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Freedom and Equality in Political life: Analyzing the neo-republican conception of social justice

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**Freedom and Equality in political life: Analyzing the neo-republican
Conception of Social Justice**

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Table of Content

Introduction.....	3
Chapter 1: Examining the Neo-Republican Ideal of Freedom.....	5
1.1. The Berlin-Constant Framework.....	5
1.2. Tracing the Neo-Republican Tradition of Thought.....	8
1.3. Republican Freedom: A Theory of Choice.....	12
1.4. Republican Freedom: Analyzing Non-Domination.....	16
1.5. Republican Freedom: The Republican Citizen.....	18
Chapter 2: Towards a Neo-Republican Conception of Equality.....	22
2.1. Neo-republicanism on justice and equality.....	22
2.2. Philosophical Antecedents: Between two egalitarian approaches.....	24
2.3. Republican Equality: A Relational Theory of Equality.....	26
2.4. Republican Equality: The Principle of Expressive Egalitarianism.....	28
2.5. Republican Equality: The Institutions of Social Equality.....	30
Chapter 3: A Critique of the Neo-Republican Framework of Social Justice.....	33
3.1. Republican Justice: Advantages of the Neo-republican framework.....	33
3.2. Republican Justice: The limitations of the neo-republican framework.....	36
3.3. Republican Justice: Expanding the neo-republican framework.....	40
Conclusion.....	44
References.....	45

Introduction

Two of the main concepts that regulate and influence political life are freedom and equality. They serve as foundational principles that shape the ideas and practices of governance, social organizations, and state institutions. In political philosophy, these concepts are deeply interconnected and mutually reinforcing, and most political thinkers that defend a specific notion of freedom also subscribe to a corresponding notion of equality that follows from it. In that regard, these two concepts function as essential building blocks for every modern theory of justice. They provide the foundation upon which principles of fairness, rights, and the distribution of resources can be constructed. In recent years, the neo-republican perspective has emerged as one of the most relevant and compelling theories of government. In this thesis project, I will critically examine the neo-republican conceptions of freedom and equality and explore their implications for achieving social justice in contemporary societies. The primary focus of this study is on the contributions of Phillip Pettit, which is one of the most prominent authors in the field of republicanism whose work has profoundly shaped contemporary discussions. The research questions that guide my investigation could be defined as follows: What is the ideal of freedom and the subsequent egalitarian approach that Phillip Pettit's neo-republican framework of justice defends? Is it sufficient for fostering more egalitarian societies? I will argue that Pettit's neo-republican framework of justice provides necessary but not sufficient conditions for creating more egalitarian societies because even though his framework is able to tackle relational forms of inequalities it is still unable to capture structural or systemic inequalities.

I divided the project into three chapters. In Chapter 1, I will explicate the core ideal of the neo-republican framework Pettit is proposing, the republican ideal of freedom as non-domination. This first chapter is divided into five sections. In section 1.1. I explain the traditional approaches to freedom that most philosopher have subscribed to, the negative and positive notions of freedom (Berlin, Constant). In section 1.2. I proceed to define Pettit's neo-republican notion of freedom and how it compares to the traditional approaches. In the last three sections of the chapter, I discuss the main characteristics of

Pettit's neo-republican ideal of freedom as non-domination and how it establishes a notion of what it means to be a free citizen under the republican framework.

In chapter 2, I explicate and discuss Pettit's neo-republican conception of equality. This chapter is divided into five sections. In section 2.1. I explain the linkage present in the neo-republican framework between the concepts of freedom, justice and equality, to justify why these three ideals should not be addressed separately when analyzing the neo-republican theory of government. In section 2.2. I explain and discuss the two main egalitarian approaches that have dominated the philosophical landscape during the past decades, the distributive and relational theories of equality. In the last three sections of the chapter, I analyze the main characteristics of Pettit's neo-republican conception of equality. I explicate how the republican egalitarian approach resembles a relational theory of equality because it emphasizes the equalization of citizens' basic liberties until they can enjoy an equal standing. Here I discuss the republican principle of expressive egalitarianism and the state institutions that Pettit proposes to support the republican egalitarian approach as a way to equalize the social status of all citizens.

Finally, in chapter 3 I developed a critique of the neo-republican framework of social justice that was explicated during the first two chapters. I divided the third chapter into three sections. In section 3.1. I explain the benefits that I found regarding the neo-republican framework in comparison to the liberal framework of justice. In section 3.2. I analyzed if Pettit's neo-republican framework of justice is sufficient to address all types of social vulnerabilities and inequalities that are significant in contemporary citizens' lives. To conclude, in section 3.3. I analyzed if Pettit's neo-republican framework of justice can be improved and how this can be done. Here I propose a couple of reformulations of some of Pettit's basic concepts that can amplify the scope of his framework without substantially modifying the core principles of his theory of social justice.

Chapter 1: Examining the Neo-republican Ideal of Freedom.

1.1. The Berlin-Constant Framework.

Freedom is a fundamental concept in political philosophy. Different societies have developed various conceptions of freedom throughout history, and these divergent conceptions often reflect their broader political and ethical beliefs. Influential authors such as Benjamin Constant and Isaiah Berlin have proposed that within Western civilization freedom has been understood in two primary ways, commonly referred to as positive freedom and negative freedom. In this section, I will examine the philosophical influence of the Berlin-Constant framework on the concept of freedom, and how these interpretations have overshadowed the republican alternative that I aim to discuss in this chapter.

Benjamin Constant's essay entitled "the liberty of the Ancients and the Liberty of the Moderns" is a good starting point to analyze the concept and its evolution. (Constant, 1988). In this essay, Constant compares and contrasts two different perspectives on liberty, liberty according to the ancients represented mainly by the Greco-Roman civilization, and liberty for the moderns represented mainly by eighteenth-century societies. According to Constant's interpretation, the difference between the ancient and modern ways of viewing liberty is how these societies understood the relationship between the individual and the community. From the ancients' perspective, liberty is viewed as a political value. It emphasizes the idea of civic participation and depends on the capacity of individuals to share public power. For ancient civilizations to be free is to have democratic self-rule, to be able to exercise collectively several parts of state sovereignty. In that regard, the ancients viewed the political community as superior to the individual, and the protection of political rights was a fundamental part of fostering freedom within the polity. As a consequence, "among the ancients the individual, almost always sovereign in public affairs, was a slave in all his private relations." (Constant, p.311, 1988). Since for the ancients political rights were the foundation of freedom, individual rights were disregarded as unimportant. Individuals were constrained and under constant surveillance from the collective body, and the determinations of the majority could decide an individual's fate.

From the perspective of modern thinkers it is the other way around, they emphasized individual freedoms and considered liberty as the absence of interference. For the moderns,

liberty is not situated in the political realm but rather in the private realm of life, and individual rights are superior to collective ones. From the modern's perspective to be free is to be left alone with your private affairs, to acquire independence in your private life and be protected from public and private forms of interference. As a contrast, modern individuals, even in the freest of states are "sovereign only in appearance" (Constant, 1988, p.312). In modern states democratic processes were put in place as a way of protecting the individual from public forms of interference, but not because democratic self-rule is a moral value that should be promoted by itself; Democratic processes in modern states can be viewed more as an instrumental ideal to guarantee the protection of individual rights.

Constant's two images of liberty described above can be connected to what Isaiah described later in "two concepts of Liberty" as examples of "positive" and "negative" freedom. (Berlin, 2006). Even though some conceptual distinctions could be found, Berlin's notion of positive freedom could be linked to Constant's notion of liberty for the ancients, meanwhile the negative notion of freedom could be linked to Constant's view of liberty for the moderns. I will call this parallelism between the two authors as the Berlin-Constant framework, and I will use that formulation during the rest of this thesis. What makes this parallelism important is that the Berlin-Constant framework is always the starting point when analyzing any perspective of freedom, and its correct understanding is paramount to correctly examine and discuss the republican alternative I will be exposing during this chapter.

I already examined the two main approaches of freedom that Constant identifies in his work, now let's observe what is Berlin's contribution to this framework. Berlin's idea of negative freedom is built on the notion of the absence of constraints or interference, and tries to determine the range of unconstrained choices a person should be able to enjoy in the public sphere. In that regard, the main prerequisite for enjoying negative freedom is to be free from any type of coercion or restriction in the choices you want to make at any particular moment. As a result, according to Berlin,

Political liberty in this sense is simply the area within which a man can act unobstructed by others. If I am prevented by others from doing what I could otherwise do, I am to

that degree unfree; and if this area is contracted by other men beyond a certain minimum, I can be described as being coerced, or, it may be, enslaved. (p.34, 2016).

It should be noted that in this framework the concept of interference is, first and foremost, associated with the notion of Intention; there could only be interference when an external agent intentionally blocks or manipulate another agent's choices. This is because for both authors freedom is essentially a political ideal, it can only be understood within a social context. That is why for Berlin coercion or interference cannot refer to every form of inability, for the philosopher "Coercion implies the deliberate interference of other human beings within the area in which I could otherwise act." (Berlin, p.34). For example, if you cannot construct a house in a terrain due to natural or technical difficulties, maybe because the terrain is too unstable for supporting the foundations of the house, then you cannot consider yourself unfree because your limitations in this case are not human-made. On the other hand, if you are unable to construct your house in a specific terrain because property rules restrict your choice, then you can plausibly consider yourself to be unfree under the Berlin-Constant framework, regardless of the reasons provided by the state, because your limitation to build the house in this case is human-made. In that sense, we can conclude that under the Berlin-Constant framework the limits and restrictions imposed by nature or any personal inability to act are not considered by itself acts of interference.

