 1995: 7–8)

Citizens may deliberate about the size of the state; they might also decide to discuss marriage and family issues. Iseult Honohan points out that several republican thinkers of the past did not hesitate to regulate marriage in great detail (the rules about the right age to marry for males – between 37 and 57 – and females – round about 18 – in Aristotle's *Politics* are a case in point) (Honohan 2002: 27; Aristotle 1981, *Politics*: 1334b29–1336a2). Modern republicans will probably appreciate the value of privacy much more than Aristotle did, but republicans do not *a priori* rule out debate on personal issues. A republican debate on transnational marriages would probably have to be about the issue of loyalty to one's political community versus loyalty to one's country of origin. Unlike traditional republican philosophers, modern republicans do not think that citizens should feel an overwhelming commitment to their country. Modern citizens have multiple loyalties: towards their family, their friends, their colleagues and their employer, towards associations to which they belong and towards their political community (and even that loyalty may be divided: citizens need not necessarily be committed first and foremost to their nation state; they may also feel loyalty towards their local community or towards the European Union) (Van Gunsteren 1996: 140ff). Despite these provisos, loyalty towards the political community is a commitment that citizens of that political community ought to possess. From this perspective, it seems to make sense to wonder about the loyalties of some ethnic minority citizens. If one feels extremely loyal to one's family, one's religion, one's village in Morocco or Turkey, and to Turkey or Morocco at large, does this leave enough room for loyalty towards the republic in which one is presently living? Sociologists have pointed out that many members of minority groups belong to transnational communities. They travel from their new country to their country of origin a few times a year. They prefer to spend their savings in their country of origin. They do not invest much time in learning their new country's language. They are not that interested in what goes on in their new country, they prefer to watch

satellite television and follow the news in their country of origin and, last but not least, they also feel obligated to marry a spouse from their country of origin.

Given this situation, republican citizens might argue that we may need something like education for loyalty and commitment. A country that hosts many newcomers might need something akin to the American education for citizenship. Although it would certainly not do to argue that one ought to show loyalty to one's new political community by marrying a native citizen, one might hope that a sense of commitment and loyalty to one's political community might put an end to the practice of seeking a partner elsewhere as a matter of course.

Although one cannot predict the outcome of republican deliberation, it does not seem very likely that a republican debate would lead to the establishment of the minimum age criterion or the income criterion of the current policy proposals. It would, perhaps, lead to the Danish practice of organizing an intake interview with aspiring transnational marriage partners in order to test their loyalty to Denmark. After all, such an intake procedure would constitute another deliberative moment. It is also conceivable that republican citizens would choose to establish a quota for newcomers, in order to maintain a hold on the size of the republic.

Republican citizens will probably also emphasize that, if there were to be rules concerning transnational marriages, such rules should apply to all citizens equally, for 'the people as a whole lay down provisions for the people as a whole in general terms without specific applications' (Honohan 2002: 93; cf. also Van Gunsteren 1996: 65). The rules should not aim at ethnic minority groups especially.

## **Conclusions**

So what can be said about the current policy and policy proposals in Western European countries to restrict family rights and discourage transnational marriages? We have discussed three liberal-egalitarian arguments, notably the Razian autonomy argument, the restriction of rights for practical reasons argument and the benefit principle. Some of these arguments justify the minimum age criterion for transnational marriages and the establishment of a fee for an import spouse (to pay for his or her language course).

From a communitarian perspective, a moral majority would be entitled to preach and encourage its substantive moral norms regarding marriage, although it would probably not be entitled to enforce these norms outright.

From a republican perspective there is something to be said for an intake interview. The republican-communitarian perspective also seems to draw attention to policy measures such as education for loyalty and commitment to one's political community and a possible quota for import partners.

Can we say anything about the usefulness or the appeal of liberal-egalitarian, communitarian and republican principles in ethnic minority policies or politics? I would like to think that a substantive approach might be more effective and more just than a procedural or pragmatic approach. Such a substantive approach includes liberal, communitarian and republican arguments. Citizens would deliberate about the beauty of romantic love (the Walzerian, communitarian ideal), about the value of autonomous decisions (a Razian liberal argument), and about the importance of loyalty to one's political community (a republican argument). Choosing a contractual, procedural, outright liberal *quid pro quo* approach (you can have it all, if you are willing and able to pay for it) does not contribute to the newcomers' sense of appreciation for the new political community. And such an appreciation seems to be the very thing that native citizens would like to find in their new neighbours.

## Note

- 1 Coalition agreement 'Meedoen, meer werk, minder regels' (*Participation, more work, fewer rules*), CDA, VVD, D66 (Christian democrats, liberal-conservatives, and social liberals), 16-5-2003, 11. The former cabinet (Balkenende I) was even more severe, cf. 'Werken aan vertrouwen, een kwestie van aanpakken' (*Investing in trust; just getting it done*) coalition agreement CDA, LPF, VVD (Christian democrats, populists and liberal-conservatives) 3-7-2002, 14. They intended to demand that importing spouses should be earning 130 per cent of the minimum wage.

# 13 The French ‘republican model of integration’ from theory to practice

## The case of housing policy

*Valérie Sala Pala*

### **Introduction: paradoxes of the republican model of integration**

The attempt to counter ethnic discrimination in France raises a fundamental paradox. On one hand, the republican ideology of integration is based on revolutionary principles according to which citizens of every origin are equal, and on making ethnic differences invisible, denying the very possibility of ethnic inequality.

In the theoretical model, ethnic or national origins are erased by the second generation. The child of an Italian, Polish, or British foreigner born in France cannot be distinguished from a child with French ancestors. There is, therefore, no social basis for stigmatization: structural or institutional racism, in the British sense, is inconceivable.

(Weil and Crowley 1994: 111)

A specific vision of citizenship, of the state, and of the nation supports an abstract conception of citizenship that masks ethnic difference, and a conception of the state–citizen relationship as direct, which entails negating ethnic communities as political actors:

Since the revolutionary period, the notion of equality in French law has worked to protect individuals from discretionary political power and the oppression of intermediary bodies or corporations. It is the universal citizen-individual who is the focus of the body of law, of public authorities and of State administration. Neither ethnicity, race, religion, nor any ascribed status other than nationality can be the basis for granting special rights. Thus, notably, France rejects the very concept of minority (national, ethnic, religious, linguistic...) and refuses to sign international treaties and conventions that refer to it.

(De Rudder *et al.* 1998: 28)

On the other hand, the reality and extent of ethnic discrimination have increasingly been confirmed, even though the fact that collecting ethnic

statistics is prohibited prevents any precise measurement of this phenomenon. The emergence and official use of a new category, the 'second generation', shows that, far from disappearing, their ethnic origins distinguish the children of immigrants, who suffer discrimination in every domain of social life, and, despite their French nationality, are reduced to second-class citizenship (Simon 1999). Paradoxically, the fact that censorship of origins has been elevated to a republican principle makes it impossible to speak explicitly about discrimination in French society as a whole, and particularly in the most symbolic institutions and public services of the republican model. Thus, 'silence about discrimination, indeed the impossibility of recognizing its existence and effectively addressing it, is what characterizes the French exception' (Simon 1999: 6). Should we then talk about a 'French model of discrimination' rather than a 'French model of integration'?<sup>1</sup>

Recently, official recognition of the issue of ethnic discrimination in access to housing had a tentative beginning with the publication of a report by GELD, the body set up to study and combat discrimination (GELD 2001).<sup>2</sup> This report, published at a time when fighting discrimination has become an issue on the national political agenda, shows the principal ways in which ethnic minorities are discriminated against, either by being refused access to social housing, or by being directed to the least attractive segments of the public housing sector.

Thus, we may frame the hypothesis that, in the area of housing, republican institutions paradoxically produce ethnicity. This hypothesis is developed in the course of this chapter through examining the gap between theory and practice in the republican model of integration. How is it possible for republican institutions to contribute to ethnicizing social relations and public policy in France? How do they play a part in producing and maintaining ethnic boundaries and therefore ethnic inequality? The process of ethnicizing public policy in the French context has been little examined up to now except in some recent studies regarding, notably, the world of work (Bataille 1997; De Rudder *et al.* 2000) and of the school (Payet 1998; Morel 2002). In contrast, the ethnicization of social housing policy has received little detailed analysis.<sup>3</sup> In fact, the republican taboo on ethnicity has long hindered the emergence of this kind of issue, and confined research on 'immigrants' to the issue of 'integration' (Lorcerie 1994; De Rudder 1998), while making inconceivable institutional racism as conceptualized in the United States in the 1960s (Carmichael and Hamilton 1967) and quickly imported into Great Britain. Official thinking (*'pensée d'Etat'*) on immigration (Sayad 1999) has adopted a narrow conception of racism and discrimination, reducing racism to highly structured ideological and theoretical discourse or to violent action, and discrimination to individual acts necessarily based on discriminatory intent. For this reason imported Anglo-American concepts such as institutional racism and indirect discrimination are a valuable

resource we can use to analyze the ethnicization of public policies in France.

To understand the nature of the contradictions between theory and practice in the French mode of integration, we develop a two-stage analysis. First, we consider the social construction of the ethnic minority housing question at the national level in France in order to see to what extent this is informed by the republican ideology of integration. We show how the republican taboo on ethnicity translates into a definite process of understating (*euphémisation*) ethnic inequality in the area of housing; this leads to policy formulation based on universalizing categories: the 'right to housing' and 'social mix' (*mixité sociale*). We then raise the question of the actual management of access to social housing at the local level. To what extent is republican integration ideology realized in practice in the everyday management of social housing? We try to answer this question on the basis of field-work carried out in Marseilles. The hypothesis defended here is that there are sharp contradictions between universalizing national political categories informed by republican ideology and the ethnicization of social housing management at the local level – contradictions that ultimately involve republican institutions in producing ethnicity in a manner that is, at the very least, paradoxical.

### **The social construction of the ethnic minority housing problem: republican ideology and the dissimulation of ethnic inequalities**

Public policy involves not only taking action to solve problems, but also constructing the meaning, representation and social definition of the problems society has to solve (Muller and Surel 1998). Political problems have no objective existence independent of their social mode of production. They are the product of the social construction of reality (Berger and Luckmann 1986). Thus, from one country to another we may note clearly different normative and cognitive frameworks that legitimate specific representations of the ethnic minority housing problem and policies designed to deal with it. When trying to understand what is specific about the French case, a comparative approach is valuable; thus we analyze it by comparison with the British case, marked by a multicultural, communitarian approach to ethnic relations, and often presented as the antithesis of the French republican model.

