

“Republican” Liberty? Wavering between Liberalism and Democracy

Massimo La Torre

At least since *Benjamin Constant* wrote his famous essay on the liberty of the moderns in comparison with that of the ancients, the debate on the concept of liberty has been framed in terms of the choice, and the dialectic, between a “positive” doctrine of liberty – the liberty *to* something, liberty as democratic participation – and a “negative” doctrine of liberty, or liberty *from* something, liberty as the absence of coercion. As is known, this distinction was at one point taken up in a widely debated and seminal essay by *Isaiah Berlin*, and it finds wide use in Italian legal and political philosophy, most notably with *Norberto Bobbio*.¹

Over the last two decades, however, a new conception of liberty has gained prominence, a conception purporting to offer an alternative to the negative and the positive one, that is, to “liberal” and to “democratic” liberty. This third way has styled itself “republican.”

I.

“Republican” liberty would thus chart a third course as a concept alternative to the liberal one of liberty as noninterference and the democratic one of participation or as power over one’s own life.² This is the main thesis that for a few decades now has been underpinning a political philosophy and historiographical perspective which, as noted, has chosen to identify itself as “republicanism.” Two prominent exponents of this conception are *Quentin Skinner* and *Philip Pettit*: The former has traced a genealogy of republicanism, pointing out its historical significance, while in various impressive writings, the latter has given us a sort of “system” of republican philosophy, and his criticism is for the most part directed at the liberal or “negative” concept of liberty.³ His arguments in this last regard are developed at length, while his criticism of democratic theory is more sparing. But a brief historical premise is in order before we can enter into the reasons behind this republican proposal.

In order to justify the thesis of this third way, *Pettit* offers a reconstruction of a historical school of thought, republicanism itself, which by his account captures the idea of freedom as non-domination, an idea he sets in contrast to the liberal and democratic

¹ See *Constant*, *De la liberté des anciens comparée à celle des modernes*, 2010; *Berlin*, *Two Concepts of Liberty* in: *Four Essays on Liberty*, 1969, 119–172; *Bobbio*, *Liberalismo e democrazia*, 1990.

² For an outright defence of this “third way,” see *Skinner*, *A Third Concept of Liberty*, *Proceedings of the Aristotelian Society* 117 (2002), 237–268.

³ In Italy, as is known, the leading proponent of republicanism is *Maurizio Viroli*, who has made an impassioned case for it in: *Viroli*, *Repubblicanismo: Una nuova utopia della libertà*, 1999.

conceptions. This he does by drawing on a series of studies in the history of thought, particularly those of *Quentin Skinner* and the Cambridge school, which in recent years has distinguished itself precisely for its effort to bring back to light what in their view is a specific current of political thought.⁴

I will not go into this question here or take up historiographical debate. But it does bear mentioning that in reconstructing a tradition that is coherent and permanent enough to warrant the single label “republican,” *Pettit* brings together a motley assortment of elements, drawing not only on thinkers from periods with little historical continuity, such as *Cicero*, *Machiavelli*, and *Harrington*, but also on systems and ideals that may even be hostile to one another.⁵ I am thinking, for example, of oligarchic liberalism and radical democraticism, *Blackstone’s* Whig traditionalism and *Thomas Paine’s* radicalism, and the Englishman *Richard Price* and the American *James Madison*. This strategy stands on shaky methodological ground, especially from the standpoint of a historian sensitive to the contexts in which different theories emerge, and yet that is precisely the methodological program embraced by the Cambridge school.⁶

II.

It also bears pointing out that “republican liberty” is not always conceptualized in a coherent and accurate manner: It sometimes wavers and balks. This is especially so in the work of *Quentin Skinner*, where the third notion of freedom is initially made to revolve around that of virtue.⁷ Republican liberty, in other words, would proceed from a perfectionist conception of the good life, while liberal liberty would rest not on virtue but on a utilitarian conception. Republican liberty would be a normative position that turns more on duties than on rights: For a republican, “to insist on rights as trumps [...] is simply to proclaim our corruption as citizens.”⁸ Liberal liberty is always regarded as a situation marked by an absence of interference.