Finally, Berlin's idea of positive freedom is based on two main notions. Firstly, it shares the notion of democratic self-rule with Constant. According to both authors, the ideal of positive freedom presupposes that individuals have the ability to choose and formulate the policies they desire to govern them. Secondly, Berlin introduces the idea that individuals should also have the capacity to achieve their own goals and realize their maximum potential. In essence, Berlin's positive freedom also encompasses the idea of self-realization. According to Berlin, you are following a positive ideal of freedom when,

I wish to be somebody, not nobody; a doer—deciding, not being decided for, self-directed and not acted upon by external nature or by other men as if I were a thing, or an animal, or a slave incapable of playing a human role, that is, of conceiving goals and policies of my own and realizing them. (p.43-44,2016).

Berlin's notion of positive freedom emphasizes a vision of the state as the organism in charge of providing the condition necessary to enable individuals to have self-rule and pursue their own life goals. In Berlin's perspective, a state that enforces positive freedom should empower individuals to pursue their own interpretation of a fulfilling and meaningful life, allowing them to determine what a "good life" means to them.

2.2. Tracing the Neo-Republican Tradition of thought.

According to Phillip Pettit's work on republicanism, the Berlin-Constant framework is biased and took sides with the negative notion of freedom. The negative notion of freedom as non-interference is portrayed by the framework as a more appealing ideal for modern democratic societies; It protects citizens' individual liberties from the intervention of the state and other private and public agents. Meanwhile, positive liberty is portrayed as an insufficient ideal for the protection of individual rights. For Berlin attempts to create political systems that promote the positive notion of freedom can result in the suppression of individual rights and liberties by the tyranny of the majority, leaving members of minorities in precarious conditions. In addition to that, positive liberty is also portrayed as an unfeasible ideal to follow. As was previously explained, in Berlin's framework, positive liberty is understood as self-mastery (Berlin, 2016), which presupposes that individuals should reach a certain degree of autonomy and self-control that is difficult to translate into any specific institutional arrangements that the state could follow. This inevitably balances contemporary discussions in favor of the liberal ideal of freedom as non-interference and its promoters. For Pettit, "Berlin shaped the allegiances of contemporary theorists in marking out negative liberty as a sensible ideal and in raising serious doubts about the credentials of positive." (p.17, 1999). The consequence of this is that positive liberty was pictured as a dead ideal, something of the Greco-Roman past that should not be recovered.

Unfortunately, the positive ideal of freedom was associated with the republican tradition of thought, which in turn made the republican alternative also a defeated ideal. I will examine in this section what is the republican ideal of freedom and how it differs from both the positive and negative conceptions of freedom that the Berlin-Constant framework describe.

Pettit traced back the republican tradition of thought to the institutions of classical Rome. According to Pettit, it was Polybius, a Greek resident of Rome, who first articulated

the three main republican ideas that he saw implemented in classical Rome. These ideas were: “Freedom as Non-domination, the mixed constitution and the contestatory citizenry” (Pettit, 2016, p.6) The core republican tradition of thought can be resumed by these three ideas, but for Pettit their conception of freedom is the main republican ideal. The notion of freedom as non-domination can be viewed as the cardinal ideal of republican thought, as the yardstick with which they measure their main ideals and institutions, including the mixed constitution and the contestatory citizenship. The mixed constitution and the contestatory citizenship are complementary ideas that support their notion of freedom, not ideals that have to be considered separately.

Republican freedom or freedom as non-domination requires further requisites to be achievable than the negative conception of freedom as non-interference. This can be assessed by analyzing the distinction between mere interference and domination. In republican Rome the word *dominatio* was used to refer to the condition in which slaves lived, and it implies that they were under the arbitrary will of their master or *dominus*. The masters do not have to actively impose their will on their slaves in order for them to be considered dominated; a relationship of domination already presupposes an external control on your choices coming from another agent’s arbitrary will. The fundamental distinction between the republican notion of non-domination and the negative ideal of freedom as non-interference is supported by this notion of *arbitrariness*. To act arbitrarily is to act by your own *arbitrium* or judgment, is to act at your own pleasure without taking into account the opinions or the will of the ones affected by your actions. An act is non-arbitrary, hence non-dominating, “to the extent that it is forced to track the interests and ideas of the person suffering the interference.” (Pettit, p.225, 2016). This has major implications for the distinction between republican freedom and negative freedom. Under the negative ideal of freedom any form of interference by human means in your choices makes you automatically unfree, conversely under the republican ideal as non-domination you are unfree insofar your opinion on the matter is not being tracked by the interfering agent.

Both the republican ideal of freedom and the negative ideal of freedom described by the Berlin-Constant framework emphasizes the absence of constraints, both highlights the importance of avoiding private and public forms of interference. As was previously

explained, republican freedom adds further requirements by adding the requirement of non-arbitrariness. For Pettit the combinations of the notion of non-interference and non-arbitrariness within the republican notion of non-domination provide further protections for citizens and make up a more powerful ideal for supporting freedom than the negative notion of freedom. For the philosopher, “The difference between them comes out in the fact that it is possible to have domination without interference and interference without domination.” (Pettit, p.22, 1999). To understand this, I illustrate the different possible scenarios in the following table.

	Domination	Non-domination
Interference	Unfree under both ideals.	Unfree under the negative notion of freedom. Free under the Republican ideal. Example of the harder-to-lose freedom effect.
Non-interference	Free under the negative notion of freedom. Unfree under the republican. Example of the Easier-to-lose freedom effect.	Free under both conceptions.

These different scenarios illustrate perfectly the easier-to-lose freedom effect and the harder-to-lose freedom effect that a republican ideal of freedom provides. (Pettit, 2016). The easier-to-lose freedom effect exemplifies that it is actually possible under the republican notion of freedom to lose liberty without being subjected to an actual act of interference. Republican freedom goes beyond the absence of external interference in your choices; it also demands that such interference cannot be arbitrary in nature. In that regard, Pettit states that “With freedom as nondomination, a person loses freedom to the extent that they live under the thumb of another, even if that thumb is never used against them.” (2006, p.229). In that respect, the state does not need to directly interfere in your private affairs in

order for you to experience a loss of freedom, it only needs to have the capacity to do so. For example, under the negative notion of freedom you can be under the rule of a benevolent monarch and do not experience a loss of freedom. The monarch may have the capacity to arbitrarily enforce laws that can interfere directly with your private affairs, but as long as he does not enact this option you are considered free. Due to the easier-to-lose freedom effect, you are considered unfree under the rule of a benevolent monarch, even though he is not actively coercing you or imposing his arbitrary will upon you. Under the republican ideal of freedom is easier to lose your freedom because you no longer need an act of interference to experience a loss of freedom.

In contrast with the negative notion of freedom, Republican freedom also has a harder-to-lose freedom effect. In a Republican system, interference in people's lives must be justified by considering their opinions on the matter. This makes it more difficult for someone to be subjected to another person's arbitrary control within such a system. The harder-to-lose freedom effect can be exemplified by a fair rule of law. According to the republican notion of freedom, a proper rule of law does not arbitrarily interfere with people's liberty; Even though it is a source of interference, it does not represent a direct compromise on people's liberty. In opposition to that, under the negative conception of freedom as noninterference, the subjection of citizens to the rule of law always represents a loss of liberty, even if the law was put in place to promote less overall state interference. As long as the state consults the public about their shared interests on specific policies, state intervention would not necessarily represent a loss of freedom. If laws are created, implemented, and evaluated with the public interest in mind, those laws and interventions are representative of a "fair rule of law" (2006, p.227), and therefore freedom is preserved. In this sense, a fair rule of law defines the range of *undominated* choices individuals have and works as an institutional framework that preserves freedom within society.

Republican freedom also differs from the notion of positive freedom. Both ideals focused on different concerns. On one hand, the positive notion of freedom has an emphasis on democratic self-rule and achieving self-realization. On the other hand, the main Republican concern is to avoid any type of social relations of domination or to escape arbitrary interference. This distinction between the republican ideal of freedom and the

notion of positive freedom as self-realization is clearer when considering that you can have the absence of domination but not necessarily self-realization yourself; The positive ideal of freedom as self-realization has further requirements in order to be fulfilled. You can live in a society that aligns with the republican ideal of freedom, that provides citizens with the protections and resources necessary to prevent any form of external domination or oppression, but nonetheless, feel that you lack the opportunities to realize your maximum potential. The positive ideal of freedom as self-realization is about providing additional elements that empower individuals to fully develop their capabilities and help them to live more meaningful lives. For example, a society that values positive freedom as self-realization would put in place measures to foster an economic environment that encourages entrepreneurial endeavors. By fostering entrepreneurship and promoting inclusive economic growth, a society can create an environment where individuals have the freedom and opportunity to pursue their economic aspirations.

