Toward a Republican Liberalism

John Ferejohn and Frances Rosenbluth
February 2006

We are grateful to Robert Dahl, Bryan Garsten, Mogens Hansen, Joseph LaPalombara, Wilfried Nippel, Pasquale Pasquino, and Ian Shapiro for helpful comments on earlier drafts of this paper.

Introduction

Modern democracies are governed by elected elites providing only limited opportunities for a popular role in government. In Lincoln's terms they are governments "of" but not in any sense "by" the people. The central democratic justification of such governments is that they tend to work tolerably well "for" the people, at least compared to feasible alternatives. Theories of elite competition attempt to provide some reassurance that competition for office may induce officials to pay attention to popular wants and, in that way, to show how a government could satisfy Lincoln's third test -- furthering common interests.

Whether a government can be said to promote the common interest requires some conception of it. The two foundational theoretical traditions for modern democracy, republicanism and liberalism, provide quite different conceptions. Traditionally, republican theories have assumed that the common interest is more or less self-evident, defending the city against invasion or pursuing some grand public works, and took its pursuit to be not only the aim of proper government but also a source of duties for its citizens. While government may distribute certain rights to individuals as a means of effectively pursuing common projects, such a practice is optional, not requirement of republican thought. To use Rawls's expression, for republicans the good is prior to the right.[1]

Liberals are committed to a reductive conception of the common good: the idea that all value is realized by individuals, directly or indirectly. The central presumption of liberalism is that individuals are more or less authoritative not only with respect to what their interests are, including what interests they have in common, but also about effective ways to pursue them. Therefore, they insist that individuals retain rights to make the many decisions that are important to their lives. But the liberal presumption is not a dogma and liberals are divided as to which rights should be retained by the people, when they conflict with the pursuit of urgent or necessary common projects. Which specific rights must be retained, and how they ought to be guaranteed, varies greatly, ranging from Nozick's libertarian Night Watchman State, which limits the power of the state to providing domestic security and defense against outside invaders, to versions more friendly to a Scandinavian style welfare state.

An attractive conception of government must, we think, accept both the liberal value proposition (that value is realized by individuals) and the liberal presumption that people are authorities as to their interests and are therefore entitled to a substantial set of basic rights. But at the same time, it must provide a conception of interests people have in common and what duties are required of them for these common pursuits: duties that could justify overriding the liberal presumptions in certain circumstances. We think that this second component of an attractive liberal theory can draw on materials from the republican tradition.

---

[1] This position is obviously more controversial in more heterogeneous societies where plausible conceptions of the common good necessarily entail some kind of trading off of the good of some people in favor of others. The Romans learned that lesson well under Sulla, Pompey and Caesar.

In this paper, therefore, we try to sketch a synthesis that aims to unite core republican and liberal principles, which we call republican liberalism. This juxtaposition of republicanism and liberalism may strike the reader as an odd pairing after the "republican revival" of some decades ago, in which JGA Pocock and others set republicanism against a certain version of liberalism: selfish individualism. We suggest that this is a false battle insofar it turns on narrow readings of republican thought. For example, while for some republicans, government or society could and should seek ends that are not in some sense connected to ends of any of its members, we think a more attractive republican conception places strict limits on what ends government can legitimately pursue and that, roughly speaking, the only legitimate ends are those that advance the interests of occupants directly or indirectly.

While the diversity and scale of modern democracies do not lend themselves to popular rule in the way that ancient cities were sometimes governed, they are consistent with the principles and logic of republican liberalism. Modern democracies can be seen to rest on these principles, and we attempt to show why these principles have survived the test of time. Republicanism and liberalism fit together, not so much as an old model of republican thought grafted onto new conditions, but as a set of norms and institutions of good government. Republican liberalism is a constitutional theory that recommends both institutional structures and public spiritedness (norms) of a kind that supports specifically liberal rights. What makes the theory republican is its emphasis on distinctively republican institutions and norms.

While we think that republican liberalism is more conceptually attractive than either on its own, it is perhaps more striking to point out that it is already embedded in modern democratic practice. Most democracies accept the republican proposition that there are common interests to be served, though the determination of these interests occurs through a political process that is limited by liberal systems of political rights. It is also widely accepted that these common purposes are either directly realized at the individual level (presumably everyone benefits from or "consumes" defense services) or are things (such as decision making institutions) that are instrumental to producing goods that are realizable by individuals. Something can be in the common interest only if it is, directly or indirectly, in the interest of most of the individual members of society. And, since societal welfare is measured by the welfare of its members, protecting individual rights is normally an effective way for a liberal society to organize itself.

So, we need to excavate those parts of the republican tradition that can be put in service of a liberal theory of government. This turns out to be surprisingly complex because the republican tradition is itself complex, multifarious, and filled with myths. And those who write about it, as though there is somehow a single and well-formed tradition to be found, have often been engaged in polemical argument. The rest of the paper is organized as follows. Section 1 situates modern republicanism against the backdrop of its historical development as a theory against despotic rule. Depending on the particular type of despotism that republicans have worried about, their institutional recommendations have varied, as we recount in Section 2. Section 3 sketches out republican liberalism's general principles of institutional design and Section 4 considers the importance of virtue or virtu alongside institutions in republican thought. We propose a reconceptualization of virtue/virtu to focus on the importance of expectations of others' behavior in strategic settings. Section 5 concludes.

1. Revisiting Republicanism

Because republicanism has been preoccupied recently with the deficiencies of liberalism, it is easy to forget that republican thought has generally developed in opposition to a variety of specific "enemies," of which liberalism is the most recent. Each enemy has brought out distinctive combinations of republican thought, as a sequential viewing allows us to see.

1. Democracy was republicanism's first enemy. This was certainly so for Cicero within the context of Rome, for Plato, who preferred Spartan over Athenian institutions, and for Aristotle's preference for mixed government over a direct democracy. Classical republicans considered direct democracy a form of despotism, a turbulent government where passions are likely to prevail over "reason." While some have advocated the removal of the popular element altogether, most republicans have thought that the popular element is best tempered by permitting the wise and temperate elements of society to share in government, traditionally in the form of a Senate.

2. Against monarchy, republicans have two complaints: they have opposed the hereditary basis of authority characteristic of monarchy, fearing that this produces a tendency to despotism, rule through prerogative powers. Second, republicans have thought that monarchies dampens the development of virtue, or civic spirit, throughout society by confining most people to private pursuits and limiting their vision of public projects.

3. Against oligarchy, republican opposition is more complex because, institutionally, republican rule can shade into more or less oligarchic forms, as opponents of Sparta and Venice thought. This depends on the size of the ruling group,[2] and on whether it is regarded as somehow corrupted overbalanced toward part of society (the wealthy or the well born).[3] Insofar as this kind of 'capture' has occurred,

---

[2] Sparta, for example, can be (and has been) considered either a republic or an oligarchy with a fairly broad citizen base, and the elitist Republics of Venice, Poland, and urban (in contrast to egalitarian alpine) cantonal governments in Switzerland have often considered themselves republican on account of lateral checks within the elite.

[3] The Athenian "oligarchies" in 411 and 404/3 are an interesting case in that they varied greatly in their population bases. The earlier one was apparently aiming at establishing a

oligarchy is yet another form of despotism and is to be opposed as such. Like monarchies, rule by narrow and closes elites have been thought to discourage the widespread development of civic virtue.

4. Against liberalism, some republicans more recently have argued both for a nonreductionist conception of the common good and in favor of a rich conception of citizenship. . Republicans have often contended that the pursuit of society's welfare, apart from the welfare of individuals, requires certain skills and dispositions – which we may call "virtues" -- as opposed to encouraging people (or groups) to pursue narrower private objectives. The role of institutions is sometimes slighted in the anti-liberalism variant of republicanism, for little attention is paid to institutions either as substitutes for virtue in the sense that Harrington or Hume or Madison conceived, or as a school for socially constructive attitudes, as Montesquieu thought.

There are essentially two dimensions to be seen in this list. The first is opposition to despotic rule in any of the guises that were the first three enemies of republicanism. Republicanism set itself against the possibility that government would be a mere expression of the will of a sovereign or of whoever in fact happened to hold the commanding heights of political and social power. The second dimension focuses on the requirement that citizens, and especially those who govern, have virtues and good habits. Although some notion of republican virtue – sometimes stripped of conventional moralist overtones -- infuses republican thought from classical times, it comes to the forefront in the work of Pocock and his followers as a critique of liberalism.

While it is misleading to speak of "a" republican tradition, taken as a whole one could say that republicans have usually acknowledged the complementary effects of institutional design and norms of public citizenship in supporting nonarbitrary rule: rule guided in some way by the public interest, however that is conceived. Liberalism, seen in this perspective, supplies additional precision to the definition of the public interest rather than providing an alternative paradigm, by insisting that good governance must be understood in terms of what is good for the individuals who are governed. Republican liberalism, then, proposes that individuals are better off when they can cooperate in collective self-governance, and that certain institutions and citizenship norms are their best tools for achieving that purpose.

That institutions can affect outcomes by altering actors' incentives is a well-established result in the social sciences. By sequencing choice, allocating agenda control, increasing transparency and ensuring enforcement of collective decisions, institutions not only make equilibrium outcomes more likely, but the particular contours of the institutions also narrow the range of possible equilibria. Institutions matter to the extent that being able to predict how others will behave can increase the willingness of everyone to contribute to

---

citizen body of 5000 rather than the 20,000 or so and, had it succeeded, might very well have been considered republican (Aristotle favored a government of this kind which could also be considered a "hoplite" or middle class democracy).

cooperative endeavors. Particular kinds of institutions have substantive effects as well. For example, more checks increase the stability of the status quo, but knowing who holds those checks tell us whose preferences are likely to be reflected in that status quo.

