Welfare Contractualism, Social Justice, and Republican Citizenship

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CHAPTER 2

WELFARE CONTRACTUALISM, SOCIAL JUSTICE AND REPUBLICAN
CITIZENSHIP

Simon Birnbaum

Just as good morals, if they are to be maintained, have need of the laws, so the laws, if they are to be observed, have need of good morals.

Machiavelli, *Discourses* (Ch. 1.18)

Introduction: Republican Foundations for Welfare Contractualism?

The past few decades have witnessed a republican revival in contemporary political theory. Reconnecting to orators and historians of ancient Rome such as Cicero, Livy, Sallust and Tacitus, a number of influential works by authors such as Philip Pettit and Quentin Skinner have defended republicanism as a distinctive and attractive tradition in the philosophy of freedom and citizenship. One of the core ideas in this neo-Roman branch of republican thought is that the price of freedom is eternal vigilance (Pettit 1997, 2012; Laborde 2008; Laborde and Maynor 2008; Skinner 1998, 2008).

Liberal accounts of citizenship are strongly associated with the idea of freedom as non-interference in personal interaction or in the life of private associations. In this vein, liberal-egalitarian

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justifications of the welfare state have often interpreted social rights as primarily a question of entitlements rather than of civic virtues or social duties in relation to the political community. The rights of the welfare state should provide the resources to effectively make use of the negative freedom to do whatever one might want to do (Van Parijs 1995).

The republican tradition has a different emphasis in starting from the view that freedom is not mainly about non-interference but, more fundamentally, about the social and political status of non-domination. In this view, individual freedom is inexorably tied to the infrastructure, capacities and virtues of active citizenship and, thus, to the vitality of our political communities. The institutional framework and non-arbitrary interference of the state must protect citizens against the mastery or domination of private power. At the same time, constitutional constraints, deliberative politics and a vigilant citizenry must protect freedom from arbitrary interference by the state. From the republican point of view, these are all crucial to ensuring that the polity is guided by the common good rather than by selfish or sectarian pursuits.

This Chapter examines the idea of republican citizenship, in this neo-Roman sense, as a possible normative anchor for the influential discourse of welfare contractualism. Welfare contractualism is the idea that the full rights of citizenship, and social rights in particular, always come with corresponding duties to contribute productively in return (White 2003a). What is the meaning of republican citizenship and what are the attractions of this view when placed in relation to liberal-egalitarian conceptions of social justice? Do the central arguments for republican citizenship, duly specified, offer a compelling basis for the general demands of welfare contractualism? And does it provide a solid foundation for the more specific policy prescription that the minimum income schemes of the welfare state must be linked to a publicly enforced duty of productive contribution?

This study is guided by two main reasons why welfare contractualism should be examined in relation to the ideal of republican citizenship. Firstly, the expanding literature on republicanism harbours some of the most powerful theoretical resources for specifying ideas of active citizenship and for spelling out central concerns of welfare contractualism. These include, for example, arguments and convictions about the duties and responsibilities of productive contribution, the centrality of social cohesion and the cultivation of public-spirited virtues that are of great importance.
for sustaining our political communities (e.g. Dagger 2006; Deacon 2005; Galston 2005; Mead 1987, 2005; Sandel 1995; White 2003a).

Secondly, the key questions and themes of republican political philosophy also speak to a broadly shared dissatisfaction with the alleged armchair theorising and so-called ideal theory that have played such a prominent role in the liberal-egalitarian theories of justice over the past few decades (Sen 2009). The impression that the most influential conception of justice in the liberal-egalitarian tradition, that of John Rawls, is often ill equipped to provide sensible guidance to real-world policy is well-illustrated by Lawrence Mead’s rejection of some of the most widely discussed philosophical objections to welfare conditionality. While post-Rawlsian arguments on this topic, based on abstract theories of justice and veil-of-ignorance style exercises (e.g. Van Parijs 1995), may have some weight they are ultimately ‘made at too great distance from actual politics’. In the end, ‘a capacity to function [that he thinks behavioural conditionality could and should support] is the prerequisite of freedom’ (Mead 2005:172, 191).

At the same time, however, many liberal-egalitarian proponents of universal social rights may be tempted to dismiss the republican connection between freedom, citizenship and virtue as hopelessly moralistic and parochial. Is not the project of fostering the ‘right’ kind of virtues or values objectionably illiberal? Would it not, thereby, violate key commitments of social justice that have guided the development and consolidation of social rights in democratic welfare states?

With these considerations in mind, the more specific task of this Chapter is twofold. Firstly, the primary objective is to identify and explore a path through which the republican approach to the values of welfare contractualism can be formulated in a way that avoids such a fatal objection and that may fruitfully help to articulate and guide concerns of great importance to the practical application of liberal-egalitarian standards. By offering a thorough examination of the relationship between Rawls’s theory of justice and republicanism I will argue that liberal-egalitarian justice and republican citizenship are, in important respects, both compatible and complementary. On this interpretation, then, welfare contractualism cannot be dismissed as inherently illiberal.