1.3. Republican Freedom: A Theory of Choice.

Republican freedom requires strict institutional arrangements to be fostered. In order to be considered a *Liber* or Freeman, you must be under the institutional protections provided by civil laws and citizenship. For that reason, republican freedom has been associated with the status of being a *Civis* or citizen since roman times, with the rights and duties of belonging to a legal community. These legal and institutional arrangements are not designed arbitrarily; they must be based on certain normative considerations. In this section, I will examine the core normative considerations that define a republican conception of freedom and how it is philosophically justified through a specific theory of choice. To be more precise, I will address the main requirements for having freedom in choice or in a particular type of choice that a republican conception of freedom demands.

To begin with, it is important to emphasize that under a republican conception of freedom to get what you want at a specific moment does not necessarily mean that you enjoy freedom in a particular choice or type of choice. You can get what you want, but nonetheless, be under the arbitrary will of another, or in other words, it is possible to enjoy at a specific time negative freedom as non-interference but not republican freedom as non-domination. Republican freedom requires a deeper form of freedom, in which you are

provided with the resources and protections necessary to be able to make undominated choices. Pettit proposes “A Formula for freedom in choice” that constitutes an articulation of the required conditions that a republican notion of freedom demands, according to the philosopher:

You enjoy freedom of choice between certain options to the extent that:

1. You have the room and the resources to enact the option you prefer,
2. Whatever your own preference over those options, and
3. Whatever the preferences of any other as to how you should choose.

(p.30, 2014)

In the rest of this section, I will examine each clause separately and explain how under this framework when a choice fulfills each of the three clauses it inevitably satisfies the republican ideal of freedom as non-domination.

The first clause stipulates that you must have “the room and the resources” to enact the option you prefer. This clause could be divided into two parts. Firstly, you must have the room to act as you wish, which is another way to say that you are free to choose insofar as no one interferes with your options. As it was previously explained, to interfere is to constrain an agent’s choice by human means. This notion of interference used by the Berlin-Constant framework is slightly different from the one that Pettit uses to develop his neo-republican conception of freedom. Pettit argues that an act of interference inherently involves a deterioration in the situation of the agent towards whom the interference is directed. If, after the act, the agent's condition worsens by having fewer or costlier choices than before, it can be inferred that an act of interference has occurred. For Pettit,

All interfering behaviors, coercive or manipulative, are intended by the interferer to worsen the agent's choice situation by changing the range of options available, by altering the expected payoffs assigned to those options, or by assuming control over which outcomes will result from which options and what actual payoffs, therefore, will materialize. (p.53, 1999).

If a private or public agent intentionally removes, replaces, or misrepresents any of the options available to you at any given time, your freedom to choose is automatically

compromised. Any act that blocks, penalizes or simply tries to manipulate you into choosing differently is an act of interference and makes you unfree. Therefore, if the act in question does not modify the original options available to you or your capacity to choose, it is not considered an act of interference. For example, the act of incentivizing someone to follow a particular choice through an economic reward is not an act of interference according to Pettit because it still leaves the agent with the original choices available and his capacity to choose intact. Overall, this first part of the clause satisfies both the liberal notion of freedom as non-interference and the republican one as non-domination, because under both notions you are considered unfree when facing any act of interference.

Secondly, this first clause also stipulates a more demanding requirement, that you should also have the resources to enact the option you prefer. The linkage between freedom and resources is fundamental for understanding republican freedom. Under the republican ideal, to have freedom of choice means that you can be held responsible for making or not making a choice; your ability to make a certain choice presupposes a necessary condition for having freedom. The link between freedom and responsibility is fundamental for the republican framework. If you are unable to make a choice because you lack the necessary resources, then you could not be considered responsible for not making the choice. Additionally, for Pettit the resources necessary to enact a given option "...fall into three broad areas: Personal, natural, and social." (p.37, 2014). Having personal resources refer to possessing the body and mental capacities to enact your preferred option, in other words, to be conscious of your capacity to enact a given choice. Natural resources refer to the environmental conditions necessary to enact your preferred option, these would normally allude to natural conditions, for instance, you can only choose to go surfing if waves surpass a specific size. Finally, social resources refer to social conventions and a shared awareness about certain social symbols, for example, you can only acquire goods and services with euros in a given territory if the laws of the country or most people inside it agree to use the currency as a means of exchange.

Clause 2 stipulates that you have freedom of choice if you can enact the option you prefer "whatever your own preference over those options", or in other words, to the extent that every possible option is available to you, not only the one you happen to prefer the

most. Under republican freedom, you are considered free as long as you can freely decide between all the options accessible to you, independently of your own preference between them. Pettit refers to Thomas Hobbes as a proponent that argues in favor of the first clause but not against the second one. Hobbes' account of freedom stipulates that an individual is free to choose insofar as he is not hindered by external agents, but he adds the condition that he must also be able to enact the option he prefers the most. In that regard, in Hobbes' perspective, the availability of only the preferred option is sufficient to maintain freedom, whereas the republican ideal of freedom requires that all options remain open. In fact, Pettit indicates that Hobbes' idea leads to an absurdity, "If someone imposes restrictions on you that frustrate your preference, you can make yourself free just by adapting your preferences accordingly; you do not have to go to the trouble of lifting the imposed restrictions". (p.40, 2014). By not taking into consideration this second clause, Hobbes proposed a more malleable ideal of freedom, one in which you can make yourself free by adapting your desires to external impositions.

Finally, the third clause establishes that you must be free to choose independently of the preferences that others have about how you should choose. If someone has the power or the intention to interfere with your choices at will, then you are to that extent unfree. As we already determined, to be subjected to the will of another is a direct violation of the core Republican notion of non-domination. There is no need to be an actual act of interference, there only needs to exist the possibility of interference in order to be under the dominion of another. Unlike the first two clauses, this third clause introduces an asymmetry between the exigency of the absence of interference and the presence of resources. According to Pettit,

"This difference in attitude toward the absence of interference on the one hand and the presence of resources on the other reflects the thesis, central to the republican way of thinking, that it is inherently worse to be controlled by the free will of another man than to be constrained by a contingent absence of resources" (p.48, 2014).

A lack of resources does not always signal domination since it is possible that the lack of resources is due to certain uncontrolled contingencies. However, being interfered with by

another person's free will always indicates a relationship of domination, which violates the core republican ideal.

1.4. Republican Freedom: analyzing domination.

The formula of freedom in choice examined above provides us with the main normative preconditions that support the republican conception of freedom as non-domination. Among the three clauses previously discussed, the third one stands out as the most significant and fundamental element of the republican tradition, deserving further analysis. The third clause of freedom of choice establishes that in order to enact the option one prefers, our capacity to choose must remain unaffected by the preferences of other agents. This clause comprises the essence of the non-domination ideal, where individuals strive to be free from arbitrary interference. In order to better understand this latter definition and its implications, it is necessary to define what is domination and when a relationship of this kind is taking place. First of all, the concept of domination is intertwined with the notion of power, consequently to dominate implies having unrestricted power to interfere with another agent's affairs. In addition to that, the sole capacity to interfere with another agent's affairs at a particular moment is not sufficient to exert domination over him, you also need to be able to do it on an arbitrary basis. According to Pettit, any relationship of domination requires three main aspects:

1. they have the capacity to interfere
2. on an arbitrary basis
3. in certain choices that the other is in a position to make. (p.52, 1999).

These three clauses provide us with a good starting point to analyze the concept of domination and how it supports the Republican notion of freedom. As in the previous section, I will examine each clause separately and attempt to explicate the concept in depth.

The first clause of domination, as I already explained, refers to having the power to interfere in another's affairs. According to Pettit's neo-republican notion of interference, you are being interfered with when an agent intentionally makes any available choice impossible or costlier to you. For example, a traffic fine is an act of interference insofar as it makes any possible traffic violations costlier to every citizen. Due to the fact that

interfering behaviors must be intentional and always try to worsen the agent's choice situation, bribes or rewards do not count as acts of interference under the neo-republican framework but rather as acts of influence. Natural forms of interference are also irrelevant in this framework, like for example a storm that prevents you from leaving the house; this may be cataloged as an act of natural interference but the lack of intentionality stops it to be taken into consideration here.

The second clause introduces the notion of arbitrariness that was already explained earlier. An agent is under the arbitrary will of another when the latter can interfere willfully and unobstructed in the affairs of the former by following only his own judgment, without taking into consideration the wishes or the opinion of the one affected. Arbitrariness implies domination because an arbitrary act means that the ones affected are left out or excluded from determining the conditions and justifications behind the very same acts that are affecting them. This notion is paramount for understanding republican freedom since arbitrariness is antithetical to republican freedom; If individuals are subjected to arbitrary power, they are considered unfree in the republican sense, because their actions are determined by the will of others, rather than being based on their own choices and deliberations. This is why the republican tradition of thought supports the fostering of democratic institutions that track the opinions of citizens on public affairs and encourages the formation of contestatory citizenship, with the undisputable right to raise concerns and question government decisions. Returning to the example of the traffic fine, it can only avoid being an arbitrary punishment if it was taken with compliance and after the deliberation of all citizenry. I will return to this point in the second chapter when I analyze in depth the institutional arrangements that a republican notion of freedom presupposes.

