

On the Uses of Republican Liberty in Global Political Theory

Paper to be presented at the conference *The Republican Tradition: From the Hanseatic League to the Age of Enlightenment*, The European University, St Petersburg, December 7-9, 2012. Please do not quote.

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Abstract

This paper is an analysis of recent attempts to transfer a republican ideal of liberty from early-modern sources and circumstances to current global conditions. In recent years, the republican construal of liberty as absence of dependence or domination has been a strong presence in normative debates about the prospects of democracy, justice, and human rights on a global scale. Drawing on the work of Quentin Skinner and Philip Pettit, many theorists have argued that this ideal is especially well suited to current conditions in world politics, and that its recent appropriation in global political theory is a welcome continuation of the republican tradition of reflecting on the nature and requirements of civil liberty.

In their eagerness to put this ideal to good use, however, its contemporary proponents in global political theory have paid scant attention to the transfer of ideas to which they themselves contribute. The paper analyzes the uptake of the republican concept of liberty in global political theory today, arguing that the concept has been both significantly broadened as to the range of conditions covered by the labels of dependence or domination, and significantly loosened as to the political preconditions deemed necessary for the promotion of liberty as the absence of dependence or domination. Illuminating different uses of the republican concept of liberty in global political theory allows for a better understanding of the intricacies involved in applying this concept on a global scale today, as well as of the logic and dynamic of the tradition from which the concept is drawn.

We must expect to be asked, and must not fail to ask ourselves, what is supposed to be the point of it all.

Quentin Skinner, *Liberty before Liberalism*

Not to be free is immoral, and liberation is both baptism and salvation, the true democratic sacrament.

Jean Baudrillard, *The Impossible Exchange*

What Quentin Skinner has referred to as a ‘neo-roman’ view of liberty has lately become a panacea in the field of global political theory. In the early-modern sources from which this view has been excavated, being free meant being able ‘to act according to your own will without being dependent on the will of anyone else’, dependence on the will of another amounting on this view to servitude, the predicament of a slave (Skinner 2010, 99). This view of liberty offered an ideal applicable to citizens and states alike, so that to be a free citizen was to live in a free state, a *civitas libera*, a state ‘capable of acting according to its own will – that is, according to the general will of its citizens – as a result of not living in dependence on the will of anyone other than the citizen-body as a whole’ (Skinner 2010, 99; cf. Skinner 1998, 36-57). Skinner himself has suggested that ‘in the present crisis of our affairs, we might do well to reconsider the merits of the neo-roman view that dependence involves an affront to our liberty’ (Skinner 2003, 24-25). The suggestion has certainly been heeded, albeit with notable terminological and conceptual adjustments.

For one, Skinner’s ‘neo-roman’ view of liberty has been rebranded ‘republican’ by most of its followers, which, as a matter of convenience and convention, is how I shall refer to it here. ‘I seem to have lost this part of the argument’, Skinner recently conceded

(Skinner 2008, 84). Second, Philip Pettit has largely set the terms of the debate about this view of liberty with his influential construal of it as absence of ‘domination’, rather than Skinner’s ‘dependence.’ As Pettit has remarked on this usage, ‘I see no relevant difference between what we say here, and I shall assume that, though we use different words, we have roughly the same thing in mind’ (Pettit 2002, 341). Thus construed, this view of liberty makes the absence domination essential to our being free, and being dominated, in turn, ‘involves occupying a position where another can interfere on an arbitrary basis in your life’ (Pettit 2002, 341; cf. Pettit 1997, 22).

Originally explicated and put to use by Pettit to identify forms of domination and conditions of liberty in the modern state (e.g. Pettit 1997; Pettit 2002; Pettit 2005), the ideal of freedom as non-domination has recently made its way into global political theory as well. There it has been introduced as a benchmark for the interaction between states in world politics, allowing states to ‘identify a domain of international basic liberties that they can each simultaneously enjoy’ (Pettit 2010, 85); it has been turned into a principle of global justice, giving us ‘strong reasons both for lifting people out of absolute poverty (ensuring basic capabilities worldwide) and for reducing large inequalities (curbing or neutralizing the power of dominant states)’ (Laborde 2010, 60); it has been invoked to ground human rights globally in a fundamental ‘right to have rights’, understood as ‘something like the right to contest those relations of power acting on you’ (Ivison 2010, 42; cf. Bohman 2005a; Bohman 2009); and it has been used to frame a global ‘democratic minimum’ that would allow ‘people to claim their freedom and equality effectively in the particular situation of potential domination that results from the democratic deficit of the global system’ (Bohman 2005a, 102).