Secondly, the chapter will also briefly analyse the policy implications of welfare contractualism when justified and interpreted through such a ‘Rawlsian’ liberal-republican lens. This
part of my argument attempts to drive a wedge between the general values and concerns of welfare contractualism and the more specific policies of welfare conditionality. A fuller analysis of the republican link between freedom, citizenship and public-spirited virtues strongly suggests that, while republican citizenship may be supportive to key values of welfare contractualism, it will also provide forceful objections to the more concrete policy agenda of welfare conditionality. In short, saying yes to the general normative commitments of welfare contractualism may require us to say no to the policies of welfare conditionality.

The chapter is organised as follows. The next section situates the central themes and ideas of republican political philosophy in relation to Rawls’s theory of justice and explains why a synthesis of these views seems both promising and important. Then I discuss how such a potential can be realized by sketching an account of republican citizenship and welfare contractualism that claims to be both consistent with and complementary to a broadly Rawlsian account of liberal-egalitarian justice. The final section analyses some of the more concrete implications of this republican view with respect to the political demands for welfare conditionality.

Republican Citizenship and the Rawlsian Paradigm: Why Bother?

2.1 Justice, Citizenship and the Social Minimum: Rawls meets Marshall

Before introducing ideas of republican citizenship I shall provide a theoretical background to the debates about citizenship rights and social justice in democratic welfare states by linking T.H. Marshall’s account of full citizenship to Rawls’s liberal-egalitarian theory of justice. T.H. Marshall’s hugely influential exposition of citizenship rights in ‘Citizenship and Social Class’ distinguished three parts of citizenship that were gradually established in England during (roughly) three successive centuries. Marshall’s civil dimension of citizenship, developed during the eighteenth century, concerns ‘the rights necessary for individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice’.

The political element of citizenship, established during the nineteenth century, concerns ‘the right to participate in the exercise of political power, as a member of a body invested with political
authority or as an elector of the members of such a body’. Finally, the developing welfare state of the twentieth century added the third element, universal social rights, to the status of citizenship. This social element of citizenship, mainly corresponding to the ‘educational system and the social services’, refers to ‘the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society’ (Marshall 1950/1987:8). 2

When examining the relationship between Marshall’s rights of citizenship and the demands of liberal-egalitarian justice, John Rawls’s theory of ‘justice as fairness’ provides us with a natural starting-point (Rawls 1971). Nobody has had a greater influence than Rawls on contemporary theories of social justice and their ways of justifying the welfare state in liberal-democratic societies. In this context, it is interesting to observe that most people will primarily associate Rawls with the so-called ‘difference principle’, saying (roughly) that inequalities are justified only to the extent that they serve to promote the prospects of the least advantaged. However, in linking Rawlsian justice to Marshall’s categories of citizenship rights, I will here highlight that his philosophy actually harbours not one but at least three different and complementary ways of arguing for why some form of guaranteed minimum income must play a central role in a just society.

While most interpreters of Rawls have emphasised the demands of redistribution grounded in the difference principle, to which I return below, it is important to see that he finds this principle lexically subordinate to his first principle of justice. 3 This prioritized principle demands the protection of a wide range of familiar and largely uncontroversial basic liberties, roughly corresponding to

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2 This chapter’s focus on Marshall’s categories of citizenship rights is not meant to suggest that this is necessarily an exhaustive account of full citizenship. There is, for example, widespread concern that Marshall’s list is importantly incomplete due to the absence of cultural rights (Kymlicka 2002: Ch. 7).

3 Rawls specifies the principles of ‘justice as fairness’ as follows: ‘a. each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value. b) social and economic inequalities are to satisfy two conditions: first, they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least advantaged members of society’ (Rawls 1996:5–6).
Marshall’s civil dimension of citizenship. The lexical priority of such liberties means that they may be restricted only for the sake of liberty and, so, may not be violated or constrained for the purpose of improving the chances to effectively serve a subordinate principle, such as the difference principle.

This priority stands in the way of forms of taxation or restrictions on the freedom of occupational choice that may intervene with talented people’s freedom to choose positions or to exercise their capacities in any way that they prefer, even when such measures could plausibly help boost the prospects of the least advantaged. It is often emphasised that the Rawlsian priority of the fundamental liberties will thereby constrain the prospects for legitimate equalization. While this is correct, we must also recognize that the realization of this more fundamental principle, and the broader vision of which it is part, will not only impose limitations on the scope of policies for socio-economic equality. Once specified more fully, this principle is also likely to demand redistribution in support of some form of solid, guaranteed minimum.