Finally, the third clause refers to the extent to which domination is possible. Normally, domination comes in degrees or different grades of intensity. A dominating agent may dominate in certain choices but not in all your possible choices, except in the extreme case of a slave-master relationship. Independently of the grade of intensity that a specific relationship of domination entails, it is only needed that an external agent can arbitrarily interfere in one of your choices to be considered dominated and unfree under the republican framework.

1.5. Republican Freedom: The Republican citizen.

The republican conception of freedom is more complicated and demanding than can be intuitively expected. In the previous two sections, I examined the main requirements posed by the republican conception of freedom to be able to enjoy freedom in a particular choice or type of choice, and I also analyzed in depth the republican concept of domination and its main characteristics. While meeting these conditions is essential for experiencing republican freedom, it is important to note that their fulfillment alone does not guarantee one's status as a freeman. Under the republican tradition of thought, to be considered a freeman or *Liber* you must enjoy as well the institutional and legal protections associated with being a *Civis* or citizen in a political body. In that regard, under the republican framework being a citizen is associated with being a freeman. The status of being a citizen should guarantee the institutional protections necessary to satisfy the freedom ideal as non-domination, so for Pettit "A free citizen, in this sense, enjoyed a legal and civic status in relation to others- in both their private and public capacity- that gave that person independence from their will in exercising certain personal choices." (p.56, 2014).

It should be noted that the status of being a free citizen poses both objective and subjective requirements. The objective requirements refer to the legal and civic protections that citizenship should provide against the arbitrary interference of private and public agents. According to Pettit, the objective protections that a well-designed republic should guarantee are described as fundamental liberties. Now, what are those fundamental liberties? The republican image of what constitutes a free citizen should provide us with the nature of those basic liberties and how to identify them. For Pettit, this image of the Republican citizen provides us with the relevant choices that constitute the basic liberties by using the floor and ceiling constraints. According to the philosopher, on one hand, "The ceiling constrain is that the basic liberties should not include choices that put people at loggerheads with one another and force them into competition" (p.62, 2014). If a specific option necessarily implies social competition and could trigger conflict, then it cannot be considered a basic liberty that should be provided by the public body. Basic liberties, according to Pettit, should consist of choices that can be enjoyed simultaneously with others, promoting a harmonious coexistence among citizens. An example of a basic liberty

that satisfies the ceiling constraint is freedom of expression. Within the ceiling constraint, the basic liberty of freedom of expression ensures that individuals have the right to express their thoughts, opinions, and ideas without infringing upon the rights of others or causing social conflict. However, the ceiling constraint also requires that the exercise of this freedom respects the rights and dignity of others, fostering a climate of respectful and constructive communication. By satisfying the ceiling constraint, freedom of expression ensures that individuals can express themselves freely while respecting the rights and well-being of others, contributing to a democratic and inclusive public sphere.

On the other hand, for Pettit “The floor constrain is that the basic liberties should encompass all the choices that are co-enjoyable in this sense, not just a subset of them.” (p.62, 2014). To be co-enjoyable, everyone must have the capacity to freely enjoy an option without it depending on how many others are enjoying it at the same time, and they must also derive the same satisfaction from it independently of how many others are exercising the same choice. In addition to that, choices must be co-exercisable, which means that they must be within everyone’s reach with the help of basic assistance provided by the state from a common pool of resources. If a choice requires special skills or cooperation, then that choice cannot be assured as a basic liberty. To enjoy a healthy and clean environment can be considered a basic liberty that satisfies the floor constraint within the republican framework. The basic liberty to a clean and healthy environment means that everyone should have access to clean air, water, and pollution-free surrounding without dependency on others or discrimination. It recognizes that a clean and healthy environment is essential for the enjoyment of other basic liberties and the well-being of individuals and communities.

Furthermore, Choices are not co-satisfying if the right to enact them exposes others to the risk of being dominated. For example, unrestricted freedom to own a monopoly on any good or service may lead to the unconstrained dominance of an agent over the rest of the people, especially if that good or service is fundamental for the maintenance of society. At last, these rules for determining basic liberties do not presuppose specific institutional characteristics, these will vary with the cultural and economic framework already in place in society. In summary, for Pettit “The basic liberties are not a natural kind. They are a

kind-a set of choices-that has to be identified case by case for each culture and community”. (p.71, 2014).

The subjective requirements for being a free citizen refer to the state of a “common awareness” that everyone is fully protected under the law, independently of their racial, cultural, or socioeconomic backgrounds. This common awareness should provide each citizen with the notion that everyone has equal power under the law and no private or public agent can impose their will arbitrarily over anyone else without facing some kind of legal punishment. It should be mentioned that the protections provided by the rule of law are not sufficient to guarantee a harmonious public sphere. Republican tradition also emphasizes the importance of civic virtue in creating a harmonious public sphere, it relies on social norms to enhance their particular type of freedom. Social norms are cultural constructions of socially expected behaviors in which noncompliance does not carry any legal punishment but instead could bring about social disapproval. This supports the law by promoting certain patterns of expected behaviors that are socially useful and accepted, so for instance, according to Pettit it will support certain “... patterns of behavior, such as telling the truth or keeping promises, in a variety of different contexts, not just in the special cases-for example, in the courtroom or in formal contracts- where coercive law is useful.” (p. 60, 2014).

As a criterion for determining when the state is providing an adequate level of protection and resources for citizens to consider themselves free under the republican sense, Pettit proposes the “eyeball test”. According to the philosopher,

“It says that people will be adequately resourced and protected in the exercise of their basic liberties to the extent that, absent excessive timidity or the like, they are enabled by the most demanding standards to look one another in the eye without reason for fear or deference.” (Pettit, 2014, p.99).

This test is meant to represent when all the objective and subjective requirements for enjoying freedom as non-domination are fulfilled, and also serves as a guide for real-world policy-making to determine when policies and state institutions have accomplished a sufficient level of provision of citizen’s basic liberties. The eyeball test is the recognition that you are not under the dominion of another agent’s arbitrary will, you are free under the

republican conception. This test will gain considerable relevance in the next chapter when we address the republican conception of equality since freedom and equality are two intertwined conceptions in the republican framework.

In this chapter, I have examined the neo-republican conception of freedom and decomposed its definition into various aspects. This chapter provides us with the conceptual tools to analyze the neo-republican conception of equality and its characteristics. In the next chapter, I am going to use those tools provided by the neo-republican conception of freedom to derive the neo-republican conception of equality and its main characteristics.

Chapter 2: Towards a Neo-Republican Conception of Equality.

2.1. Neo-Republicanism on justice and Equality.

In the first chapter, I examined the Republican Ideal of Freedom as non-domination and its main characteristics. The aim of this second chapter is to establish what is notion of equality the republican ideal of freedom as non-domination defends and how it relates to other egalitarian approaches. Before addressing the different egalitarian approaches in contemporary political philosophy, is necessary to make some important remarks about the way neo-republican authors (Pettit, Laborde) define the concepts of justice and equality and the different dimensions in which they could be analyzed.

To begin with, let us analyze how these three different concepts, namely freedom, justice, and equality relate under the republican framework. Justice is a paramount concept for Republican and liberal authors alike, and Pettit makes a direct reference to Rawls when he states that the main concern of any theory of justice is to find a proper balance between citizens' competing claims (Pettit, 2012). Under the republican framework, citizens are viewed as the claimants and the state as the guarantor of these claims, thus the state is the one responsible for balancing those demands and enforcing justice. This is not a surprise if we remember the role of the state in fostering republican freedom; as it was explained last chapter, under the republican notion of freedom you are considered free insofar you are under the institutional protections provided by citizenship, in which you can feel objectively (law, policies) and subjectively secured from the arbitrary interference of any private or public agent. If we combine the Republican goal of non-domination and the notion of justice as a balance between citizens' competing claims, we can determine that a just society is one that can protect and guarantee citizens' independence in all their social and public relationships to the extent that no relation of domination takes place, or in other words, a just state for republicans is one that weighs in citizens' competing claims in a way that relations of domination are no longer possible. In that regard, justice and freedom for Republicans are positively correlated notions, you cannot foster one without fostering the other.

Equality is also a concept that is interconnected with the republican notions of justice and freedom. A just society presupposes that the state should balance citizens'

competing claims by an egalitarian constraint. The republican state should treat all citizens as equals when assessing their claims and also have to manifest an equal degree of concern for all claimants. Consequently, the Republican goal of fostering freedom as non-domination can only be attained on the grounds of equality. We are now able to observe a direct connection between the terms; republican freedom can only be fostered in a just state, and a just state can only emerge when following an egalitarian constraint.