These are no mean ambitions. Such great faith in any one political concept in any context certainly calls for closer scrutiny, especially when the concept in question has had as fitful a career as this one. As Skinner has taught us, the neo-roman view of liberty rose to prominence in mid-seventeenth century England during the civil war, drawing on Roman law and Italian Renaissance republicanism. Eventually it ‘slipped from sight’ in the course of the nineteenth century (Skinner 1998, ix), and has now belatedly been excavated and explicated by intellectual historians and political philosophers such as Skinner and Pettit, before becoming the answer to all our problems in global political theory. In light of this tortuous genealogy, and given Skinner’s own famed emphasis on contextual sensitivity in historical scholarship, we might expect this flair for republican liberty to be accompanied by careful consideration of what is involved in this kind of *recontextualization* of a political concept across three or so centuries. Perhaps not unexpectedly in view of his avowed preference for this view of liberty, Skinner has been content to express his approval in this case; for him, the republican turn in global political theory represents ‘a fascinating and valuable updating of [...] the early-modern vision of free states’ (Skinner 2010, 100).

It seems to me that things are more complicated indeed. The enthusiasm with which the republican concept of liberty is being picked up and put to use in global political theory today begs a question that Martin van Gelderen and Skinner, as editors of two seminal volumes of historical research on republicanism, have described as a ‘question that cannot be ignored in discussions of our republican heritage’, namely ‘how far we are confronting a usable past’ (van Gelderen & Skinner 2002, 6). As I hope to show, this is a question both of the usefulness of a concept that has gained widespread popularity in political discourse only in the past decades, and of the identity and continuity of what is at the same time construed

as a long and proud tradition of political thought that harks back to Roman law. So we need to ask ourselves: what happens to this view of liberty as it travels from early-modern sources to the latter-day context of global political theory, by way of Skinner's and Pettit's excavating and explicating efforts? And what happens to global political theory in the process? This line of questioning explores what Giovanni Sartori once referred to as 'the traveling problem': 'how far, and how, can we travel with the help of the available vocabulary of politics?' (Sartori 1970, 1034) Or more pointedly still, in the idiom of the usable past: how much and what do we need to hold on to in order for the republican concept of liberty to remain recognizable in light of its past, and how much and what can we change or drop in order for the ideal of republican liberty to be useful in the present?

No conclusive answers are forthcoming, but if nothing else I hope that my efforts will at least demonstrate that bringing out the complexity of these questions is worthwhile. A closer look at its fate in global political theory reveals that the republican concept of liberty has been significantly broadened as well as loosened during its recent travels. The concept has been broadened as to the range of conditions covered by the labels of dependence or domination, while it has been loosened as to the political preconditions deemed necessary for the promotion of liberty as the absence of dependence or domination. Yet none of this, I hope to show, is unequivocal. There are notable differences in interpretation between different proponents of the concept as well as notable ambiguity in many interpretations, both in the construal of dependence or domination and in the construal of the political aspect of civil liberty generally taken to be a defining feature of the republican tradition. What seems clear, however, is that so far this concept has done little to change the nature of

the debates into which it is being introduced. Global political theory may be changing the republican concept of liberty; so far there is little to suggest the reverse.

While this concept is new to the global context, recontextualization of this kind is essential to the identity and continuity of what has variously been described as a republican ‘tradition’, a shared ‘heritage’, and a historically evolved ‘theory’ (Pettit 1997; van Gelderen & Skinner 2002; Skinner 1998). As excavated by Skinner and others, the tradition of thinking and speaking about liberty in these terms consists, first, of a series of rhetorical moves by which ‘servitude’ and cognate terms are applied as labels of reproach to different social practices and political institutions in different historical contexts, the institutions and practices thus described being related across contexts – and thus across time and space – through the very act of recontextualization (cf. Gadamer 1988, 390). It is as if this tradition is constituted as such in an unending open-ended exercise in exemplary history, examples and illustrations being gathered from different historical contexts through a metaphorical extension of the concept of servitude. Second and related, this tradition also consists of a series of interpretations and reinterpretations of the polar opposite of servitude as posited by the sources of the same tradition; what Skinner has referred to as ‘the strictly political sense’ of liberty in republican political thought (Skinner 1998, 17). Just how strictly ‘strictly political’ is to be interpreted, and just what ‘political’ means, are far from obvious in the global context, as we shall see.

There can certainly be no *a priori* solution to Sartori’s traveling problem, but the recent recontextualization of the republican concept of liberty to the global context compels us to ask, *a posteriori*, when and where conceptual traveling threatens to lapse into what Sartori laments as ‘conceptual stretching’: a situation in which ‘our gains in extensional

coverage tend to be matched by losses in connotative precision’, so that ‘we can cover more – in travelling terms – only by saying less, and by saying less in a far less precise manner’ (Sartori 1970, 1034-1035). As I shall argue by way of conclusion, this threat is palpable in the field of global political theory today, and whether the republican concept of liberty will turn out to have been a usable item from the past in our contemporary context depends in no small measure on how this predicament is negotiated. In the next section I take a closer look at the recontextualization of servitude in global political theory, before moving on in the second section below to the interpretation and reinterpretation of civil liberty. The third section summarizes what has happened to the republican view of liberty in this process, and leaves us to ponder the limits of recontextualization.