Hence, the first Rawlsian argument for a guaranteed social minimum concerns the importance of satisfying basic needs for the purpose of securing the worth of basic liberties, that is, the value of civil citizenship in Marshall’s sense. It is clear that the justification and target of Rawls’s first principle, and his reasons for its priority, are guided by the concern for promoting the equal right to effectively exercise their basic liberties. Rawls’s Political Liberalism thus specified that:

…the first principle covering the equal basic rights and liberties may easily be preceded by a lexically prior principle requiring that citizens’ basic needs be met, at least insofar as their being met is necessary for citizens to understand and to be able fruitfully to exercise those rights and liberties. Certainly any such principle must be assumed in applying the first principle (Rawls 1996:7).\(^4\)

\(^4\) Similarly, another passage emphasises that the ‘most reasonable political conception of justice’ not only assigns the familiar basic rights a ‘special priority’ but also ‘includes measures to insure that all citizens have sufficient material means to make effective use of those basic rights’ (Rawls 1996:157; cf. Wolff and De-Shalit 2007: 32).
Our second Rawlsian path for defending a guaranteed social minimum focuses primarily on the broader preconditions of Marshall’s political dimension of citizenship. Again, the basic political liberties are covered by Rawls’s first principle and they are less widely discussed than the difference principle in connection with the analysis of socio-economic inequality. It is clear, however, that Rawls’s argument for guaranteeing the ‘fair value’ of our equal political liberties points to another distinct and powerful reason for a social minimum of some kind (Rawls 2001a: 138).

How can you, for example, effectively exercise formally equal political rights in Marshall’s sense and how can you be expected to effectively develop and exercise your sense of justice, if you have nothing to eat, or if you cannot move around or speak freely due to debilitating conditions of absolute poverty? This aspect of justice also provides weighty reasons for structural restrictions on social and economic inequalities and thus not limiting action to ensuring a sufficient absolute level of income for each citizen. One important element of Rawls’s view, to which I will return later, is the claim that when wealth inequalities are pronounced and the control of real property is concentrated in few hands, economic elites are enabled to control and distort the political agenda (Rawls 2001a: 137–8, 149–50).

Finally, our third Rawlsian path for defending a robust, social minimum of some kind speaks more directly to the concerns associated with Marshall’s social dimension of citizenship and builds on the egalitarian notion of distributive justice expressed by Rawls’s difference principle. According to this principle, unequal socio-economic life prospects attached to the positions and offices of the relevant society are justified only if they are to the ‘greatest benefit of the least advantaged’ (Rawls 1996: 6). An important part of Rawls’s argument for this principle rests on the view that inequalities of our social arrangements seem ‘arbitrary from a moral point of view’ when they are essentially shaped by ‘natural and social contingencies’, such as people’s place of birth, their family background, or genetic (dis-)advantage (Rawls 1971: 72, 74).

This can be described as an efficiency-sensitive account of distributive justice in the sense that it accepts incentive-based reasons for inequalities when they can be assumed to improve the prospects of the least advantaged compared to more strictly equality-oriented arrangements. The difference principle clearly demands something more ambitious than a social minimum that covers
only the basic necessities of Marshall’s ‘life of a civilized being according to the standards prevailing in the society’ (see Rawls 2001a: 32). Rawls’s view expresses a strong notion of reciprocity in economic life in the sense that the prospects of the more favourably endowed must never be detached from the opportunities and well-being of the less advantaged (Rawls 2001a:130, 132; cf. O’Neill 2012:77f). This form of reciprocity would not, then, allow privileges to concentrate and accumulate in the hands of a few once a modest, guaranteed minimum income has been established.

However, while a guaranteed social minimum of some kind (with or without behavioural conditionality) is not sufficient to satisfy the difference principle it seems clear that it has a necessary and important role to play in the required policy agenda (Birnbaum 2012). For how could we sustainably come anywhere close to maximising the long-term prospects of the least advantaged if some categories can slip through the safety net entirely and thus fall below the level at which not even their most fundamental needs can be securely satisfied?

2.2 From Ideal Theory to the Real World: Why Republicanism Calls for our Attention

It should be clear that Marshall and Rawls provide us with important resources for conceptualising, specifying and justifying the rights of full citizenship. However, Marshall’s strong linkage between citizenship and entitlements has (rightly or not) been criticised for providing an allegedly passive account of citizenship and thus for not paying sufficient attention to the role of obligations in relation to citizenship rights (see for example Kymlicka 2002: Ch. 7). And while the Rawlsian set of principles and arguments introduced above is indispensable in efforts to clarify and sharpen our ideals of social justice, I shall argue that Rawls’s theory also has important limitations when we seek to address the central claims and concerns of welfare contractualism.

The main reason for this is simply that Rawls’s central ambition was to develop a theory of justice in the context of so-called ideal theory. While Rawls offers very important general insights on economic and political regimes, most of his work deliberately stays out of more specific questions about how the theory of justice may apply to any specific real-world context in view of broader sociological considerations. This also means that there is a substantial gap between the main focus of his project and many of the challenges emphasised in the discourse of welfare contractualism.
Focusing on the more practically oriented concerns of welfare contractualism, why then should Rawlsians and liberal-egalitarians more broadly take an interest in the republican tradition? There are many ways of characterising and justifying republican ideas in contemporary political philosophy. Some authors identify certain points in the philosophy of freedom as the distinctively republican contribution to political philosophy, advancing the notion of freedom as the absence of domination (or arbitrary power), often contrasted with a ‘liberal’ notion of freedom as the absence of interference (Pettit 1997; Skinner 2008).