In addition to that, it is also worth mentioning that Pettit identifies three different dimensions in which justice and equality can be analyzed: Social justice, political justice, and international justice. I refer to these three dimensions as dimensions of justice and equality because under the republican framework these two concepts presuppose each other and are mutually inclusive, hence the terms can be interchangeable. Social justice can be rephrased as social equality, political justice as political equality, and so on. The different dimensions of justice and equality refer to the different kinds of associations we can find in contemporary societies. Social justice refers to the private relationships between citizens, to the domain of public life where *dominium* or private power can be exerted. In other words, social justice represents the sphere of public life where horizontal relationships between citizens occur. We can follow from the definitions of justice and equality that the state achieves social justice when it successfully balances horizontal relationships between citizens in a way that all citizens are treated as equals and relationships of private dominations are reduced or eliminated. Another dimension is political justice. Political justice refers to the vertical relationships between citizens and the state, this time representing the domain of public life where *imperium* or political power can be imposed. To achieve political justice citizens must be protected from domination in their relationship with the state, to be secured from arbitrary state interference. Finally, Pettit also identifies international justice as the third and final dimension of justice that should be considered here. This third dimension refers to lateral relations between states, and its whole aim is to determine how to organize international relationships between nations in a way that no polity can dominate or impose its arbitrary will on another.

Pettit identifies these three dimensions and analyzes them separately for a good reason. For the philosopher, each dimension poses its own distinct challenges to the

republican ideal and answers to different philosophical concerns. For example, the dimension of political justice tries to give an answer to the problem of political legitimacy, hence is mainly concerned with the political institutions that a republican state should impose in order to make decision-making processes legitimate. (Pettit, 2012). Since my main objective in this chapter is not to give an account of how the neo-republican theory views each of these dimensions, I will instead focus on one of these dimensions and derive from it a broader conception of equality. To simplify my analysis, I will focus specifically on how neo-republicans view justice in the horizontal relationships between citizens or social justice, and extrapolate from it a more general conception of equality.

2.2. Philosophical Antecedents: Between two egalitarian approaches.

Some scholars have identified two main egalitarian approaches in contemporary political philosophy: distributive and relational. (Garrau & Laborde, 2015). Distributive approaches were mainly put forward by prominent liberal thinkers like John Rawls and Ronald Dworkin, and are focused primarily on determining what it means to have a fair distribution of resources and goods in society. Distributive approaches consider equality as a fundamental moral value that should be promoted by the state by guaranteeing a fair distribution of certain goods that are regarded as crucial for configuring a just society. We can find several ways in which thinkers have configured distributive theories of equality, but most distributive approaches try to give an answer to three main concerns: 1. Determine what should be the currency of equality, 2. establish a feasible principle of distribution, and 3. settle what counts as a disadvantage for the purpose of redistribution and compensation. (Garrau & Laborde, 2015). The currency of equality refers to the metric in which the equalization of resources should occur, for example for most distributive approaches the main currency of equality is material resources or income. The principle of distribution regulates the way the redistribution of resources should take place, for example most distributive approaches give priority to what they consider to be the worst-off members of a society, which are those with fewer material resources to sustain life, so the principle of distribution establishes a downward movement of resources. Lastly, distributive approaches have identified numerous ways of what counts as a disadvantage for distributive purposes,

like being born with a major physical or mental handicap or being born in an unfavorable social position.

From the three points of concern described above, the latter has been the dominant point of discussion for distributive egalitarians in contemporary debates. The dominant school of distributive approaches, which is luck egalitarianism, holds that the state should provide compensation to the worst-off individuals of a society that are victims of brute bad luck, but not to those individuals whose current disadvantage are due to option luck. Individuals are victims of brute bad luck when their quality of life is affected by underserved situations, like being born in a poor household or with an incapacitating illness. In these cases, the state has the authority to interfere and compensate those individuals for their underserved bad luck. The exception to that rule is when the individual's bad luck is due to his own choices, for example if an individual loses all his money gambling at the casino then the state is not obliged to interfere and compensate that individual since his disadvantage is due to option luck. Besides compensating for underserved bad luck, luck egalitarians also propose that the compensation should come from that part of another's good fortune that can be considered undeserved.

For some scholars like Anderson (1999), the position of luck egalitarianism or "Equality of fortune" comes from a flawed understanding of equality. According to her, luck egalitarianism fails in the most fundamental test that every position on equality should pass: "that its principles express equal respect and concern for all citizens" (Anderson, p.289) Luck egalitarianism fails the test in three main ways: 1. Its theory rests on paternalism when it denies aid to those individuals that are considered responsible for their own bad luck. 2. The theory's principle of distribution is based on inegalitarian grounds because it validates some citizens' claims over others on the basis of their inferiority in some fundamental aspect. 3. The theory is intrusive and judges peoples' life choices, hence it violates their freedom to shape their own lives as they wish.

To overcome the flaws and limitations of luck egalitarianism, Anderson proposed an interpretation of equality in relational terms or a form of social equality. Positions like this are known as relational approaches to equality, and their main objective is not to compensate citizens for their undeserved bad luck but to guarantee citizens' equal standing

in society. According to positions of relational equality, equality is not about the way goods are distributed among society but rather is about the way citizens relate with each other. Equality of fortune aims to compensate while conceptions of relational equality aims to protect from relations of subordination or social oppression. Relational theories of equality depart from luck egalitarianism in 4 ways: 1. They promote equal access to non-material goods. 2. They underline the expressive nature of political institutions. 3. They require a democratic ethos to achieve equality. 4. They draw attention to the structure of social relationships. (Garrau & Laborde, 2015). Next section I will examine how a republican conception of equality fulfills these requirements and establishes a relational theory of equality.

2.3. Republican Equality: A Relational Theory of Equality.

Now that the two main egalitarian approaches in political philosophy have been discussed, we are able to situate where a neo-republican conception of equality would lie between the two. As we already determined during the previous chapter, the first notion we must consider when analyzing the neo-republican conception of equality is their core ideal, freedom as non-domination. Republican freedom as non-domination already presupposes an egalitarian commitment based on the idea that the state should treat all citizens as equals when protecting their basic liberties. This is why Pettit considers freedom as non-domination a distinctively egalitarian ideal, because it seeks to foster freedom on the grounds of equality. But to what kind of egalitarianism does the republican ideal is committed? I will argue during this section that republicanism is essentially a relational theory of equality because its main concern is to balance social relationships between public and private agents in order to avoid asymmetric relations of dominance.

During the previous section, I mentioned the key points that describe a relational approach to equality according to Garrau and Laborde (2015), now let's use those same components and see if a neo-republican conception of equality would fit the definition. From those four components, I think the last one provides the key element when identifying a relational theory of equality: When it draws attention to the structure of social relationships. It is not hard to see how the republican ideal of freedom as non-domination is focused on the way social relationships are being handled institutionally and socially; its

main concern is to protect citizens from arbitrary interference or domination of any sort. This means that under the republican framework the distribution of goods is secondary to the way social relations are shaped. Based on the republican notion of freedom, social relations are considered more important to create and perpetuate inequalities that can undermine people's freedom. This coincides with Anderson's idea that egalitarian concerns should be based on the equal moral worth of all persons and support their claims on "the fact of universal moral equality" (Anderson, 1999, p.313) For Anderson those claims have both a positive and negative aspect, which are also followed by the republican conception. The positive aspect is to create a social community in which citizens can enjoy equal standing and avoid any type of hierarchical form of relationship. The negative aspect is to abolish oppression, "...that is, forms of social relationship by which some people dominate, exploit, marginalize, demean, and inflict violence upon others." (Anderson, 1999, p.313).

Another point of coincidence is regarding the requirement of a republican ethos to support state institutions. This is true for republicanism because it emphasizes the importance of creating a form of civic virtue that assist the formal institutions and laws that support the public sphere. Republican ethos is important because institutions and laws comprised a limited sphere of social life, so it is meant to regulate social relationships in the most basic core, without the need for state interference. The republican ethos is about creating a public sphere where the idea of freedom as non-domination is embedded within the system and to promote the willingness of citizens to put the common good above their own self-interest by contesting any form of social oppression, even when is not directly affecting them. Also, relational approaches underline the expressive nature of political institutions. This means that citizens should be able to identify with the institutions that regulate their public life, laws and policies should not represent an alien will to the citizens.

Finally, relational theories emphasize the importance of providing equal access to non-material goods. Since the main focus is on how social relationships are handled, the equal distribution of non-material goods is more important for guaranteeing citizens' equal standing than material ones. Non-material goods like education is more determinant in regulating social relationships by providing the means to improve an individual's quality of life. Education as a non-material good is key to promoting social mobility and reducing

social inequality. By providing individuals with the knowledge and skills needed to succeed in a changing economy, education can help individuals and communities to break cycles of poverty and improve their overall well-being.

2.4. Republican Equality: The Principle of Expressive Egalitarianism.

Last section we determined that the neo-republican conception of equality is a relational theory of equality, now let's see how it will respond to the main egalitarian concerns exposed in section 2.1., namely, the currency of equality, the principle of distribution, and what counts as a disadvantage for distributive purposes. All these concerns are responded to by the principle of expressive egalitarianism that the Republican tradition strongly supports (Pettit, 2014). Expressive egalitarianism is based on the idea that the state should address all citizens as equal but not necessarily provide equal treatment. It seeks to address inequalities through measures that promote equal recognition and respect, or in other words, it aims at promoting citizens' equal social standing. The principle presupposes that no citizens should expect special treatment or to be above the law under any circumstances, even when holding positions of power. Based on the principle of expressive egalitarianism, a republican state should balance citizens' competing claims in a way that reflects all citizens' equal status and challenge social hierarchies, prejudices, and discriminatory practices that perpetuate social inequalities. Expressive egalitarianism does not presuppose any degree of substantive equality (Equal treatment), it just requires that every citizen receive sufficient protections and resources to enjoy their basic liberties as a free citizen. Substantive equality is not necessary under the republican conception of equality because its main aim is to equalize citizens on the symbolic and social dimensions of equality, in their social status as republican citizens.

