

Neo-Liberalism and Neo-Republicanism*

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In this paper, I provide a sketch of the republican view of freedom and government. And then, looking forward, I highlight the potential of this long, shared tradition of thinking for contemporary politics. As a philosophy of government, so I argue, neo-republicanism offers a very attractive alternative to the neo-liberalism that has been recently dominant in policy circles.

In my discussion, I consider republicanism first, liberalism second, since that answers to the historical order in which the doctrines appeared. The paper is in three main sections. In the first, I provide a short history of classic republican thinking. In a second, briefer section, I describe the rise of classical liberalism, which displaced republican thought over the following century. And in the third, I look at the alternatives represented in contemporary thought by neo-republicanism and neo-liberalism, highlighting what I see as the advantages of the neo-republican approach.

Key Words: Republican, Neo-Republicanism, Neo-Liberalism

* This text represents the main lines of thought aired in my lecture at Yonsei University but is not an exact text. It is derivative of earlier work insofar as it draws heavily on the ideas, and often the text, of earlier publications. I rely heavily in this presentation on earlier work. For overall accounts see Pettit, P. 1997. *Republicanism: A Theory of Freedom and Government*. Oxford: Oxford University Press; Pettit, P. 2014. and in particular *Just Freedom: A Moral Compass for a Complex World*. New York: W.W.Norton and Co. For recent papers covering similar material, see Pettit, P. 2015. "Freedom and the State: Nanny or Nightwatchman?." *Public Health* 30: 1-6 and Pettit, P. 2016. "A Brief History of Liberty — And its Lessons" *Journal of Human Development and Capability* 17: 5-21. For an overview of contemporary work in neo-republicanism, see Lovett, F. and P. Pettit. 2009. "Neo-Republicanism: A Normative and Institutional Research Program." *Annual Review of Political Science* 12: 18-29.

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I. The Classical Republican Tradition

A. *The Republican, Roman Idea of Freedom*

This republican idea of freedom goes back to republican, Roman days, and to the enormously influential writings of figures like Polybius, Cicero and Livy.¹ On this way of thinking about freedom, which was to survive for two millennia, to be free meant to be a free person. And to be a free person in turn meant, first, that you did not have to live under the will of a master; and, second, that this wasn't just a matter of good luck: you were adequately resourced and protected against being controlled by a master's will.

How, according to Roman thinking, did you get to be a free person — a *liber* — in this sense? The general assumption was that all citizens — in effect, all non-enslaved, native men — could expect to be equally free, at least in the ideal. And so, the idea was that the citizens of a society would be free insofar as two conditions are satisfied. First, the law defines a range of choices — later, to be called the basic or fundamental liberties — where they are individually able to act as they wish, without being subject to the private will of another. And second, the law that guards them in this way does not itself represent the imposition of a public will by a monarch or any such power: it is framed on terms that the citizens collectively impose on their government.

This conception of what it is to enjoy freedom meant that there are two ways in which you might be un-free. One, by being subject to the private will of another, as in being the slave of a master or a woman subject to her husband's will. Two, by living under a law that is imposed at the will of a particular person or party, not under a law that, together with other citizens, you have a part in shaping. The Latin word for subjection to the will of another — subjection to a master or *dominus* — was *dominatio*, which we may translate as 'domination' (Lovett 2010).² And so the idea was that freedom requires the absence both of private and of public domination.

To enjoy freedom as non-domination in your private life, according to this conception, is to be able to choose as you wish in the exercise of what the law designates as the

1 While Greek ideas of freedom had influenced the Roman tradition, they received a degree of emphasis in Roman thinking that was unprecedented and they were linked in an original way with the idea of the republic that Rome embodied and that Polybius in particular celebrated. See Arena, V. 2012. *Libertas and the Practice of Politics in the Late Roman Republic*. Cambridge: Cambridge University Press. And on some Greek connections, see Lane, M. 2017. "Placing Plato in the History of Liberty." *History of European Ideas* 43.

2 On this notion see the appendix in Lovett, F. 2010. *A General Theory of Domination and Justice*. Oxford: Oxford University Press.

basic liberties. To have that freedom is to be able to say what you think, associate with others for legally permissible purposes, move where you wish within the country, take up any occupation on offer and operate in the market to the extent that your resources allow. Not everyone in Rome had access to such a private realm of free choice: not slaves, of course; not women; indeed, not anyone subject to a domestic master. While only citizens could be free, however, the ideal of being a free citizen would have been cherished by all, even those who could not hope to attain it.