Theories of social norms are controversial because such norms can arise in various ways and have multiple explanations. But they may function as strategic beliefs that make certain collective outcomes more likely than others by making certain beliefs "focal" in Schelling's sense. In David Lewis's (1969) formulation of David Hume's intuition, in common strategic settings of social interaction, certain systems of beliefs or social conventions can stabilize cooperative rather that uncooperative outcomes.[4]

In the following section, we trace the shift in republican thinking about potential sources of despotism from democracy and monarchy to oligarchy. Representation becomes the core element of republican institutional design by the 18th century, as we discuss in Section 3. In Section 4, we explore the role of virtue in republican thought. The exaggerated threat perceived in liberalism in recent years burdens public virtue with more of the common good than it can carry. But when virtue is reinterpreted to mean constructive social conventions or constitutional norms, we can appreciate their possibilities as constructive social instruments.

2. Institutional Fixes for Despotism

Institutional design has often figured in the republican project of protecting against arbitrary rule. While Pocock and Skinner de-emphasize the institutional connections between republicanism and mixed government, republican liberalism puts institutions front and center. Certain institutional configurations, particularly those that divide power among multiple actors, are thought better able to protect against temptations to abuse power, and we have suggested that many variants of republicanism sort themselves according to who is thought most prone to those temptations.[5] The republican emphasis on "rule of law" is of the same character: by subordinating political actors to law that is difficult to change, the public is protected against many kinds of abuse.

2.1 Against Democracy

From the middle of the fifth century the governing principle in Athens was political equality among all citizens. Pericles says in his famous Funeral Oration, "Our constitution is called a democracy because power is in the hands of not a minority but of the whole people" (Thucydides *History of the Peloponnesian War*). And by the time that Aristotle wrote, democracies had become widespread throughout the Hellenic world. For Aristotle, the Athenian constitution was flawed in extending full citizenship rights so widely. Such a wide franchise effectively enables the poor to govern the city and the poor, like the rich, will inevitably favor their own interests over the common interests of the whole city. The middle class is the steadiest and least eager for change, so those constitutions are best that lodge their center of gravity there (*The Politics* IV, 11). This could be done either by restricting the franchise sufficiently that government is controlled largely by those of moderate wealth, or else by mixing control of institutions among the classes. Aristotle argued that mixing control of government between the wealthy and the poor was one way assuring that moderate policies would be followed and despotisim avoided.

---

[4] we take no position on the issue of whether this "functional" aspect of certain social norms could count as an explanation for the norm itself.

[5] In attacking one or another form of despotism, republicans may also be advancing a particular construction of government, or branch within it.

The value Aristotle placed on moderation explains his preference for "hoplite democracy" where those with economic self sufficiency and a stake in defending the community were sufficiently dominant to govern in a moderate way: "Tyranny often emerges from an over-enthusiastic democracy or from an oligarchy, but much more rarely from middle class constitutions or from those very near to them…Where the middle element is large, there least of all arise faction and counter-faction among citizens" (*The Politics* IV, 11). Aristotle thought that "the best state will not make a worker a citizen" because the worker does not have the economic means and therefore the leisure time to invest in learning and public service (*The Politics* III, 5). Aristotle favored the rule of the 5,000 that was attempted in Athens in 411 B.C. over the restored democracy that followed the oligarchy of The Thirty in 403.

For polities without a large and dominant middle class, Aristotle advised a mixed government where both the poor and the rich ruled together in a way that would establish stable government on the basis of a moderate compromise that could approximate the rule of the middle element. Aristotle saw mixed, or balanced government as a way to give voice to different elements in society, such as the elite and the populace (the poor people). The term "mixed government" is often used as shorthand for any form of government that is not a "simple" member of the classical trilogy of monarchy, aristocracy, or democracy.[6] Aristotle wrote of the rule by one, few, and many and concluded that for most polities, a mixture of these would be most stable and most likely to produce good outcomes. Aristotle thought it important to mix the classes and their capabilities and motivations in the right, or moderate, proportions.

Polybius, a Greek writing about the Roman Republic at the peak of its glory, built Aristotelian ideas of mixed government to develop an argument about how the mixture of aristocratic, monarchical and democratic elements he found in the Roman constitution were instrumental to the successful pursuit of great public projects and the acquisition of empire by preventing domination by any particular group in society (*Histories*, Book 6).[7]

---

[6] To distinguish it from the more specific terms of "checks and balances" and "separation of powers," we use "mixed government" here as Aristotle used it to refer to a mixing of different societal elements in government.

[7] It is unclear whether Polybius drew directly on Aristotle or earlier Greek writers. He refers to other "writers" describing the kinds of constitutions in the world and exhibits a clear preference for mixing control of government by mixing constitutional forms. If fact, his version of mixture was more explicitly institutional than Aristotle's and perhaps

These “checks and balances” produced not only stability, but energy and vibrancy, by institutionalizing and channeling conflict between the classes. Because none of the unalloyed constitutional forms possessed the stability to rest in equilibrium, mixed government was best. “Lycurgus, I say, saw all this, and accordingly combined together all the excellences and distinctive features of the best constitutions, that no part should become unduly predominant, and be perverted into its kindred vice; and that, each power being checked by the others, no one part should turn the scale or decisively out-balance the others; but that, by being accurately adjusted and in exact equilibrium, the whole might remain long steady like a ship sailing close to the wind” (*Histories* VI, 10).

Cicero’s *Laws* echo the Polybian characterization of Republican Rome, and credits institutional checks for Rome’s military vigor though with some difference of emphasis. Cicero favored a political division of labor that would harness and temper what he viewed as the public’s otherwise mobbish tendencies. In *The Laws*, Cicero has Marcus defend the tribunate over the objections of Quintus who calls Gracchus a filthy beast for causing turmoil. Marcus says, “I admit there is an element of evil inherent in the office of the tribune; but…the crude power of the people is much more savage and violent. By having a leader it is sometimes milder than if it had none (*The Laws* III 23-24). In his *Res Publica*, Cicero wrote, “There is no state to which I should be quicker to refuse the name of republic than the one which is totally in the power of the masses. In the first place, for me there is no public except when it held together by a legal agreement” (*Res Publica* III 45). Anticipating an argument that Kant would make many centuries later, Cicero seems to be saying that a democracy cannot be bound by law and is therefore a form of despotisim.

2.2 Against Monarchy

During the Roman principate Tacitus managed to write subtly critical histories of earlier emperors and it doesn’t take much imagination to infer Tacitus’s preference for the earlier Republic.[8] Tacitus has Asinius Gallus, a member of the Roman Senate, asking Tiberius Caesar “What part of the State do you wish to have entrusted to you?” Tacitus seems to be sympathizing with this expectation that political authority be checked and divided, but plays the disinterested historian in merely noting Tiberius’s angry response and Gallus’s hasty retreat (*Annals* I 12).

---

reflected the more purely institutional analysis of constitutions found early in Herodotus (Histories, Book III:80).

[8] Tacitus wrote in *The Annals* about the funeral of Augustus, “The funeral soldiers stood as a guard, amid much ridicule from those who had either themselves witnessed or who had heard from their parents of the famous day when slavery was still something fresh, and freedom had be resourght in vain, when the slaying of Caesar, the Dictator, seemed to some the vilest and to others the most glorious of deeds. ‘How,’ they said, ‘an aged sovereign whose power had lasted long, who had provided his heirs with abundant means to coerce the state, requires the defense of soldiers that his burial may be undisturbed” (*The Annals* I 8).

Although the efflorescence of republican writing was subdued by Roman imperial and then papal authority into the middle ages, the Estates of the Middle Ages gave some measure of political voice to various societal groups whose cooperation and resources the monarchy required to wage war. Of course "the many" had an attenuated voice in these bodies given the wealth requirements for participation in the Third Estate. Only in Sweden, where the peasantry figured centrally in the expulsion of the Danes in the 16th century, was there a fourth estate for the common man. Whatever the sociological basis for Aristotle's theory, "mixed government" in practice reflected the bargaining power of societal groups with claims to privileged status. Bicameral legislatures were born out of the first and second estates though they have typically been reinvented around geographic representation or simply installed as another veto point in the legislative process.

Machiavelli gets credit for grounding the theorizing about institutional design in incentives in the place of moral virtue, but the church, medieval monarchs, and their subjects had been bargaining over authority and prerogative for centuries. Within the church, which was itself an earthly power throughout the middle ages, conciliarists including Marsilius of Padua (d. 1343), Jean Gerson (d. 1429), Jacques Almain (d. 1515), and John Major (d. 1550) articulated a theory of papal accountability to church councils that sounds strikingly similar to later theories of authority based on consent (Skinner 1978; Tierney 1991; Oakley 1996: 75; Black 1998). This was not so much radical theorizing as a recognition of personnel and doctrinal disputes over centuries of ecclesiastical history. Few conciliarists would have denied the pope's jurisdiction over the church, but the pope was to govern in accordance with church law and doctrine which the councils shared a role in protecting (Nederman 1998: 915). We need not go as far as Skinner, who finds in conciliarism "constitutional theories of resistance," to agree with him that ecclesiastical struggles generated a demand for rule of law within the church.[9]

The church also contested the authority of medieval kings, transforming clergy into "the first estate" with its own rights and privileges. The Magna Carta's first clause states "The English church shall be free and shall have all its rights entire" (Tierney 1995: 71). Those who served as the king's armed forces and those who paid taxes were also medieval "estates" and much of early modern political history is about the struggle between parts of inherently "mixed monarchies." What we call medieval republican thought is in part a reaction to perceived imbalances or infringements by one part of the monarchy. Its early modern successors in Civil War England and 18th century France can be understood as a reaction to monarchical absolutism under conditions of the increasing scale of interstate warfare, which may or may not involve the rejection of monarchy itself.

---

[9] Skinner is not alone in making these claims. Harold Laski famously said "the road from Constance to 1688 is a direct one" (Oakley 1962: 1) and J.N. Figgis declared that the decree of the Council of Constance asserting its superiority to the pope was "probably the most revolutionary official document in the history of the world" (Oakley 1996: 72).