Recontextualizing Servitude

In the early-modern sources of the republican tradition, Skinner tells us, a state will be ‘counted as living in slavery if its capacity for action is in any way dependent on the will of anyone other than the body of its own citizens’. In the same sources there are ‘two distinct ways’ in which this is said to happen: either when a state finds itself subject to the will of another state due to colonization or conquest, or ‘when the internal constitution of a state allows for the exercise of any discretionary or prerogative powers on the part of those governing it’ (Skinner 1998, 49-51).

When the concept of servitude is picked up and put to use in global political theory today there are still occasional metaphorical variations on these themes. As long as the state remains the center of attention, recontextualization will be largely a matter of bringing the

sources up to date on examples and illustrations. Skinner remarks, for instance, on ‘the current predicament of the British people’, being subjected to an ‘unregulated system of Executive power, with the body of the people and their representatives alike condemned to a state of corresponding dependence’ (Skinner 2003, 25). Phrased in this manner, this is a classic case of discretionary or prerogative powers as condemned by the English neo-roman writers of the seventeenth century, and applying the republican concept of liberty to these contemporary examples remains true not only to the spirit but to the letter of those early-modern sources.

In general, however, the recontextualization of the republican concept of servitude to contemporary conditions has moved beyond early-modern categories such as ‘discretion’, ‘prerogative’, ‘tyranny’, or for that matter ‘colonization’ and ‘conquest’. The starting point for these developments is Pettit’s *Republicanism*, a book only incidentally concerned with global conditions yet where much of the groundwork is laid for subsequent efforts in the field. There we learn of ‘a sort of grievance that has not been given enough attention in contemporary debates,’ namely the grievance of ‘having to live at the mercy of another, having to live in a manner that leaves you vulnerable to some ill that the other is in a position arbitrarily to impose’ (Pettit 1997, 4-5). In Pettit’s account, the specifics of this grievance might include the wife of an abusive husband; an employee who dares not raise a complaint against an employer for fear of repercussions; a debtor who depends on the goodwill of the lender for avoiding misery and ruin; or a welfare dependant ‘vulnerable to the caprice of a counter clerk’ (Pettit 1997, 5).

These are evocative examples in which the subjection of the dominated is surely unmistakable, also when ‘no arm is raised,’ as Pettit puts it, that is, also when there is no

actual interference on the part of the dominator with the choices of the dominated (Pettit 1997, 5). Again, what makes for domination in these situations is the dominator's 'capacity to interfere on an arbitrary basis,' not his or her actual interference, a basic tenet in the republican view of liberty as explicated by Pettit and his followers (Pettit 1997, 52). Within the confines of a polity, these are heterogeneous examples that cut across the distinction between public and private, however construed (cf. Pitkin 1981), and there is considerable variety in the nature of the relationships as well as in the means of domination. What is thus established, then, is that their heterogeneity notwithstanding we should treat these situations as so many instances of a single grievance: domination; and that we should address these situations accordingly, by way of a single notion: liberty as non-domination.

As republican political theory has taken its global turn, a gamut of new situations have been subsumed under the same label 'domination', on the assumption that these new situations are likewise instances of the same grievance, and should therefore be addressed by the same concept of liberty. Broadening the scope of the concept of domination comes with a price, however. In Pettit's examples, domination is a relationship between specified agents in which the dominator is in a position to arbitrarily interfere with the choices of the dominated, and in which domination involves an intent on the part of the dominator to impose his or her will upon the dominated, whether patently and by brute force, or subtly and by soft power. As Pettit has made clear, 'a dominating party will always be an agent – it cannot just be a system or a network or whatever.' And: 'the worsening that interference involves always has to be more or less intentional in character' (Pettit 1997, 52).

As a gloss on the neo-roman view of liberty traced by Skinner, Pettit's conception of liberty as non-domination is closely tied to a tradition in which lack or loss of liberty is

invariably described by reference to powerful agents and their capacity to impose their will upon others. As Richard Price put it in *Two Tracts on Civil Liberty*, extending the metaphor of servitude to the relationship between the American colonists and the British crown, we are in a state of dependence whenever we are ‘held under the power of masters’ (Price 1991, 77-78). When this move is repeated today by extending concepts and arguments from this tradition to our contemporary global condition, this hard core of the notion of servitude becomes difficult to uphold. In many of the situations to which republican theorists today want to apply their concept of liberty even the theorists in question seem to waver as to whether domination is best seen as the upshot of the doings or positions of identifiable agents, or whether it is perhaps better seen as the upshot of a system, a structure, a process, or some such intangible entity; and in many situations to which its current proponents want to extend the republican concept of liberty it seems far from clear whether we are dealing with agents with an intent to dominate, or rather with unintended consequences of human behavior.

The devil, as they say, is in the details. Take environmental harm, one example from an impressive list of ‘republican aims’ in Pettit’s *Republicanism*. Pettit argues that the ideal of non-domination ‘gives us salient reasons why we should be concerned about other species and about our ecosystem more generally.’ On a republican reading, caring about our shared environment and whatever harm is done to it can be translated as follows: ‘That any damage is done to the environment – the environment of subgroups, of the society as a whole, or of all societies on earth – means that there is an assault on at least the range of our undominated choice’ (Pettit 1997, 137; cf. Slaughter 2008). Moreover, ‘[e]ven if the

damage comes about inadvertently, or as the aggregate outcome of individually innocent actions, it counts as a loss in the ledger-book of republican liberty' (Pettit 1997, 138).