In France, the national construction of the ethnic minority housing issue derives from the republican taboo on ethnicity. This construction is characterized by a process of dissimulating ethnic origins and consequently ethnic inequalities, as analyzed by Sayad (1999). More precisely, we can observe a double dissimulation process. The first has involved characterizing the problem of housing 'immigrant workers' (since the 1950s) as a temporary one, and perpetuating this myth of temporary immigration

right up to the present. The second, arising since the 1980s, involves dissolving inter-ethnic problems into 'problems of the *banlieues*' and 'social exclusion'. The transformation since the 1970s of inter-ethnic relations in French society (including the permanent presence of immigrants on French territory, the transition from labor to family immigration, and the emergence of second and then third generations) has, accordingly, not led to any realignment of the republican belief that there cannot be any ethnic dimension to inequality.

The construction of the 'immigrant housing' problem goes back to the 1950s, with the creation of agencies such as *Sonacotra* (*Société nationale de construction pour les travailleurs algériens*) and FAS (*Fonds d'action sociale*) and the construction of migrant workers' hostels.<sup>4</sup> Policy on immigrants was characterized at that time by a *laissez-faire* logic more than anything, but the housing problems encountered by these immigrant workers became so conspicuous that the state ended up intervening, and housing became the kernel of a social policy aimed at this group. Set up in 1956, *Sonacotra* was given the mission of constructing and managing hostels for Algerian workers, and later for other categories of immigrants also (Bernardot 1999). The prevailing representation of immigration as a temporary presence of isolated immigrant workers justified establishing a policy limited to building hostels where immigrants lived out of sight of the French population. Later, another form of housing policy, targeting specifically those of immigrant origin, was introduced with the creation in 1975 of the system of 'one-fifth' (*cinquième*), and subsequently reduced to 'one-ninth' (Viet 1998: 370–3). According to this system, a fraction of the social housing earmarked for businesses in respect of their contribution to the construction effort (the so-called 'housing 1 percent' – a levy on each enterprise's payroll) had to be set aside for foreign employees. This official definition of 'immigrant housing policy', still prevailing today, has two important implications. First of all, it reproduces the notion that the problem is temporary, in continuing to identify the isolated immigrant worker as the central character in the 'problem of immigration' (Simon 2001). Second, it is presented as a policy intended to integrate immigrants. Despite this, in practice *Sonacotra* has often been used by municipalities to move on immigrant populations considered undesirable. Moreover, the isolation of the hostels has contributed to perpetuating different ways of life and the social impression of immigrants as 'unassimilable' individuals (Bernardot 1999). In any case, in recent public policy developments the republican model of integration, hostile to special measures and favouring universal policies, has been reaffirmed. Thus, the hostels are being transformed into social accommodation open to all individuals in social difficulty, while the group targeted by the 'one-ninth' was expanded in 1989 to the most disadvantaged in general.

The second form that dissimulating ethnic inequality in the area of housing takes is dissolving it into problems labelled more broadly as 'the



problem of the *banlieues* or 'social exclusion'. Thus, ethnic categories are dissolved into social and urban categories more acceptable within the republican paradigm. The policy of combating exclusion through housing is structured around two key principles: the right to housing, affirmed by the 1990 law implementing that right (the *Loi Besson*), and social mix (*mixité sociale*), promoted by the 1991 *Loi d'Orientation pour la Ville* (LOV). These laws have recently been supplemented by the 1998 law against exclusion and the 2000 law on urban solidarity and renewal (SRU). It is remarkable that none of these texts explicitly mentions ethnic minorities. The *Loi Besson* targets the 'disadvantaged' (*défavorisés*) or 'deprived' (*démunis*). The LOV aims to mix 'different social categories'. Nevertheless, parliamentary and media debates on formulating this policy leave no doubt that its principal goal is to combat urban ghettoization and the aggravation of inter-ethnic tensions in the *banlieues*. Here it seems apposite to follow Kirszbaum when he speaks of French urban policy as an implicit policy (*politique en creux*) of immigrant – or rather ethnic minority – housing (Kirszbaum 1999). Finally, it should be emphasized that implementing this policy occurs essentially at the local level, since the legislation is limited to defining categories of public action legitimate within the republican framework, and it hands over to local actors the responsibility for defining the meaning of the right to housing and social mix in the local context, and for implementing local policy.

In contrast to the French case, the British situation since the end of the 1950s has been marked by the acknowledgement of ethnic inequality in the housing sector, and by the establishment of explicit policies favoring ethnic minority housing. The social construction of the problem revolves around knowing whether the housing situation of ethnic minorities derives from ethnic or cultural choice or from constraints imposed on these communities. In the context of the 'paradigm of choice/constraint' (Tomlins 1999), the whole policy issue consists of permitting the expression of individual choice, and removing any obstacles to that expression that are posed by discrimination. This construction of the problem leads to establishing various measures aiming, on one hand, to combat discrimination, and, on the other, to authorize the expression of ethnic preferences and to satisfy ethnic minorities' special needs. Anti-discrimination policy is multi-dimensional because it distinguishes three types of discrimination: individual, organizational and structural. The Race Relations Act of 1968 constituted the first attempt to combat housing discrimination. This was followed by the Race Relations Act of 1976, which extended the scope of the legislation to indirect discrimination, and established the Commission on Racial Equality (CRE), whose mission is to oversee the application of this legislation. This was modified in 2000 by the Race Relations (Amendment) Act, which gave local authorities and the Housing Corporation<sup>5</sup> – among other institutions – the obligation to combat discrimination, and, in addition, to promote racial equality. On the other

hand, support for cultural difference led to the Housing Corporation instituting a Black and Minority Ethnic (BME) housing policy in the 1980s. At first this policy focused on supporting the development of black housing associations run by ethnic minorities and responding specifically to their housing needs, these having been poorly served by the traditional managers of social housing (municipal services, or general purpose housing associations). This was progressively extended to sensitizing social landlords generally to the specific situation of ethnic minorities.

If, alongside this official acknowledgment of a specific ethnic minority housing problem, ethnic inequalities were also dissimulated in the United Kingdom in local and universal references to the 'inner city' and 'social exclusion', the comparison highlights a striking contrast between French and British constructions of the issue of ethnic minority housing, and underlines the ways in which the republican ideology of integration informs its construction in France. The question now is to what extent the republican construction of the issues and its universalizing political categories (the right to housing and social mix) stand up to the test of local practice governing access to social housing.

### **The practical test: local management of access to social housing and the production of ethnicity by republican institutions**

How do the institutions entrusted with putting the principles of social justice and republican equality into everyday practice in the housing sector actually manage ethnic difference when they are faced with real situations and individuals?

The interviews we conducted with those responsible in Marseilles show how important their use of ethnic categories is in allocating social housing.<sup>6</sup> This practice clearly contradicts the republican ideology of equality and '*invisibilisation*' of ethnic inequality.<sup>7</sup> Such ethnicization involves many procedures, policies and disparate practices, which together add up to special and unfavourable treatment of ethnic minorities. We can distinguish two levels at which discrimination is found: organizational strategies and the practices followed by actors within these agencies.

#### *The ethnicization of HLM allocation strategies*

HLM (*Habitation à loyer modéré*) agencies are the central actors regulating access to social housing, because they have the final responsibility for deciding the allocation of this scarce and highly differentiated resource.<sup>8</sup> How do they determine their allocation strategies? How do these strategies combine the republican precepts of a right to housing and social mix? According to the right to housing principle, the selection of applicants should in theory follow a procedure that gives priority to

applications on the basis of social criteria. The elevation of 'social mix' to a principle of apparently equal importance to the right to housing complicates the HLM agencies' task.<sup>9</sup> Given potentially contradictory goals to realize, they also adapt these social goals according to their own constraints, aims and values. With the privatization of social housing, tougher management constraints on social landlords, heavy demand for social housing, and the degradation of living conditions in some estates, the strategies of social landlords are based above all on the goal of minimizing risk – financial, political and social.<sup>10</sup> This involves choosing 'good tenants' on the one hand, and managing 'geographical balance' (*équilibres territoriaux*) on the other. To what extent are these unofficial aims compatible with the official aims of the right to housing and social mix? To what extent do they fit in with republican indifference to ethnicity? The interviews conducted in Marseilles show that the strategy of choosing 'good tenants' and managing 'geographical balance' takes on a strong ethnic color; moreover, some social landlords' reliance on ethnic classifications confirms the importance of ethnic categories in the way they formulate their strategies.

The choice of tenants is marked first by a lack of transparency in the selection criteria applied to applicants. Note first that the complexity and vagueness of the legislative and regulatory framework governing allocations leave a good deal of room for HLM agencies to deploy their own strategies and define their allocation criteria untransparently (Bourgeois 1996; Brouant and Jégouzo 1998). Allocation criteria at the national level are defined in a very general way. But, according to law, it is the task of the prefect and the local authorities to specify the local definition of criteria and goals. This localization of criteria is very variable. In Marseilles and the department of Bouches-du-Rhône, the intervention of the prefect and municipality is marginal: the prefecture has not really specified the local conditions for managing allocations in its departmental regulation, but has passed this task on to the municipalities and HLM agencies. As for the municipality of Marseilles, which does not have social housing as a priority, it has not taken the steps necessary at local level (as envisaged in the law) to specify allocation criteria or aims (e.g. intercommunal housing conferences; allocation schedules). This leads to a vagueness in localized allocation norms allowing HLM agencies great latitude in defining their own criteria. In this context, a number of social landlords have abandoned the previous points systems, which used to allow the evaluation of social needs according to a precise and strictly defined hierarchy (urgency, socio-economic conditions of applicants, duration of the application, etc); or, if they have kept them, they only appear to apply them, and the aim is less to select applicants with the most pressing social needs than to minimize the risk associated with these applicants. This is where ethnic categories come in, since ethnic minorities are collectively considered *a priori* to be 'risky groups' (*groupes à risque*). We stress that, in

contrast to republican theory that hides ethnic differences behind social ones, here it is not just membership of the working classes, but specifically minority ethnic status that is a factor independently disadvantaging an applicant for social housing.