Let's start by identifying what is the currency of equality according to the neo-republican framework. As a paradigmatic relational theory of equality, neo-republicanism aims to create a society in which citizens can enjoy equal standing. Neo-republicanism focuses on creating a just society in terms of social status. As a result, the neo-republican theory of government highlights the importance of providing equal access to non-material goods to all citizens; It aims to equalize citizens in their access to a predefined set of basic liberties mainly composed of non-material goods. Based on the principle of expressive

egalitarianism previously explained, neo-republicans support the inclusion of non-material goods as part of the currency of equality, which creates a level playing field, where power imbalances and disparities are minimized and citizens can be treated as equals. In practical terms, equal access to non-material goods must be focused, at least in the neo-republican framework, on those goods that promote citizens' equal standing. A good example of this is education. There are numerous reasons why equal access to educational resources promotes citizens' equal standing. First, by promoting quality education to marginalized groups and underprivileged communities, education can help bridge the gap between different social groups and reduce disparities. Also, quality education for all fosters social mobility, it helps break the cycle of poverty by equipping individuals with skills and knowledge that can bring better job prospects and higher incomes. In addition to that, by promoting upward social mobility, education can reduce the influence of socioeconomic background on an individual's life outcome. Overall, education provides a good example of a non-material good that could help states and institutions meet the eyeball test proposed by Pettit. It should be noted that even though Republican freedom does not presuppose any degree of substantive equality in material terms and puts an emphasis on non-material goods, this does not mean that material and economic equality is not important within the Republican framework. If material disparity could represent a source of domination, then the state is allowed to interfere. For example, when two competing parties are fighting a legal battle, but one of the parties cannot afford legal representation, then the state can re-balance this disparity of power by providing state-funded legal representation to the worse-off party. Material redistribution of resources is sometimes necessary for instances where material disparities can cause a source of domination from one agent to another.

Besides promoting a substantively egalitarian approach in terms of social status, the principle of expressive egalitarianism also supports a sufficientarian approach when limiting social inequalities. To have a sufficientarian distributive principle means that institutions and states only need to provide a basic level of provision of resources and protection enough to guarantee citizens' equal enjoyment of freedom as non-domination and their equal access to undominated choices. The conditions of the sufficientarian constraint depend on the endowments and resources available to each individual, or in other words, depend directly on a predetermined set of basic liberties. These basic liberties vary

between each political community, for Pettit “The basic liberties are not a natural kind. They are a kind –a set of choices- that has to be identified case by case for each culture and community” (Pettit, 2014, pag.71). This brings the eyeball test back to the table. The state needs to endorse citizens’ basic liberties until the requirement of the eyeball test is successfully met, until citizens can see each other in the eye without fear or deference. To guarantee citizens’ equal status is to provide the same level of entrenchment, in a specific range of choices, so that all citizens can consider themselves free and equal individuals.

The neo-republican principle of compensation or what counts as a disadvantage for redistributive purposes is determined by citizens’ social status. The neo-republican framework is substantively egalitarian only in terms of social status, all citizens must relate at the same level to achieve republican equality. In that sense, any lack in providing an individual or group of individuals with the same set of basic liberties that the rest of the population enjoys put them in a precarious situation, and makes them susceptible to many forms of social oppression and domination. According to the republican notion of equality, political, economic, and social resources, in the form of basic liberties, should be distributed in a way that all citizens can enjoy a decent quality of life and meet the eyeball test.

2.5. Republican Equality: The Institutions of Social Equality.

Pettit in *Just Freedom* makes a tentative exercise to identify the policy-making programs that a Republican theory of justice may support. Even though these programs are based on empirical assumptions about policies that support people’s equal enjoyment of freedom as non-domination in their social relationships, they are suitable to be challenged and changed over time. Nonetheless, the exercise comprises what a theory of justice looks like according to Pettit’s neo-republican framework and how it can be interpreted. He divides policy-making programs into three different categories, encompassing the main institutions that support freedom as non-domination and its vision of equality, these are Infrastructure, insurance, and insulation.

Infrastructure refers to the institutional arrangement that supports the republican theory of choice, or in other words, is composed of institutions in charge of providing citizens with equal enjoyment of a meaningful range of choices. Institutions of

infrastructure can be subdivided into two main categories: Institutional and material. Institutional infrastructure refers to the legal and administrative framework that organizes society and provides it with basic services. Examples: education, legal order to resolve conflicts, and market conditions. On the other hand, material infrastructure refers to the provision of physical structures that guarantees citizens' basic liberties. Example: the construction of roads and other means of transport, the maintenance of public spaces, and the preservation of the natural environment.

Insurance refers to the institutional arrangement put in place to protect people against bad times. It is not the bad times themselves that Republicans want to combat, but the fact that under bad times citizens can easily become unprotected and under-resourced to defend themselves against relationships of domination, private or public alike. Insurance could be put in place against natural catastrophes as well as personal calamities. Examples: Shelter, medical aid, and support for disability. It should be noted that these resources should be equally available to all citizens and not be dependent on private efforts, like philanthropic enterprises, because those are based on the goodwill of another agent and presupposes a relationship of domination, independently of the good intentions of the enterprise. Neo-republican does not necessarily oppose philanthropic efforts as long as those do not replace state-funded provisions.

Insulation refers to institutions in charge of the insulation of individuals against relationships that could entail domination of any sort. Pettit subdivides this into two cases, special and general. Special cases of insulation refer to protections against a relationship that entails asymmetry of power of any kind, for example, husband and wife, debtor and creditor, employer and employee. These institutions try to provide a legal framework that could rebalance these relationships and provide protections to the least powerful side. More general cases of insulation are crime-related issues, like theft, assault, murder, etc. Of course, the basic response is to criminalize these acts of dominating interference, but the Republican theory would also be prone to criminalize acts that promote that kind of behavior. A solution could be to provide penalties for socially unacceptable behavior, for example, a state could impose you a fine for throwing trash in the public space because you are violating peoples' equal freedom to enjoy a clean environment.

We have seen that the neo-republican framework has the characteristics of a paradigmatic relational theory of equality, emphasizing the importance of social relationships and equal social standing. Expressive egalitarianism, the principle at the core of the neo-republican conception of equality, highlights the need for equal recognition and respect among citizens, while not requiring strict substantive equality in material terms. The emphasis on non-material goods, such as education, as part of the currency of equality reflects the aim of creating a society where power imbalances and disparities are minimized, and citizens can be treated as equals. Also, the policy-making programs proposed within the neo-republican framework, including infrastructure, insurance, and insulation, are aimed at supporting citizens' freedom as non-domination and promoting equal social standing. These programs recognize the significance of providing citizens with equal access to choices, protecting them against hardships, and rebalancing power dynamics. However, it is important to recognize that the neo-republican framework is not without its critics and limitations. In the upcoming chapter, I will provide a critical analysis of the neo-republican framework of social justice. I will examine its strengths, limitations, and potential areas for improvement, aiming to offer a comprehensive assessment of this framework.

Chapter 3: A Critique of the Neo-Republican Framework of Social Justice

3.1. Republican Justice: Advantages of the Neo-republican framework.

The Republican conceptions of freedom and Equality that I explicated in the previous chapters form the main building blocks of the neo-republican conception of social justice. As I explained in the last chapter, freedom, justice, and equality are three interconnected and mutually reinforcing concepts in the neo-republican framework of thought developed by Pettit. Developing a theory of republican justice is important in Pettit's work because it provides the normative conditions that articulate how institutions and laws should be designed in order to construct a public sphere where citizens can relate as free and equal individuals. In the last chapter, I pointed out that within the republican framework, justice has three distinct spheres of action, namely, social justice, political justice, and international justice, and from the three of them I focus in this project on the first one, social justice. As we have seen with the Republican accounts of freedom and equality, the Republican notion of social justice emphasizes the need to challenge and overcome systemic barriers that perpetuate forms of status inequalities and restrict individual freedom. It aims to dismantle power imbalances and avoid the formation of relations of domination between different social agents. In this section, I want to analyze the benefits and advantages that Pettit's framework of justice poses in comparison to the traditional liberal conception of justice.

There are several advantages of the neo-republican framework of justice proposed by Pettit, and they can all be resumed in one main idea: The neo-republican framework of justice re-establishes the lost connection between freedom and politics that liberal theories of government disregard. The emergence of the liberal perspective of freedom as non-interference provoked a separation between freedom and the public and political spheres of life. Freedom becomes a separate sphere of life where citizens enjoy freedom insofar as their individual liberties are safeguarded against undue interference from the state. In addition to that, one of the predominant features of classical liberalism is advocating for limited government intervention and a minimalist approach to governance. Since the liberal conception of freedom is primarily concerned with enforcing a negative view of freedom as was previously explained, any type of external constraints or obstacles to citizens' capacity

to choose are a source of unfreedom, even those put in place by the state to protect that same freedom. One prominent author that realized this separation between freedom and politics in contemporary liberal societies was Hannah Arendt (2016). According to her, the liberal credo states that less government always means more liberty; Liberal freedom can only be enjoyed within citizens' private sphere of life. Arendt even goes further and denounces that this divorce between freedom and politics is reflected in the most terrifying political experiences of the twentieth century, for her

“The rise of totalitarianism, its claim to having subordinated all spheres of life to the demands of politics and its consistent non-recognition of civil rights, above all the rights of privacy, makes us doubt not only the coincidence of politics and freedom but their very compatibility.” (Arendt, pg.60-61).