Fair enough. But who launches the assault; who are the 'dominating parties' here? And indeed, who are 'we' in this case? Agent-oriented terms such as 'assault' do not sit comfortably in cases where 'the range of our undominated choice' may well be affected, albeit not necessarily or solely by identifiable agents acting on intent. So what should we make of those tricky cases – seemingly common in the global context – in which no such agency can be readily identified, situations where we seem to be dealing not only with willful domination but with unintended aggregate outcomes of individual and collective action, perhaps in many cases action not even construed as such by its authors (Kutz 2000; Segerberg 2005)? Take that most intimidating case of environmental harm, namely climate change, a problem, it seems, of historically unparalleled complexity in terms of 'multiple driving forces, strong feedback loops, long time lags, and abrupt change behavior' (Steffen 2011, 22).

Pettit begs the question, or rather hands it over to those to whom the concept of liberty as non-domination is meant to apply. Extending the argument in *Republicanism* to interstate relations, Pettit has recently acknowledged that '[i]n the world as it is now every state is liable to be indirectly and adversely affected by what in an earlier period would have been innocent initiatives on the part of others,' yet he leaves it to the states involved to establish, 'by means of international debate, grounded in the acceptance of certain common reasons,' where 'they may be harming one another and where the limits should naturally be set to the freedom as non-domination they may claim' (Pettit 2010, 85). Whether and to what extent inadvertent or complicitous harm does indeed qualify as a loss in the ledger-

book of republican liberty ultimately seems to turn on the deliberation of the agents involved.

Other proponents of republican liberty have taken a different tack, suggesting that if we want to analyze domination in the global context we need to drop the insistence on agents altogether. Cécile Laborde has explicitly stipulated that she uses the term ‘domination’ to refer ‘not only to interpersonal relationships but to basic, systemic power structures’ (Laborde 2010, 54). On this construal, domination is not primarily described as an asymmetrical relationship between agents brought about by one agent’s will and ability to dominate; it is rather described as a general condition ‘generated by the global economic order,’ global ‘forces,’ ‘the present global system,’ ‘the new global circumstances of politics,’ and the like (Laborde 2010, 58, 62; Forst 2001, 174; Bohman 2005b, 313). Thus construed, the republican view of liberty grants us access to ‘more diffuse forms of social domination’ that proliferate in the global domain (Laborde 2010, 50). In a notable slide from ‘liberty’ to ‘democracy,’ Laborde has suggested that ‘neo-roman democracy’ is particularly ‘well-suited to the decentralized, multifarious, network-based nature of contemporary global power’ (Laborde 2010, 61).

But if we scratch the surface of phrases like ‘the global economic order,’ or ask about the exact nature of ‘the diffuse forms of social domination’ referred to by Laborde, we find that republican theorists with structuralist leanings waver as well when it comes to making sense of the less tangible forms of global harm. On the one hand, domination in the global context is frequently described in terms of an ‘order,’ a ‘system,’ or a ‘structure’ with various qualifiers, in which case agents tend to drop out from the picture and lack or loss of liberty looks like an entrenched feature of the global world as such; domination thus

described is a spreading condition in which ‘more and more people are vulnerable to decisions made from afar, anonymously, and over which they have little control’ (Laborde 2010, 50). Moving beyond the categories in the early-modern sources, Skinner mentions in the same vein ‘the triumph of free markets, with the concomitant collapse of trade union movements’, which he believes ‘has left successive governments subject to blackmail by multinational corporations while leaving the work-force increasingly dependent on the arbitrary power of employers’ (Skinner 2003, 25).

On the other hand, also republican theorists who explicitly commit themselves to a structural or systemic understanding of domination tend to unpack and address ‘the evil of transnational domination’ by reference to powerful ‘states, corporations, or international organizations,’ thus painting the latter as the real villains of the global world, *qua* agents that produce and reproduce the systems or structures of global domination (Laborde 2010, 50). We should note here what can be gained rhetorically by applying the notion of liberty as non-domination to dominating agents, on the one hand, and to structures or systems of domination, on the other. Equivocating between these options allows theorists to get as much mileage as possible out of their concept of liberty. Broaching power in terms of structures or systems is an effective rhetorical device in order to make a menacing condition look all the more menacing, and thereby make emancipation seem all the more urgent. Should anyone doubt ‘the evil of transnational domination,’ describing that evil as perpetrated through a ‘global economic order’ or the like makes domination seem both ubiquitous and odious. Equipped with a structural or systemic construal of liberty as non-domination, it is ‘easy to show that the current world order is rife with domination,’ as Laborde has put it (2010, 58).