One of the signature themes in the Roman conception of private freedom was the insistence that if you are subject to someone else's domination — if their will is paramount in the area, roughly, of your basic liberties — then that makes you un-free, even if the master in your life is entirely good-willed and inclined to let you choose in that area according to your own wishes. Thus, Roman comedies made fun of the figure of the slave who thought he was free because his master was gentle or gullible or just often away.³

What ensured your freedom as non-domination in public as distinct from private life? The answer was, the fact that as a citizen you could play a part in determining the shape of the law under which the basic liberties of you and your fellow citizens were defined and protected. While the law interfered in the life of all, its main role was to establish and defend basic liberties. And in serving personal freedom in that way it would not have taken from your public freedom, provided that it was not dictated by a political master like a king; provided, more positively, that it was enacted under constraints that you and your fellow citizens imposed in a more or less equal distribution of political power.

The Roman distribution of power gave various privileges to the noble, wealthy classes who could hold public office and, by the same token, play a role in the Senate: an essentially executive or administrative council. But there were a variety of constraints that ordinary citizens could impose on those in office and on the laws established. While only officials could propose laws, for example, the laws had to be passed by one of a number of legislative bodies in which all citizens could take part. Moreover, those officials had to gain office by annual election at the hand of the citizenry generally. Again, anything they proposed to do in office could be vetoed by one of the tribunes: officials whose job it was to look after the interests the poorer sectors of society. And

3 See Skinner, Q. 1998. *Liberty Before Liberalism*. Cambridge: Cambridge University Press, which is a central text in the development of contemporary republican thought, for his discussion of the figure of Tranio in Plautus's play, *Mostellaria*.

of course, the application of the laws was determined by more or less popular courts, in which up to two hundred people—citizens of a certain rank—would take part.

These arrangements introduced different centers of power that could check and balance one another, with the more senior, consular officials operating like a king, the Senate operating like an aristocracy, and the citizenry at large performing as in a democracy. Polybius described this, in an older Greek term, as a mixed constitution. It mixed up the way in which power was exercised, making it difficult for anyone to assume the role of the absolute king.

The Romans conceived of their republic as a society in which no one individual could ever be a king: an absolute king, since that is what monarchy would have connoted for them. Indeed, the republic had begun with the overthrow of Tarquin, the last king of Rome, late in the sixth century B.C.E. Those who later followed the Roman, republican way of thinking always maintained that to live under a law that was subject even to a wholly benevolent king was to live in un-freedom. In order to live in freedom the law had to be a public affair — a *res publica* — not something in the control of any private power.

B. Medieval and Early Modern Europe

This Roman way of thinking about freedom identified it, then, with the enjoyment of both private and public non-domination: the enjoyment of a status in which you were the equal—the publicly marked equal—of any other citizen. This ideal was never fully realized in republican Rome, of course—the wealthy commanded large groups of dependent clients—and, despite continuing lip-service, it became more and more irrelevant with the rise of the Empire at the beginning of the common era. But the ideal regained a powerful presence in public life over a thousand years later, with the rise of the city-states of northern Italy: Venice, Florence, Siena, Perugia and the other centers of the high middle ages.

The burghers of these new trading centers had generally thrown off the control of local lords by the late twelfth century and began at the point to cast themselves as citizens in the Roman mold. They insisted that living under a law that was of their own collective making, and being each protected in an individual sphere of choice by that law — being secured in their basic liberties — they enjoyed exactly the sort of freedom that the Romans cherished. And since their trading centers became the great centers of learning in the Renaissance period, they bequeathed this neo-Roman way of thinking about freedom to the northern European countries in the 1500's and 1600's.