Let us look at the republican arguments put forward against the liberal notion of liberty as noninterference. These can be summed up by noting that a lack of interference is not yet a condition of liberty, for it can describe the condition of a slave under the control of an inattentive, benevolent, or absent master. I might find myself in a situation where I depend on someone who is in a position of superiority and can exercise power over me and yet may refrain from doing so, by not giving me commands or otherwise interfering in my vital sphere. A slave can fend off intrusions into his or her personal lib-

⁴ Particularly effective in that regard is, in my view: *Skinner*, *Liberty Before Liberalism*, 1997. But see also *Skinner*, *Hobbes and Republican Liberty*, 2008.

⁵ See, for instance, the short historical overview offered in *Pettit*, *Just Freedom: A Moral Compass for a Complex World*, 2014, 5 ff.

⁶ See, for example, the methodological criticism of “continuity” in political philosophy that *Skinner* directs at *Mackie* in: *Skinner*, *The Idea of Negative Liberty: Philosophical and Historical Perspectives*, in: *Rorty/Schneewind/Skinner* (eds.), *Philosophy in History: Essays on the Historiography of Philosophy*, 1984, 193 (200–202).

⁷ See, for example, *Skinner*, *The Paradoxes of Political Liberty*, in: *McMurrin* (ed.), *The Tanner Lectures on Human Values*, vol. VII, 1986, 225–250. See also *Skinner* in: *Rorty/Schneewind/Skinner* (eds.), *Philosophy in History: Essays on the Historiography of Philosophy*, 1984, 193–221.

⁸ *Skinner* in: *McMurrin* (ed.), *The Tanner Lectures on Human Values*, vol. VII, 1986, 225 (248–249).

erty simply by staying out of a master's sight, or else by currying favour with or flattery or courting the master, thus getting on the latter's good side and avoiding any interference. Yet none of this prevents an attentive and willing master from coercing a slave or underling. By artful cunning I can try to escape a master's watchful eye and thus prevent interference in my sphere of action, but the gain I will be able to achieve will always be momentary and uncertain. I may be able to ingratiate myself with my master, in such a way as to make his interference unlikely, but I will not be able to prohibit such interference or make it impossible or illicit.

From these considerations the republican extracts the thesis that liberty is defined not by an absence of interference as such but by an *arbitrary* absence of it. Interference has to always be intentional if it is to count as such, but it becomes arbitrary the moment it is engaged in without a stable and legitimate criterion, that is, "without reference to the interests, or the opinions, of those affected."⁹ Only the law can offer such a stable and certain criterion, justifying the republican thesis that liberty can be had only *sub lege*, under the rule of law. What defines a condition of liberty, then, is not so much an absence of coercion as an absence of arbitrary power: Liberty is thus secured by the operation of law. So, on this view, the law and the state, far from restricting liberty, are the only entities capable of bringing it about and guaranteeing its presence.

We can turn now to the republican criticism of democratic liberty. Here the stance is rather less developed and sure-footed. Even so, at least three objections can be singled out that *Pettit* raises against this notion of positive liberty as democratic participation. First (1.), participation does not so much offer a *concept* of liberty as it stresses the need to *guarantee* liberty; rather than saying what liberty *is*, it offers a tool with which to implement it: "Republican thinkers in general regard democratic participation or representation as a safeguard of liberty, not as its defining core."¹⁰ Secondly (2.), liberty as democratic participation is an ideal that cannot be realized in the modern world. Society and its institutions are now so complex that we have to settle for indirect forms of control or influence over political power. The third objection is that (3.) positive liberty (as participation) seems unattractive because it multiplies interdependence across the whole set of potential participants, making everyone dependent on everyone else:

"Such a participatory ideal is not feasible in the modern world, and in any case the prospect of each being subject to the will of all of us is scarcely attractive."¹¹

And there is finally a fourth argument, namely, that (4.) liberty as participation leads to populism, understood as a majority's domination over minorities.¹²

III.

Before we can go back to the crux of the republican argument, which mostly takes issue with the notion of negative liberty as noninterference, we should take each of the

⁹ *Pettit*, *Republicanism: A Theory of Freedom and Government*, 1997, 55.

¹⁰ *Ibid.*, 30.

¹¹ *Ibid.*, 81.