Others will associate republicanism with the more general idea of active citizenship, in the sense of endorsing the desirability of a strong element of civic participation and a virtuous citizenry, largely guided by the common good. This is sometimes linked to the idea of a republic as a community-oriented polity, based on the ideal of collective self-government, as well as to a strong sense of interconnectedness and patriotism (Sandel 1995). Others still may primarily identify republicanism as a view committed to particular institutions or sets of policies. These may include a mixed constitution and other forms of checks and balances (Pettit 2012) or the ideas of a so-called property-owning democracy, in which a wide dispersal of wealth would help to equalise power and advance personal independence (Dagger 2006; White 2012).

All of these interpretations capture important aspects of the contemporary republican discourse. My present argument deliberately stays out of debates about the specific, philosophical formula for how best to specify the notion of republican freedom. The motivation for engaging with the republican tradition in this study concerns the broader political task of helping to identify important elements of a desirable, shared, public ideal of citizenship that citizens can reasonably be expected to affirm from highly diverse philosophical viewpoints and ways of life. In an open, pluralistic and democratic society, the presence of reasonable disagreement about the specific requirements of justice and morality is bound to remain a permanent social condition. A public and political conception of republican citizenship for such a condition should be able to accommodate a variety of philosophical conceptions and approaches, and a variety of specific proposals on how best to realise such ideals, that are all bound to thrive (and peacefully co-exist) even in the most well developed form of republican rule.
It is hardly a coincidence that interest in republican political thought and the idea of freedom as non-domination have resurfaced at a time when so much criticism has been directed against Rawlsian ideal theory. The latter paradigm connects the project of formulating a theory of justice firmly to the idea of a well-ordered society. This notion expresses an idea of social unity founded upon a shared, complete and publicly recognised conception of justice. This type of conception is aimed at regulating the so-called *basic structure* of society, i.e. society’s ‘main political, social, and economic institutions, and how they fit together into one unified system of social cooperation …’ (Rawls 1996:11).

In Rawls’s thinking, this implies that the distant vision of a fully just society is, among other things, of ‘a society in which everyone accepts, and knows that everyone else accepts, the very same principles of justice’. The citizens of such a society also have an ‘effective sense of justice’ ensuring that they will generally ‘comply with society’s basic institutions, which they regard as just’ (Rawls 1996: 35). This firm connection between social justice and the organising idea of a well-ordered society lies at the very heart of the Rawlsian enterprise.

Why, then, do we have reasons to think that this approach is poorly equipped to capture or guide attempts to alleviate many of the most central injustices of our world? One important concern rests on what I will call the *social unity objection*. By assuming a context of general acceptance of – and compliance with – the ‘very same principles of justice’ this type of ideal theory may fail to offer much guidance of immediate relevance for how to address the central challenges in real world politics. The latter may typically have little in common with idealised assumptions about moral consensus and people’s sense of justice in ideal theory.\(^5\) Even reasonable people disagree widely

\(^5\) It is true, of course, that Rawls’s later work especially is guided by the argument that the pluralism of comprehensive philosophical and religious doctrines is a permanent fact of open societies. He argued that reasonable people will remain committed to widely differing worldviews and fundamental moral doctrines in any free society. Fully realising the implications of this fact should lead us to define the task of a political theory of justice as that of formulating a public conception for the basic structure of society rather than seeing justice as part of a comprehensive moral doctrine, covering a wider set of values. According to Rawls, a political conception suited to a democratic society must be worked out to accommodate rather than to challenge this doctrinal pluralism since no comprehensive moral doctrine could win
about the principles, priorities and demands of justice (e.g. Sen 2009). More broadly, the problems of corruption and moral imperfection are challenges that all societies must find ways of addressing.

Another forceful line of critique focuses less on assumptions about consensus or compliance in such projects than on their way of defining the relevant subject or site of social justice. According to the *institutional fundamentalism objection*, such Rawlsian conceptions are much too narrowly focused on the major public and/or coercive institutions of society (cf. Sen 2009:82). For example, if only the institutional basic structure is to be regulated by the principles of justice this implies that an inequality promoting *social ethos* (as reflected in the informal norms and codes of conduct of a society rather than its public/coercive institutions) is immune to justice-based critique. As argued by G.A. Cohen, this appears to be an important deficiency of Rawls’s approach considering that the social ethos may clearly have a major impact on the distribution of life prospects. This can be exemplified by the influence of norms among economically powerful elites, say, when people with lucrative talents and great market power demand excessive salaries and high bonuses as necessary incentives for them to make a productive effort (Cohen 2008).