The aim of social mix in the republican context presents a major contradiction: how to mix differences – particularly ethnic – in the context of an 'abstract universalism' (Khosrokhavar 1996) that denies the existence of these differences and forbids any action based on taking account of origins? Invoking the thoroughly republican principle of social mix thus has the paradoxical effect of legitimating the use of ethnic origins as an allocation criterion. It seems that this alibi allows social landlords to cover up ethnicized strategies of local management that have little to do with republican motivations for '*mixité sociale*' (combating ghettos, achieving more open access to housing for ethnic minorities). The principle of social mix, very loosely defined by the legislation, is broadly re-interpreted by social landlords through the lens of their organizational objective of managing local balance, that is, reducing the risk that certain areas will decline in value.

To this end, a variety of ethnicized settlement strategies are deployed by social landlords, among which we can distinguish three categories. The first, 'filling up' (*remplissage*), with the aim of reducing vacancies, consists of systematically allocating housing in the most devalued estates to captive households, starting with ethnic minorities, in flagrant contradiction to the principle of social mix. A second category includes strategies aiming to limit the presence of ethnic minorities in some estates, by applying unofficial quotas or 'thresholds of tolerance' (*seuils de tolérance*). The desire to control the risks of regional imbalance, defined by social landlords primarily as an excessive concentration of 'risky groups', in fact implies defining the line between geographical balance and imbalance. Finally, a third group of strategies is rooted in a resolutely communitarian perspective: this involves creating communitarian balances or counterweights, deploying (negative or positive) characteristics attributed to each community (Comorian, Gypsy, Armenian, Maghrebian...). What is considered in making allocations is not ethnic minority status in general, but membership of specific ethnic communities associated with certain ethnic stereotypes. 'Community' here operates as a category underlying allocation strategies in a way that clearly contradicts republican ideology, and is hostile to every consideration of infra-national collective identities. Communitarian strategies can operate at two levels, as illustrated by two social housing programmes in Marseilles. At the first level, allocations are designed to ensure that different ethnic communities are present. For example in Air-Bel, a social landlord was confronted with an estate with vacant units, a bad reputation and social problems that he attributed to the over-representation in the district of communities of immigrant origin, and, in particular, of the Maghrebian community. He adopted a

strategy of introducing a counterweight in the form of an Armenian community, considered better integrated and capable of re-establishing geographical balance. At the second level, a communitarian approach can go beyond populating the area to the question of its control. Such a strategy is illustrated by the management of La Savine from 1980 to 1990, when a social landlord established a 'programme of community development' aimed at controlling the area through community representatives, and facilitating mutual understanding by arranging sporting and cultural events. Here, community has been understood as a principal determining factor in the social functioning of the estate: the presence of different communities has been seen as generating incomprehension and social dysfunction. Therefore the principle of urban intervention adopted by social landlords involves turning community structures into an asset by playing the 'community organization and leadership' card. We may note that this programme relies on an essentialist conception of culture, caricaturing ethnic and cultural differences in a way that seems difficult to reconcile with the ideology of social mix.

However distant their assumptions, these different ethnicized strategies for selecting applicants and populating estates both rely on an ethnic cognitive grid. The question arises: on what ethnic classifications and categories can ethnicized strategies be based in a republican context forbidding any use of such categories? If these categories are formal they are usually dissimulated because they are illegal. We may, however, note the example of a computer programme called *Logimage*, used by a social landlord in Marseilles in the 1990s to help make allocation decisions. One of the items for which information concerning occupants and applicants was entered was household 'nationality'. But the categories of 'nationality' offered do not correspond to legal concepts, but instead suggest an assessment of ethnic origin. The programme recognizes eight categories of 'nationality': 'France', 'Europe', 'Maghreb', *intermédiaire*, 'DOM TOM', 'Africa', 'Asia', and 'Other'. At first sight, the first, France, might seem unambiguously to be a genuine category of 'nationality' – the others less so. But even the inclusion of the distinct category, *DOM TOM*, referring to the overseas departments and territories of France, shows that even 'France' is actually construed not in legal terms of nationality, but in terms of people of French 'stock' (*Français de souche*) to the exclusion of French people who are natives of the *DOM TOMs* or of ethnic minority origin. In addition, ethnic categories can be applied informally. In fact,

social categorization always operates by reference to an underlying cognitive context that does not need to be made explicit to the extent that it relies on common sense. It is what Giddens calls 'mutual knowledge' which is above all practical, routine knowledge, most of which is not directly accessible to the consciousness of the social actors.

(Poiret 1999: 20)

These common-sense categories are brought into play by actors in the allocation process in more or less conscious ways.

*Allocation processes in reality: discretionary power, administrative routines and ethnic stereotypes*

Legal responsibility for allocation decisions rests with an offshoot of the board of directors of the HLM agencies, the *Commission d'Attribution de Logements* (CAL), which is sovereign in this matter. Nonetheless, these decisions are taken at the end of a complex process in which many actors intervene, each one of which informs the final allocation decision. Before the CAL there are the stages first where applications are received and processed, and finally where offers are matched to applications, which looks like a pre-selection process before the CAL decision. Each stage of the decision process opens up space for discretionary action and the employment of ethnic categories.

In the theoretical model of the allocation process, the receipt and processing of applications is carried out in the bureaucratic, depersonalized and neutral manner of the French public service. In particular, the republican context implies that ethnic categories will be invisible to the allocation process, supposedly having no influence. The reality of the various stages of receipt and treatment of applications is very remote from this theoretical model. The re-commodification of housing and the clientilization of citizen-users of social housing, on one hand, and the priority given to settlement strategies, to maintaining the attractiveness of estates and to avoiding social conflicts in estates, on the other, undermine the neutral and bureaucratic treatment of applications. The crucial first stage of the process, the receipt of applications, is where the household is first evaluated and characterized, resulting in its being directed towards specific channels of housing access. As Warin emphasizes,

even though policies are defined at the top, everything seems to indicate that it is at the base of the pyramid – and in particular in the relationships between users and direct service providers – that the rules of the game that determine access to social rights for all are finally decided.

(Warin 1993: 298)

Administrative routines, sustained by social and ethnic stereotypes, which they in turn support, contribute to a differentiated construction of applications. So, an initial sorting of candidates is carried out at the reception stage by 'front office' personnel (estate wardens, HLM reception staff, etc.), who 'send down' (pass on a 'bad' claimant to the housing service of the municipality or prefecture) as well as 'send up' (dissuade a claimant considered 'too good' for a tenancy or district).

The processing stage follows the receipt of potential applications. This

evaluation in theory rests on objective facts contained in the claimant's file, to which are added numerous administrative documents about their civil status, family situation, work status and previous housing. Based on these files, the evaluation appears to guarantee neutrality, all the more so since any ethnic reference is expressly forbidden. Nonetheless, the legal components of the file contain various pieces of information capable of being used as indicators of the applicant's ethnic origin: their surname, nationality and place of birth, social security number, and current address. In addition, the candidate's ethnic origins can be established by the officials who register or process the file from the way it is filled in: the faulty use of French, for example, or poor understanding of certain questions can be interpreted as signs of foreign origin. However 'objective' and non-ethnic the facts on file are, they can be construed as a bundle of signs allowing them to calculate the applicant's ethnic identity. This poses a fundamental problem in the French context that assumes that ethnic origins should be treated as invisible. To address this, the GELD has proposed that files should be made anonymous and that any facts capable of giving information on the candidate's ethnic origin should be removed (GELD 2001: 62). This strategy, however, as the authors themselves note, assumes abandoning any ambition to address social mix, and would actually constitute a radical challenge to that principle. In addition, not only can the facts on file be interpreted and reconstrued subjectively, but great importance is attached to a more subjective form of evaluation based on one-to-one meetings with officials on the ground. These involve assessing the applicant's personality, appearance, and behavior in the interview, mainly by social workers who can be asked to visit applicants at home. The importance attached to the visual assessment of the applicant in this face-to-face evaluation opens the door to ethnic identity being considered more or less consciously (whether involving out-and-out racist prejudice or the more general influence of racial stereotypes).

Next comes the stage of matching supply and demand, which entails selection mechanisms for the applications. Several elements may be noted in respect of this stage: a vagueness and lack of transparency in the forms and criteria for selection, permitting the use of less legitimate – notably ethnic – criteria; the abandonment of standardized means of selection (for example, computerized methods) in favor of a case-by-case approach, facilitating the exercise of discretionary power; consideration given to supporting interventions by elected representatives on behalf of some applicants (clientilism); consideration given to interventions by users themselves – indeed users are sometimes canvassed by the landlord or other *réservataire* institutions,<sup>11</sup> reflecting a model of the user as a client, whose preferences are considered (as contrasted to the administered user whose needs and not preferences are relevant). We may gather that, overall, these elements (non-transparency of selection criteria, taking account of intervention by third parties, representatives or users) present an obstacle to applying

neutral and bureaucratic selection criteria, and disadvantage ethnic minorities in access to social housing. Finally, we must emphasize at this stage of selecting applicants the role of the public institutions entitled as *réservataires* to earmark social housing. In France, a not-insignificant part of social housing is set aside for these *réservataires*, including local arms of the State (prefecture: 30% of social housing) and local authorities (municipalities, departments: 10–20% generally of social housing). It might be thought that the intervention of these public *réservataires* could be an obstacle to ethnic strategies deployed by social landlords. Our research suggests that in fact the public *réservataires* have difficulty working against these strategies, partly because the final allocation decision lies in the hands of the landlords, and partly because the *réservataires*, themselves dominated by the landlords in the local systems of housing, usually internalize the agencies' allocation criteria, notably the ethnic criteria.

Finally, the formal allocation decision falls to a collective authority, the CAL. There are four principal categories of actors involved here: representatives of HLM agencies, of tenants, of the mayor, and of the prefect. Thus, the CAL is supposed to take collective decisions and to engage actors (mayors, prefect, tenants' representatives) who can counterbalance the management logic of the social landlords, and to introduce transparency into the allocation process. It seems that in many cases, however, the allocation decision is made in advance and the lack of transparency in the pre-selection process is such that it would be difficult for the various actors on the CAL to discuss the choices already made by the social landlords, notably the possible use of ethnic criteria in the selection process. The CAL often appears to be an empty shell. The allocation decision has been taken upstream, without any transparency.