By the 16th century, overweening monarchs had become the great threat against which mixed government was now arrayed. Machiavelli's work can be read as a call to arms to the people of Florence to resist the encroachments of foreign powers and domestic princes; and the best way to achieve this is by political reform that elicits loyalty, civic participation, and sacrifice in order to achieve a kind of communal freedom, a free city. Machiavelli thought Rome must have owed its greatness to the civic virtue inspired by political inclusiveness and mixed government, and Machiavelli's fascination with Rome was on account of its greatness, not because of the intrinsic value of popular rule or individual freedoms. "[T]he most marvelous of all is to observe the greatness which Rome attained after freeing itself from its kings. The reason is easy to understand: for it is not the well-being of individuals that makes cities great, but the well-being of the community; and it is beyond question that it is only in republics that the common good is looked to properly in that all that promotes it is carried out; and, however much this or that private person may be the loser on this account, there are so many who benefit thereby that the common good can be realized in spite of those few who suffer in consequence" (*Discourses* II:2).

Machiavellian thought, in Pocock's account, fueled a republican revival during the 17th and 18th centuries. The rise of monarchical absolutism was the setting that both inspired Machiavelli's thought in Italy and that enhanced its reception elsewhere, particularly among those who first felt the monarchy's pinch--the nobility. If Wootton (2005) is right that popular rule became the defining feature of republicanism with Machiavelli, we might speculate that the worry about being overrun by monarchies made the elite more willing to strike deals with the people who could help fight them off.[10] Machiavelli, concerned about the fate of Florence at the hands of France and Spain, found in Roman political practice a possible remedy for his city state: citizens armies empowered and ennobled by popular political participation.

But, as Wootton points out, popular rule is taken to mean, more often than not, that the people are the ultimate source of authority rather than to require popular political participation in executing that authority. "What is at issue are the contrasts between public and private and between legitimate and illegitimate, rather than, or at least as much as, that between the rule of the one and the rule of the many" (Wootton 2005a). The Athenian political practice was viewed with distaste not only by Athens' own philosophers, but also by later proponents of popular government who sought less radical forms of popular participation.[11] For one thing, the lawmaking process in Athens was not controlled and regulated by elites; for another, it was unpredictable. The Roman plebeians struggled for the superiority of popular laws, especially plebiscites, and sought to make such actions binding and controlling on the senate and other magistrates. But they were met with resistance that resulted in mixed government. Subsequent mixed government polities, including the Italian city states of the middle ages, typically did so on the basis of a narrow franchise and until the 19th century the suffrage implications of popular rule varied more dramatically than the rather stable idea of public legitimacy.

---

[10] [R]epublicanism, I will argue, was invented in fifteenth-century Florence….The key moment of transition to the modern language of republicanism [to mean popular rule] thus appears to be the Florence of Savonarola. It is not surprising then that Machiavelli (and indeed those who work on Machiavelli) take this new language for granted" (Wooton 2005a)

[11] Harrington knew his audience would view popular suffrage negatively when he wrote "It is affirmed by Cicero in his oration for Flaccus that the commonwealths of Greece were all shaken or ruined by the intemperance of their comitia or assemblies of the

The religious strife in 16th century France had made targets of both Huguenot assemblies of nobles and popular rallies of French Protestant peasants, but with monarchy ascendant, Montesquieu fixed his attention on checking the executive (Herman 1992). Montesquieu defined a republic as a rule by more than one: “A Republican government is that in which the body or only a part of the people is possessed of the supreme power: monarchy that in which a single person governs but by fixed and established laws: a despotic government is that in which a single person directs every thing by his own will and caprice” (*Spirit of the Laws* II,1).[12] Holland’s return to a narrow franchise and strong central executive in the wake of the successful Dutch Revolt produced similar reactions: while the 17th century Pieter Cornelisz Hooft had lauded a mixed constitution to keep both foreign princes and the local rabble at bay, the 18th century De la Court worried exclusively about the House of Orange (Helgerson 1997: 73). De la Court was hostile to government of one person in any form, effectively collapsing the Aristotelian distinction between monarchy and tyranny and denying the possibility of a beneficent monarch (Scott in Skinner 2002: 67).

Civil War was fought in England over the question of who should rule and in what proportions, and in this environment, even Charles I felt compelled to propound a theory of mixed monarchy in response to parliamentary saber rattling.[13] The mixed-government language of his “Answer to the Nineteen Propositions” of 1640 neither saved his regime nor, ultimately, his head. This was partly because he and his advisors steadfastly argued that the two Houses already possessed sufficient power to prevent the growth of royal tyranny and that further concessions from the crown would upset the balance. “The experience and wisdom of your ancestors hath so moulded this government out of a mixture of these [monarchy, aristocracy, and democracy], as to give to this kingdom the conveniences of all three” (in Weston 1960: 428). In response to Henry Parker’s claim that the parliament could do no wrong because it was the very embodiment of the state,

---

people. The truth is, if good heed in this point be not taken, a commonwealth will have bad legs” (*Oceana* in Pocock 1977: 267).

[12] And like Machiavelli, Montesquieu admired the Roman Republic because “abuses of power could always be corrected by its constitution, whether by means of the spirit of the speople, the strength of the senate, or the authority of certain magistrates” (*Considerations on the Causes of the Greatness of the Romans and Their Decline*, Chapter VIII).

[13] J.W. Daly (1966: 23) says that “the classical doctrine of the mixed or balanced constitution, glorified by Blackstone and widely accepted until nearly 1830, is now credited, not to Philip Hunton, but to the royalists.”

the royalist Bishop John Bramhall responded with a mixed government argument about protecting the balance of the "ancient constitution" (Daly 1971: 31).[14]

Republicanism took a different shape in the German context, for German republicans seem to have been little troubled by the idea of a strong monarch. Eighteenth century German political theory, according to Fania Oz-Salzberger (2002) retained the Lutheran acknowledgement of the superiority of princely power. By our "functionalist" view of mixed government, the people worried about despotism only insist that somehow despotism is inhibited and there are many ways – perhaps indefinitely many – that this might be done. The Germans perhaps thought that the princes were adequately restrained by the Holy Roman Empire and perhaps by competition among the small princely states. Montesquieu's interest in separation of powers, which may have had a special urgency in a large nation state, may have been less compelling in small states for this reason. Montesquieu's views about separation of powers were, in any case, largely ignored in Germany though they liked his "quest for a spirit of a people." Kant made a clear distinction between executive and legislative powers, and even coined the term "republicanism," but he was also uncritical of monarchical authority as long as it was in the public interest (Dann 2002:55). Obeying laws created by Reason is, as Kant defined it, "the very essence of freedom" (Oz-Salzberger 2002: 216).

2.3 Against Oligarchy

The possibility and dangers of oligarchical despotism is as ancient as the worry about democratic or monarchical despotism, but did not become republicanism's central debate until elite competition became the primary institutional safeguard against despotism in an age of mass suffrage.[15] Rousseau and Condorcet opposed conservative republicanism that strove to protect patrician privilege with checks reserved for the elite, arguing instead that establishing and protecting popular authority over government was the central task of government. Condorcet thought it important to minimize lateral checks, which he thought were a retrograde genuflection to aristocratic interests; but he accepted representation, or vertical checks, as the means for popular rule. Rousseau, on the other hand, thought the lawmaking body should consist of all citizens and opposed representation for the purposes of legislation. But he was no simplistic defender of majoritarian rule either. He argued for the use of supermajorities on important questions in order to check the majority within the assembly. He also thought delegation of executive authority to magistrates was both natural and necessary, though the magistrates are always to be servants of the sovereign (the legislative). Indeed, he had no prejudice against either monarchy or aristocracy as a form of government (magistracy) as long as the legislative power itself was left with the people.

---

[14] Bodin's theory of monarchical absolutism is cast in terms of the common good—that is, the common good might require that the king be entrusted with unassailable powers in certain spheres (Cromartie 1999: 100). Because of the emphasis on the common weal, or res publica, Bodin entitled his book on the subject *Six livres de la republique* (1576). Hobbes, of course, also developed his theory of absolutism on the basis not of the common good but an aggregation of individual rights to self defense, hence his designation as a liberal.

[15] Plato can be read to oppose democracy on grounds of its instability under conditions of economic inequality, though Cicero took him to mean that it would be more desirable to check popular rule than address income inequality. Aristotle thought that the rich would be as likely to use power to pursue their selfish interests as the poor would be to go after theirs, and suggested mixed government as a simultaneous fix for both problems. For Polybius, writing almost two centuries after Aristotle, unimpeded oligarchical power was as much an evil to be neutralized by constitutional design as unchecked popular or monarchical power.

Rousseau seems to have had in mind what the Roman republic had achieved when the plebiscite became binding as law in 287 B.C., in which magistrates would propose laws and the assembly would vote laws up or down rather than deliberating (*The Social Contract*, Book IV, 5). Popular sovereignty notwithstanding, Rousseau's institutional design recommendations, in which he typically gives the executive branch possession of proposal and veto powers over legislation, looks in many respects like Polybian mixed government.[16] But he saw the danger of executive "usurpation" of legislative power, as in the case of Geneva's executive council, to manipulate legislation unless institutional precautions were taken.[17]

Rousseau only imagined citizenship in an era of a broad franchise, for his native Geneva was narrowly oligarchical, and England, a model he thought top-heavy, had not yet moved far towards broader suffrage. In the following section, we document how mass suffrage, which gradually became accepted practice beginning in the late 18th century, reoriented republican theorizing to the question of how to manage representation.

3. Republican Liberal Institutions

For Wootton (2005a), popular rule became the defining feature of republicanism with Machiavelli. But popular rule did not become associated with a broad franchise until the 18th century in the U.S. colonies and in Revolutionary France, and gradually in England. We leave aside the question of why suffrage expanded, though it seems certain that it was not soley on account of new ideas. Leveller mobilization of manpower in Civil War, for example, gave temporary force to their demands for broader suffrage, rather than any novelty of their ideas, for they borrowed freely from multiple extant traditions. In Harrington's day, as later in Condorcet's, the public's large role in facing down the monarchy brought with it ideas of wider suffrage. But once Parliament secured itself against the monarchy with the Act of Settlement, the political elite lost its appetite for sharing political voice with the public. Not surprisingly, the suffrage implications of popular rule were accepted centuries later than the early idea of public legitimacy.