But there is also considerable rhetorical force in referring domination back to the powers of specific agents. When human beings suffer it is always comforting if we can identify a culpable party inflicting harm, a party by reference to which claims for redress can be advanced and against which normative cases can be made. A structural or systemic construal of domination may conjure a world order rife with domination, but if we can trace the effects of those structures or systems back to the power of identifiable agents we can still allocate responsibility for global domination to ‘rich western states and multinational corporations,’ or to powerful international organizations such as the International Monetary Fund and the World Bank (Laborde 2010, 58). In the same vein, and reiterating one of the classic categories of servitude in the republican tradition, James Bohman has argued that globalization is ‘structurally similar’ to ‘tyranny,’ insofar as it has undermined the capacity of those who find themselves ‘nonvoluntarily included’ in nominally cooperative schemes such as the International Monetary Fund and the World Trade Organization to ‘contest the authority that others exercise at a distance’ (Bohman 2004, 342). Note ‘structurally similar.’ Globalization can only be conceived of as structurally similar to tyranny either if we take processes of globalization to be ultimately reducible to deeds done by readily identifiable agents that we feel comfortable describing as ‘tyrants,’ or if we take the liberty of imagining globalization as a condition of tyranny without tyrants, a possibility not readily available in the sources of the republican tradition.

In part, this equivocation may well be integral to the concept of structure itself and the interminable controversy of structure and agency it repeatedly gives rise to in social and political theory (cf. Enroth 2004, 254). Yet this may also have something to do with Pettit’s terminological shift from dependence to domination in his treatment of republican liberty, a

preference that is arguably not as innocuous or inconsequential as we have been led to believe. Translated as domination the early-modern notion of servitude maps effortlessly onto late-modern debates about power and its many and seemingly ever multiplying forms, bases, uses, and faces (Wrong 1988; Ball 1992). While Pettit himself wants to restrict the term to relationships between agents, this restriction is effectively belied by established usage which, as the process of recontextualization illustrates, opens for a wide variety of different conceptions of domination not all or even most of which entail such a restriction (Lovett 2001; Macedo & Williams 2005, 3). The rhetorical usefulness of the concept of domination in this context lies precisely in its ambiguity, that is, in its capacity to subsume on a global scale a broad range of injurious conditions that can all, on some construal, be conceived of in terms of arbitrary power, whether centered on agents or structures or unintended consequences of human behavior.

Recontextualizing Liberty

This brings us to the question how we may hope to restore liberty where it is presumably lost or lacking at present, and to the ‘strictly political sense’ of liberty in the republican tradition. This latter idea is paradigmatically expressed in the ideal of the *civitas libera*, the formula that to be free is to be a free citizen in a free state. For many theorists the ties that bind liberty and citizenship are the very point of applying the republican view of liberty to global conditions, thus fashioning global citizenship as a necessary condition for the protection and enjoyment of liberty in a global world. As Bohman has put it, ‘under conditions of globalization freedom from tyranny and domination cannot be achieved

without extending our political ideals of democracy, community and membership’ (Bohman 2004, 352).

Yet as Bohman has also argued, this means that ‘the problem of domination can no longer be solved according to the old republican formula that “to be free is to be a citizen of a free state”’ (Bohman 2004, 352). We must now take a look at the restatements of this formula in global political theory. In general, the strategies pursued by republican theorists today are not dissimilar from the strategies pursued by their early-modern forebears; to ‘appropriate the supreme moral value of freedom’ and then associate that value with some more or less strict institutional requirements, thus making a forceful case for the need for institutions as a safeguard for the same value (Skinner 1998, 59). On the republican view, whether or not an agent is free is a question of whether they ‘are situated in such a way that they are vulnerable and without means to counter, avert or hold to account anyone who has dispositional power in relation to them’ (Halldenus 2010, 18). Institutions is a precondition for freedom, so the argument runs, and reclaiming liberty where it is lost or lacking is therefore a matter of creating and maintaining the proper kind of institutions. As Lena Halldenus has recently argued, ‘[w]here there are no institutions, one is neither free nor unfree in the republican sense. The issue does not arise’ (Halldenus 2010, 17).

The meaning and implications of this position range from the trivial to the highly consequential, depending on what we make of ‘institutions’, a point on which there is a good deal of ambiguity in the literature. If we mean institutions in a minimal sense, involving any kind of rules or conventions that condition human interaction, then of course we find institutions wherever we find human beings and the observation that republican liberty requires institutions is sociologically true but trivial. But if we instead argue, as

many republican theorists do, that '[w]here there is no law, one is neither free nor unfree in the republican sense' (Halldenus 2010, 19), then we make a considerably stronger statement – true to the sources of the republican tradition – about the institutional embeddedness of civil liberty, and introduce a more demanding requirement for reclaiming it in the global context.