The legacy of republican thinking that these northern countries inherited led in many cases to constitutional upheavals. It shaped the republic of the nobles in Poland, it inspired the Dutch republic that was formed after the expulsion of the Spanish, and it fueled the revolution that led to the English republic of the 1640's and 1650's. Thomas Hobbes, an opponent of the English revolution, railed at this 'false show of liberty', remarking famously that 'there was never anything so dearly bought as these western parts have bought the learning of the Greek and Latin tongues'(Hobbes 1994,).⁴

The republican conception of freedom that inspired these upheavals remained in common currency in the English-speaking world, even after the restoration of Charles II in 1660. Indeed, with the introduction of a broadly constitutional monarchy after 1688 — a monarchy that was no longer seen as necessarily inimical to republican freedom — it came to be endorsed as an ideal, albeit differently interpreted, in most strains of political thinking. Freedom in this sense consists in 'independency upon the will of another', as Algernon Sidney put it in the 1680's (Sidney 1990, 17).⁵ Or as the idea was formulated in *Cato's Letters*, a radical tract of the 1700's, 'Liberty is, to live upon one's own terms; slavery is, to live at the mere mercy of another' (Trenchard and Gordon 1971, 249-250).⁶ *Cato's letters* became a recognized statement of the commonwealthman or radical Whig perspective, as it was known. This was essentially a full-blooded republican perspective, tempered only by an acceptance of a constitutional, restricted version of monarchy.

In the commonwealthman way of thinking, true to its Roman origins, you were un-free even if your master or lord was entirely good-willed. As Sidney had written, 'he is a slave who serves the best and gentlest man in the world, as well as he who serves the worst'(Sidney 1990, 441).⁷ And that message was taken, not just to outlaw the private domination of a gentle individual master, but also the public domination of a gentle colonial master. Writing in the 1770's, the clergyman and mathematician, Richard Price — a radical Whig — emphasized the point forcefully. 'Individuals in private life, while held under the power of masters, cannot be denominated free, however equitably and kindly they may be treated. This is strictly true of communities as well as of individuals' (Price 1991, 77-78).⁸ The observation was central to the case made by American colonists against being ruled, however equitably, by the British government.

4 Hobbes, T. 1994. *Leviathan*. ed E.Curley. Indianapolis: Hackett, Chapter. 21.

5 Sidney, A. 1990. *Discourses Concerning Government*. Indianapolis: Liberty Classics, 17.

6 Trenchard, J. and T. Gordon. 1971. *Cato's Letters*. New York, Da Capo, Vol 2, 249-50.

7 *Discourses Concerning Government*, 441.

8 Price, R. 1991. *Political Writings*. Cambridge: Cambridge University Press, 77-78.

C. *America and France*

The republican conception of freedom as non-domination reached the greatest height of influence in the course of that American struggle. One of the things that had really upset the American colonists is that in 1766 when the Westminster Parliament had been persuaded to withdraw the tax imposed by the Stamp Act, it went out of its way to claim that, although choosing to exercise indulgence, it enjoyed as 'of right' the 'full power and authority to make laws and statutes' binding the Americans. This was just to say that it claimed the position of a master, albeit a kindly master, giving substance to Price's complaint. If that claim was admitted then, by the received ideal, the American colonists could not count as free. Despite the existence of literal slaves in the American lands, this led to a general complaint among the colonists, in the words of a 1772 resolution in Boston, that 'we are degraded from the rank of Free Subjects to the despicable Condition of Slaves'(Reid 1988, 92).⁹

A few years before the American colonists had begun to rebel against British rule, Jean Jacques Rousseau had espoused essentially the received ideal of republican freedom in *The Social Contract*, published in 1762 (Rousseau 1997).¹⁰ And it was his work, more than anyone else's, that shaped the thinking of those who inspired the French revolution in 1789. Unlike many earlier republicans, Rousseau had a relatively inclusive view of the citizenry — they would be restricted to men but not to propertied, mainstream men — and argued for the importance of an extended form of equal freedom.

For Rousseau, as for other republicans, the un-freedom from which the state should protect citizens equally is, as he suggests in a number of places, 'personal dependence' or 'individual dependence' (1.7.8; 2.11.1), a condition that he also describes as 'servitude' (4.8.28). This is the condition against which he had railed in the second discourse of 1755 when he says that 'in the relations between man and man the worse that can happen to one is to find himself at the other's discretion'.¹¹ Thus the freedom that

9 Reid, J. P. 1988. *The Concept of Liberty in the Age of the American Revolution*. Chicago: Chicago University Press, 92.