---

[16] Constant and Hegel blamed Rousseau's ideas for the French Revolution, but Jacobin democracy bears little resemblance to Rousseau's ideal constitution.

[17] In the Letters from the Mountain, Rousseau warned that "in the continuous exercise of his power [the executive can] bend each thing to his will little by little….The power of the small council is absolute in every respect; it is the minister and the prince, the party and the judge all at the same time; it orders and it executes; it seizes, it imprisons, it judges, it punishes by itself. It has the force at hand to do everything; all those it employs are unaccountable; it does not give an account of its conduct or of theirs to anyone" (Letters, Ninth Letter).

3.1 Representation

Representation makes possible popular government on a larger scale for citizenries that are territorially dispersed and socially diverse. Republican liberalism as we have defined it does not require that government be representative, for direct participation or taking turns at governing would be other, nonrepresentative possibilities. All have some way of conveying the voice of the adult populace. The representative model of elite competition, which we associate with Madison and later, with Schumpeter, has merely "won."

Madison's idea that representation improves the popular voice by refining it and making it more manageable has, of course, republican antecedents. Cicero thought tribunes typically to be more measured than the public they represented (*The Laws* III 23-24). Kant thought vertical separation through representation would generate more reasonableness by creating an additional check.[18] Madison remarked in the context of his discussion of the Senate, that the principle of representation was by no means unknown to the ancients: while the legislative powers were reserved to the people in many of the ancient republics, still "[i]n the most pure democracies of Greece, many of the executive functions were performed, not by the people themselves, but by officers elected by the people, and *representing* the people in their *executive* capacity." (Federalist 63) He went on to stress that in fact the "… true distinction between [the ancient] and the American governments, lies *in the total exclusion of the people, in their executive capacity*, from any share in the *latter*, and not in the *total exclusion of the representatives of the people* from the administration of the *former*."[19] Notice that Madison makes a double move here: first noting that people are excluded from administration in both ancient and modern republics, and then implying that the people are not (completely) excluded from a role in the legislature if their representatives exercise [all] legislative powers. But their role in legislation remains indirect rather than direct. We suspect that Kant would have accepted this analysis and conclusion.

---

[18] Kant wrote that any form of government that is not representative cannot be republican "because one and the same person cannot at the same time be both the legislator ad the executor of his own will….[T]he smaller the number of ruling persons in a state and the greater their powers of representation, the more the constitution will approximate to is republican potentiality" (*Perpetual Peace*).

[19] "[T]here are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind? What bitter anguish would not the people of Athens have often escaped if their government had contained so provident a safeguard against the tyranny of their own passions?" Madison went on to suggest that geographically extensive districts could have an advantage over the small districts that Rousseau favored on account of promoting deliberation: "It may be suggested, that a people spread over an extensive region cannot, like the crowded

Condorcet favored representation as a desirable way to combine large territorial scale with self- rule, but reserved room for referenda on the constitution as needed--legalizing revolution, or making it permanent, as some have said. He objected to bicameralism as an unnecessary check "yielding to a conservative counterrevolution"(Mintz 1991). In complaining about the American constitution, Condorcet wrote that a unicameral legislature was the best form of representative government because it would do most to promote responsiveness. Condorcet had been an "americaniste" against the "anglomanes" who were inspired by de Lolme's Constitution of England but he became disillusioned. In 1788 he wrote to fellow-unicameralist Benjamin Franklin, "I see with pain that the aristocratic spirit seeks to introduce itself among you in spite of so many wise precautions." Condorcet's 1793 plan for France, though rejected by the Jacobins, urged the avoidance institutional checks where possible. In the place of checks, Condorcet included delaying procedures in the legislative process to protect the public from rash majorities, and recommended that a two-thirds legislative majority be required to dispense with the delays established by law. (Condorcet 1793 in Baker 1976).

Cordorcet also objected to equal representation of the states in the Senate (as Madison had during the Constitutional Convention), and to the power of Congress to legislate Congressional salaries (this was the subject of one of the amendments in the original 12 -- it was finally ratified 200 years later as the 27th amendment). He also thought that the judiciary would set itself as an obstruction to measures of the legislature (the anti-Federalist Brutus agreed, as did Hamilton in Federalist 78, though he attached a rather different spin to this), and thought the presidential election would ensure the selection of the noisiest rather than the most competent, representative of the people. His own plan for the executive—a collective body accountable to the legislature not unlike the modern Westminster cabinet--looked quite different.

John Adams took personal offense at Condorcet's 1788 "Letters of a New Haven Citizen" in which Condorcet voiced his dismay at the numerous checks built into the American constitution.[20] Against Condorcet's optimism of the perfectibility of human kind and the triumph of reason, Adams thought that the world would go on muddling through and that if separation of powers had some unfortunate side effects, they were a necessary precaution against the even worse possibility of concentrations of power (Haraszti 1950). But both Adams and Condorcet shared a republican liberal commitment to institutional design even if they favored different particular institutional combinations.

---

inhabitants of a small district, be subject to the infection of violent passions” (*Federalist* 63).

[20] Condorcet had been made an honorary citizen of New Haven, which he amusingly misspelled "New Heaven."

3.2 Separation of Powers

By the late 18th century republican theorizing had taken on the language of separation of powers, a concept related to the old republican idea of mixed government but one that shifts the emphasis from the representation of particular societal interests to a functionalist one that stresses mutual opposition of more than one body in government.[21] Even if those bodies represented the same citizens, as in the case of a president and a legislature, for example, each would serve as a check on the arbitrary use of power by the other as long as the aggregation of citizens' interests did not always lead to identical preferences of these two different representative actors.

In the American colonies, the mechanics of institutional design proved more complex than an image of a stable system of checks and balances would suggest, and over several decades Madison's views towards the dangers of despotism changed in response to parts of government he saw as ascendant. The American founding permits us to see two distinct "opponents" of republican rule. Hamilton and early Madison were most concerned with cotrolling democratic, or majoritarian forces. The anti-federalists were more worried that the federalists—particularly Hamilton as well as John Adams and Washington--were attempting to build a new kind of monarchy under to cloak of the new constitution. Madison came to share many of these sentiments during the 1790s. Madison was less worried about oligarchy in the American context, because he thought that competition among representatives, however elite, would make a cabal of the well to do untenable.[22]

U.S. state governments by the 1780s had assumed substantial powers; in Gordon Wood's words, "the confiscation of property, the paper money schemes, the tender laws, and the various devises suspending the ordinary means for the recovery old debts…were not the decrees of a tyrannical and irresponsible magistracy, but laws enacted by legislatures which were probably as equally and fairly representative of the people as any legislatures in history (Wood 1969: 404). In 1788, Madison worried that state assemblies were

---

[21] Pocock (1975) writes of separation of powers in connection with Shaftesbury's restatement of "the old antithesis of "Court" and "Country" in a new form, "one based on employment of the civic and republican concept of "corruption," in a version which owed much to Harrington" (p. 407). In Whig ideology the "Court" now referred to corrupt ministers rather than the king's men. Patronage made representatives of the people dependent on the Court, undermining the integrity of representation. The executive was threatening to encroach on the legislature's autonomy so the balance being disturbed was better seen as one of constitutional powers than estates (420). In acknowledging that separation of powers was seen as a means to cut corruption, Pocock reverses his usual causal arrow between virtue and institutions.

[22] In Federalist 57 Madison wrote, "Of all the objections which have been framed against the federal Constitution, this [charge of oligarchy] is perhaps the most extraordinary." Anticipating Schumpeter, Madison argued that electoral competition and frequent elections would force representatives to be accountable to the voters.

“drawing all power into its impetuous vortex” at the expense of the young nation’s executive authority (Wood 1969: 407). Jefferson shared his concern and is quoted by Madison in Federalist 48 as saying, “All the powers of government, legislative, executive and judiciary, result to the legislative body. The accumulation of all powers, legislative, executive, and judiciary, in the same hands, may justly be pronounced the very definition of tyranny. ” (Levi 374). The Constitutional Convention of 1787 was a reaction to the unchecked power of the legislatures and reinvigorated the doctrine of separation of powers as a criticism of legislative power (Wood 1969: 608).

Years later, as latent presidential powers became apparent, Madison began to worry about how to keep too much legislative authority from slipping out of congressional hands. Given the informational and coordination advantages of the leaner and more decisive executive branch, Madison feared that overlapping authority between the executive and legislative branches played to the strengths of the presidency in important areas of policy making, starting with foreign policy (Ferejohn 2003: 146). The carefully crafted executive-legislative balance built into the constitution proved impossible to fix at an equilibrium that satisfied Madison. When an appeal to “constitutional morality” or self restraint failed to slow an encroachment of executive powers in connection with the First Bank of the United States and the Alien and Sedition Acts, Madison resorted to appeals to the state legislatures that he had earlier sought to tamp down. When that failed, Madison and his party appealed to the electorate itself, with the result that the Democratic Republicans won the presidency and a legislative majority in 1800 (Ferejohn 2003: 150). Though separation of powers in the U.S. channels the popular voice in distinct ways, electoral competition ultimately gave voters a larger role in this “mixed government” than any of the founders seem to have imagined at the outset.

We read the U.S. Founders to be republican liberals in the sense we have laid out. Madison's version included undeveloped ideas so it was not the final word in republican liberalism: he could not see how powerful the executive could become and how hard it would be for the legislature to control it. He vastly overrated the power of the legislature by not taking account of severe collective action problems and informational issues, and he totally missed the courts and their possibilities and dangers.