What ensures liberty as non-domination on this view is our holding or being able to claim certain rights 'in our capacity as institutional agents' in a legal and political order. Liberty thus construed is therefore best described in a legal idiom, as a 'status function:' the status of having specified rights and obligations with regard to the exercise of public power. In the absence of institutions that 'create and allocate' such a status function republican liberty is presumably void of meaning since there is then nothing to hold or claim, and nothing to keep us from being 'vulnerable or subjected to the arbitrary will of another' (Halldenus 2010, 21-22). This means that only within 'an institutional system – or a civil condition – we may well ask whether the institutions that are in place serve this function through law and its effects on social relations. Without or outside of regulatory institutions like law the issue does not arise' (Halldenus 2010, 19). Here the legal categories drawn from the *Digesta* of Roman law – specifically the distinction between acting *sui iuris* and *in potestate* (Skinner 1998, 40-46; Skinner 2002) – map effortlessly onto contemporary rights discourse, sustained by the late-modern conviction that whatever is deemed valuable for all human beings can and indeed must be rendered in terms of rights in order to be normatively compelling and institutionally feasible.

If we thus take our being free from arbitrary power to be the first principle of political life, and if we take political institutions premised on the rule of law to be the one means of

safeguarding that principle in a global world, then we certainly end up with a compelling ‘political argument for a set of global institutions that regulate relations and interactions and that constitute people as citizens of it’ (Halldenius 2010, 25). But we are none the wiser as to just how such institutions might emerge out of a situation – our own current situation – in which they do not yet exist but seem sorely needed. If liberty as non-domination requires an institutional order for a global political community, what about our liberation from the many forms of domination that we suffer within our current political communities under the pressure of globalization?

Republican theorists tend to have rather little to say about this kind of transition from a world of states to a global world order, precisely because the normative force of their view of liberty derives from its being anchored in some or other institutional order, be it the current one of states or a global political order to come. Like so many political concepts sucked into the vortex of globalization, republican liberty opens up a lacuna between a posited state of dependence at present and a projected state of autonomy in an unknown future, but cannot do much to bridge the lacuna and help us make our way through the complexities of global interdependence. In debates about global justice and cosmopolitan democracy, the republican concept of liberty has done service accordingly, as a reminder and further support of what was already an evolving creed in these debates well before the introduction of this concept: that some kind of political and legal framework is needed on a global scale in order to secure human autonomy in a world where power asymmetries abound. Republican liberty thus amounts to yet another argument for the necessity of what had already begun to look like an impossibility or at least a daunting difficulty – practically and theoretically – by the time the concept burst on the scene in global political theory, thus

also serving to remind us of the *cul-de-sacs*, logical circularities, and feasibility problems by which this field has been hassled in the past decade (e.g. Nagel 2005; Goodin 2007; Näsström 2007; Bartelson 2010).

A possible way out of this impasse might be to turn the argument around and treat republican liberty as a condition for the future emergence of an institutional framework on a global scale rather than the reverse. In that spirit it has recently been argued that the power or authority exercised by global governance institutions and actors should not in the first instance be assessed by conventional standards of democratic legitimacy such as ‘how much consent they succeed in commanding, or how transparent and accountable they succeed in becoming’, since in order for ‘participation and redress to make any difference in democratic terms, bearers of these rights must be free to exercise them without being exposed to the risk of arbitrary infringements on their capacity to act by the powers that be.’ If we take questions of liberty to be prior to questions of authority and legitimacy, a ‘paramount task of global governance institutions and transnational actors, then, would be to make sure that their output at least is consistent with the wider aim of promoting the ideal of non-domination’. Such institutions and actors would then ‘have a special role to fulfill in this regard, if they are able to back their claims to global authority with measures that promote the political liberty necessary to turn global society into a global community’ (Bartelson 2010, 234).

Feasibility aside, this use of the republican concept of liberty begs the one question to which proponents of this concept have always prided themselves on knowing the answer: what are the necessary conditions for securing and effectively enjoying civil liberty construed as the absence of dependence or domination? Answer: some kind of political and

legal framework that ensures the non-arbitrariness of public power, which in the global context brings us back to square one, namely the question how such a framework can be established or be made to evolve on a global scale in a manner that does not itself involve or invite arbitrary power. In the absence of some such institutional framework already in place, imploring global governance institutions and actors to abide by the ideal of non-domination is bound to be an appeal to their goodwill, that is, the very kind of appeal that the republican concept of liberty was originally meant to rule out.

The root cause of the difficulty of extending the republican concept of liberty on a global scale is thus arguably not so much that proponents of this concept tend to presuppose the existence of a political community within which liberty thus construed can be promoted (cf. Bartelson 2010, 231), but that they, in virtue of the core assumptions of the tradition to which they subscribe, cannot help presupposing the existence of some form of institutional framework that enables what Pettit calls a ‘tracking-relationship’ between public power and its subjects (Pettit 1997, 184). However malleable the strictly political sense of liberty in the recontextualization of the republican tradition, the institutional requirement cannot be abandoned altogether if we wish the republican concept of liberty to remain recognizable in light of its past.