10 Rousseau, J. J. 1997. *The Social Contract and Other Later Political Writings*, ed Victor Gourevitch. Cambridge: Cambridge University Press.

11 Rousseau, J. J. 1997. *The Discourses and other early political writings*, ed Victor Gourevitch. Cambridge, Cambridge University Press, 176. This dependence mentioned here is not that which living with others inescapably entails, only dependence involving domination: subjection to another's will. Rousseau emphasizes in a letter of 1757 that he has nothing against the inescapable form of dependence, acknowledging that 'everything is to one degree or another subject to this universal dependency' See Starobinski, J. 2003. "A Letter from Jean-Jacques Rousseau (1757)" *New York Review of Books*. New York: NYRB, 31-32.

Rousseau values is clearly a version of freedom as non-domination, requiring in the words of *The Social Contract* 'that every citizen be perfectly independent of all the others' (2.12.3) (Spitz 1995).¹² He says that that 'which ought to be the end of every system of legislation is ...freedom and equality', where equality is valued 'because freedom cannot subsist without it' (2.11.1).

While both the American and French revolutions were inspired by republican ideals, however, they divided on one crucial matter. The Americans continued to remain faithful to the ideal of the mixed constitution and the checks and balances it would introduce; this fidelity is marked to this day in the constitution, introduced in 1787, which takes the idea of mixture to the extreme of allowing frequent gridlock.

Following Rousseau, however, the French tended to think that the best guarantor of public freedom—the best guarantor against allowing one individual or elite to control the law—is to have a central, unified assembly of the whole: a popular, corporate sovereign. Where Italian-Atlantic republicans had wanted a law controlled by no central will, but answerable to the citizenry as a whole, the French republicans looked for an arrangement under which there would be a controlling will: the general will of the people expressed in majority voting within an assembly of citizens.

II. The Classical Liberal Development

A. An Alternative Conception of Freedom

And now we confront one of the great ironies in the history of political thought. At just the time when the republican conception of freedom attained its greatest influence, sparking a successful war of independence in the American colonies, and fueling the French revolution, an alternative conception made an appearance and quickly gained currency, even dominance, in England. This is the conception that came to be identified as classical liberal in character and that we today would naturally describe as neo-liberal or libertarian.

In 1776, Richard Lind, a pamphleteer writing on behalf of the British Prime Minister, Lord North, first introduced the new idea of freedom. Freedom is 'nothing more or less than the absence of coercion', he said, ascribing this idea, wholly inimical to republican ideas, to 'a very worthy and ingenious friend'. But that means, he then pointed out,

¹² See Spitz, J.-F. 1995. *La Liberté Politique*. Paris : Presses Universitaires de France.

that since 'all laws are coercive', the laws themselves take from people's liberty, even if they do so in the hope of reducing the overall level of coercion. And if that is the case, he asked, what is the complaint of the Americans? They are ruled by law, to be sure, but so are those in Britain and so indeed are those in any society whatsoever (Lind 1776, 17 and 24).¹³

The earlier view had depicted freedom as the product of a protective, popularly controlled law: a law controlled under the mixed constitution, or perhaps in the Rousseauvian fashion. By contrast, this view makes law into the antonym of freedom: a form of coercion, whether of body or will, that reduces the choices available to subjects. This is indeed a new view, as the worthy friend had claimed in a letter to Lind. The friend was Jeremy Bentham and in that letter he reported 'a kind of discovery I had made, that the idea of liberty...was merely a negative one', and should be defined as 'the absence of restraint' (Long 1977, 54).¹⁴ Bentham's view of freedom may have appeared briefly in Hobbes, but Bentham gave it a sharper definition and a greater importance, making it into 'the cornerstone of my system', as he put it in the letter.

This novel view of freedom was useful for Lind and others in rejecting the Richard Price's republican argument against colonialism, even the supposedly gentle colonialism of Westminster in relation to the American colonists. But it probably survived because it also served other purposes in the thinking of Bentham and his utilitarian associates, and in the thinking of a new movement that came to be known as classical liberalism.