¹² *Ibid.*, 8.

four objections to the notion of positive liberty as democratic participation just mentioned and see if they stand up to scrutiny.

1. It is true that liberty as participation can be understood as a guarantee of liberty in a more fundamental sense. But in reality liberty as democratic participation does itself capture a more fundamental notion, that on which to exercise liberty is to have a role in managing one's own vital sphere, or to have control over one's own life – an idea aptly termed by *Pettit* “self-mastery,” and here, too, the contrast he sets up is with the republican liberty of non-domination. If I want to exercise any control over my personal sphere, I need to have a say in the process of crafting the social rules by which that sphere is shaped, and so I need to be able to participate in that rulemaking activity. My being part of that process – my participation – is precisely a *positive* endeavour and commitment: It cannot be stripped down to my membership in a group, my *forming* a part of it, for that can equally be a *passive* condition.

2. It may be true that liberty as democratic participation is difficult to fully realize in the modern world, but it is another thing to assert, as *Pettit* does, that that condition simply cannot be realized: This seems oversimple, or at least the claim would have to be backed up by adequate empirical research. And even if democratic participation *were* unrealizable, there is still a case to be made that that activity or condition is something we should highly value, and that we should accordingly strive to achieve that value to the greatest possible extent through our institutions, even if we fall short of the mark. Our institutions, in other words, can be set up and run as if democratic participation were indeed a feasible aim. Then, too, absent a compelling participatory ideal, it is difficult to see how democratic societies can be justified, and indeed how they could function.

3. If we hold that democratic liberty multiplies interdependence, for it makes each person dependent on everybody else, we commit to an extreme conception of negative liberty as noninterference, that is, precisely the view the republicanism in question objects to. By holding that interdependence thesis we also wind up attaching our own meanings to the notion of the general will, thus restricting that notion and extracting unwarranted consequences from it. The general will, in other words, doesn't necessarily have to be construed as the issue of a homogeneous collective subject: It can take shape in deliberation through a discussion that selects the views and arguments that can most reasonably be universalized. By thinking otherwise, *Pettit* has to proceed from the view of democracy often embraced by conservative thinkers who fashion it into a sort of premise for totalitarianism.¹³

Nor should we fail to appreciate that the interests and problems we are dealing with in politics are ones that concern us in common: It follows that their solution inevitably entails a high degree of interdependence, which is inherent in the nature of the thing itself. If we are discussing how to manage the cleaning of the city's streets, the interdependence that comes with the problem will be there from the outset by virtue of my being a resident of that city. That is also the reason why that discussion makes sense and makes a difference in my life – and why I should take part in that discussion. Interdependence is part and parcel of coexistence, sociality, and discussion with others. We cannot escape it: As *Aristotle* would say, only a god or a brute would be capable of such an existence.

¹³ See, for instance, his interpretation of *Rousseau's* general will in terms of “dependence of the community as a whole” (ibid., 12).

The republican conception still recognizes a role for interference when shared interests and ideas are at stake. But that inevitably makes it necessary to enact procedures by which to deliberate over such interests and ideas, so as to ascertain whether they really are shared (and I would venture to say that the process even *produces* interests and ideas). As *Pettit* puts it,

"acts of interference [...] must be triggered by the shared interests of those affected under an interpretation of what those interests require that is shared, at least at the procedural level, by those affected."¹⁴

Interference can therefore be non-arbitrary if filtered through the collective deliberation of those whose interests it affects, and so if in light of that process it can be regarded as acceptable to those persons. If, as the republican *Pettit* claims, domination is defined as "arbitrary interference," and if liberty as non-domination is an absence of arbitrary interference, then interference is non-arbitrary when accepted by those who stand affected by it. So, in order to determine whether the interference in question is acceptable, we will have to turn to those whose lives are being interfered with, that is, we will have to set up a forum in which all of these persons are given an opportunity to collectively debate that interference. In other words, we will need a forum of interpersonal deliberation. But that, it seems to me, amounts to requiring and promoting participation by asking those persons to arrive at a public decision (a measure we could call a law) about whether the interference at issue is justified and, if so, how it should be framed.