With these two objections to the Rawlsian paradigm in mind, I will now sketch three arguments for why the republican tradition offers a promising approach for how best to interpret and flesh out our Rawls-Marshall set of demands for a real-world context. Firstly, this strand of thinking speaks to the above concerns about relevance and guidance by *beginning in* what ideal theory analysis tends to conceptualise as ‘non-ideal circumstances’ rather than treating such a project as a secondary challenge to address at a later stage. The identification of means required to build a well-functioning state and to promote a virtuous citizenry, responsive to projects of social justice and the building of spontaneous, stable allegiance over time. It is important to see, however, that this emphasis on doctrinal pluralism and reasonable disagreement did not lead Rawls to embrace justice pluralism, ‘the view that there are a variety of different and perhaps irreconcilable principles of justice that can be appealed to in the design of institutions and the choice of social policies’ (Macleod 2014: 169). Rawls did express some doubts about whether the demands of justice could be expressed by one unique set of neatly ordered principles, exhaustively and conclusively captured by his own theory of justice as fairness. However, it is fair to say that he never fully explored the implications of such concessions (cf. Sen 2009:10–12; Wolff and De-Shalit 2007:31–4).
solidarity across different groups and backgrounds, belongs to the main themes of republican thinking. In this context, the dangers of corruption and the darker aspects of human nature are, inevitably, central issues.

From the point of view of political practice, this project clearly enjoys strategic priority in relation to the elaboration of the more subtle details of our most sophisticated theories of distributive justice. Whether we should be resourcists or welfarists, strict egalitarians or prioritarians, and whether we should accept opportunity- or outcome-oriented standards of distributive justice (White 2007) and so on, the practical feasibility of any project of economic and social equality presupposes a political climate in which such ideas and initiatives can viably take root.

Secondly, there is also a powerful argument to be made for why the republican idea of being free from domination (to be characterised more fully in the next section of this Chapter) may – duly specified – be particularly well adapted to a world of social and moral pluralism. It offers a way of thinking about citizenship and freedom under real-world conditions in which reasonable people disagree profoundly, both within and across communities, about fundamental moral ideals, including how best to impartially specify the principles and demands of justice or fairness. Again, this contrasts with an approach that takes a very abstract and distant view of a fully just society or a perfectly just world order – conforming to the demands of one unique, unified and specific set of lexically ordered principles of justice – as the starting point for analysing real-world injustices.6

One illustration of this case for the more fundamental, urgent and open-ended nature of republican objectives and its promise to accommodate reasonable disagreement about many other issues of great importance, is offered by Frank Lovett’s account of republican freedom. Lovett defends non-domination as a prioritised and essentially negative ideal of justice in the sense that it aims to avoid something bad rather than achieve a specific and controversial positive aim:

In this latter theoretical setting, the question of how to address fundamental disagreements of justice and fairness, grounded in different and rival moral conceptions, in a fair and mutually respectful way does not arise (or, at least, is not a central task) simply because we have assumed a context of consensus and general compliance.
it is unlikely that those struggling against feudal, colonial, or patriarchal domination, for example, shared any views regarding what a fair distribution of primary goods would be; indeed, they almost certainly disagreed widely. Their willingness to struggle for justice taps into something deeper and more fundamental: specifically, I believe, it taps into our yearning to be free of domination. (Lovett 2010:173; cf. Pettit 1997:146–7)

Thirdly, with respect to the criticism of focusing too narrowly on the institutional basic structure, there is typically no limitation set out beforehand to the ‘state’ or ‘the public sphere’ in republican attempts to conceptualise domination as something universally bad, or to locate the situations or states of affairs in which it may arise (e.g. Laborde 2008; Lovett 2010:4, 6). The normative prescriptions of republicanism certainly place great emphasis on constitutional frameworks and the institutions of the state. However, the aim of countering domination, understood broadly as freedom from the subjection to arbitrary power, attends no less to sources of domination in the family, the workplace, or transnational corporations than to the domination associated with governments and state institutions. At the same time, the republican tradition always tends simultaneously to address (as reflected in the quote from Machiavelli in the epigraph to this Chapter) considerations about the public-coercive institutions of a society’s basic structure and the broader social ethos of the relevant community (Pettit 1997: Ch. 8).

In view of these remarks, I contend that the republican tradition has clear potential to address key concerns behind the institutional fundamentalism objection while avoiding the social unity objection to Rawlsian ideal theory. To appreciate this point we should recognise that recent Rawlsian contributions provide strong arguments for why some form of justice-based ethos may, contrary to what the institutional fundamentalism objection suggests, be demanded by the most plausible interpretation of Rawlsian justice (e.g. Titelbaum 2008). However, this type of solution is still developed within the framework of ideal theory set out in Rawls’s A Theory of Justice. 

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7 As indicated by these remarks I also think that republicanism may be sensibly specified as a cosmopolitan view (Bohman 2008). While this Chapter focuses on republican citizenship in relation to domestic justice, republican philosophy is thus likely to have important implications for questions about global justice (see e.g. Laborde 2010 and Pettit 2010).
sense that the relevant ethos is derived from (and presumes full acceptance of) one specific and complete conception of social justice.\textsuperscript{8}

Following the social unity objection, I think that such a way of making room for the demands of ethos and virtue will thus remain vulnerable to objections about the great distance between such an approach to justice and many of the fundamental needs and concerns of real-world, democratic societies. Whatever the philosophical merits of this type of argument, the more immediate usefulness of such an approach in helping to provide sensible political guidance and, in this context, to address the role and direction of welfare contractualism may therefore be limited.