Bentham himself was a reformer, committed to a relatively inclusive view of the citizenry, and the new view of freedom was useful in allowing him to argue that the law should cater for the equal freedom of all, without seeming to call for a complete overturning of the status quo. To have called for the equal non-domination of all, women and workers included, would have been utterly radical, requiring the transformation of existing family and master-servant law. But to call for equal non-coercion or non-interference was not at all so revolutionary. It was possible that a wife or worker could be as free in this sense as the master, notwithstanding their subjection to his will, provided that the master stayed his hand and did not actually impose interference.

One prominent utilitarian of the time was William Paley, who exercised a great influence over moral and religious thinking in nineteenth century Britain. He adopted the new view of freedom in a book published in 1785 that became a required part of the Cambridge syllabus and remained so down to 1925. In making the case for what

13 Lind, J. 1776. *Three Letters to Dr Price*. London: T. Payne, 24 and 17.

14 Long, D. C. 1977. *Bentham on Liberty*. Toronto: University of Toronto Press, 54.

he cast as a novel view — it jars, he admitted, with 'the usage of common discourse' — he acknowledged that nothing more than freedom in this new, downsized sense could be established for all. Thus, he contrasted it with those accounts of freedom, such as the republican, 'which, by making that essential to civil freedom which is unattainable in experience, inflame expectations that can never be gratified, and disturb the public content with complaints, which no wisdom or benevolence of government can remove'(Paley 1825, 359).¹⁵

The new conception of freedom as non-interference or non-coercion may have appealed to the likes of Bentham and Paley for making it possible to be relatively egalitarian without being utterly radical. But it appealed to classical liberals for the fact that it provided a way of justifying the new legal and political order that industrialization was calling into existence. In this new order, great numbers of people moved off the land and, with growing industrialization, scrambled for subsistence jobs in the mines, mills and factories, in various cottage industries, and in the construction of the canals and railways. The conditions of most workers were appalling, even by standards current at the time, and a question that naturally arose was whether the people who endured such conditions could count as free.

The new way of thinking suggested that they could. They may have been subjected to their new masters in the manner of 'wage slaves', as many adherents of the older republican way of thinking insisted (Sandel 1996, 172-174).¹⁶ And they may have been forced by fear of death or destitution to accept the conditions of industrial labor. But they were not strictly coerced — they were not press-ganged or threatened — into submission. They made an un-coerced decision to work on the terms their employers offered, even if they had little option but to accept those terms: even if they made the decision, as we would say, under duress. They enjoyed what was celebrated by classical liberals as freedom of contract: a freedom from the active coercion of others, if not from the pressure of their awful conditions, in deciding to take work under what were often appalling conditions.

15 Paley, W. 1825. *The Principles of Moral and Political Philosophy, Vol 4, Collected Works*. London: C. and J. Rivington, 357 and 359.

16 Sandel, M. 1996. *Democracy's Discontent: America in Search of a Public Philosophy*. Cambridge, Mass.: Harvard University Press, 172-74.

B. Free Choices Rather than Free Persons

Although it assumed a conception of the basic liberties or choices that should be protected for all, the republican notion of freedom had focused on the freedom of each person in that domain of choice, and on the requirements for reducing both private and public domination. The newer notion shifted the focus to choices of any kind, suggesting that the free society is one where free choice is maximized: where, in effect, all relations between people are organized, so far as possible, on the basis of negotiation, contract and consent. No matter that such a society is likely to display great inequality, to impose conditions on many where their choices are driven by fear and need, and to give some the position of masters in relation to others. It still answers broadly to classical liberal requirements. It satisfies the mantra, for example, that Robert Nozick formulated in defending a version of the approach: 'From each as they choose, to each as they are chosen' (Nozick 1974, 160).¹⁷

With the shift to a focus on the free choice rather than the free person, the new theory of freedom moved concern away from domination, whether private or public in character. It did not matter in this view that you lived under the private domination of a master, provided the master dealt with you contractually and did not impose any actual coercion. And it did not matter in this view that you lived under the public domination of government. The coercion of government is acceptable, however un-controlled, to the extent that it restricts private coercion, facilitates contract and choice, and is kept to the minimal level required for those purposes. Thus, William Paley argued that if it operated in this pattern 'an absolute form of government' would be 'no less free than the purest democracy' (Paley 1825, 166).¹⁸

The shift of focus from person to choice had enormous ramifications for how to conceive of the relation between government or law on the one hand and the freedom of individuals on the other. In the older conception, it was government and law that made freedom possible and accessible for citizens. In the newer it was the contractual free-for-all of the market that made freedom possible. To the extent that government and law went beyond the maintenance of market conditions, then, it took away from people's freedom rather than enhancing it. In this new vision, as Ronald Regan put it two hundred years later, government is the problem, not the solution.