However, this participation basically is the same thing as the democratic participation advocated by the proponents of positive liberty. Indeed, once interference is accepted only if non-arbitrary, and once non-arbitrariness is defined as universal acceptability, liberty as non-domination (that is, republican liberty) winds up making the legitimacy of interference in the personal sphere contingent on a decision that all the individuals concerned are to make in that regard. Yet that, it seems to me, is precisely what *Pettit* finds objectionable about the democratic concept of liberty as participation.

Non-domination is held up as an alternative to simple non-interference – and also to self-determination, or "self-mastery"¹⁵ – as the basic content by which to define political liberty, but then this condition of non-domination is framed in a way that resembles, and even overlaps with, the very self-determination it is being offered as an alternative to. Indeed, as *Pettit* remarks, non-domination "represents a control that a person enjoys in relation to their own destiny."¹⁶ And that, I submit, can hardly be distinguished from a situation of "self-mastery," or self-determination. We are told by *Pettit* that non-domination, that is, republican liberty, "involves a positive control over your own life"¹⁷ – but isn't that control the kernel of the very "self-mastery" he is so bent on criticizing?¹⁸

4. Finally, if democracy was simply about choosing a leadership, why should the people in this leadership subject their decision-making to a test of popular consent, however mediated that screening may be? Why should decisions on what to pass into law be debated in the public sphere if that debate can have no effect on the decisions themselves?

¹⁴ Ibid., 56.

¹⁵ See *ibid.*, 27 ff. and 271.

¹⁶ Ibid., 69.

¹⁷ Ibid., 70.

¹⁸ Ibid., 81–82.

In the best of circumstances, the public sphere will serve only as the forum in which to select a political leadership, which then sets policy behind closed doors, but it cannot be used to discuss policy decisions, much less to *make* those decisions. On the other hand, majority rule is not as such hostile to minority rights, if we assume and constitutionally guarantee that collective decisions are a space that is also the content of a fundamental, individual right of political freedom, a right therefore given to every citizen and in principle to anyone that is concerned by the collective decision itself. *Quod omnes tangit ab omnibus comprobetur*. If this is what populism means, then whatever conceivable form of democracy by definition is a populist regime. The “republican” censure of “populism” is possibly understandable only if the universalizing move intrinsic to democratic self-ruling is impatiently equated with communitarian homogeneity.

IV.

Let us return now to the central republican argument, which as we have seen takes aim against the notion of negative liberty, or liberty as noninterference. *Pettit* underscores that the absence of interference does not as such define a condition of liberty, for it is compatible, for example, with a condition of dependence or slavery under an inattentive, benevolent, or absent master. Ergo, it is not the absence of interference *as such* that defines liberty, but the absence of *arbitrary* interference. We are free not when at a given moment there happens to be no interference in our sphere of personal autonomy, but when that interference – whether *in esse* (now) or *in posse* (at some future time) – can be foreclosed as an illegitimate curtailment of our autonomy.

Liberty would thus be a condition that stretches across time and extends into the future, rather than a situation of present happenstance. That is because it would exist as a condition of *immunity*, in which interference in our personal sphere is not just absent but also illegitimate. And since an act of interference can be said to deprive us of our freedom only when it crosses the threshold of arbitrariness, republican liberty is

“consistent, unlike freedom as noninterference, with a high level of non-arbitrary interference of the sort that a suitable system of law might impose.”¹⁹

On top of that, according to *Pettit*, in order for there to be interference, there must be a deliberate “attempt to worsen an agent’s situation.”²⁰ It seems, therefore, that interference can count as such only if accompanied by some bad intention. It would seem to follow, by contrast, that paternalistic measures – which issue from the “good intention” of *improving* an agent’s situation, as by providing for greater personal safety or health – would *not* conceptually count as cases of arbitrary interference: By virtue of the good intention that backs them up and from which they spring, they would seem to rank as instances of *legitimate* interference.

Now, these various arguments seem unconvincing to me. Even an absence of *arbitrary* interference, for example, could be had by simple benevolence or inattentiveness. Even a judge, police officer, or taxman might be inattentive, lax, or absent, or even benevolent or compassionate. The situation can be clarified by recourse, not so much to

¹⁹ Ibid., 84.