\textbf{Republican Citizenship and the Liberal State: Normative Foundations of Welfare}

\textbf{Contractualism}

\textit{What is Republican Citizenship?}

How, then, may this republican potential be realised? Reconnecting to Marshall’s categories, I will now argue that republican work on freedom, defined as non-domination, provides an attractive way of specifying the demands of the full and equal enjoyment of the\textit{ civil} and \textit{political} elements of citizenship for such a real world context in a way that usefully supplements our general Rawlsian considerations (I will return briefly to the relationship between justice, republicanism and social citizenship in the next section and, more fully, at the end of this Chapter).

The fundamental starting point for much contemporary republican thought is that the most central ‘primary goods’ (Pettit 1997; Lovett 2010) or ‘capabilities’ (Bohman 2008:206) calling for our attention are the social and material bases of each person’s freedom as non-domination. The general meaning of this is that people must be free from subjection to arbitrary interference or mastery in the fundamental decisions of their lives.

\textsuperscript{8} Titelbaum adds a so-called ‘individual ethos’ to Rawls’s theory that incorporates ‘correlates of both principles of justice [i.e. of Rawls’s \textit{A Theory of Justice}] in lexical order’ (Titelbaum 2008:296).
Every person has a fundamental interest in not having to live ‘at the mercy of another’ with regard to the exercise of their basic liberties and, more broadly, in relation to the decisions of a political authority (Pettit 2012:82ff). They must not be exposed to the unpredictable whims of a partner or an employer, that is, the domination of private power (*dominium*). And they must not be exposed to the unrestricted power of a dictator or a populist democratic majority, that is, the domination of state power (*imperium*). Whatever projects and values people may have, personal or collective, nobody should be in a position of ‘power to dictate to another’ (White 2007:7).

Following Philip Pettit, many contemporary republicans characterise the core of their ideal through contrasting freedom in this sense to liberal accounts of freedom as non-interference or non-coercion. One of the key points in republican thinking is that a person may be dominated – and thus unfree – without actually being interfered with. For A to be unfree in the republican sense, it is sufficient that B has the capacity to interfere arbitrarily in A’s life. Under these conditions, A is able to do what she wants to do *only with B’s permission*. Republican ways of conceptualising freedom are thus concerned not just with actual interference but also with the vulnerability and powerlessness associated with potential interference. Such a condition of domination implies the need to adapt strategically to the will of those we depend on and a vulnerability to the changing moods and shifting judgments of those endowed with the capacity to exercise their power in arbitrary ways. Self-censorship and inability to look the other in the eye will often occur as a reaction to this form of unfreedom (Pettit 1997:5; Skinner 2008:92f).

A freedom-promoting society must therefore ensure that each person enjoys a basis of non-domination in her interaction with other agents and in exercising the basic liberties of civil citizenship. The central content and target of the ambition to safeguard this social status in all kinds of relationships has recently been articulated by Philip Pettit in an illuminating and attractive way that is worth quoting at length:

In the received republican image, free persons can walk tall, and look others in the eye. They do not depend on anyone’s grace or favour for being able to choose their mode of life. And they relate to one another in a shared mutually reinforcing...
consciousness of enjoying this independence. Thus, in the established terms of republican denigration, they do not have to bow or scrape, toady or kowtow, fawn or flatter; they do not have to placate any others with beguiling smiles or mincing steps. In short, they do not have to live on their wits, whether out of fear or deference … however deeply they bind themselves to one another, as in love or friendship or trust, they do so freely, reaching out to one another from positions of relatively equal strength. (Pettit 2012:82)

This emphasis on vulnerability to arbitrary interference is thus closely linked to the importance of not depriving people of their own voice (Laborde 2008). Turning to Marshall’s political rights, another side of this connection between freedom and voice is the weight that republicanism ascribes to democratic forms of collective self-determination. In the republican view, a benevolent and liberal form of dictatorship is incompatible with freedom even if it expresses a sincere respect for citizens’ rights to effectively exercise their basic liberties and enables them to lead their lives as they prefer.

Contrary to traditional ‘liberal’ accounts of negative liberty, according to which there is no analytical connection between freedom and democracy (i.e. they are dealt with as conceptually distinct), the republican tradition establishes a stronger link between these two concepts.9 This follows on from the republican emphasis on arbitrary power and potential interference. The benevolent dictator still has the capacity to interfere arbitrarily in people’s lives even if he or she is unlikely to do so. For many republicans, then, the safest and perhaps only means to ensure that power is forced to serve res publica (the public concern) consists in endowing citizens with an equal share of democratic control. This is, essentially, why Pettit holds that ‘when people live under a government they do not control, then they live in unfreedom’ (Pettit 2012:22).

It is, however, important to emphasise that such a republican account of democratic control also connects non-domination firmly to the presence of constitutional constraints, public forms of justification and participatory structures to ensure that political power is guided by, and exercised in

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9 However, see Lovett (2010) for a dissenting view.
accordance with, deliberative norms and relevantly impartial procedures. Vulnerability to arbitrary power in the form of a populist ‘tyranny of the majority’, endowed with the capacity to ignore – or interfere with – our common liberty, can hardly be preferable to the domination of a benevolent despot.