Tocqueville, viewing America in the 1830s, saw the populist presidency as a causal consequence of American majoritarianism. Tocqueville’s instincts were for separation of powers, for perhaps both republican and liberal reasons; but his attachment to them was tragic in that he thought they were in danger of being overrun by societal populism. Existing checks and balances appeared to Tocqueville insufficient against the irresistible force of majority opinion and majority rule in a society where Montesquieu’s “intermediate powers” of family, aristocracy, and guild had been replaced by upwardly mobile (or at least upwardly hopeful) individuals.[23]

---

[23] In place of Montesqueiu’s *corps intermediares*, Tocqueville substituted a similar notion of *pouvoirs secondaires*. (George 1922: 11, 16; Mitchell 1988: 47). Benjamin Wright credits Tocqueville for coining the word *individualisme* (Wright 1946: 59), which

Forcing the majority principle to encounter barriers is precisely the impulse behind separation of powers, and Tocqueville's critique finds its mark in majoritarianism rather than in its mixed government counterpoint. Seeing America in the 1830s, Tocqueville seems to have overestimated the likelihood that majority opinion would dominate all of the system's veto points in precisely the same way to nullify their checking function.[24] It would appear that he missed, in fact, the opposite set of pathologies that can arise from the multiple vetoes themselves: the unresponsiveness to majorities, or the protection of privilege by those better able to work the system.

3.3 Judicial Independence and Rule of Law

Judicial powers are the most recent aspect of mixed government to be theorized.[25] The early modern focus on the legislative and executive at the expense of the judicial seems traceable to a local preoccupation with the religious conflicts surrounding the Reformation and its aftermath. The absolutist theories of Bodin and Hobbes sought, above all, to cope with the threats to social order and personal security posed by religious strife. Social interests threatened by monarchical control of religion also powered the anti-monarchal thinking of Harrington and Locke. At a time when judges were part of the executive serving at the king's pleasure, there was less reason to focus on judicial power as a separate function, and skepticism about seeing it as a separate branch of government was warranted. [26]

The crucial development in England was the Act of Settlement's granting judicial tenure "during good behavior" rather than "during the king's good pleasure judges" as was the former practice (Maitland 1908: 312-313). The Act of Settlement was a statute, albeit with constitutional status, leaving judges abstractly vulnerable to parliamentary action. But combined with political fragmentation across the other branches of government, which reinforced judges' statutory independence, Hanoverian England became the high point of judicial power in England. In the mid-18th century under Chief Justice Mansfield virtually all law-- civil, criminal, public -- was judge-made and judge-enforced. The crown largely concerned itself with foreign/military issues, the parliament busied itself with bits of public works and permitting enclosures, and courts ruled England. By the 19th century the waning powers of the king and emergence of party

---

Tocqueville thought arose in part from the social mobility (up and down) that threw each generation back onto its own resources.

[24] Wright thinks Tocqueville's may have overlooked the importance of the presidency on account of his selective interviewing with upper class Whigs who were unable to comprehend that Jackson was more than "a superannuated Western barbarian who owed his position to one moment of military triumph" (Wright 1946: 54).

[25] The obvious contrast is with ancient Hebrew or Islamic religious codes where the divinity of law required less attention to legislative power so more focus was on the interpretation and enforcement of law.

[26] Hobbes famously abhorred such an idea and wrote an extended attack on it and on Coke's defense of something like judicial independence.

government in parliament undermined the political conditions for judicial independence, though statutory protections of judges remain in force.

Montesquieu was one of the first theorists of judicial independence and stressed the importance of judicial separation for avoiding tyranny or perhaps, producing rule of law. “Miserable indeed would be the case, were the same man…to exercise those three powers, that of enacting laws, that of executing the public resolutions, and that of judging the crimes or differences of individuals…The judiciary power ought not to be given to a standing senate; it should be exercised by persons taken from the body of the people at certain times of the year, and pursuant to a form and manner prescribed by law, in order to erect a tribunal that should last only as long as necessity requires. (*Spirit of the Laws* XI 6, 13). De Lolme skipped mention of judicial independence altogether because he thought that parliament’s power of the purse was sufficient to ensure that the monarch would respect liberty.

Stephen Holmes (2001) argues that monarchs themselves might favor judicial separation, because it secures investors from arbitrary confiscation of wealth and therefore stimulate economic growth. Holmes’ idea of separation draws on Montesquieu: “Monarchy is destroyed when a prince thinks he shows a greater exertion of power in changing than in conforming to the order of things (*Spirit of the Laws* VIII,6). “The danger is not when the state passes from one moderate to another moderate government, as from a republic to a monarchy, or from a monarchy to a republic, but when it precipitates from a moderate to a despotic government” (VIII,8). There is nothing in this account, however, explaining how a monarchy could tie its hands from judicial interference without losing the power it seeks to retain.

How important judicial independence is for the rule of law remains incompletely understood. Democratic competition or strong social conventions in favor of individual rights may at least partially substitute for constitutional provisions for independence; and effective judicial independence likely owes at least as much to the fragmentation of the political branches as to formal constitutional protections of judicial jobs and salaries. Judicial independence in England rests on convention and statutory law in a political system that is no longer fragmented, and that country’s contemporary record on protecting the rights of individuals is as good as any. As the executive check in the British system melted into parliamentary government in the 19th century, English constitutional practice moved closer to the representative majority system that Condorcet envisioned than the highly checked system of Montesquieu’s analysis or the modestly checked one of de Lolme’s. The protection of individual rights and liberties in the case of England does not rest on institutional checks for they are largely absent. Section 3 argues for an important role for social norms—call it “virtue” if you wish—in the support of socially cooperative equilibria.

3.4 Republican Liberal Institutions: Conclusions

Republican liberalism is recognizably different from democratic majoritarianism in thinking that arbitrary rule by any actor in society is to be avoided, even if that actor is the majority itself, and that institutions are an important device for preventing such rule. James Madison, with the benefit of centuries of previous republican theorizing, had a particularly rich model of institutional design: he got around the problem of factions that had stumped his republican forbears by using institutions to fragment interest groups in various ways that would pit them against each other. Following Hume, he saw that representation was not only possible in a large territory, but that big districts could "enlarge and refine" the public's view. And because he came after the "liberal revolution," his understanding of the common good in terms of the interests of society's individuals strikes us as modern. He was, we have suggested, a liberal republican.

Madison's model, too, requires updating in at least two ways. First, Madison de-emphasized any direct role for the people even within a mixed system, certainly until 1800 when he moderated that view. There is a sense in which the popular element can itself be a check, as Kant thought, where a government "by the people" is a vital means to the goal of public policy "for the people." Secondly, Madison did not envision the role of courts in modern democracy. If human rights and property are central concerns of a good government, Madisonian institutions may be insufficient since they do not see courts as a primary source of protection.

On the other hand, republican liberalism is a design principle rather than a detailed institutional blueprint, and there seem to be multiple configurations of institutions and norms that work well depending on context. It may be possible, as in the British case, to have strong protections of human rights in the absence of judicial independence, when the norms in support of human rights are sufficiently strong to deter any actor from violating them, whatever the institutional latitude for doing so. This leads us to take up in the next section what the classical republicans called virtue or virtu, but which we wish to redefine as convention or convergent expectations that permit a greater degree of social cooperation than institutions alone can guarantee.

4. Norms, Expectations, Virtue, Virtu

The task we set for ourselves in this section is to consider the role played in republican thought by habits, beliefs and expectations – what is sometimes called virtue, conceptualized as character or habits that contribute to making the governmental system work well and perhaps directly to the pursuit of common interests -- and how these norms have been influenced by the different "enemies" against which republicanism was directed.

There is, to be sure, a venerable tradition rooted in Greek and Roman thought and expressed in our day by Pocock and his admirers, that equates the right kind of character with at least a part of the common good itself. In the Greek notion of *zoon politikon,* humans are political and social creatures who realize their full potential acting in community, and Plato and Aristotle thought a well-ordered society or state could have a transformative effect on humans by creating a propensity to virtue (Shapiro 2003). Cicero's example of Cincinnatus resonates with this theme, and Machiavelli, too, thought that creating men with *virtu* (energy, valor, a willingness to commit to public projects) is part of the point of republican rule. Although exhortations of virtue or virtu sound quaint to modern ears, we argue that social norms, by creating shared expectations of how others will behave, are central to a society's ability to achieve its collective goals. In the absence of widely held common beliefs, the costs of enforcing compliance to laws, however well conceived, may be prohibitively high.

Aristotle worried that democracy, which he thought was rule by the poor, would be unjust. "If the majority, having laid their hands on everything, distribute the possessions of the few, they are obviously destroying the polity. But that cannot be goodness which destroys its possessor and justice cannot be destructive of the polity. So it is clear that this process, though it may be the law, cannot be just" (*The Politics* III 10). Aristotle grants that more heads are usually better than one, so to speak—that there is a "collective intelligence of the masses." "But," he also said, "it is not at all certain that this superiority of the many over the good few is to be found in every people and every large majority" (*The Politics* III 11). Aristotle thought that the right kind of constitution—a moderate one, achieved either by extending the franchise only to the propertied classes who tend to be "moderately inclined," or else by establishing a mixed government where the powers of the rich and poor would be balanced -- would cultivate public spiritedness and a good public life. For Aristotle, moderation was a personal virtue but also a characteristic of laws and policies, and it could be constitutionally encouraged by well chosen institutions.[27]

According to Pocock, the classical equation of personal virtue and civic health was reintroduced to the world through the writings of Machiavelli, creating a direct intellectual link between Greek thought and early modern republicanism in Europe and America.[28] By requiring that institutions are transforming rather than that they can serve to substitute for personal virtues, Pocock runs the risk of giving personal virtues too much work to do in holding together a political community.[29] Pocock does this, we suggest, because his implicit agenda is to attack modern liberalism, a philosophical orientation which he thinks has prioritized individual rights and welfare at the expense of the common good.

---

[27] Though, it is not clear that moderation is necessarily an attribute of individuals or whether, in addition, it characterizes policies.