²⁰ Ibid., 51.

the notion of non-arbitrariness, as to that of ability. Indeed, I am not free, not only if I am constrained in my sphere of action but also, and especially, if somebody else has the *ability or capacity, or the power*, to constrain me or otherwise interfere in my action, invalidating the rules of conduct I have set up around my interests and needs, thereby preventing me from making the choices I would make within that framework.

Then, too, it is doubtful that I can inevitably count myself free in the proper "republican" sense even under a regime of exclusively *non*-arbitrary interference. I could easily imagine a situation in which such non-arbitrary interference governs all of my life or even only a significant chunk of it: Would I then still consider myself free? Clearly, a law can be libticide, either by design or in consequence of its application. And a republican à la *Pettit* would seem incapable of giving us an extra-legal criterion for when a libticide law is illegitimate. To be sure, non-domination may melt away wherever we have law, but in the manner of the legal positivist *Kelsen*, that law can be filled with any content.

Furthermore, even if we define interference in negative terms through the intention of worsening the situation of those whose lives are interfered with, and we rule out that possibility, we are left with a positive concept of interference that will validate a whole range of interventions we would intuitively still regard as acts of interference. In other words, a constraint on liberty cannot be pressed into service as a model for liberty just because it is backed up by a good intention. The rule requiring that you keep your seatbelt fastened while driving or riding in a car is intended to make people safe, and hence to improve, rather than worsen, the lives of those it applies to, but it is still an interference and a constraint on freedom, and may even be experienced that way by those required to wear a seatbelt. If good intentions could in themselves validate acts of interference and restraints on freedom, then a paternalistic intention or purpose, however vague and generic it may be, would be grounds on which to permit an act or measure regimenting the conduct of others. A polity based on a paternalistic principle, in other words, would amount to a *contradictio in adiecto*.

Despite what *Pettit* claims, non-domination is a deontological ideal that cannot be forced into a teleological mould, nor can it be made to serve maximization or optimization principles. Indeed, in the republican conception he puts forward, he defines that idea as an absence of arbitrary interference, where *arbitrary*, as we have seen, means that the interference is not based on any definite and stable criterion or rule. On this view, then, it is entirely on a deontological basis that we should want to do away with domination, and we do this by finding and fixing clearly defined rules and guidelines (non-prudential ones) in light of which to distinguish interference from non-interference. Once these bright-line rules and criteria are in place, we no longer have any domination. As an arbitrary interference, in other words, domination cannot be understood as a matter of degree: It is rather an all-or-nothing affair, so it cannot be assessed in light of balancing tests or optimization criteria.

V.

The relation between the state and non-domination, *Pettit* argues, is not causal. In fact, to enjoy non-domination as he construes it is precisely to enjoy a status where no one may arbitrarily interfere in our affairs, and that is the status we enjoy once the

proper institutions have been set up.²¹ The state does not confine itself to regulating the lives of those who are subject to it, for in the first place it ensures non-domination. Once a set of properly designed rules and institutions are in place, non-domination follows as a matter of course. The relation between non-domination and the state is thus *constitutive*, not regulative, that is, it is not merely prescriptive. Stated otherwise, the relation is *normative*, which means that it can hardly be configured as a pragmatic or promotional relation, that is, a teleological one. The constitutivity of the relation between the state and republican liberty is something *Pettit* explicitly recognizes:

“Anyone who thinks of freedom as coterminous with citizenship, as republicans have traditionally done, is bound to take freedom to depend in a *constitutive* rather than a causal way on the institutions that support it.”²²

But here we come up against a couple of problems of no small account.

For one thing, *Pettit* does not thematize, and in fact seems to ignore (at least in his *Republicanism*), the potential for domination (quite the opposite of the putative guarantee of *non-domination*) originating from the state as a hierarchical organization with a monopoly on violence. Even a cursory, and even charitable, glance at modern and contemporary history should alert us to the impolitic or contra-political tendencies the state is prone to. By fault of omission, then, *Pettit* seems to slide into an uncritical *étatisme*.