17 Nozick, R. 1974. *Anarchy, State, and Utopia*. Oxford: Blackwell, 160.

18 Paley *The Principles of Moral and Political Philosophy*, 166.

III. Neo-Republicanism and Neo-Liberalism

A. Justice, Social and Democratic

What would these two ideals of liberty support as principles for the conduct of government in a contemporary society? I assume that each approach would be inclusive in recognizing as full citizens all the adult, able-minded, more or less permanent residents of the society. I say nothing here on how far it should be ready to accept would-be immigrants and refugees into the ranks of the citizenry or more generally how it ought to perform on the global stage (Pettit 2014).¹⁹ And equally I say nothing on how it would argue for the treatment of children or of those who are not able-minded.

There are two aspects under which any philosophy of government will dictate principles for the organization of society and they can be cast roughly as social justice, on the one side, and political justice on the other. A society will be socially just to the extent that it organizes relations between individuals and the corporate bodies that individuals constitute in a way that treats all citizens as equals. And a society will be politically just to the extent that it organizes relations between citizens and the government that rules over them in a way that treats them as equals. Social justice requires that people should be treated equally and well by the law. Political justice requires that the shape of the law should not be determined by an alien or wholly independent will, however benign that will may be; it should not be determined, for example, by a colonial government.

Every philosophy of government gives its own account of what it is for citizens to enjoy treatment as equals and each applies that account to the horizontal relations of people to one another — the subject of social justice — and to their vertical relations to their government: the subject of political justice.

B. Neo-Republican Principles of Justice

The principles of a neo-republican philosophy of government are readily formulated, in light of our brief history of the ideal it sponsored.

1. *Social Justice*: The law should identify a common set of basic liberties and enable each to exercise those liberties without private domination by others.

¹⁹ See Pettit *Just Freedom* for a more comprehensive overview of the dictates of neo-republican principles both in domestic and international contexts.

2. *Political justice*: This law should be framed and implemented by government under a form of popular control that guards against public domination.

What are these principles going to support in practice? The principle of social justice is obviously going to require institutions, supported under law, that provide each citizen with a range of security: basic security against aggression, of course, but also educational security, social security, medical security, judicial security, workplace security and the shared securities associated with provisions for food reliability, public health, environmental sustainability, and indeed the defense of the country.

How far should the state secure people in these and other areas? An established republican theme can be of help here. This is the age-old association between being a free, un-dominated person and being able to look others in the eye without reason for fear or deference. If the law can deliver a world that passes or comes close to passing this eyeball test of social justice, then it ought to appeal to the most demanding amongst us. That world may allow for material inequalities and it may have to restrict some individual securities for the sake of the system overall: for example, it may have to reduce workplace security in order to increase employment. But it will still deliver a palpable and palpably attractive ideal.

What does the neo-republican principle of political justice require? There is more to be said in this context than is possible here but it should suffice to point out some of the more obvious preconditions: an electoral system in which each has an equal part; a parliamentary system in which the executive is held properly to account; a strict separation of judicial from other power; a system in which decisions where elected officials have a special interest are put at arm's length from parliament; a campaign system in which politicians do not have to put themselves in the debt of the wealthy; a balanced media that operates under a guarantee of freedom of information; a lobby system in which the grounds and modes of pressure exerted upon government are forced into the public eye; a system of contestation, formal and otherwise, in which all may play an uninhibited part; and a network of public-interest, watchdog bodies that can keep government on its toes.

On this account of political justice, government involves a variety of modular measures, as we may call them. First, the separation of powers, as in the distinction between at least the legislative-executive power and the judicial. Second, the sharing of powers as in the distinction between two or more centers of legislation or the hierarchy of appeal among different levels of judicial bodies. Third, the outsourcing of executive power to ensure against the danger of a conflict of interests, as in the electoral short-term interests of legislators and people's long-term interests in how electoral boundaries are

drawn, in the interest rates at which money is available or in the objectivity of public information and statistics. Fourth, the possibility of removing government in the collective election of legislative and perhaps other officials. And fifth, the possibility of people as individuals or in organized groups contesting government directly or indirectly in parliament, in courts, in ombudsman offices, in the media or on the streets.