When placed in relation to the liberal tradition in political thought, one of the more controversial features of republican accounts of freedom is that they tend to deny that interference as such, in the form of state force or coercion, may necessarily (or objectionably) reduce a person’s freedom. There is, firstly, a powerful republican argument for why civic participation and virtue matter significantly on instrumental grounds in the protection of the basic liberties expressed in the liberal tradition and, so, in ensuring that the state will support the social status of equal freedom without itself becoming a source of domination.

According to this argument, a sustainable form of freedom can never be dissociated from the republican idea of active citizenship since many of our most fundamental liberal rights and opportunities will not be safe unless articulated and continuously protected by an active, responsible and vigilant citizenry, sharing a public-spirited disposition (e.g. Skinner 1998). State interference that aims to support the cultivation of such a republican ethos may be crucial in order to keep greed and corruption at bay. The solidarity, mutual recognition and sense of duty required for building and maintaining a political community that aims to secure justice for all are unlikely to flourish if people tend to withdraw from civic responsibilities and common pursuits. The central concern is to make sure that the common good rather than personal or sectarian interests will guide public decisions and, thus, to build and sustain a home for the common liberty (White 2003b).

But many republicans, including Pettit, also make a more fundamental conceptual point about the nature of freedom, and not just about the empirical conditions that may be needed for its resilient protection. The claim here is that state interference does not violate or limit a person’s status as a free citizen, provided that interference is non-arbitrary in the sense that it is firmly constrained to track the
common good.\textsuperscript{10} State interference or coercion of this kind should not be interpreted as a necessary evil, that is, as a regrettable but justified restriction of freedom.

Instead, state interference that serves to promote and maintain the complex preconditions for the universal, long-term enjoyment of this equal, social and political status (involving measures such as taxation and punishment) are all things we have very strong \textit{freedom-based} reasons to welcome (Pettit 2012:152–3; cf. Francisco 2006:276f). Following Harrington, we should always be interested in ‘liberty by the law’, not ‘liberty from the law’. In this particular sense, state interference is not an enemy of freedom but an indispensable civilising force.

I think it is clear that this republican struggle for the political and social status of non-domination is indeed based on a distinctive ideal of freedom to which we have reasons to ascribe great value and social importance. This way of thinking must, of course, incorporate and ascribe fundamental weight to the basic liberties of the liberal tradition (Pettit 2012). However, enjoying one’s civil and political liberties as a person resiliently recognised and protected as a free citizen is very different from enjoying them in a slave-like condition, under which one’s liberties depend on the unpredictable whims of another and so can be withdrawn or meddled with at the ruler’s pleasure (e.g. Pettit 1997:55–56; Skinner 2008:87f).\textsuperscript{11}

\textit{How are Republican Demands Related to Social Justice?}

This republican agenda for a sustainable form of freedom underscores many of our initial, Rawlsian considerations about the distributive implications of protecting the fair value of the basic liberties, 

\textsuperscript{10} Of course, the implications (and plausibility) of this view depend importantly on the specific meaning of arbitrariness. This has proved to be an evasive quality, resisting conclusive definition (see, for example, Laborde and Maynor (eds) 2008; Lovett 2010). According to Pettit’s influential account (1997), non-arbitrary interference is interference that ‘tracks the interests and ideas’ (or, as he writes elsewhere, the ‘perceived’, ‘avowable’ or ‘common recognizable’ interests) of those who are interfered with.

\textsuperscript{11} Freedom as non-domination, in this sense, is compatible with having some of one’s specific liberties restricted under clearly specified and predictable circumstances, say imprisonment following a serious crime and a fair trial. However, it is always incompatible with the possibility of having them arbitrarily restricted.
including the political liberties, and the need for a wide dispersal of income and wealth. However, its way of connecting these values and demands also addresses and justifies many of the central concerns of welfare contractualism more directly, such as the importance of civic participation, the capacities of citizenship and the cultivation of public-spirited virtues. Before turning to the more specific implications of such a republican approach, we also need to consider the relationship between such a conception of freedom and attempts to justify and specify the demands of Marshall’s social rights of citizenship on grounds of distributive justice, such as those of Rawls’s difference principle.

Interestingly, there is no consensus in the philosophical literature about the scope of republican conceptions, that is, which particular domain of morality they (should) seek to cover and how the republican status of non-domination relates to other values. In other words: what is republicanism essentially a theory about? This may seem like a simple and straightforward question. However, the recent literature on republicanism offers a considerable diversity of (possible) answers. Is it, for example, primarily a theory of freedom (Pettit 1997), a theory of citizenship (Laborde 2008), a theory of justice (Lovett 2010), or a theory of democracy (White 2008)? Related to this, it also remains an open question whether such a theory should be conceived of as a challenge or a possible complement to liberal-egalitarian conceptions of distributive justice and social rights, such as our third, Rawlsian path for justifying a guaranteed social minimum, described above.