And, for another thing, citizenship (qualifying our membership in the state) is traditionally taken to mean a *citizen's* citizenship. In other words, just as sovereignty entails a conception of what it is to exercise sovereignty – it is a meta-concept of sovereignly sovereignty, or of competence in exercising competence (the German *Kompetenz-Kompetenz*) – so citizenship entails a high degree of self-reflection, for in order to exercise citizenship we need a critical understanding of the rules in virtue of which a political community, and hence citizenship itself, is formed. Citizenship, in other words, requires a sense of what it is to be a citizen, and hence a *meta-citizenship*.

But if we are to meaningfully exercise that sense, and hence really be citizens, we have to be in a position where we can actually have a role in making decisions about the rule that confers citizenship on us. And that sort of reflective attitude sits poorly with the republican critique of liberty as democratic participation (to be a citizen is indeed to participate in the community's own rulemaking), nor can it be reduced to whatever attitude one might have given an absence of arbitrary noninterference, for that would mean that citizens are thereby deprived of the ability to make decisions about the criterion by which to determine what kinds of interference are to be deemed arbitrary. Indeed, the problem here is that the “constitutivity” of the relation between the state and non-domination is quite tenuous in an arrangement of “justified absence of interference.” Indeed, this arrangement issues from two quite opposite situations: the entirely causal one of noninterference, on the one hand, and the entirely prescriptive or regulative one of justification, on the other. The missing link here is that of constitutivity, for that can only be had by forging new possibilities for action, and through the collective action of the individuals concerned.

If *Pettit* wants a constitutive conception of liberty, he should, if anything, enter more deeply into and intensify the criterion of *democratic* liberty as participation, where my

²¹ Ibid., 107.

²² Ibid., 108 (italics added).

liberty, rather than being limited, regulated, or justified by the liberty of others, is actually amplified and completed by it. It thus seems that "republican" liberty ultimately turns out to be no more than a sophisticated, and highly juridified and *étatist*, version of the negative liberty of the liberal tradition.

VI.

Pettit sometimes seems to be aware of his approach's weakness, or of the weak sides of his "third way" as an alternative in particular to democratic freedom. Thus, it happens that through a later series of essays and articles "republican" freedom is reshaped in terms that are increasingly closer to democratic liberty. This is made explicit in particular, I believe, in his later book *A Theory of Freedom*.²³

In this book *Pettit* tries to offer a complete theory of liberty, that is a theory covering not only political freedom, but also being able to explain freedom meant as general property of human condition. It is the thorny, and highly metaphysical, issue of free will that is here at stake and that *Pettit* will discuss and give a new conceptual solution. He believes in the possibility of a free human conduct. Or at least he believes that the social practice of mutual responsibility ascription among social agents could not be given, nor could it be explained, without the assumption of some kind of human liberty. In order to claim this he does not yet need to accept an antideterminist view of the world or a libertarian option concerning the issue of free will. What he's rejecting is that one could account for freedom as a notion taken up from an observer's or bystander's point of view. Freedom instead, he believes, is a concept that is internal to the agent's conduct, that is, a concept whereby the action can be said as being the agent one's own, a conduct thus which that agent himself can make his own and identify with and assume a responsibility for. This possibility *Pettit* account for by referring to the idea of "discursive control".

Pettit indeed criticises and rejects two important and influential views about freedom as free will, the one that is centered around the idea of "rational control" (defended by *Donald Davidson*) and that other that defines free will in terms of a "volitional control" (proposed by *Felix Franfurter*). According to the "rational control" thesis one is free in so far as one acts and behaves according to one's own desires and beliefs, once these are open to reexamination and reform following rationality standards. According to the "volitional control" thesis one is free, if one acts or behaves following second order desires concerning first order desires. Freedom here is triggered off by a kind of supremacy or reflexivity exercised over first order desires that are the springs of a certain behaviour. I have the desire of a chocolate ice cream (first order desire and I then have the (second order) desire of having the (first order) desire of eating a chocolate ice cream, whereby this (first order) desire will be given the shape and the function and the efficacy of a *will*, the actual and efficient cause of the conduct of getting the chocolate ice cream. Both these views, "rational" and "volitional" control, are compatibilist philosophical strategies; they both, that is, allow to conceptualize human freedom without however having to put in question or challenge the determinist *Weltanschauung* of the universe, of human and non human reality, according to which any event or fact in the world has a predeterminate causation that is necessary and sufficient.