## Conclusion

Observing local management of access to social housing demonstrates the extent of ethnic discrimination in housing. While republican ideology tends to restrict the representation of discrimination to individual conscious acts, at a stroke rendering any institutional responsibility for producing and reproducing ethnic inequality inconceivable, the analysis of allocation management in practice reveals the central role of institutional and organizational mechanisms in the specific and unfavourable treatment of individuals of ethnic minority origin.

Contrary to what is usually believed, the ordinary 'model' of racism is not found so much in more or less pathological, more or less fanatical, individual behavior, but in often routine, unsanctioned conduct perpetrated or sheltered by administrative bodies and institutions that form part of the state apparatus.



The gap between theory and practice in the 'republican model of integration' is striking. The weight that republican ideology brings to bear against speaking of institutional and indirect discrimination produces the perverse triple effect of delegitimizing or minimizing the victims' word, of permitting the insidious growth of such practices, and of preventing any kind of effective action against discrimination.

## Notes

- 1 To borrow the title of an issue of the journal *Mouvements*, 'The French model of discrimination: a new challenge for anti-racism' (*Mouvements*, 4 1999).
- 2 GELD (*Groupe d'étude et de lutte contre les discriminations*) is the key institution in the national anti-discrimination plan set up by Martine Aubry (Minister for Labor and Social Affairs) in 1999.
- 3 But see Genest *et al.* (1996); *Sociétés Contemporaines* (1999).
- 4 The *Fonds d'action sociale*, set up in 1958, is still today the central institution for national integration policy. It was renamed FASILD (*Fonds d'action sociale pour l'intégration et la lutte contre les discriminations*) in 2001.
- 5 The Housing Corporation is a quango dedicated to regulating housing associations, which, since the 1980s, have become the only organizations entitled to construct social housing. (Municipalities, who were the traditional builders and managers of social housing in Britain, are no longer allowed to do so. Moreover, municipalities are encouraged to transfer the management of their existing stock to these housing associations.)
- 6 Before the issue of allocation arises, construction policies also have a decisive impact on regulating access to social housing. In the limited space of this text we deal only with the issue of allocation, which is central today in the context of a great reduction in new construction. Access to social housing now comes about principally through allocating existing social housing.
- 7 In 2001, 50 interviews were conducted with different categories of actors involved in managing access to social housing (HLM agencies, local government, municipal and departmental officials, association members, and civil society actors). On the local system of social housing, see Bourgeois (1996).
- 8 HLM: *Habitation à loyer modéré* (moderate rent housing). HLM agencies construct and manage social housing in France; and include cooperatives, private companies dedicated to public-service provision, and public agencies attached to a local authority, municipality or department. However, local state and municipal authorities, as well as private enterprises who contribute to the housing budget, have certain rights as '*réserveataires*' to propose tenants. See below and note 11.
- 9 The discriminatory effects of subordinating the right to housing to the principle of social mix has led the GELD to ask 'that the primacy of the first over the second should be stated unambiguously' (GELD 2001: 61).
- 10 On the context and current figures of the HLM, see Warin (1993); Maury (2001); Zittoun (2001).
- 11 The '*réserveataire*' institutions, those with proposing rights for social housing, include public bodies as well as private businesses that can claim housing for their employees in consideration of their contribution to the housing budget.

# 14 Educating citizens

## Nation-building and its republican limits

*Iseult Honohan\**

### Introduction

What kind of education to foster solidarity among citizens is desirable and legitimate, and to what extent can this accommodate the cultural and religious diversity characteristic of modern societies?

In addition to understanding freedom as politically guaranteed, republicans have emphasized the common good shared by potentially self-governing citizens. Realizing these republican values depends not only on institutional arrangements, but also on citizens who display civic virtue, a predisposition to act in promoting the common good and not only individual or sectional interests.

This makes education for citizenship, both formal and informal, of considerable importance.<sup>1</sup> But what is principally involved in such an education for citizenship needs more exploration.<sup>2</sup> The concern is not just that republicans have not always distinguished virtues of solidarity clearly enough from moral virtue in general,<sup>3</sup> but more immediately that fostering solidarity has often been associated too closely with promoting cultural identity without taking sufficient account of the pluralist conditions of modern societies.

While the common good and solidarity of citizens have often been defined in terms of thick moral purposes and cultural identity, citizens in modern societies cannot share a common good in this sense. Yet citizens are mutually vulnerable, and share a common predicament and common fate in so far as they are related in multiple interdependencies in practices bounded by the state. Rather than there being a single authoritative account of the common good, what constitutes it in different instances has to be determined through deliberation among different perspectives, and is always open to change. In this context, solidarity among citizens can be understood as a commitment to those with whom they may realize or fail to realize the possibility of jointly exercising some collective direction over their lives.<sup>4</sup>

From what may be termed a pluralist republican position, I argue that the virtues of solidarity that education should foster are awareness of

interdependence, civic self-restraint and deliberative engagement. This is distinguished from education to promote a common culture or identity, which some republicans and liberal nationalists have endorsed, and which has been a central educational goal of republics in practice, but may be both unjust and ineffective in creating solidarity.<sup>5</sup> I draw out some general implications of this approach for policy issues in education today.

### **Three models of republican nation-building in practice**

Before outlining a pluralist republican alternative, first we should acknowledge that, in practice, states that claim to embody republican principles have tended to promote a common culture through education. Republics espousing the freedom and equality of self-governing citizens take different forms: a more communitarian model is found in the Irish Republic, while France and the United States incline towards two somewhat different kinds of neutralist republicanism. There are instructive comparisons and contrasts between the civic aims of education, the dangers addressed, the contentious public issues that arise, and the compromises reached in each case.

For the first 50 years of the Irish state, there was no clear distinction between public and private culture. Parts of the 1937 constitution envisaged an explicitly communitarian republic embodying Catholic and Irish culture in public life, tempered only slightly by the inclusion of other recognized religions.<sup>6</sup> Education was funded mainly by the state, but organized predominantly on communal religious lines. In practice, almost all schools were subject to the control of the Catholic Church, although, in a concession to minorities, the relatively few Protestant and Jewish schools were also funded (in a limited form of ‘divided pluralism’, Levinson 1997). Thus, for the most part, schools constituted a semi-public realm in which a particular Gaelic and Catholic vision of the good for citizens was promoted, and the perceived threat of external forces of evil disrupting this broad social programme averted. (See McNally’s account of one contemporary critique, by Seán O’Faoláin, in Chapter 6.)

The extent of control over education by the Catholic church, and the failure to extend ‘divided pluralism’ to supporting non-denominational or secular education has been highly contentious politically. Even though deep religious divisions were associated with conflict in Northern Ireland, the Catholic Church resisted the establishment of integrated schools (Clarke 1998; Coolahan 2003), and schools reflected the virtual establishment of a particular cultural and religious perspective in the public realm.<sup>7</sup>

By contrast, public and private spheres were sharply distinguished in the USA and France, where secular public education systems were developed.

In the USA, education in common public schools has been seen as

bringing together students from different origins to teach them the political values of liberty, justice and tolerance (Levinson 1997). The threat envisaged is that loyalties among a population whose diversity is constantly renewed by immigration will become fragmented. Public schools are required to be secular partly to keep divisive issues out of education, but also to respect the positive value of religious freedom of worship expressed in the free exercise and establishment clauses of the Constitution. More generally, diversity is in principle regarded as a positive social resource.<sup>8</sup> Within this framework considerable local variations in curricula have been possible. While school is a neutral public space, it does not require students to set aside their different cultural identities entirely, but leads them also to acquire competence in the public culture. In practice, it can be argued, exposure to the public culture actively modifies other identities and commitments. This issue has arisen strikingly in cases where parents sought exemptions for their children from parts of the publicly prescribed curriculum (*Mozert v. Hawkins County Board of Education* 1987) or the right to withdraw them from high school altogether (*Wisconsin v. Yoder* 1972) on the grounds that these undermined their religious beliefs.<sup>9</sup>

In France, education has been even more explicitly concerned with creating equal citizens, who acquire a rational, universal identity rooted in the values of liberty, equality and fraternity, and are freed from particular bonds and prejudices. The principal way of achieving this has been through a system of secular public schooling in a common national curriculum through the French language (whose historical origins are discussed by Jennings in Chapter 4).

The principal threat envisaged is that the universal public realm, of which the school is a significant element, will be overwhelmed by particular differences. Education first became secular partly to counter Catholic clerical power, but secularity (*laïcité*) is a positive value in itself, representing a combination of autonomy, respect and civic solidarity (Laborde 2002b). Here students *are* expected to leave their particular identities outside the school. This has been the fundamental issue at stake in the recurrent controversies over Muslim girls' headscarves, culminating in the law of February 2004 that prohibits wearing any conspicuous religious symbol in school.

While the Irish example shows an explicit attempt to create a citizen shaped by a thick culture in the name of a particular conception of the good, and to reproduce a pre-political identity, in the other examples education has been intended to create a universal, secular public identity shared by citizens. But, particularly in France, a rather thick national culture has been given precedence in the name of universality. So an ostensible liberal neutrality may be, in effect, more like a liberal nationality, a particular culture to which citizens must adapt.<sup>10</sup> The equality achieved by minority citizens has often depended, to a good degree, on the extent that they can assimilate into this culture (Jennings 2000).

However, these positions have been open to certain compromises and exceptions. In Ireland, as we have seen, religions other than Catholicism (and more recently multi- and non-denominational schools) have received educational funding. In the United States, religious schools cannot receive public funds, but can have charity status. In public schools where prayer and religious instruction are forbidden, students daily recite the Pledge of Allegiance, confirming their loyalty to ‘one nation under God’. In France, Catholic schools (and, to a lesser extent, those of some religions) are funded by the state, and religious education is permitted in schools outside formal class hours. Yet, at least in the USA and France, these may be seen as anomalies or pragmatic compromises from the norm of public exclusion. Indeed, from these cases, it might be concluded that the only principled alternatives in dealing with cultural and religious difference are their active establishment in or complete exclusion from the public realm.

In contrast to the promotion of common culture, civic education has been addressed directly in Ireland only in recent years; in France and the USA and other countries where it has been longer established, there has recently been a renewed emphasis on programmes of civic education in response to perceived political apathy, social alienation and increasing levels of violence and anti-social behaviour. But the content and emphasis of such programmes is very varied, and their potential efficacy open to debate (Osler and Starkey 2001).