The modular measures of political justice canvassed here reflect the strong emphasis in the Roman republican tradition on the importance of having a mixed constitution, as it was called, in which power is separated, shared and in general dispersed across many different authorities. The only prominent figure in the tradition who did not subscribe to this idea, as we saw, was Rousseau. Influenced by the critique of the mixed constitution by absolutists like Jean Bodin and Thomas Hobbes, he thought that the only prospect for political justice, as we would think of it, is to invest absolute power in an assembly of all the citizens. He argued in **The Social Contract** of 1762 that the checks and balances hailed in the older tradition would be unnecessary, so long as the members of the assembly restricted themselves to framing general laws, were properly informed on relevant issues and deliberated as citizens, asking in each case after whether 'it is advantageous to the State', not to themselves, 'that this or that opinion pass' (4.1.6) (Rousseau 1997).²⁰

Our experience today of autocratic democracies suggests strongly that it would be a mistake to follow the Rousseauvian cue: it would be to rely incautiously on the virtue of politicians rather than on the discipline of appropriate institutions. Better economize on virtue, relying on it only when that is inescapable (Brennan and Hamlin 1995, 35-36; Brennan and Pettit 2004).²¹ Better stick with the mixed constitution, albeit not necessarily in the extreme version of the U.S. constitution.

C. Neo-Liberal Principles of Justice

And now consider the corresponding principles that a neo-liberal philosophy would support.

20 Rousseau, J. J. 1997. *The Social Contract and Other Later Political Writings*, ed Victor Gourevitch. Cambridge: Cambridge University Press.

21 See Brennan, G. and A. Hamlin 1995. "Economizing on Virtue." *Constitutional Political Economy* 6: 35-6 and Brennan, G. and P. Pettit 2004. *The Economy of Esteem: An Essay on Civil and Political Society*. Oxford: Oxford University Press.

(1) Social Justice:

The law should establish a market that facilitates contract and choice, imposing the minimal system of coercive protection that this requires.

(2) Political Justice:

This law should be controlled in such a way — presumptively, but not necessarily, in such a democratic way — that people's contractual freedom is maximized.

These principles point in a very different direction from their neo-republican counterparts. The principle of social justice would support a minimal state apparatus for ensuring law and order and within that framework it would argue for letting the market go where it will, even should this lead to extreme inequality, great imbalances of power, and multiple sites of domination. What remedies should apply in cases where the market does not lift the destitute or dependent out of their penury? The answer often proposed is: the remedies to be provided by the private philanthropy of the rich. Even if it fosters domination, as the haves lord it over the have-nots, philanthropy will ensure the satisfaction of Nozick's principle: from each as they choose, to each as they are chosen.

Where does the neo-liberal principle of political justice point? As Paley already noticed, all it requires is that system, whatever it is, that most reliably delivers the market-centered vision of social justice. Alexander Pope may best articulate the bottom line: 'For Forms of Government let fools contend. Whatever is *best administered is best*'. To be fair, many neo-liberals strongly believe that democracy is likely to be essential for the well-ordered market society that they cherish. But the linkage that they make to democracy is still much weaker than in the alternative picture and, apart from supporting the independence of the judiciary, it offers little in the way of specifications for how democracy itself should be ordered.

D. Conclusion

This brief account of the history of republican and liberal ideas, and of the rival ways of thinking represented by neo-republican and neo-liberal approaches, should indicate the greater appeal of the former.

Neo-republicanism offers a distinctive and attractive view of political justice, unlike the neo-liberal approach, or indeed liberal approaches in general. How do the two philosophies compare on the issue of social justice, where more attention is normally given to the divide between them? The republican approach is far more egalitarian,

although not requiring strict equality in the distribution of resources or in anything so material. The equality it prizes is social in character, since the index of when it obtains is that people are able to pass the eyeball test: that they are able to look one another in the eye without reason for fear or favor.²²

This sort of equality is essential for people to enjoy dignity and respect, yet it does not jeopardize the prospects for a free market, as neo-liberal critics are likely to allege. Neo-liberalism would look for a society in which people's competition with one another is a free-for-all in which the winners take most of the spoils. Neo-republicanism would seek a society in which economic and related forms of competition are certainly allowed but only within limits that ensure against the dependency and humiliation of weaker members.