²³ See *Pettit*, *A Theory of Freedom. From the Psychology to the Politics of Agency*, 2011.

Pettit's critique against both theses does not involve any perplexity or doubt about their determinist background. He rather focuses on their incapacity of giving a plausible account of the way human freedom is thought of in the concrete practice of human conduct. To the “volitional control” thesis he objects that it cannot offer an account of the agent’s point of view. As a matter of fact second order desires and beliefs, conceived as only metadesires or metabeliefs, are situations or “states” that can be fully determined by, or accessible to, the bystander or the onlooker. Their superior rank cannot really thematize or explain the free action moment of reflexivity. This can only be assumed from the point of view of an agent that is involved in his own action, that is, from the *participant* point of view.

As for the “rational control” thesis, in such case there is a major problem, in so far as this thesis cannot contrast freedom and coercion, as these are assumed in common sense and ordinary social intercourse. As matter of fact the “rational control” thesis, even confronted with what human beings would consider to be a most serious cases of coercion, torture, will claim that this does not fundamentally impinge on human freedom. As a matter of fact torture still leaves open a leeway for rational choice, that is, in this view, freedom. Torture and freedom would not thus be violently opposed. The agent that is subject to torture has always the possibility and the capacity to give up and render the information or the conduct required by the torturer and in this way avoid new and stonger pains. Such action of giving up, of giving the coerced information, would – according to the “rational control” thesis – still be free, a free action in the proper sense, in so far as it is the outcome of a rational choice, of rationally being open to the modification of one’s own previous desires and beliefs (here for instance the previous desire of not granting the information asked by the torturer). The information given under torture, being the result of a modification of previous desires and beliefs justified though a rational motivation, being that is under the rational control of the tortured agent, could not be considered as a piece of unfree conduct.

All this, that is, the narrative of human freedom offered by both the “rational control” and “volitional control” theses are evidently implausible. They strongly crush against our most entrenched common sense views and intuitions. *Pettit* therefore proposes an alternative conception that he calls the “discursive control” view. This relates freedom to other people; liberty is no longer thought of and presented as an egocentric experience. Freedom is – it is claimed – a relationship both to oneself and to others. “People – he writes – enjoy freedom as discursive control so far as they have ratiocinative capacity to enter discourse”.²⁴ This alternative notion of liberty immediately refers to a situation of participation, the one of taking part in discourses, and thus to a situation of participating in a community of speech that is given by virtue of shared rules.

Freedom of human conduct, free will, is therefore defined by *Pettit* as access to a communitarian and participative context or practice and as the capacity of defining and readjusting such context according to norms. This however – I would like to strongly underline this point – is *in nuce* a definition of democratic liberty, against which nonetheless *Pettit* and “Republicans” have claimed to be able to oppose a more plausible and better operative notion freedom, that is, “republican” liberty as non-domination. One should also remark that in discourses and participative contexts – like the ones where *Pettit* now situates freedom – one apparently depends on others, that is, there is a lot of interdependence, and one relies on a community of understanding, in a way that the

²⁴ Ibid., 103.

“republican” ideal of individual independence to be coherent to the thesis of “discursive control” ought to – to say the least – be revisited .

In the “republican” reconstruction of liberty, “non-domination” – as we know – is alternative to the democratic freedom, to liberty as participation. The issue at stake here indeed is not free will, ontological liberty, but rather and more modestly political freedom. However, in his more recent and more ambitious research on liberty devoted to offer of this a complete theory, *Pettit* justifies and supports the political concept of freedom, that he maintains to be “non-domination”, that is “republican”, through an ontological thesis about freedom that is centered around a notion of participation that in the political domain characterizes not “republican” but rather *democratic* liberty.

“Discursive control” indeed is equivalent to *participation to discourse*. If however this is the core of freedom at the fundamental level of human agency, why shouldn’t it be so at the more superficial level of political conduct? In conclusion: Could we still defend a view of political freedom, of freedom in the special domain of public sphere, that is external to participation, if at the same time we accept and propose a view of free will, of human freedom in general, of freedom in every and each domain of human conduct, that bases on, and consists of *participation*?

Massimo La Torre,
Università degli Studi Magna Graecia di Catanzaro,
E-Mail: mlatorre@unicz.it