Is there a viable alternative approach to fostering solidarity through education more in harmony with the basic principles of equal citizenship that these republics endorse?

### **Nation-building and common culture**

Before turning to consider a more pluralist republican approach, we should address arguments that promoting a common culture may be both necessary and justified. According to one influential strand of contemporary liberalism, the level of civic commitment needed for a functioning liberal-democracy requires an underpinning of cultural identity. Thence liberal nationalists and ‘liberal culturalists’ argue that it is both necessary and permissible to promote a common culture as the basis of national identity. ‘Promoting integration into a societal culture is part of a “nation-building” project that all liberal democracies have adopted’ (Kymlicka 2001a: 25). For liberals sensitive to cultural harms (like Kymlicka), this necessitates distinguishing acceptable from unacceptable forms of cultural nation-building. For example, establishing an official language of public communication, even if not neutral in its effects on every group, is legitimate if it does not promote one conception of the good over others, or rank the merits of different ways of life, but simply promotes solidarity in order to realize justice. In this context the potential harm of misrecognition to minorities is mitigated by their inclusion in a larger culture: ‘What distin-

guishes liberal nation-building from illiberal nationalism is not the absence of any concern with language, culture and national identity, but rather the content, scope and inclusiveness of the national culture, and the modes of incorporation into it' (Kymlicka 2001b: 59). In the realm of education this justifies requiring common secular schools through the national language for all students above a certain age.

But this approach may rely on too sharp a distinction between practices that reflect conceptions of the good (e.g. religion), which must be excluded from public life, and those cultural practices that do not, which may be established there (e.g. language). It may underestimate how even an instrumental official culture and an intentionally 'neutral public realm' embodies a dominant culture and alienates minorities. The danger of fostering a common (even if public) culture (*qua* culture) as part of the process of creating solidarity among citizens is that it tends, implicitly or explicitly, to privilege those whose way of life most closely approximates to the publicly endorsed culture. If effective, it may also tend to focus the commitment of citizens narrowly on to those who share the culture, and to render marginal those who do not share it in the same way.

Moreover, whether there is any necessary connection between cultural commonality and identity, or between a sense of identity and motivation to civic solidarity is open to question. While citizens may share an identity, it is not clear that such an identity derives from cultural commonality, or that an explicit sense of shared identity is necessary or sufficient to elicit solidarity in practice.<sup>11</sup> Moreover, promoting cultural assimilation too strongly may not only be unjust, but also potentially counterproductive (Abizadeh 2002). It may alienate and reduce the engagement of members of minorities in broader social and political life.

Thus, alternative multiculturalist approaches support either establishing parallel institutions for cultural minorities, or, now more commonly, the equal recognition of all cultures in common public institutions. In education, the first approach typically supports separate school systems, and the second supports fostering appreciation of difference through education in all cultures. The first approach does not really address the issue of wider civic integration, as critics increasingly note, and the second raises the question of whether it is desirable or even coherent to try to celebrate all cultures simultaneously in the public realm. What is needed is an approach that treats all – and encourages all to act – as equal citizens despite differences of culture or religion.

### **Liberalism and education for citizenship**

Liberals (of both neutralist and autonomy-orientated viewpoints) have long held that the state should not embody or promote specific values or conceptions of the good. But it has increasingly been argued that sustaining liberalism itself depends on some kind of solidarity and civic virtues.

Liberals who acknowledge this nonetheless often balk at allowing the state a role in shaping citizens. While accepting there is a public stake in education, these deny that the state should promote any specific values, or implement any form of civic education (Flathman 1996; Brighouse 1998; Murphy 2003). On this view, civic education – whether it entails teaching patriotic history, encouraging deliberation or employing participatory methods of learning – inadmissibly politicizes education (Barry 2001). But against this it may be argued that all education has some inherently political impact, and that excluding explicit political education reproduces the current dominant ethos (Frazer 1999).

Thus, education in various civic virtues may be supported in order to sustain the values of a liberal society. While some focus on autonomy (White 1983), others doubt that autonomy can be taught directly, or emphasize cooperative virtues such as tolerance, honesty, promise-keeping, loyalty and deferred gratification (Galston 1988). The concern to counter the potential fragmentation of liberal diversity may extend to inculcating patriotic ideals though positive examples in national history: ‘Civic education . . . requires . . . a pantheon of heroes who confer legitimacy on central institutions and constitute worthy objects of emulation’ (Galston 1991: 244). A more democratic liberal perspective stresses respect and public deliberation: ‘the ability to think, reason and discuss matters publicly’ and promotes democratic modes of learning, and a critical approach to existing institutions, loyalties and beliefs (Gutmann 2002a: 25). So the question is not whether civic education is desirable or necessary, but *which* virtues and *what kind* of civic education.

### **Pluralist republican civic virtues and education for citizenship**

From a republican perspective, citizens need civic virtues because realizing freedom and the common good depends on their mutual commitment and support. Under conditions of moral and cultural diversity, the virtues of solidarity are: a willingness to acknowledge and assume the responsibilities entailed by interdependence; self-restraint in pursuing individual or sectional interests rather than the common good; and the inclination to engage open-mindedly with the viewpoints of others in the public realm. These are specifically political virtues, which do not entail the whole of morality, although they are quite demanding dispositions that will not be realized equally by all.<sup>12</sup> This solidarity is distinct from, and not guaranteed by, a sense of cultural identity, but is grounded in a reflective acceptance of certain obligations and in practical engagement. While this can develop in a variety of contexts (as emphasized by Schwarzmantel in Chapter 10), an influential role is played by the structure, methods and content of formal education.<sup>13</sup>

The three dimensions of republican virtue ground a distinctive account of education for citizenship, which aims to foster solidarity without giving priority to the dominant culture in a way that oppresses and alienates minorities.

(a) Creating responsible citizens first requires expanding their perceptions. They need to become *aware of multiply reiterated interdependencies*. Today, this means countering assumptions of individual self-sufficiency and misconceptions about the impact of government and the effects of non-participation. Thus, children (whether privileged or disadvantaged) need to learn about the economic, social and environmental networks within which they live. This includes the social conditions of other citizens, the effects of differences of gender, ability, culture or religion, and social, material and power inequalities on the life-chances and effective equality of citizens.

Here, history needs to be taught with a focus on the complexity of the state's development, the diversity that coexists with common citizenship, in particular the variations in citizens' understandings and evaluations of their country's history, and their relationships with current institutions, practices and values. Rather than history as a pantheon of heroes, students need to learn about both the positive and negative dimensions of their history (Callan 1997: 112–21; Kymlicka 2001a: 314–16).

Although this deals with the cognitive dimension of political education in a very broad sense – understanding the institutions, practices, language, power relationships, and background assumptions of politics – it may be internalized most effectively through interaction with people from a wide variety of sections of society.

(b) Citizens need to develop *civic self-restraint*. This is less a matter of learning to defer gratification than of giving more weight to common interests than prevails in the contemporary culture of individualism. But it may be understood as an expansion, or re-identification, of the self or individual interest in a broader sense, rather than as self-denial, or as a calculation of the balance of interests. Those who recognize interdependence are more likely to accept, for example, redistributive measures that maintain political equality, individual costs incurred in taking time to recycle, limiting their own pursuit of material wealth, engaging in activities of care, and giving time and energy to political concerns ranging from voting and jury service to attending hearings right up to serving in office. Active self-restraint implies an orientation to challenge infringements not only of one's own rights, but also those of others.

Developing self-restraint depends more on practical experience than on acquiring cognitive skills, and may be learnt in activities directed towards common goods; for example, the community or environmental projects that some students undertake, or a more substantial period of



community or caring service, as advocated by feminists as more appropriate than the military training often identified with civic education by historical republicans (Bubeck 1995).

(c) The third dimension is *deliberative engagement* – the ability and disposition to form autonomous judgements, consider other points of view, and deliberate as a member of society. This requires developing habits of voice, responsibility in decision-making, and establishing respect and trust, rather than simply tolerance. The structure of schools can play a role here. Smaller schools may establish a firmer basic sense of engagement and responsibility in young people (Dagger 1997). Participatory methods of learning and practical experiences of schools' councils may also prepare future citizens for deliberation and decision-making in ways that do not constitute the anti-educational free-for-all that some liberals fear (Barry 2001).

Rather than being culturally exclusionary, such educational principles resonate with elements found in a wide range of cultural and religious perspectives that value social responsibility, commitment and self-restraint, for example French republican, Islamic, Catholic or Protestant perspectives. The emphasis on deliberative engagement, while more specific, is also found in strands of many traditions, and may be less counter-intuitive for some minorities than the privatization of religious beliefs and cultural values.

While this education lays greater emphasis on interdependence, self-restraint and deliberative engagement than many liberals will accept, it does not aim to indoctrinate with more specific values, to create more obedient citizens, to transform them into altruists or to require constant engagement in political activity. Its implications are more politically critical than some models of communitarian education. It aims to create citizens who are aware of the significance of social and political processes and able and prepared to participate effectively, to engage more deliberately and to make a contribution when it counts.

The emphasis on acknowledging interdependence distinguishes republican education not only from promoting cultural commonality, but also from the kinds of multicultural education that focus on appreciating cultural difference, since it highlights how concrete relationships framed by institutions and practices among citizens give rise to obligations.

However, it does not defend the exclusive forms of commitment that liberal cosmopolitans criticize. The focus of civic education may be preponderantly on responsibility to fellow citizens because of the educational impact of concrete experience, the immediate realities of vulnerability or dependence, and the possibility of effective action at the local level. But it does not imply generating loyalty to a specific group on the basis of national identity, or even a common public culture, so much as a sense of

responsibility for the effects of one's actions on those who are vulnerable to them.<sup>14</sup> Thus, it is potentially more inclusive than other formulations of 'republican patriotism' that emphasize the particularity of commitment (see Andronache on, for example, Viroli 1995 in Chapter 8).

This approach to education may come closer than their actual institutional practice to the spirit of republican equality of citizens that French, Irish and American republics aim to realize.

## **Implications for education policy**

### *Compulsory education and national curriculum*

In this section I outline some very general implications for some central issues of educational policy. This reflects not just limitations of space, but also the fact that detailed recommendations need to take account of actual inequalities of power and status, the nature of different religious groups and their claims, and so forth.