[28] For a diverse group of scholars including Alasdair MacIntyre (1984), Paul Rahe (1992), and Jonathan Scott (2002), Machiavelli was a very different sort of pivot in the development of republican thought than he appears in Pocock's account. For them, Machiavelli did not accept the morality and "right reason" that was at the heart of classical republicanism and attempted to adapt a notion of republican civic participation to a world of passions. Although arrayed against Pocock on his characterization of Machiavelli, these scholars are less agreed on how much it matters. MacIntyre fears that the collapsed agreement about virtue may preclude political (MacIntyre 1984: 244). Rahe, on the other hand, doubts the existence of classical republicanism in early modern Europe, because Machiavelli had successfully supplanted the centrality of virtue with a new orientation around positive political analysis. Scott agrees with MacIntyre that political community requires consensus on virtue, but thinks Machiavelli's influence

For Pocock, James Harrington was a central figure in this transmission of ideas, lamenting the deterioration of virtue in Civil War England. It is possible, however, to read Harrington instead to mean that virtue is a byproduct of good institutions rather than an end in itself. "For as man is sinful, but yet the world is perfect, so may the citizen be sinful and yet the common wealth be perfect" (*Oceana* in Pocock 1977, 320). Harrington seems to have been speaking elliptically to Cromwell and his supporters to argue that human corruption was a result of bad institutions and not a cause for popular government to fail and for authority to be seized.

Pocock not only looks for and finds the classical preoccupation with public virtue in medieval and early modern Europe, but also believes that it survived the enlightenment, industrialization, commercial individualism, and skepticism about moral unity. In Pocock's account, the liberal, Lockean view of "selfish interests checking each other" layered on, rather than replaced, a commitment to communal values and public service in 18th century England.[30] And although classical ideas were mingled with Scottish enlightenment liberalism before reaching the American colonies, even there republican values did and still do compete for public attention despite being eclipsed by a more liberal version of constitutionalism. According to Pocock, "[t]he conventional wisdom among scholars who have studied their growth has been that the Puritan covenant was reborn in the Lockean contract, so that Locke himself has been elevated to the station of a patron saint of American values….The interpretation put forward here stresses Machiavelli at the expense of Locke...The Americans, then, inherited rhetorical and

---

should not be overstated and that most English republicanism was indeed straightforwardly classical (virtue-keen) republicanism. Of course, these scholars may see more moral unity in classical republics than was likely ever in play across class or cultural lines. Aristotle and Cicero, as their European emulators, thought that the elite needed one set of virtues and the populace another.

[29] Pocock (1975) develops this argument in his extensive discussion of the work of Giannotti, a Florentine republican contemporary of Machiavelli. "Assuming that it is the property of man that as a rational political animal to rule with an eye to the common good, and assuming that this state of mutual political dependence will compel men so to rule whether they intend to or not, such a distribution of functions will make men rational; umori will become virtu....The polity is a contrivance of human intelligence for the institutionalization of virtu: for assigning men functions which will require them to act in such a way that their natures are reformed...(p. 300).

[30] Pocock's characterization of Lockean thought as requiring a belief in "acquisitive individualism," a view promoted by C.B. McPherson, has come into question. Accepting Locke's appreciation for the common good makes it harder to distinguish him from a republican.

conceptual structures which ensured that venality in public officials, the growth of a military industrial complex in government, other directedness and one dimensionality in individuals could all be identified in terms continuous with those used in the classical analysis of corruption..." (Pocock 1975: 548).[31]

Quentin Skinner's recent work, including his *Liberty without Liberalism,* is on a similar mission. According to Marco Geuna, Skinner once thought that the disagreement between neo-Roman republicanism and Scottish liberal/natural rights was not so much about the meaning of liberty as about the conditions that must be met if liberty is to be secured. Neo-Roman or neo-classical republican liberty, according to Pocock, requires a commitment to public virtue and cannot be manufactured by institutional design alone. Skinner now argues, however, that "the two schools of thought disagree about the meaning of liberty itself" (Geuna 2002). Skinner takes republican freedom to be a certain kind of negative freedom fundamentally different than the notion of freedom that is at the root of the liberal tradition.

Like Skinner and Pocock, Philip Pettit claims that there is project that unites all republicans. "The central theme in republican concerns throughout the ages -- the theme that explains all their other commitments -- has been a desire to arrange things so that citizens are not exposed to domination" (2003).[32] A is dominated by B, according to Pettit, if B can impose her will on A in a range of counterfactual circumstances. A's choices in these circumstances will be forced to track B's interests and not her own. Nondomination, for Pettit, is "the position that someone enjoys when they live in the presence of other people and when, by virtue of social design, none of those others dominates them" (Pettit 1997: 67). "They do not live, as the Romans used to say, in *potestate domini*: in the power of a master. This republican concern was always expressed as a commitment to freedom, since freedom in the republican canon requires the absence, precisely, of domination" (Pettit 2003).

The idea of nondomination seems to us more of a liberal than classical or Roman idea. For one thing, the Romans of the republic tolerated a stratified social system characterized by extensive social domination. And Hobbes himself, the paradigmatic liberal, characterized the state of nature as a place in which each person lived in constant fear of interference of others and, for that reason, would be justified in adopting a paranoid attitude toward others. No one could safely acquire things or plant crops for fear that he would be killed by others seeking them. An occupant of the natural state worried not only that he was interfered with, but that if he did plant crops or acquire goods he *would* be interfered with by others seeking to take those things from him. It is a fear of occurrences in counterfactual circumstances and not only in the present factual one. And of course, Hobbes's central justification of the state is that by removing this fear it permits people to invest in the future and live freely. Indeed, it is hard to see why Hobbes would not, perhaps with some terminological rather than substantial adjustments, agree with Pettit that "Being unfree does not consist in being restrained; on the contrary, the restraint of a fair system of law--a non-arbitrary regime--does not make you unfree" (Pettit 1997).

---

[31] Daniel Rodgers contrasts Pocock's account of American "virtue-republicanism" with that of Bailyn and Wood, in which republicanism was but a phase or an element of the American founding (Rodgers 1992: 18).

[32] The revival of republicanism in constitutional law in the 1980s stressed "deliberative consensus" without providing a conceptualization of what the consensus would consist of or how statutory interpretation would differ from that recommended by other theories. For the a sketch of "deliberative republicanism" and its critics, see Sunstein 1988, 1993; Michelman 1988; Mashaw 1988; Epstein 1988; Sullivan 1988; Macey 1988; Fitts 1988; Gerber 1994.

If nondomination or something like it is a laudable goal in modern, diverse societies, how can it be achieved? Pettit's answer contains the two traditional dimensions of republican thought that we have discussed here: checks and balances that allow multiple points of access to the governance process, and public virtue, at least in the weak form of civility or tolerance of diversity. As we have pointed out, multiple institutional vetoes provide no universal protection, for it is probably that the rich and powerful are better able to work an institutionally complex system than the disadvantaged (Ferejohn 2001). Vetoes favor the status quo after all.

Modern positive theory suggests, indeed, constitutional norms and associated systems of belief, can be powerful complement to institutions of mixed government in achieving good. For David Hume, rules become self-enforcing, and social stability secure, when others are expected to conform and when nonconformity is subject to social sanctions rather than to formal enforcement alone. When norms in support of existing rules are widely held, cooperation becomes an attractive equilibrium strategy in the sense that people cannot make themselves better off by deviating unilaterally from the cooperative position (Hume *On Human Nature*; Lewis 1969). Without constitutional norms to create the expectation that a preponderance of citizens will conform to the rules, the most brilliantly designed political architecture can degenerate into chaos.

Barry Weingast (1997) has argued that widely shared norms and expectations may be vital to the possibility of a populace coordinating around a strategy to punish overweening rulers. In Weingast's example of the English Civil War, Protestant nonconformism served to galvanize opposition to the Stuart monarchy by raising expectations that resistance to arbitrary monarchical rule, beginning with matters of religion, would be widespread and forceful. The same logic seems to explain the catalytic role of Calvinism in the Dutch Revolt against the Hapsburg empire. Although the Dutch merchant elite was not particularly religious, Maurice of Nassau saw the strategic importance of the popular antipathy to the Hapsburg's anti-Calvinist rules and accordingly moved the seat of his government from Leiden to Amsterdam to capitalize on the power of popular sentiment (Israel 1986). Weingast, Rakove, and Rutten (2001) also recount how powerfully the collapse in public expectations of British-imposed stability galvanized support for the Revolutionary cause.

It is not our intention to suggest that social norms facilitated the best possible outcome in these cases or in general. Norms can converge on any distributional outcome including those that allow higher levels of cooperation, as well as more thorough forms of oppression. One could argue that American colonists might have been just as well off in both the short run and long run if the British had decisively put down the rebellion. Our claim is more modest. Norms, operating as strategic beliefs, powerfully affect the functioning of any given set of institutions, and in so doing, determine which of various possible equilibria is chosen. Without widely shared norms in support of a particular set of constitutional rules, undesirable outcomes such as chaos, inaction, and domination by the powerful are likely.

5. Conclusions

Republican liberalism as we have explicated it here provides a framework for understanding how institutions and social expectations interact in supporting well functioning governments. By recognizing that individuals form the basis of society's goals, liberal republicanism updates the venerable republican tradition to fit the conditions of the modern world. It is possible to conceive of the common good in more or less welfarist terms, where good institutions and internalized values solve coordination problems that allow society to reach a more cooperative equilibrium than they otherwise would (Gauthier 1986). This way of thinking about the common good is of course wholly consistent with liberalism, and redraws the battle lines to put republicans and some liberals in common cause against libertarians who abhor strong government and favor letting the market make decisions automatically as a result of private choices. The common good, we have suggested, includes instrumental goals that most or all of society's members can agree on, such as an interest in maintaining a system of checks and balances and a desire to ensure that the system works against tyranny of the one or many. Even if no one values the institutions for their own sake, the widespread support of them underwrites compliance to the rules and the policies they generate. In some conditions either institutions or norms might be sufficient to achieve cooperative equilibria on their own, but chances are better when they reinforce each other.

Republican liberalism sets itself apart from a number of other prominent analytical positions. First, there is the view articulated by Isaiah Berlin, echoing Constant's traumatized reaction to the French Revolution, that exhortations to public virtue are susceptible to totalitarian purpose. A commitment to civic humanism and the common good, on this account, could mask a range of private purposes. We do not deny potential dangers of blind conformity and do not argue that norms are always good, though Arendt had a different reaction to totalitarianism rather Berlin's: social values encouraging public political action can antidote selfish cowardice (Arendt 1961: 156). We cannot settle their dispute here for it is a largely empirical one, but we note only that the absence of cooperative norms can be devastatingly bad for whole societies. Examples abound from transition economies of carefully crafted institutions that have failed in a setting of mutual suspicion and noncompliance.