So it would appear that turning the received order of priority between republican liberty and political and legal institutions around can only be made viable if the world of global governance is simultaneously redescribed in a republican direction, as it were, in such a manner that we can discern ersatz or proxy institutions already in place to which the dominated can address their grievances at the global level. The obvious candidate here is ‘global civil society.’ ‘Even in the absence of a fully constituted cosmopolitan political

community,' Bohman argues, 'transnational civil society organization may act as a surrogate addressee of claims concerning domination' (Bohman 2004, 349). This echoes the bright hopes and bold aspirations of the Commission on Global Governance, whose report in 1995 stated that institutions of global governance must 'strive to subject the rule of arbitrary power – economic, political, or military – to the rule of law within global society' (Commission on Global Governance 1995, 5). Indeed for Bohman, the emergence of a global civil society 'creates positive conditions that make the realization of [...] a political community a realistic extension of current political possibilities' (Bohman 2004, 351).

The degree of realism in this scenario does not matter much for present purposes. What does matter is what downscaling the institutional requirements of republican liberty does to this concept and its applicability to global conditions, which brings us back to the vexed questions about the usable past with which we began.

The Limits of Recontextualization

So what has happened to the republican concept of liberty during its recent travels? And what has happened to global political theory in the process? How much and what do we need to hold on to in order for this concept to remain recognizable, and how much and what can we change or drop in order for the ideal of republican liberty to be useful? To sum up, it seems that this balance can be struck in four ideal-typical ways.

First, we can opt for a narrow construal of servitude coupled with a relatively strict construal of the political preconditions deemed necessary for the promotion of republican

liberty. This is essentially Pettit's position on interstate relations, and it is one that adheres closely to the usage in the sources of the republican tradition as excavated by Skinner and other historians of political thought. Conceiving of domination in the global context on the model of an agential relationship allows us to unpack global interdependencies into what is then presumed to be their constituent relationships, while holding on to the demand for an institutional framework – in Pettit's case consisting of 'international agencies' – within which such interrelationships can be structured in such a way as to disallow arbitrary forms of public power. As illustrated by Pettit's own contributions, this position is eminently applicable to interstate relations and relations between states and international organizations, these being agential relations set in an institutional framework of international bodies constituted by states. Yet this also means restricting the range of application of the republican concept of liberty by leaving out much of what is presently going on in the global context, as suggested by Laborde's 'more diffuse forms of social domination'.

Second, we can go for a narrow construal of servitude but opt for a looser construal of the political preconditions of republican liberty. In their agential moments, Bohman and Laborde approximate such a position. As we have seen, one apparent upside of this position from a normative point of view is that it allows us to refer global forms of domination back to dominating agents to which we may thus pin culpability and in relation to which claims to redress can be made, while a loose interpretation of the institutional requirements of republican liberty based on the democratic potentials of global civil society seems to make the prospects for redress seem bright. At the same time this position blurs the categorical distinction between the counter-concepts of servitude and civil liberty as bequeathed by the

republican tradition and thus diminishes the contrast between a present state of servitude and a future state of civil liberty; and the less striking that contrast, the less normatively compelling the republican concept of liberty in making the case for a political and legal framework to secure human autonomy on a global scale.

Third, to counter this latter objection we can instead combine a broad construal of servitude with a strict construal of the political preconditions of republican liberty. This is the position suggested by Lena Halldenius, for whom the republican concept of liberty is not applicable in the absence of a global political and legal framework within which rights and obligations are allocated in such a manner that transnational power asymmetries can be addressed within an institutional order ‘that constitute people as citizens of it’. Thus construed, the republican concept of liberty is a forceful resource in an argument for the creation of such a global institutional order, beyond the existing international order. The obvious objection to this cosmopolitan vision is that it is just that: a cosmopolitan vision, and therefore supposedly unfeasible in the world we now live in (cf. Pettit 2010); moreover, as such the republican view of liberty offers little added value in global political theory in relation to established concepts and theories of global democracy, justice, and human rights, all of which are frequently enlisted in the service of cosmopolitan arguments.

Fourth, we can also conceive broadly of servitude and at the same time loosely of the preconditions of republican liberty in the global context. This is Bohman and Laborde in their structuralist moments. The appeal of this position is that it allows us to cover a broad range of injurious conditions on a global scale while again making the prospects for reform look bright. The problem here is not only that this may well be false hope, and that relying on the goodwill of the interests and identities that make up global civil society for redress

seems no different in principle than relying on the goodwill of a tyrant. The problem is also that the broader our construal of domination, the more the concept of servitude will tend to coincide with commonsense descriptions of the global, leaving us not only with a stretched concept but with something disturbingly close to tautology. We are hard pressed to find any descriptions of our global condition that do not state or imply that living under the sway of arbitrary power, broadly construed, is an implication of the kind of interconnectedness and interdependence that are held to be an integral feature of transnational and global relations in general. Certainly this is one of the few points of agreement in two decades worth of literature on the political consequences of globalization. Simply put, being at the receiving end of arbitrary power has become a core connotation of our concepts of globalization and globality (e.g. Krasner 1999; Bartelson 2000; Held 2000; Keohane 2002, 14-15).