The civic role of schooling supports compulsory education of some kind. Some have argued that certain groups (such as the Amish, or to a lesser extent, Roma) whose members do not interact extensively with society or the state, may be regarded as 'partial citizens', and exempted from some or all of an otherwise compulsory education (Spinner Halev 1994: 98). From a republican perspective, however, these groups are more enmeshed in the interdependencies that connect citizens – from environmental risks to the critical mass required for collective self-government – than this isolationist picture admits. Thus, they too need to assume responsibilities, practise self-restraint, and engage deliberatively with others. While individual citizens will develop to varying degrees the knowledge, skills and practice such a character requires, and these are not measurable targets that can be required for graduation, yet this suggests a longer compulsory attendance than has been agreed to in the case of the Amish, for example.<sup>15</sup>

But this may not rule out, indeed may demand, flexibility and consultation on the form of education required. The claims of such groups may highlight ways in which the norm of citizenship implicit in education has been defined so as to exclude them. Within a public education system itself, it may call for schools with diverse kinds of organization and teaching methods.

This perspective supports a broadly common curriculum – in terms of the basic subjects that may be considered necessary to guarantee the equality of citizens, as well as their capacity to understand social interdependence and to deliberate. Yet since the civically relevant aspect of the curriculum is learning about mutual interdependence and assuming its responsibilities, and developing the potential for deliberative engagement, this will determine the degree of accommodation possible on matters of religious or cultural difference. If there are objections to

certain texts, or the ways in which particular aspects of the curriculum are delivered, flexibility through consultation may be a better option than complete withdrawal from state-regulated schools. Thus, it has been argued, for example, that children exempted from particular readings still receive an education for citizenship if they participate in the remainder of the wider school curriculum (Coleman 1998; Spinner Halev 2000). But this flexibility is unlikely to extend to an entire subject (such as biology or physical education) otherwise considered central to education.

These are fairly stringent requirements that may not be compatible with all the demands made by minorities, but may address the claims of justice and equality inherent in such demands.

### *Common schools*

The educational structure as much as the curriculum can affect how citizens see their place in society and politics. Thus 'common schools' – state-supported schools open to all, and endorsing no particular ethos or religious belief – are often held up as essential institutions for integrating citizens. From a pluralist republican perspective, the appeal of common schools depends on their capacity to foster interaction among diverse citizens, and not on their promoting a common culture or embodying a strict separation of school and private life.

While liberal-democratic states in practice often support separate schools for some or all religions, liberal theorists have displayed a remarkable degree of agreement that political education requires common secular schools, and they oppose support for religious schools.<sup>16</sup> In the interests of common citizenship, Kymlicka argues, at least the later stages of education should be common, although separate schools for younger pupils of disadvantaged minorities may foster self-esteem, enable serious engagement in a tradition, and develop a firm sense of commitment to the good, all of which may be undermined by being exposed to a more open context at a very young age (Kymlicka 2001a: 303–7). Gutmann, more concerned with political engagement, broadly concurs: democratic education requires common schools, while allowing diversity of school forms and curriculum within a public system. But the state should not fund religion-teaching or religious schools (Gutmann 2002b: 172–3).<sup>17</sup>

In order to promote deliberative engagement, there seem indeed to be good *prima facie* reasons to favour common schools, where children may become familiar with students of other races, cultures and beliefs, learn to trust and to engage openly and deliberatively with them, and gain practical experience of interdependence and its responsibilities. However, on the argument advanced here, this does not require excluding all expressions of religious and cultural difference. Equality of status requires that, even if school is secular (in not promoting particular religious beliefs) it need not exclude religious expressions among its pupils. On this view,

contrary to the official French republican response, the headscarf would not have to be excluded from schools on the grounds that it is a religious expression.<sup>18</sup>

We should note, however, that the reason to favour common schools is that they encourage recognition of interdependence, self-restraint and deliberative engagement, not that they create cultural commonality or a sense of identity *per se*. But only certain kinds of common schools are likely to achieve these aims. Schools will not generate constructive contact between socially or culturally diverse students where these are geographically segregated or deeply divided. Social-psychological research suggests that contact between members of groups leads to trust and solidarity only when they enjoy equal status, share a common goal, engage in cooperative activity, and are supported by authority and wider conventions so that they expand their sense of identity (Pettigrew 1998). Beyond simply establishing familiarity and trust, schools need also to provide a forum for deliberative exchanges among diverse viewpoints (Callan 2000: 64).

In societies that are not deeply socially divided, common schools may be a good way to achieve equality among citizens, if they do not impose excessive costs on minorities. For religious groups this will depend on, among other things, the nature of the society, the prevailing general status of religion, the nature and size of the religious minority in question, and the extent of cultural and social inequality that they experience. In practice, we have seen that the ostensibly neutral realm of the public school often embodies cultural values that marginalize or require more conscious separation between home and school among minority students than others, and may alienate young people from both their original culture and the wider public culture. In any case, relying on common schools in more deeply divided societies imposes a heavy burden on children to become the instrument of social transformation. Education policy alone cannot resolve these issues, which have to be addressed also in terms of the divisions within society that cause social – and residential – segregation (see Schwarzmantel and Sala Pala in Chapters 10 and 13 respectively).

In the Irish context, what has been problematic about state support of religious schools has been its preferential and non-deliberative establishment, its lack of accountability, and the authoritarian structures and forms of education it supported. Recent arguments against separate schools are coloured by the specific experience and constitutional arrangements of the United States, and have focused on religious groups (fundamentalist Protestant or Islamic) perceived as hostile to democratic or liberal values. But the evolution of the political behaviour of, and attitudes to, Roman Catholic citizens may be usefully noted, along with the fact that US Catholic high schools are often compared with public schools as models of racial and social integration, or ‘quasi-common’ schools (Callan 1997: 179).

On this question, policy should be based on a context-sensitive approach rather than a categorical position. While in some contexts common schools may be the best way to treat citizens as equals and to generate solidarity and deliberative engagement, in others solidarity may be encouraged by other institutional arrangements. It is not just that the civic function of education is sometimes outweighed by costs to minorities (Callan 2000: 66), but that sometimes even the civic purposes of education may be better served by such measures.

It has been argued that, rather than encouraging ghettoization or hostility to civic values, supporting religious schools may offer a way to integrate minorities who might otherwise become increasingly alienated from society and politics. It can give members of religious groups an active stake in their children's school in a way that creates the basis of trust and establishes channels of contact with the state and the wider society (Bader 1999, 2003).<sup>19</sup> Perhaps this has been true to some extent for Catholic schools in Northern Ireland, and for Protestant and Jewish schools in the Republic of Ireland, which sustained 'the Protestant ethos' (shorthand for a more liberal approach on a range of issues) against other overwhelming social and political pressures to assimilate. Moreover, the funding of Muslim schools and latterly a growing number of inter-, multi- and non-denominational schools may suggest an evolution from communitarian establishment towards a model more compatible with the pluralist republican principles outlined here.

The aims common schools are intended to realize may sometimes be better served by support for separate schools. Debates on this issue are too often coloured by very specific situations that do not provide a good basis for generalized principles.

But it should be noted that these arguments for supporting separate schools do not constitute a defence of multicultural establishment. They recognize the equality of individual citizens rather than broad parental rights to educational choice, or group rights to self-perpetuation or cultural maintenance. They do not imply that education should be systematically organized principally on communal lines, or that this should be constitutionally established (as in the Netherlands). Such schools may be supported as one kind among many – including common schools. They may be accompanied by policies such as that proposed in Northern Ireland (where short-term prospects that common schools will achieve integration seem limited) to group schools in larger 'collegiates', which share a range of facilities and activities involving regular interaction (DENI 2001).

This is far from extending *carte blanche* to all religious groups. Concern for the equality of citizens, their solidarity with others, and their deliberative engagement suggests constraints on the kinds of separate schools funded, substantial regulation and inspection, and the inclusion in the curriculum of certain civic essentials. Such provisions do not favour

schools that may, for example, educate pupils to be self-disciplined, but not to be aware of interdependence with other groups or to engage deliberately, that restrict the education of girls, or that seek to insulate pupils from the wider society. They support schools that are separately organized, but not isolationist, that implement a broad curriculum and that educate their pupils to engage in the larger society.

Accommodating religious schools under these conditions may represent less an unseemly capitulation to sectional interests than a principled approach to fostering civic solidarity and active citizenship among diverse citizens. Some such accommodations, if carried on even-handedly between religious groups, may be seen as closer than a strictly secular public culture to the spirit of a pluralist republicanism (Carens 2000).

## **Conclusion**

If it is the case today, as some have argued, that multiculturalism is in retreat, and that a new emphasis on common citizenship is needed, it is important to consider just what kind of commonality or solidarity is desirable among citizens. Republican solidarity is better understood as a commitment to the people with whom we are interdependent in a polity than in terms of cultural identification. If we understand the virtues of solidarity as acknowledging responsibilities of interdependence, practising civic self-restraint and engaging deliberately with others, this renewed focus on solidarity is compatible with acknowledging the specificity of diverse citizens and authorizing their different voices. In this way, a political identity may include rather than supersede other identities. Treating citizens equally while fostering solidarity may entail deliberately accommodating rather than either establishing or excluding religious and cultural differences from the public realm in general and education in particular.<sup>20</sup>

It may be objected that this account is less culturally open than it purports to be, since a particular political culture will always emerge through the language, institutions and practices of politics, however deliberately these are instituted. But even if flourishing states display what may be termed a public culture of responsibility and engagement, this should not be confused with a public culture in the larger sense. On the view advanced here, promoting solidarity should be distinguished from and given priority over reproducing a particular public culture.<sup>21</sup>

## **Notes**

- \* In addition to participants at the Edinburgh workshop I am grateful for comments and suggestions from John Baker, Vittorio Bufacchi, Linda Cardinal, Cécile Laborde and Jennifer Todd, and especially Pia Ankersen and Michael Andersen, discussants at the Aarhus conference, *What's the Culture in Multiculturalism*, May 2003, where a version of this paper was presented.