There is also the opposite view that norms and culture do not matter. A materialist worldview stipulates that culture is endogenous to material conditions and is therefore not an independent source of behavioral motivation. While we acknowledge the importance of material conditions such as the distribution of wealth for the functioning of government, we take institutions and norms to have independent causal power.

Some variants of institutionalism make similarly hegemonic claims for institutional incentives, suggesting that norms and behavioral outcomes are epiphenomena of the incentives that institutions create. That we value the role of institutional design should now be apparent. We have rejected arguments that place too much hope in virtue or good will not backed by institutional commitments. Good institutional design can enhance the likelihood that cooperative social norms will take root by creating a focal point around which expectations may converge, and if good experiences are reinforced over time. But we argue against institutional sufficiency.

Another view dismissive of norms, ironically, comes from nostalgic ex-culturalists who think that culture isn't what it used to be. MacIntyre laments that our ability to construct a virtuous and just society is impaired by the loss of a common moral metric. "Ronald Dworkin has recently argued that the central doctrine of modern liberalism is the thesis that questions about the good life for man or the ends of human life are to be regarded from the public standpoint as systematically unsettlable" (MacIntyre 1984: 119). MacIntyre contests this conclusion and the trend for law to replace virtue as societies become complex, and rule-liberalism to replace virtue-republicanism.[33] These theoretical orientations miss the point we have already made, that social cooperation rests, if often invisibly, on the ability of society's members to know with a high probability how others will behave.

Modern constitutional theory, in recognizing the importance of both institutions and social norms in creating the conditions for "good government," has rediscovered an ancient intellectual tradition. As we have shown, these are the core elements of republican thought from classical times. Separating liberal republicanism from its traditional variant is neither a fundamental disagreement about the role of institutions nor a quarrel about "virtue," at least as we have redefined it. The difference, we have argued, lies in liberal republicanism's embrace of individual welfare as the basis for the common good. Contrary to Pocock, Skinner, and Pettit, we contend that liberalism as a philosophical position does not commit to any particular mechanism for aggregating individual preferences and need not give individuals a veto over policy decisions as in libertarianism. Common goals that society chooses may be extensive as opposed to narrow, and may be vigorously enforced upon dissenters. Liberalism need not be an expression of selfish individualism. When combined with republicanism's explicit concern for the common good, it decidedly is not.

---

[33] See also Berkowitz's (1999) exhortation to more vigorous education of public morals. We would recommend vigorous and egalitarian education, but teaching morality is not, we think, the path to public spiritedness. On the other side of the political spectrum, Michael Sandel (2005) urges political leaders to use "soulcraft" to inspire a public vision of the common good, but it is not clear how more public spirited rhetoric will change matters.

References

Arendt, Hannah. 1961. *Between Past and Future.* The Viking Press.

Aristotle. *The Politics*. Translated with an introduction by T.A. Sinclair, 1962. Penguin.

Armitage, David. 1992. “The Cromwellian Protectorate and the Languages of Empire,” *The Historical Journal* 35/3.

Baczko, Bronislaw. 1988. “The Social Contract of the French: Sieyes and Rousseau,” *The Journal of Modern History*, 60/Supplement.

Berlin, Isaiah. 1958. *Two Concepts of Liberty*. Clarendon, Oxford.

Berkowitz, Peter. 1999. *Virtue and the Making of Modern Liberalism*. Princeton.

Bolingbroke, Henry St. John. 1733-34. *A Dissertation upon Parties.* In *Bolingbroke, Political Writings,* edited by David Armitage, 1997. Cambridge.

Bucher, Gregory. 2000. “The Origins, Program, and Composition of Appian’s *Roman History*,” *Transactions of the American Philological Association* 130: 411-458.

Buchwalter, Andrew. 1992. “Hegel’s Concept of Virtue,” *Political Theory* 20/4: 548-583.

Carrithers, David Wallace. 1977. Introduction to *The Spirit of Laws* by Montesquieu. California.

Cicero. *The Republic* and *The Laws*, with introduction and notes by Jonathan Powell and Niall Rudd, 1998. Oxford.

Cobban, Alfred. 1951. “New Light on the Political Thought of Rousseau,” *Political Science Quarterly* 66/2: 272-284.

Condorcet. 1793. "On the Principles" in *Condorcet: Foundations of Social Choice and Political Theory,* translated and edited by Iain McLean and Fiona Hewitt, 1994. Edward Elgar.

Constant, Benjamin. 1819. “The Liberty of the Ancients Compared with That of the Moderns” in *Benjamin Constant: Political Writings*, translated and edited by Biancamaria Fontana, 1988. Cambridge.

Cromartie, Alan. 1998. “Harringtonian Virtue: Harrington, Machiavelli, and the Method of the Moment,” *The Historical Journal* 41/4: 987-1009.

Cromartie, Alan. 1999. "The Constitutional Revolution: The Transformation of Political Culture in Early Stuart England," *Past and Present* 163: 76-120.

Daly, J.W. 1966. "Could Charles I be Trusted? The Royalist Case, 1642-1646," *The Journal of British Studies* 6/1: 23-44.

Daly, J.W. 1971. "John Bramhall and the Theoretical Problems of Royalist Moderation," *The Journal of British Studies* 11/1: 26-44.

Davies, Godfrey. 1948. "The Election of Richard Cromwell's Parliament, 1658-9," *The English Historical Review* 68/249: 488-501.

Davis, J.C. 1992. "Religion and the Struggle for Freedom in the English Revolution," *The Historical Journal* 35/3: 507-530.

De Lolme, J.L. 1878. *The Constitution of England*. Basil.

Dwight, Theodore. 1887. "Harrington," *Political Science Quarterly* 2/1: 1-44.

Eyeck, Frank. 1998. *Religion and Politics in German History*. McMillan.

Farnell, James. E. 1977. "The Social and Intellectual Basis of London's Role in the English Civil War," *Journal of Modern History* 49: 641-660

Ferejohn, John. 2001. "Pettit's Republic," *The Monist* 84/1.

Ferejohn, John. 2003. "Madisonian Separation of Powers," in Sam Kernell, *James Madison: The Theory and Practice of Republican Government*. Stanford.

Ferguson, Adam. 1767. *An Essay on the History of Civil Society*. Edited by Fania Oz-Salzberger, 1995. Cambridge.

Fletcher, A. J. 1983. "Parliament and People in Seventeenth Century England," *Past and Present* 98: 151-158.

Gargola, Daniel. 1997. "Appian and the Aftermath of the Gracchan Reform," *American Journal of Philology*. 118: 555-581.

Gauthier, David. 1986. *Morals by Agreement*. Oxford.

Geuna, Marco. 2002. "Republicanism and Commercial Society in the Scottish Enlightenment: The Case of Adam Ferguson," in van Gelderen and Skinner, eds., *Republicanism: A Shared European Heritage*, Vol II.

Glover, Samuel Dennis. 1999. "The Putney Debates: Popular versus Elitist Republicanism," *Past and Present* 164: 47-80.

Gottschalk, Louis. 1944. "The French Parlements and Judicial Review," *Journal of the History of Ideas* 5/1.

Groenveld, Simon. 1987. "The English Civil Wars as a Cause of the First Anglo-Dutch War, 1640-1652," *The Historical Journal* 30/3: 541-566.

Hadas, Moses. 1942. *The Complete Works of Tacitus*. The Modern Library.

Haraszti, Zoltan. 1950. "John Adams Flays a Philosophe: Annotations on Condorcet's Progress of the Human Mind" *The William and Mary Quarterly* 7/2.

Harrington, James. *The Commonwealth of Oceana* and *A System of Politics*, edited by J.G.A Pocock, 1992. Cambridge.

Hegel, Georg Friedrich Wilhelm. *The Philosophy of Right.*

Helgerson, Richard. 1997. "Soldiers and Enigmatic Girls: The Politics of Dutch Domestic Realism, 1650-1672," *Representations* 58: 49-87.

Herman, Arthur. 1992. "The Hugeunot Republic and Antirepublicanism in Seventeenth Century France," *Journal of the History of Ideas* 53/2: 249-269.

Herzog, Don. 1986. "Some Questions for Republicans," *Political Theory* 14/3: 473-493.

Horowitz, Irving Lousi. 1966. "The Hegelian Concept of Political Freedom, "*The Journal of Politics* 28/1: 3-28.

Hunton, Philip. 1643. *A Treatise of Monarchy, Containing Two Parts: Concerning Monarchy in General, Concerning This Particular Monarchy, Wherein All the Main Questions Occurrent in Both are State, Disputed, and Determined.*

Jefferson, Thomas. *Notes on Virginia.*

Kant, Immanuel. 1795. "Perpetual Peace: A Philosophical Sketch," in Hans Weiss, ed., *Kant: Political Writings*, 1970. Cambridge.

Kelly, George Armstrong. 1968. "Rousseau, Kant, and History," *Journal of the History of Ideas* 29/3: 347-364.

Kishlansky, Mark. 1981. "Consensus Politics and the Structure of Debate at Putney," *Journal of British Studies* 20/2: 50-69.

Kishlansky, Mark. 1982. “What Happened at Ware?” *The Historical Journal* 25/4: 827-839.

Klippel, Diethelm. 1990. “The True Concept of Liberty: Political Theory in Germany in the Second Half of the Eighteenth Century,” in Eckhart Hellmuth, ed., *The Transformation of Political Culture: England and Germany in the Late Eighteenth Century*. Oxford.

Levi, Edward H. 1976. “Some Aspects of Separation of Powers,” *Columbia Law Review*. 76/3.

Livy. *The Early History of Rome, Books I-V of the History of Rome from its Foundations*, translated by Aubrey de Selincourt with an introduction by R.M. Ogilvie, 1960. Penguin Books.

Machiavelli, Niccolo. *The Discourses.* Edited with an introduction by Bernard Crick, 1970. Penguin.

MacIntyre, Alasdair. 1984. *After Virtue*. Notre Dame.