So what can we conclude from these observations? Following Pettit, we may certainly be tempted to conclude that the republican view of liberty does seem best restricted to situations in which we are dealing with identifiable agents acting on intent. Still, trying to legislate or police the use of concepts is never helpful; trying to understand why we use our concepts in awkward ways usually is (cf. Hacking 1999). Going global, republican theorists have given themselves compelling reasons to extend their concept of liberty to cover cases of domination where dominating agents cannot always be readily identified, or where the harm in question may not always be best explained by reference to such agents and their willful domination. However ambiguous, structuralist construals of domination answer to a widespread perception of global harm as being not simply or always reducible to the doings and positions of agents. But again, and on the other hand,

conceiving of domination in this fashion also threatens to overstretch the concept so that the global, almost by definition, becomes a domain of generic servitude.

Concerning the not-always-so-strictly political sense of liberty handed down from the sources of the republican tradition, the double-bind is stronger still. Here it seems safe to conclude that this formula cannot well be interpreted all that strictly in the global context in the absence of an institutional framework that would allow for the rule of law on a global scale, yet also that this formula cannot *not* be interpreted strictly since interpreting it all too loosely threatens to deprive the republican concept of liberty of its normative rationale as well of its distinction from other concepts or conceptions of liberty (cf. Skinner 2003). All this, of course, ultimately comes down to what we want this concept to do for us. Some theorists use the concept precisely to make the point that our global condition is indeed a domain of generic servitude marked by the absence of an effective institutional order, and place their bets for the institutionalization of republican liberty accordingly, either on the possibility of a cosmopolitan rule of law or on the prospects of a global civil society. Others instead use the concept to make the point that states still matter and will continue to matter in the foreseeable future, and therefore propose a republican law of peoples as a model for interstate relations.

Beneath these differences we find a strong shared commitment to an ideal of human autonomy, an ideal entrenched in modern social and political thought in general. We also find the distinctively republican idea that autonomy must be seen as an attribute of political subjects as well as of political communities, and that these should ideally be mutually sustaining. These are keynote themes on which different contributions to the republican tradition play variations, the stated nature and conditions of civil liberty varying with the

questions asked in different contexts. Today new variations are again being played on these themes as the counter-concepts of servitude and liberty are again being recontextualized. In the field of global political theory the key question is as simple as it is unsettling: is there any other way of being a subject in the global context than being subject to arbitrary power? Is there any way we can enjoy liberty as political and legal subjects on a global scale?

This is where the republican view of liberty becomes a metonym for our current hopes and fears about globalization and globality. No doubt this is in part why the republican turn in global political theory has been so swift and enthusiastic overall. Asking these questions we can certainly benefit from the excavation and explication of a tradition of thought that promises to ‘liberate us from the grip of any one hegemonal account’ of the nature and conditions of liberty, and allows us to ‘stand back from the intellectual commitments we have inherited and ask ourselves in a new spirit of enquiry what we should think of them’ (Skinner 1998, 117). As Skinner has argued, recontextualizing republican liberty may thus ‘prevent us from becoming too readily bewitched’ (Skinner 1998, 116).

Yet as we have seen, uptake is of the essence here. The concepts thus excavated will be of little help in this regard if they are explicated and put to use in such a manner as to reduce their beneficial *Verfremdungseffekt*. As I have tried to show, this is arguably the danger with servitude construed all too broadly as domination; and this is arguably the danger with the institutional requirement of republican liberty construed all too loosely by reference to the democratic potentials of global civil society. As Skinner once declared, in the end ‘we must learn to do our own thinking for ourselves’ (Skinner 1988, 66), even – or

especially – when we wish to make past ideas usable in the present (cf. Lane 2012). Recontextualizing concepts from the republican tradition means moving back and forth between the rock of irrelevance and the hard place of conceptual stretching, and it is in this dialectic of past and present that we must learn to do our own thinking for ourselves. This, it seems to me, is what it means to claim a tradition in the history of political thought (cf. MacIntyre 1977).

To clarify: I am not denying that the global world is rife with domination. Around the world people still suffer the arbitrary power of tyrants, individuals still have their agency curtailed in public and private, states still lose their liberty through usurpation by autocratic rulers or oligarchies, or through conquest and more or less insidious forms of imperialism. And indeed, there are more diffuse forms of domination out there as well. As long as this is the case, reading the republican classics with one eye cocked at the world around us will make for a sense of recognition. But as soon as we have availed ourselves of a republican concept of liberty and grafted that concept onto existing concerns about the detrimental effects of globalization, the world will inevitably *seem* rife with domination in part because our concepts compel us to look for domination in the world, and the harder we look the more we see. And the more domination we see the more we will want to see it turned into civil liberty, and the more forbidding the conditions of civil liberty the more we will want to see the rudiments of civil liberty in, say, global civil society. And that is when we run the risk not only of conceptual stretching, but also of endangering the very value we wish to promote. As Pettit has aptly remarked, ‘the price of liberty is eternal vigilance’ (Pettit 1997, 6). This, I want to add, is a price we need to pay not only when we wish to keep tabs on our

subjection to arbitrary power in the social world, but also when we reflect on the language in which we think and speak about subjection and liberation.

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