- 1 For some critics republicanism is distinguished from liberalism by an emphasis on political participation (Kymlicka 2001a: 297; 327–46; 2002, 294–9), but the inculcation of civic virtue may be more significant. ‘When differences do arise between the dominant liberal approach and the republican approach . . . they are likely to have their source in republican attempts to enforce citizens’ special obligations to one another, or foster the capacities which dispose citizens to fulfil these special obligations (Mason 2000: 113).
- 2 As well as political institutions and participation, republicans have traditionally proposed military service and civic religion, both more coercive and contentious ways of shaping citizens.
- 3 See Sandel (1996). But civic virtue need not entail the whole of morality, rather than specific social and political dispositions (Honohan 2002: 160–6).
- 4 If participation is understood thus as having a say in shaping collective practices, rather than as the most essentially human activity, the distinction between instrumental and strong republicanism is less sharp than is often suggested (see Kymlicka 2001a: 297).
- 5 In this paper I focus primarily on religious diversity, but parallel arguments can be made with respect to the rather different case of language.
- 6 The Catholic Church was virtually established in the Irish Constitution, recognizing in Article 44 its ‘special position’ as ‘the religion of the great majority of the citizens’. This article was deleted by referendum in 1972 as an expression of reconciliation towards Northern Ireland Protestants.
- 7 In Northern Ireland, Catholic schools have been funded alongside the ostensibly non-denominational state school sector (Smith 2001).
- 8 This has given space for multicultural measures, although their compatibility with common education has been highly contested.
- 9 Arneson and Shapiro (1996) and Burt (1996) offer contrasting evaluations of this judgement.
- 10 Thus, even a defender of French integration practice as an example of liberal nationality, David Miller, admits that ‘we might now think that this attempt was over-strenuous’ (Miller 1995b: 143).
- 11 As Laborde puts it, ‘There seems to be no *necessary* connection between national-fellow-feeling and solidaristic attachments; what matters, more than a sense of nationality *per se*, is the right kind of public spirit and social ethos’ (Laborde 2002a: 603).
- 12 While education can be required, civic dispositions cannot be dictated. Thus, to challenge republicans to have the nerve to make the requirements of civic virtue legally mandated misses at least part of the point (see Kymlicka 2002: 316).
- 13 On this view the civic is only one dimension of education, if an important one.
- 14 Likewise, Gutmann argues that civic education may focus on local obligations because of the need to prioritize, and the role of the local in identity and as the arena in which citizens have the greatest chance to engage effectively (Gutmann 2002a: 52–3).
- 15 It has been noted that agreement to exempt Amish children from high school reflected a view of their way of life as valuable, if not universally practicable, and as educating children in at least some dimensions of citizenship (Carens 2000: 95). This differs from the argument based on their isolation from society or exceptional historical entitlement (Kymlicka 2001a: 305–6).
- 16 Liberals are less agreed on the admissibility of religious teaching in common schools.
- 17 While concerns about religious indoctrination may focus on education for younger children, those of education for citizenship may focus on older students (Clarke 1986: 298; Kymlicka 2001a: 304–5; Callan 2000: 66–7).

- 18 I set aside here more complex issues of political expression and gender equality arising in the headscarves debate. The problem here is not the common school model, but its aggressively secularist interpretation. It should be noted that (at least before the 2004 law) there has been little demand in France for separate Muslim schools.
- 19 Equality requires that religious groups should be supported on the same terms. In many countries support is limited to traditional Western majority religions. In Britain up to 1998 only Protestant, Catholic and Jewish schools (and since then only five Muslim schools) have been recognized.
- 20 This is distinct from multiculturalism both of rights and of fear (Levy 2000).
- 21 It is difficult in practice to identify a republic that is not a nation because of the history of Western nation-building, but this is compatible with the idea that a sense of identity follows from, rather than being the basis of, political interaction.



# 15 Conclusion

*Iseult Honohan and Jeremy Jennings*

The arguments in the preceding chapters offer suggestive answers to a number of central issues. While they display a variety and complexity of republican argument and perspectives comparable to liberalism, neither as a historical tradition nor as a contemporary approach does republicanism entirely lose its identity. Republicanism distinctively combines concerns for liberty and civic engagement in political community. Less diametrically opposed than a corrective to liberalism, it approaches politics with a different angle of vision. Its perspective on liberty and the conditions of participation and solidarity that it entails bring into relief features that contemporary liberals have tended to overlook, or at least to prioritize differently.

These chapters are not, however, concerned only to establish that republicanism is a distinctive and influential theory, but also, moving beyond conceptual debates, to explore its potential to address problems encountered in contemporary political practice in diverse, multicultural societies.

## **Liberty**

While the understanding of liberty emerging in these chapters may vary, the discussion here moves on from recent debates on the concept of liberty as participation, non-domination or non-interference.

If the concept of liberty alone does not distinguish the republican tradition from liberalism, this is in part because, older than liberalism, it has contributed to the development of that theory, not just in the early modern period, but, as Kelly shows, '[k]ey developments of the concept of liberty during the earlier part of the nineteenth century in British political thought were at least informed by both modern and neo-classical conceptions of republicanism' (Kelly, this volume: 44).

Moreover, the contemporary republican articulation of liberty as non-domination has brought to the fore important concerns that have been given little attention in the dominant Rawlsian political strand of liberalism (even if they may be compatible with these – but see Maynor 2003 and

this volume). This account of liberty has a critical edge to bring to bear on issues of public and private domination. As Maynor shows, even liberty as non-domination seems to call for a more substantially protected legal status, more civic engagement and greater popular access to power than liberals have proposed.

Thus, it is not a theory opposed to liberalism's central value of freedom, but one with a different centre of gravity within a cluster of values of liberty, participation in self-government and solidarity. It is the conjunction of these other concerns of civic engagement with freedom that is characteristic of republicanism.

## Participation

Republican arguments for political participation have been subject to particularly strenuous criticism. But adherents and critics alike have come to distinguish two versions of republicanism on the basis of approaches to participation that are associated with ancient and modern accounts of liberty. The story goes that for one, with Greek antecedents, and identified in contemporary terms most closely with Hannah Arendt, participation is the most fully human activity. In the other, more Roman version, associated with Skinner and Pettit, participation is regarded as instrumental to preserving liberty. Thus, critics such as Patten and Kymlicka argue that the former, promoting participation as a specific conception of the good, is undesirable in modern diverse societies, while the latter has little to distinguish it from liberalism (Patten 1996; Kymlicka 2002: 298–9).

But the foregoing chapters show the complexity of republican approaches to participation, and deconstruct any clear polarization between an Aristotelian 'communitarianism of participation' (Kymlicka 2002: 298), favouring extensive political participation (or civic humanism), and a purely instrumental civic republicanism, favouring limited participation.

For one thing, we have seen that, in the historical tradition, republicans have contributed to arguments for representation as much as for participation. The evolution of arguments for constitutional, representative government was based on republican as well as more conventionally liberal considerations and values (Mouritsen, Kelly). Moreover, liberal concerns with individual freedom and diversity are shown to be combined even in the otherwise 'civic humanist' ideals of participation in Arendt and O'Faoláin (Andronache, McNally).

In addition, more direct participation continues to be a concern. Some arguments that follow here may appear closer to instrumental or neo-Roman accounts (Maynor, Mouritsen, Jennings), and others to more participatory accounts (Schwarzmantel, Andronache, Honohan, Lavdas), while still others identify tensions between elements of republican thought on this dimension (Kelly, McNally). None, however, advances

participation as the good life, or seeks the wholesale reevaluation of public life at the expense of private life in the way that Kymlicka has suggested is true of Aristotelian republicans (Kymlicka 2002: 297–8). So republicanism is not so easily bifurcated or dissolved into other approaches.

Maynor shows that, even if we start from the understanding of freedom as non-domination, this supports more extensive participation than Pettit envisages, even under the rubric of contestation, in issue-identification, review mechanisms and electoral politics, and need not descend into the danger of majoritarian populism (Maynor: 129–33). And Schwarzmantel's arguments for more substantial participation are not based on an account of politics as the good life, but seen rather as 'a necessary element in a fully developed or truly social, and thus properly human existence' (Schwarzmantel: 145). Even for Schwarzmantel, who recommends a more participatory version to overcome the weakness and fragmentation of liberalism, this transformative politics involves less revolutionary mobilization than providing public space for deliberation and educating for participation. Schwarzmantel's collective will allows for multiple arenas and group representation rather than requiring a uniform and unitary voice. This may remind us that, traditionally, republicans (at least when they became aware of the possibility of popular tyranny) were concerned to contain arbitrary power, whether elitist or popular.

It is here that the particular role of deliberation in contemporary republican thought becomes clear. The common good republicans endorse is not pre-political, and in the contemporary context of diversity can be determined only through deliberation. Thus, the participatory strand of republicanism requires the exercise of individual judgement, and does not sacrifice this to community opinion.<sup>1</sup> Moreover, in response to Goodin's argument that there is nothing particularly republican about deliberative democracy, it may be argued that the republican goal of determining the common good and encouraging civic commitment gives deliberative democracy a particular focus and importance, distinct from, for example, its possible role in giving individual interests a better hearing. Furthermore, in the modern context of diversity, from this perspective the equality of citizens may be better achieved by promoting broad-ranging public deliberation, rather than the more limited liberal conception of deliberation in which private difference is bracketed, and equal citizenship guaranteed by a neutral state and the toleration of private difference.

But liberal critics and instrumental republicans such as Pettit are wary of extensive participation on the grounds both of its unfeasibility and of the fear that it may lead to populist or majoritarian tyranny. Such worries are derived from a particular account of popular sovereignty, and one with which republican participation has been associated (as Mouritsen's chapter shows). Although the people have been variously interpreted as the origin of authority or locus of power, any literal aspiration to discern

and implement the will of *the* people, conceived of in unitary, holist terms is bound to be problematic. Thus, the notion of sovereignty needs at least to be re-articulated in the light of the many overlapping and asymmetrical formations to which people may belong. The goal for the authors included here is not direct popular exercise of sovereignty but limiting both public *imperium* and private *dominium*, and involving citizens in their own self-rule at various levels. Thus, they begin to articulate a theory of complex, multi-levelled contestation and deliberative participation in public spaces, rather than the sovereignty of any individual or collective in decision-making. Participation in self-government involves, rather than the populist mobilization feared by Hume and others, having the opportunity and inclination to contribute to deliberation (and not being compelled to do so). This approach to participation in politics seems less threatening of populist majoritarianism and more capable of incorporating a 'populous populace' (Goodin 2003: 68).