MacKay, R..A. 1924. "Coke: Parliamentary Sovereignty or the Supremacy of the Law?" *Michigan Law Review* 22/3.

Maitland, F. W. 1908. *The Constitutional History of England*. Cambridge.

Malachuk, Daniel. 1998. “The Republican Philosophy of Emerson’s Early Lectures,” *The New England Quarterly* 71/3: 404-428.

Malcolm, Joyce Lee. 1992. “Charles II and the Reconstruction of Royal Power,” *The Historical Journal* 35/2: 307-330.

McKenzie, Lionel. 1982. “Rousseau’s Debate with Machiavelli in the Social Contract,” *Journal of the History of Ideas* 43/2: 209-228.

McPherson, C.B. 1964. *The Theory of Possessive Individualism*. Oxford.

Millar, Fergus. 1965. *A Study of Cassius Dio*. Oxford.

Mintz, Max. 1991. “Condorcet’s Reconsideration of America as a Model for Europe,” *Journal of the Early Republic* 11/4.

Monter, William. 1967. *Calvin’s Geneva*. Wiley.

Montesquieu. 1736-1743. *The Spirit of the Laws*, edited by David Carrithers, 1977. California.

Montesquieu. 1734. *Considerations on the Causes of the Greatness of the Romans and their Decline*, translated and edited by David Lowenthal, 1965. The Free Press.

Montesquieu. 1721. *The Persian Letters* , translated with Introduction by George R. Healy, 1964. Indianapolis and Cambridge: Hackett Publishing Company Inc.

Nedham, Marchamont. 1650. *The Case of the Commonwealth of England*. Edited by Philip Knachel, 1969. Folger Shakespeare Library.

Nedham, Marchamont. 1656. *The Excellencie of a Free State, or, The Right Constitution of a Commonwealth.* Edited by Richard Baron, 1767. Millar and Cadell in the Strand.

Nelson, Eric. 2004. *The Greek Tradition in Republican Thought*. Cambridge.

Oakley, S.P. 1998. Review of Gary Miles, 1995, *Livy: Reconstructing Early Rome*, Cornell, in *Classical Philology* 93/3: 279-286.

Oeschsli, Wilhelm. 1922. *History of Switzerland*. Cambridge

Oz-Salzberger, Fania. 2002. “Scots, Germans, Republic and Commerce,” in Gelderen and Skinner, eds., *Republicanism: A Shared European Heritage*, Volume II. Cambridge.

Paine, Thomas. 1792. *The Rights of Man*.

Parkin-Speer, Diane. 1983. “John Lilburne: A Revolutionary Interprets Statues and Common Law Due Process,” *Law and History Review* 1/2: 276-296.

Pasquale, Pasquino. 1994. “The Constitutional Republicanism of Emmanuel Sieyes,” in Biancamaria Fontana, ed., *The Invention of the Modern Republic*. Cambridge.

Peltonen, Markku. 1992. “Politics and Science: Francis Bacon and the True Greatness of States,” *The Historical Journal* 35/2.

Petersen, Hans. 1961. “Livy and Augustus,” *Transactions of the American Philological Association* 92: 440-452.

Pettit, Philip. 1997. *Republicanism: A Theory of Freedom and Government*. Oxford.

Pettit, Philip. 2003. “Republicanism” in the Stanford Encyclopedia of Philosophy. http://plato.stanford.edu/entries/republicanism.

Phillipson, Nicholas. 1983. “Adam Smith as Civic Moralist,” in Hont and Ignatieff, eds., *Wealth and Virtue*. Cambridge.

Pincus, Steven. 1995. “From Butterboxes to Wooden Shoes: The Shift in English Popular Sentiment from Anti-Dutch to Anti-French in the 1670s,” *The Historical Journal* 38/2: 333-361.

Pincus, Steven. 1998. “Neither Machiavellian Moment nor Possessive Individualism: Commercial Society and the defenders of the English Commonwealth,: AHR 103/3.

Plato. *The Republic*. Translated with an introduction by Desmond Lee, 1955. Penguin.

Pocock, J.G.A. 1975. *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*. Princeton.

Pocock, J.G.A. 1977. *The Political Works of James Harrington*. Cambridge.

Polybius. *The Histories,* Volume I, translated by Hultsch and Shuckburgh with an introduction by Walbank, 1962. Indiana.

Raab, Felix. 1964. *The English Face of Machiavelli*. Routledge.

Rahe, Paul. 1992. *Republics, Ancient and Modern*. University of North Carolina Press.

Rakove, Jack, Andrew Rutten, and Barry Weingast. 2001. “Ideas, Interests, and Credible Commitments in the American Revolution,” Working Paper, Hoover Institution.

Raymond, Joad. 1998. “John Streater and the Grand Politick Informer,” *The Historical Journal* 41/2: 567-574.

Robertson, John. 1983. “The Schottish Enlightenment at the Limits of the Civic Tradition,” in Hont and Ignatieff, *Wealth and Virtue.* Cambridge.

Rodgers, Daniel. 1992. “Republicanism: The Career of a Concept,” *The Journal of American History* 79/1: 11-38.

Rousseau, Jean Jacques. *The Social Contract* and *The First and Second Discourses,* edited by Susan Dunn, 2002. Yale.

Rothschild, Emma. 1996. “Condorcet and the Conflict of Values,” *The Historical Journal*. 39/3.

Rowen, Herbert. 1994. “The Dutch Republic and the Idea of Freedom,” in Wootton, ed., *Republicanism, Liberty, and Commercial Society*. Stanford.

Sandel, Michael. 2005. *Public Philosophy: Essays on Morality in Politics*. Harvard.

Schwoerer, Lois. 1990. “Locke, Lockean Ideas, and the Glorious Revolution,” *The Journal of the History of Ideas*

Scott, Jonathan. 1991. *Algernon Sidney and the Restoration Crisis, 1677-1683*. Cambridge.

Scott, Jonathan. 2002. “Classical Republicanism in Seventeenth Century England and the Netherlands,” in van Gelderen and Skinner, eds., *Republicanism: A Shared European Heritage*. Cambridge.

Seager, Robin. 1977. “Populares in Livy and the Livia Tradition,” *The Classical Quarterly* 27/1: 377-390.

Sellers, Mortimer. 1991. “Republican Impartiality,” *Oxford Journal of Legal Studies* 11/2: 273-282.

Sellers, Mortimer. 1998. *The Sacred Fire of Liberty*. MacMillan.

Shapiro, Ian. 1990. *Political Criticism*. University of California Press.

Shapiro, Ian. 2003. *Democratic Statecraft.* Princeton.

Shklar, Judith. 1990. “Montesquieu and the New Republicanism,” in Bock, Skinner, and Viroli, eds., *Machiavelli and Republicanism*. Cambridge.

Shuger, Debora. 1998. “Castigating Livy: The Rape of Lucretia and the Old Arcadia,” *Renaissance Quarterly* 51/2: 528-546.

Skinner, Quentin. 1990. “The Republican Ideal of Political Liberty,” in Bock, Skinner, and Viroli, *Machiavelli and Republicanism*. Cambridge.

Skinner, Quentin. 1997. *Liberty before Liberalism*. Cambridge.

Soll, Jacob. 2003. “Empirical History and the Transformation of Political criticism in France from Bodin to Bayle,” *Journal of the History of Ideas* 64/2: 297-316.

Stevens, Jacqueline. 1996. “The Reasonableness of John Locke’s Majority: Property Rights, Consent, and Resistance in the Second Treatise,” *Political Theory* 24/3.

Syme, Ronald. 1959. “Livy and Augustus,” *Harvard Studies in Classical Philology* 64: 27-87.

Tierney, Brian. 1980. “Public Expediency and Natural Law: A Fourteenth-Century Discussion on the Origins of Government and Property,” in Tierney and Linehan, eds., *Power and Authority*. Cambridge.

Tierney, Brian. 1995. "Freedom and the Medieval Church" in R.W Davis, ed., *The Origins of Modern Freedom in the West.* Stanford.

Tuck, Richard. 1974. "Power and Authority in Seventeenth Century England," *The Histsorical Journal* 17/1: 43-61.

Warren, Mark. "Nietzsche and Political Philosophy," *Political Theory* 13/2: 183-212.

Weingast, Barry. 1997. "The Political Foundations of Democracy and the Rule of Law," *American Political Science Review*. 91: 245-63.

Weston, Corinne Comstock. 1960. "English Constitutional Doctrines from the Fifteenth Century to the Seventeenth: The Theory of Mixed Monarchy under Charles I and After," *English Historical Review* 75/296: 426-443.

Woolrych, A. H. 1957. "The Good Old Cause and the Fall of the Protectorate," *Cambridge Historical Journal*, 13/2: 133-161.

Wootton, David. 1990. "From Rebellion to Revolution: The Crisis of the Winter of 1642/3 and the Origins of Civil War Radicalism," in *The English Historical Review* 105/416: 654-669.

Wootton, David. 1994. "Introduction: The Republican Tradition From Comonwealth to Common Sense," in Wootton, ed., *Republicanism, Liberty, and Commercial Society, 1649-1776*. Stanford.

Wootton, David. 1996. *Modern Political Thought: Readings from Machiavelli to Nietzsche*. Hackett.

Wootton, David. 2005. "De vera res publica: the disciples of Baron and the counter-example of Venturi," working paper.

Wootton, David. 2005. "Review of van Gelderen and Skinner, Republicanism: A Shared European Heritage," manuscript.

Worden, Blair. 1994. "Marchamont Nedham and the Beginnings of English Republicanism, 1649-1656," in Wootton, ed., *Republicanism, Liberty, and Commercial Society*. Stanford.

Worden, Blair. 1995. "Milton and Marchamont Nedham," in Armitage, Himy, and Skinner, eds., *Milton and Republicanism*. Cambridge.

Wright, Johnson Kent. 1997. *A Classical Republican in Eighteenth Century France: The Political Thought of Mably*. Stanford.

Zaller, Robert. 1991. "Henry Parker and the Regiment of True Government," 135/2: 255-285.