The liberal credo's emphasis on limited government intervention and non-interference created a void in the public sphere. This void between freedom and politics in liberal societies provided an opening for totalitarian ideologies to manipulate and dominate public discourse and decision-making processes. The rise of totalitarian ideologies was facilitated by the disillusionment with liberal democratic systems caused by their perceived inability to address social and economic challenges. The separation between freedom and politics, along with the limited government intervention advocated by liberalism, led to a lack of effective responses to societal issues. In that regard, Totalitarian movements took advantage of this void by presenting themselves as a solution to the perceived chaos and inefficiency of liberal democratic systems. Paradoxically, the rise of totalitarian regimes intensified the perceived gap between freedom and politics by subjugating citizens' private life to political control, making the liberal credo even more appealing to contemporary citizens. Totalitarian regimes, as a form of government that seeks to exert total control or domination over citizens' private and public affairs, represent an extreme consequence of the liberal credo turning against itself.

The neo-republican framework of justice recovers the public and political spheres as the main spaces for the exercise of freedom. With respect to the republican conception of freedom, it promotes state institutions and laws as the instruments in charge of protecting citizens' basic liberties. In that sense, Pettit's neo-republican framework of justice has a

consequentialist character, which means that state socio-political institutions should be designed in order to reflect the overall objective of fostering freedom as non-domination. When applying consequentialism to socio-political institutions, we can examine their consequentialist character by assessing the overall consequences they generate for society. In the case of neo-republicanism, we have to evaluate state institutions and laws by their capacity to promote citizens' undominated choices. This reconnects the promotion of freedom with the public and political spheres of life, highlighting the importance of the public sphere in citizens' everyday life. Meanwhile, classical liberalism neglects the role of the public and political spheres in promoting freedom by advocating for minimal state involvement and prioritizing individual liberties. In contrast to the individualistic approach of classical liberalism, the neo-republican framework emphasizes the collective dimensions of freedom. It acknowledges that citizens' choices and opportunities are shaped not only by their individual circumstances but also by the broader social and political structures in which they exist. Therefore, the consequentialist nature of the neo-republican approach directs attention to the overall consequences of state institutions and laws on promoting citizens' undominated choices and fostering a more equitable society.

This reconnection between freedom and politics has deep consequences for the promotion of social equality. According to liberal conceptions of equality like luck egalitarianism, the state should have a passive role in tackling social inequalities, it must only redistribute and interfere when those inequalities are due to the individual's bad luck. A liberal state is highly individualistic and allows unregulated personal autonomy to the extent that citizens can be left unprotected from the vicissitudes of life, especially if their bad times are due to option bad luck. Neo-republicanism on the other hand, proposes an active role of the state in resourcing citizens and providing protections against bad times, even when their "bad luck" is due to their own decisions. Without being paternalistic, the neo-republican egalitarian approach tries to ensure that institutions and laws can safeguard citizens' liberties no matter their personal circumstances. This commitment to equal treatment provides a foundation for combating discrimination and promoting social equality, as it ensures that no one is unjustly advantaged or disadvantaged by the legal system.

3.2. Republican Justice: The limitations of the neo-republican framework.

One of the main ideas that Pettit put forward in his work is that the republican ideal of freedom he is defending is sufficient by itself to promote free and egalitarian societies. It does not have to be accompanied by any other value or ideal to provide all the benefits he is showcasing in his framework of justice. In that regard, all the republican conditions for fostering a just and egalitarian society can be traced back to its consideration of freedom as non-domination. Since all the conditions and principles of Pettit's neo-republicanism follow directly from its conception of freedom as non-domination, the neo-republican framework of justice makes up a coherent theory that does not need the promotion of any other external ideal to be effective. Based on this consideration, the principles of social justice and equality we have analyzed so far are not ideals that should be promoted independently to complement republican freedom but instead are derived directly from the enforcement of republican freedom. In this section, I aim to analyze this latter statement and determine if indeed the republican framework is sufficient for fostering more egalitarian societies and does not need the integration of further values or ideals to provide enough protections to guarantee citizens' equal standing. I will argue that the neo-republican framework of justice is actually insufficient to capture all the types of social inequalities that can be found in contemporary societies and possess a limited scope.

Pettit's neo-republican framework of justice is limited on various fronts. First of all, the republican conception of freedom as non-domination does not avoid all situations of vulnerability that can be present within different social contexts. For Pettit, social vulnerability has two main characteristics. First, it is a natural outcome of any type of social interaction; vulnerability is inherent to all human connections. According to Garrau and Laborde, in Pettit's neo-republicanism "...vulnerability works as an anthropological category, a common and irreducible fact of human life, which proceeds from our mutual interdependence". (2015, pg.12). In Pettit's work vulnerability is inevitable insofar as we are humans, and human interactions presuppose a substantive degree of mutual interdependence that makes all susceptible to harm by others. The other characteristic of social vulnerability is that it can be worsened by unequal imbalances of power or relationships where domination is present. It is precisely this second aspect of vulnerability

that Pettit tries to address with his neo-republican framework of social justice; Republican justice aims to equalize social relationships until those imbalances of power regarding this second type of vulnerability can be rebalanced again. In that sense, the neo-republican conception of freedom as non-domination attempts to avoid the worst kind of vulnerability possible, one that appears when relations of domination are present. Neo-republicanism aims at creating a society in which the transformation of relations of mutual interdependence into relations of domination is less likely or even impossible to occur. Domination intensifies the perception of vulnerability and makes the eyeball test harder to achieve. This produces a range of harmful emotions that erodes an individual's sense of self-worth and his overall quality of life. These emotions can vary from a constant state of fear to a feeling of helplessness. In consequence, avoiding domination is indeed beneficial to citizens' lives; it empowers individuals, equalizes social relationships, and improves their overall well-being.

One of the attractiveness of Pettit's neo-republican framework is precisely the way it tries to regulate asymmetrical relations in order to avoid the problems that arise from domination. Neo-republicanism advocates for the creation of social and political institutions that can reflect the republican goal of fostering freedom as non-domination. Returning to my main concern, is avoiding domination sufficient for equalizing all types of social relations and achieving citizens' equal standing? Not under the conditions posed by Pettit's neo-republican framework of justice. In Pettit's neo-republicanism the principle of non-domination is not enough to tackle all the possible types of vulnerability that could arise in contemporary societies. Vulnerability should be avoided politically because it can lead to the exploitation, subjugation, and harm of individuals or groups within society. When individuals are vulnerable, they are more susceptible to being taken advantage of or subjected to unequal power dynamics. By addressing and mitigating vulnerability, political systems can ensure a more equitable and just society. Failing to adequately address certain forms of vulnerability, especially those beyond the scope of the neo-republican framework (which will be discussed later), can result in systemic injustices, discrimination, and marginalization. It can limit individuals' opportunities to thrive and hinder their ability to fully participate in social, economic, and political spheres.

The limited scope of the neo-republican framework of justice can be traced to its notion of domination. Garrau and Laborde (2015) point out that Pettit's notion of domination differs from the one developed by other important thinkers like Pierre Bourdieu and Karl Marx, which understand domination as a structural relationship. For Pettit, domination is essentially an intersubjective concept, it can only be exerted between individual agents or groups. On the other hand, a structural understanding of domination has a broader range, it can be exerted not only between human agents but also between human agents and their surrounding social structure. An agent or social group can experience domination not only by an identifiable human agent but also by the cultural and social norms in place. In addition to that, structural forms of domination not only limit the choices available to a particular agent but also alters individuals' perceptions of themselves, it can affect their capacity to think of themselves as agents capable of choice. The latter is an instance that Pettit does not consider in his framework; In a more internal and subjective sense, it is possible to alter an individual's range of choices and subject him to domination without limiting his capacity to choose in a practical sense. Social structures and systems of power can shape individuals' behavior, belief, and opportunities without them feeling subjected to the arbitrary will of a specific agent. Structural domination operates not only through explicit forms of power as the ones that Pettit's theory of justice is able to address but also through the internalization of social structures and the reproduction of social inequalities through individual actions.