This account also coheres with a broader contemporary view of politics as not limited to the capture and exercise of centralized state power, but as a matter of contesting exercises of power in every area of life, and having some say in determining the conditions of one's life. Thus, from a feminist perspective, Vega has seen the possibility of the republican approach as one which recognizes 'the radical, enabling contingency of modern political life, and presupposes, not so much the priority of a political realm (in whatever weak or strong formulation) but a fundamentally political perspective on human bonding across modernity's societal spheres of life' (Vega 2002: 174).

## Solidarity

Indeed, perhaps the most frequently recurring theme in these chapters is that of political community and solidarity.

The tradition was distinguished by a concern for the character, or civic virtue, of citizens. While this has sometimes been identified with morality *per se*, it is more often understood as a disposition to behave in ways that support the common good of the political community. While the broader concept of virtue and the promotion of morality through politics became suspect in the nineteenth century, this did not imply a change of focus to institutions and laws exclusively, and away from individual character. These chapters have shown how not only the 'civic liberalism' of Tocqueville and Mill (often seen as the origin of the contrast between republicanism (the liberty of the ancients) and liberalism (the liberty of the moderns)), but also Constant's liberalism, resonates with republicanism in this respect (Mouritsen and Kelly; see also D.E. Miller 2000b):

Even when the people are satisfied there is much left to do. Institutions must achieve the moral education of the citizens. By respecting

their individual rights, securing their independence, refraining from troubling their work, they must nevertheless consecrate their influence over public affairs, call them to contribute by their votes to the exercise of power, grant them a right of control and supervision by exercising their opinions; and by forming them through practice for these elevated functions, give them both the desire and the right to discharge these.

(Constant 1988b [1819]: 328)

But in the contemporary world of diverse citizens, while civic virtue may still be understood as a general commitment to the common good (rather than as a list morality), its obligations, its foundations, and the ways in which it may legitimately and effectively be promoted have all become more problematic.

Several chapters here explore the foundations of a political solidarity distinct from the communitarian embeddedness or cultural identity with which it is sometimes confused. More than pride in political institutions, this involves ties that are nonetheless more distant and cooler than those of family, but entail respect among citizens sharing a common political space. It entails an account of overarching citizenship that includes different classes and group identities in a larger vision – which national citizenship may once have represented, but which it now seems too restricted to realize. This larger overarching vision needs a new and different articulation if republican citizenship is not to be a closed communitarianism (Goodin 2003: 64; and see, for example, Laborde 2002a).

The authors of these chapters examine a remarkably wide range of ways of addressing the republican aim of developing civic commitment: these include political dialogue, civil society groups, reform-minded elites, collective ceremonials, urban planning, and regulating marriage choices. But some of these seem less likely to be effective, and others to be less justifiable. Thus, other authors return to the enduring republican theme of civic education in the broadest sense, and clarify the challenges in justifying and the difficulties in implementing it today (Jennings, Maynor, Schwarzmantel, Honohan).

These chapters offer more nuanced accounts than the versions of republicanism critics reject. But the theoretical elaboration of a form of citizenship and solidarity that transcends difference while guaranteeing equality needs to be further supported by empirical work about the basis of social solidarity and its motivation, in critical engagement with research on areas such as identity formation, social capital, and trust.

## **The relationship of theory and practice**

Republican theory has developed largely out of practical concerns and has been drawn into serving practical political purposes. Indeed, even its most

theoretical expressions tend to have identifiable reference points in the concerns of particular times and places. But its advocates understand republican politics as realizing, not just local shared understandings, but universal values of freedom and solidarity. As these are realized through self-government in particular contexts, they require more context-sensitive formulation than some other approaches to political institutions and policies. This means that it is not possible to spell out in advance in detail what the practical implementation of republican principles requires. It also makes the possibility of the republic being both universal and particular at the same time become a recurring issue.

While the institutions and practices of contemporary liberal democracies have almost all been shaped to some extent by the political arguments of Madison and Rousseau and the institutions of the early United States and French republics, there are few countries in which the idea of the ‘republic’ plays such a strongly normative, if contested, role as in France. This is still the case today, where an official *Guide Républicain*, following in the steps of the republican manuals of Renouvier and Barni, has recently been widely distributed (with entries that include values and issues such as *citoyenneté, école et république, égalité, liberté* and *laïcité*) (*Guide Républicain* 2004).

So French republicanism shares much common ancestry and many themes with the contemporary civic republican theoretical revival – freedom, common citizenship in the political community, and civic commitment to the common good. Thus, even if the political pursuit of ‘*vertu*’ was discredited by the French revolutionary experience, the *Guide Républicain* includes an entry for *civisme*, as well as *civilité* (*Guide Républicain* 2004: 28–30).

But French republicanism is also a specific discourse that has evolved in ways that reflect the circumstances of its origin and development: an emphasis on rationality, enlightenment, and secularism, as well as a particularly strong role for the central state. It has particular preoccupations: a more principled concern with uniformity, fear of diversity and of *communautarisme* or group identity, which seems to be understood as a greater threat than individual self-interest or corruption, so that this republicanism comes closer to neutralist liberalism, and places less emphasis on participation in collective self-rule than most of the contemporary expressions of republicanism in this volume.

This is not to overlook the extent to which the meaning of republicanism in France has been and is still internally contested (see Jennings 2000; Laborde 2002b). Baudot and Sala Pala have highlighted official republicanism’s difficulties in acknowledging its own cultural underpinnings, and identified some of the problems it encounters in attempts to realize republican theory in too literal a manner, so that compromise, often accepted in practice, appears as corruption or deviation from principle (Baudot, Sala Pala, this volume).

So, while there may be lessons in French republicanism, it should be borne in mind that, rather than *the* realization of republicanism, it represents the realization of one, the *French*, interpretation of republicanism.

Elsewhere, 'republican' values are explicitly invoked less often. In the United States, of course, certain republican-inspired institutions and values have been seamlessly absorbed into liberal and democratic practice. But there is little self-conscious republicanism, although the republican revival in US legal and political theory reassessed the role of the Constitution and the Supreme Court in republican self-government (e.g. Sunstein 1988). But republican ideas emerge in a number of contexts. In Australia, the movement for a republic has elicited arguments broader than the rejection of a monarchy as in, for example, the 'just republic' initiative ('Special issue' *Australian Journal of Political Science* 1993). Republican theory has also been associated in Britain and Italy with a concern about the excessive extension of executive power. And in Ireland the claim of the IRA and Sinn Féin to be the true inheritors of republicanism, and its identification with militarist separatism from Britain has been challenged (Porter 1996, 1999).

## Conclusion

A number of challenges remain for republicanism. If it is to be relevant to political practice today and to address the contemporary issues of multiculturalism, Europe and globalization identified in the introduction, still more theoretical exploration of a number of issues is needed.

The first of these is the extent of socio-economic inequality consistent with equal citizenship, the measures republicanism calls for, and the possibility of implementing them within current economic structures and in the prevailing ideological climate. French republicanism has combined tolerance of economic inequality with extensive socio-economic supports for citizens in ways that are under stress at present. Even before considering their practicability, the thorny question of just how radical are the socio-economic preconditions for republican politics needs more discussion than republican theorists have thus far devoted to it. (But see White 2000, 2003, and *Politics, Philosophy and Economics*, 'Special issue on the economic implications of republicanism', forthcoming.)

A second issue concerns the question of the boundaries of citizenship and its solidarity. Indeed, the historically vexed question of '*who are the people?*' has emerged at new levels in the context of widespread immigration and ensuing cultural and ethnic difference, as clearly illustrated in the chapters here on housing policy in France and marriage in the Netherlands. With whom do republican citizens share a common good, deliberate, and demonstrate solidarity? And can it be shown that this commitment does not depend on exclusion of, or opposition to, others?

While republicans advance a notion of transcendent citizenship, they

still need to show how it can be inclusive, and to examine the kind of identity needed and the bounds of solidarity possible among citizens. There is a certain urgency to this question in the context of what some have identified as the retreat of multiculturalism (Goodhart 2004; Joppke 2004), and the call for more demanding policies aimed at integrating citizens, as illustrated by Trappenburg, some of which seem to threaten the freedom and equality of citizens in going beyond the requirements of political unity.

Finally, if it is possible to conceive of and implement a form of citizenship that genuinely accommodates diversity within contemporary nation-states, can such republican citizenship expand to the global level of contemporary economic and social practice, as Constant expected? 'Commerce has brought nations closer, it has given them customs and habits which are almost identical; the heads of states may be enemies: the people are compatriots' (Constant 1988 [1819]: 325). While the chapters in this volume confine themselves mainly to the nation-state level, their conception of citizenship is not tied to national identity. But even if republican solidarity can be detached from national or cultural identity, it may nonetheless be difficult to develop at trans-national levels. Hence the interest of the European example and the idea that what may be crucial is less the possibility of direct exercise of popular sovereignty or the existence of a putative European demos than securing common public spaces for deliberation.

It is in the light of the shortcomings of ostensibly free markets in increasing prosperity, of liberal-democratic representative institutions in engaging citizens, of legal systems in motivating social responsibility, of civil society networks in creating trust across social divisions, and of cosmopolitan values in finding roots in popular opinion, that republican approaches in theory and practice seem worth considering. This seems particularly so if the alternative to a commitment to the common good among diverse although interdependent citizens is a combination of individual libertarianism and multicultural communitarianism.

Republicanism may best be understood less as a radically opposed alternative than as a corrective to liberalism, articulating the constant need to promote institutions and practices that can only ever be partially successful. It may serve to remind liberals of some of their own origins and insights, without jettisoning the institutional safeguards on which they have recently laid so much emphasis.<sup>2</sup>

We may find in the tradition, as Mouritsen puts it, 'a repository of arguments which may inspire and revitalize diverse and internally conflicting visions of politics in contemporary political theory' (Mouritsen, this volume: 34), and in contemporary republicanism, attempts to draw out the practical implications of a more nuanced theory of citizenship as status and practice.



## Notes

- 1 The chapters here do not endorse the more communitarian position adopted by, for example, Oldfield, and not entirely avoided by Sandel. This is not to say that republicanism cannot slip into an authoritarian communitarianism, as the Irish example illustrates. But this was in the name not of participation and deliberation, but of pre-political values. (See Frazer and Lacey 1993.)
- 2 This may be seen being played out in contemporary debates reinterpreting Tocqueville's combination of concern for individual freedom, civic engagement, and the limitation of social and political power.

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