References

- Algernon, Sidney. 1990. *Discourses Concerning Government*. Indianapolis: Liberty Classics, 17.
- D. C., Long. 1977. *Bentham on Liberty*. Toronto: University of Toronto Press, 54.
- Edwards, F. Lovett and Philip Pettit. 2009. "Neo-Republicanism: A Normative and Institutional Research Program." *Annual Review of Political Science* 12: 18-29.
- Edwards, F. Lovett, 2010. *A General Theory of Domination and Justice*. Oxford: Oxford University Press.
- Elizabeth S., Anderson. 1999. "What is the Point of Equality." *Ethics* 109: 287-337.
- Geoffrey, Brennan and Alan, Hamlin. 1995. "Economizing on Virtue." *Constitutional Political Economy* 6: 35-6.
- Geoffrey, Brennan and Philip, Pettit. 2004. *The Economy of Esteem: An Essay on Civil and Political Society*. Oxford: Oxford University Press.
- Jean, Fabien Spitz. 1995. *La Liberté Politique*. Paris : Presses Universitaires de France.
- Jean Jacques, Rousseau. 1997. *The Social Contract and Other Later Political Writings*, ed Victor Gourevitch. Cambridge: Cambridge University Press.
- _____. 1997. *The Discourses and other early political writings*, ed Victor

²² The social character of republican freedom appears in the fact that people are required to enjoy the same status as one another in being adequately protected — protected to the degree required by the eyeball test — against private and public domination. On social egalitarianism see Anderson, E. 1999. "What is the Point of Equality." *Ethics* 109: 287-337 and Scheffler, S. 2005. "Choice, Circumstance and the Value of Equality." *Politics, Philosophy and Economics* 4: 5-28.

- Gourevitch*. Cambridge: Cambridge University Press, 176.
- Jean, Starobinski. 2003. "A Letter from Jean-Jacques Rousseau (1757)" *New York Review of Books*. New York: NYRB, 31-32.
- John, Lind. 1776. *Three Letters to Dr Price*. London: T. Payne, 24 and 17.
- John, Philip Reid. 1988. *The Concept of Liberty in the Age of the American Revolution*. Chicago: Chicago University Press, 92.
- John, Trenchard and Thomas, Gordon. 1971. *Cato's Letters*. New York, Da Capo, Vol 2, 249-50.
- Melissa, Lane. 2017. "Placing Plato in the History of Liberty." *History of European Ideas* 43
- Michael, Sandel. 1996. *Democracy's Discontent: America in Search of a Public Philosophy*. Cambridge, Mass.: Harvard University Press, 172-74.
- Philip, Pettit. 1997. *Republicanism: A Theory of Freedom and Government*. Oxford: Oxford University Press
- _____. 2014. and in particular *Just Freedom: A Moral Compass for a Complex World*. New York: W.W.Norton and Co.
- _____. 2015. "Freedom and the State: Nanny or Nightwatchman?." *Public Health* 30: 1-6
- _____. 2016. "A Brief History of Liberty — And its Lessons" *Journal of Human Development and Capability* 17: 5-21.
- Quentin, Skinner. 1998. *Liberty Before Liberalism*. Cambridge: Cambridge University Press.
- Richard, Price. 1991. *Political Writings*. Cambridge: Cambridge University Press, 77-78.
- Robert, Nozick. 1974. *Anarchy, State, and Utopia*. Oxford: Blackwell, 160.
- Samuel, Scheffler. 2005. "Choice, Circumstance and the Value of Equality." *Politics, Philosophy and Economics* 4: 5-28.
- Thomas, Hobbes. 1994. *Leviathan*. ed E.Curley. Indianapolis: Hackett, Chapter. 21.
- Valentina, Arena. 2012. *Libertas and the Practice of Politics in the Late Roman Republic*. Cambridge: Cambridge University Press.
- William, Paley. 1825. *The Principles of Moral and Political Philosophy, Vol 4, Collected Works*. London: C. and J. Rivington, 357 and 359.

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