A contemporary example of a structural form of domination that the republican framework of justice is not able to address can be observed in the recent events of police brutality against the African-American community in the United States of America. Even though in relation to institutions and laws all African-American citizens are protected and treated equally, structural racism is still a major issue affecting the community's overall well-being. Structural racism goes beyond state policies and institutions; it often operates implicitly or unconsciously within the system. The Republican framework fails to address structural racism because is based on a notion of interference that presupposes intentionality from a human agent and because does not consider it possible that

domination can come from cultural and social systems. Structural racism goes beyond individual acts of prejudice or bias and encompasses the way in which cultural and societal norms perpetuate and reinforce racial disparities. Racial profiling by law enforcement is just one of the possible ways structural racism can manifest, other examples can be discriminatory hiring practices and the disproportionate impact of poverty and environmental hazards on marginalized communities. All these examples go beyond the scope of Pettit's neo-republican framework of social justice. An individual who is a victim of structural racism is not necessarily dominated in a republican sense, he or she is not subjected to the arbitrary will of another agent or group. He is subjected to a subtler form of inequality, one that is embedded in the cultural and social norms that surround his everyday life. In that regard, you can plausibly say that an individual subjected to structural forms of domination is trying to navigate within a rigged system, a system that in appearance offers him all the protections and resources necessary to enjoy freedom as non-domination but that nonetheless subject him to an unconscious and subtler form of societal oppression.

Besides not recognizing structural forms of domination, another instance that I already pointed out is that it also fails to consider the subjective and internal aspects that can limit an individual's range of choices. An individual can feel constrained and see himself as incapable of enacting a choice even though no one is dominating his choices. As a relational approach, the neo-republican framework focuses on the inter-subjective aspect of choice but does not consider the internal feeling of self-worth as an instance in which domination can be exerted. Returning to the example of structural racism, this can lead to fostering feelings of unworthiness that would limit, on an internal and subconscious level, the range of choices available to an agent. For this reason, some scholars propose to accompany the ideal of non-domination with other concepts like non-alienation (Schuppert, 2015). According to Schuppert,

Alienation from oneself means that an agent fails to see herself as a legitimate source of claims and reasons, that is, the agent does not realize her capacity for freedom because of a range of autonomy-undermining experiences of misrecognition, powerlessness, voicelessness and exclusion. (2015, pg.447).

Alienation goes beyond domination and does not presupposes it. You do not need to be under the thumb of anyone to feel excluded from enacting a particular choice. An example of this is individuals facing poverty. Individuals living in poverty are more likely to experience alienation due to their limited access to resources and opportunities. They may face discrimination and stigmatization from society, further exacerbating their sense of isolation and marginalization. At the same time, alienation can contribute to the perpetuation of poverty. When individuals feel disconnected from mainstream society, they may lack the social networks, support systems, and access to information necessary to escape poverty.

Overall, we can conclude that Pettit's neo-republican framework of justice has a limited scope when addressing structural types of social inequalities and injustice. Structural inequalities, like structural racism and poverty, are not correctly addressed by the republican framework because of the limited range of its notion of domination. The notion of alienation that was addressed in this section is a good example of an instance that affects people's capacity to enact undominated choices but the neo-republican framework is unable to provide institutional solutions. The neo-republican framework of justice makes sense and provides further protections than the liberal framework, but is still insufficient for tackling all types of inequalities present in contemporary societies.

3.3. Republican Justice: Expanding the neo-republican framework.

In the previous section, it was concluded that Pettit's neo-republican framework of justice is unable to address structural forms of domination. In this section, I will analyze if the limits of neo-republicanism exposed in the previous section can be addressed in a way that the framework is improved to capture structural forms of inequalities and how could it be done. My objective is to propose some reformulation to Pettit's framework without modifying the essential components of his theory. I want to comply with Pettit's idea that there is no need to complement the republican ideal of freedom with other independent ideals to be effective. That is why I want to propose modifications that aim to amplify the range of action of the ideal of non-domination, not to modify the core ideal itself.

My first proposal is to modify Pettit's notion of interference. As was explained in Chapter 1, Pettit's notion of interference only takes into account arbitrary acts that are done

consciously with the objective of limiting your available range of choices. First of all, one of the limitations of this notion of interference is that it presupposes intentionality to be considered an act of interference. As was determined in the previous section regarding structural inequalities, non-intentional or unconscious acts of interference that are embedded in cultural and social practices can also contribute to inequality without explicit or conscious intent to discriminate. These acts may be unintentional, inadvertent, or a result of biases and assumptions that individuals may hold, often influenced by prevailing social norms and attitudes. An example of unconscious acts of interference that contribute to exacerbating structural inequalities can be found in hiring practices. A company may unintentionally engage in a biased recruitment and selection process that contributes to the underrepresentation of certain demographic groups. While individual hiring decisions may not be intentionally discriminatory, the cumulative effect over time can lead to significant disparities in workforce representation and perpetuate structural inequality. My proposal is simple, just add and consider non-intentional human acts as possible sources of interference.

Another modification that is related to the previous one is to take into account that domination can come from non-human agents, like the surrounding social and cultural structures. Social structures, collective actions, and norms created and upheld by humans can exert influence and dominance over individuals and groups. A good example of this was already posed by the problem of structural racism. Even though African-American citizens have technically acquired all the rights and protections that the laws provide, the effects of this type of domination continue to be felt today, as racial disparities and systemic inequalities persist in various aspects of life, including income, education, housing, and criminal justice. Pettit's framework cannot address this type of structural inequalities because his notion of interference is essentially intersubjective, it only takes into account relations between human agents. So by now, I propose two needed modifications to Pettit's notion of interference, to include non-intentional human acts and non-human entities as sources of interference.

These modifications to Pettit's notion of interference also assume a broader interpretation of his eyeball test. Pettit's eyeball test essentially reflects the intersubjective

aspect of his notion of interference. You meet the eyeball test by looking each other in the eye and assessing if you can relate to them without feeling fear or deference. However, the enhanced eyeball test now encompasses more than just establishing an equal standing among human agents; it also encompasses a sense of relating to the overall social system without feeling oppressed by societal and cultural norms. This changes the predominant negative aim of the republican ideal. According to the republican ideal of freedom, state institutions and laws should focus on the negative objective of enforcing the ideal of non-domination by putting in place enough protections and resources to avoid the possibility of domination. By amplifying the scope of the ideal of non-domination, the republican framework now enforces a more positive aim. This means that, in order to prevent domination, the republican framework must empower individuals and provide them with resources until they no longer feel oppressed or marginalized by social and cultural norms. This is based on the positive aim of guaranteeing equal opportunities for personal growth and self-realization. This envisions a society where every individual, regardless of their background, identity, or circumstances, has an equitable chance to reach their full potential and lead a fulfilling life. To achieve this positive goal, it becomes imperative to address systemic barriers, prejudices, and biases that perpetuate structural inequalities. Importantly, these recommended modifications to Pettit's framework do not introduce independent ideals but rather expand upon his notion of interference.

In summary, in this chapter we have examined the limitations of Pettit's neo-republican framework in addressing structural forms of domination and injustices. By recognizing the need to improve the framework without altering its core ideals, I have proposed two key modifications to Pettit's notion of interference. Firstly, I argued for the inclusion of non-intentional human acts as potential sources of interference, acknowledging that unintentional biases and systemic practices can contribute to inequality. Secondly, we highlighted the importance of considering non-human agents, such as social and cultural structures, as sources of domination. By expanding the scope of interference to encompass these modifications, I have broadened the framework's ability to capture and address structural inequalities. I have emphasized the significance of recognizing how societal norms, collective actions, and systemic structures can exert dominance over individuals and groups, perpetuating disparities and injustices. This understanding is crucial in confronting

issues like structural racism and other systemic forms of discrimination that persist despite legal protections. Moreover, these modifications to the notion of interference necessitate a broader interpretation of Pettit's eyeball test. To reflect the expanded understanding of domination, the eyeball test must encompass not only relations between individuals but also the oppressive influence of cultural and societal norms. This reformulation instills the republican framework of justice with a positive aim, highlighting the significance of ensuring equal opportunities for individuals, both as a means to prevent domination and as a pathway for their personal growth and self-realization.

Conclusion

In this thesis project, I have examined and discussed the neo-republican framework of social justice, with a specific focus on its central concepts of freedom and equality. Through a critical analysis of Pettit's work on republicanism, I have assessed the strengths and limitations of the neo-republican framework in addressing contemporary forms of social inequalities. In the first chapter, I examine in depth the neo-republican conception of freedom, explaining its main characteristics and highlighting the fundamental principle of non-domination. Building upon this foundation, the second chapter examines and explains how the neo-republican conception of equality establishes a paradigmatic relational theory of equality. Here, I examine the principle of expressive egalitarianism, which aims to tackle inequalities by promoting equal recognition and respect, hence fostering an equal social standing for citizens. I also discussed the currency of equality within the neo-republican framework, emphasizing the importance of equal access to non-material goods that contribute to citizens' equal standing, such as education. Finally, the third chapter critically assesses the limitations of the neo-republican framework in addressing structural forms of inequalities. Recognizing the need for improvement, I proposed modifications to Pettit's notion of interference. These modifications include incorporating non-intentional human acts and considering non-human agents as potential sources of domination. Additionally, I also highlighted the necessity of adapting the eyeball test to encompass systemic norms and structures that perpetuate inequalities. Overall, this project emphasizes the importance of confronting structural injustices, such as systemic racism and other forms of discrimination, which persist despite legal protections. I have also pointed out the need for a broader understanding of domination, acknowledging the complex ways in which power operates in society and affects individuals and groups. While recognizing the value of the neo-republican framework, particularly in reconnecting freedom with political life, I also highlight the need for further adaptation to address the complexities of contemporary social and political realities.

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