Following my earlier remarks on the social unity objection to Rawls and the republican promise of accommodating pluralism and disagreement, I will here indicate why we should opt for the latter interpretation. To make this point, we may usefully distinguish two different accounts of the role of the republican project in relation to (other) theories of social justice. Firstly, there is a monistic type of view according to which freedom as non-domination is basically all there is to social justice. This position ascribes a very fundamental role to non-domination and argues that republicanism offers not only a theory of freedom and citizenship but also the supreme and sufficient basis of social justice more broadly (Pettit 2012:127; Lovett 2010).

It follows from this interpretation that republicanism offers a rival and minimalist alternative to the many liberal-egalitarian conceptions and principles of social justice, such as the difference principle and other options elaborated in the footsteps of Rawls. It is minimalist in the sense that
social justice is exclusively built on non-domination rather than a broader set of principles, values, or primary goods. If this is the right path, any deeper synthesis of republican citizenship and Rawlsian justice seems out of reach.

Luckily, there is also the possibility of a second type of view, in which the scope of non-domination is interpreted more narrowly and modestly as an important element of social justice alongside other justice-related values and demands against which it may sometimes need to be balanced or traded-off (cf. White 2008, 2012). In following this latter interpretation I believe it is a mistake to expect that the republican project should provide us with anything like a full-blown, comprehensive and exhaustive conception of justice in all its dimensions, however elegant or parsimonious this solution might seem (cf. Larmore 2001; Markell 2008; Schuppert 2014).

As I have argued above, republicanism offers an attractive normative foundation for citizenship rights, which is mainly concerned with the preconditions for citizens to effectively exercise their civil and political rights as non-dominated equals. If social justice has two main branches, political justice and distributive justice (Tan 2012), I contend that we may sensibly interpret republican citizenship as a theory of the former. The basis of this conclusion is that the struggle for non-domination focuses on the lack of equal freedom and voice associated with fundamental power asymmetries, whether in the context of private or public power, rather than the aim of socio-economic equality per se.

Of course, this notion of political justice as non-domination may also have relatively far-reaching distributive implications, to which I will return below. For this reason, republican citizenship also provides a distinctive path for justifying and specifying Marshall’s social rights by explaining the crucial, instrumental role of systematic, institutional, and individualised forms of redistribution to serve the overall aims of non-domination.

It is not, however, a theory of distributive justice in the more fundamental sense that it provides an account of the demands of socio-economic equality as a value in its own right. And pace Lovett or Pettit, I find it implausible that republicanism could somehow replace or subsume considerations that address these issues and demands more directly (cf. Birnbaum 2012:137ff.). As illustrated by the rich philosophical debates on justice, luck and responsibility over the past few
decades (for a useful introduction, see White 2007), it seems very unlikely that the language and ideal of non-domination can exhaustively capture all of the weighty justice-based reasons for when and why socio-economic equality matters.

Considering the social unity objection to Rawlsian ideal theory (see above), it is also important that people should be able to fully and coherently embrace a shared republican conception of political justice while having different views about the specific principles and demands of distributive justice more broadly. With this in mind, it is difficult to see how the more comprehensive and monistic paths for specifying the scope of the republican ideal could live up to the promise of providing a shared, plurality-respecting foundation for addressing moral disagreement in a spirit of mutual respect, civility and recognition of voice across different conceptions of distributive justice and fairness.

The path I have identified for interpreting the structure and role of the republican ideal suggests more modestly that such a conception speaks to a specific, political aspect of morality while remaining suitably ecumenical in relation to other reasons and values. In this type of view it will remain possible for citizens to hold on to different conceptions of distributive justice without thereby becoming any less true to the shared, political ideal of republican citizenship. Thus, while the difference principle and similar accounts of distributive justice (i.e. that speak more directly to the concerns of socio-economic equality) are certainly not required by the republican ideal of political justice, they remain consistent with such a view.

*Are the Republican Concerns of Welfare Contractualism Consistent with Liberal-egalitarian Justice?*

So, what reasons do we have for thinking that a marriage between republican citizenship and the liberal-egalitarian commitments of Rawls can help specify and structure many of the ideas of welfare contractualism? Is not the republican emphasis on duty, civic virtue and political community inherently at odds with fundamental liberal commitments, such as the priority that liberals ascribe to personal liberties and the respect for people’s commitment to very different conceptions of the good life?
In addressing this question we must, firstly, see that this suspicion is often expressed with neo-Athenian and communitarian accounts of republicanism in mind (see for example Elster 1986; Habermas 1996; Rawls 1996:206). There are certainly a number of important and influential articulations of republican ideas, often inspired by the democracy in ancient Athens, that are tied to ideas of freedom as political participation. Some such views have connected human freedom more directly – and not only instrumentally – to active participation in collective decision-making for common concerns. Some have also expressed a critique of the liberal idea that the state should stay neutral in relation to different conceptions of the good, i.e. whatever value we may ascribe to the role of political participation or productive contribution in our personal ideals of the good life.

It is, however, crucial to distinguish this category of conceptions from the ‘Italian-Atlantic’ (Pettit), or ‘neo-Roman’ (Skinner) account of republican citizenship that we are examining here (Pettit 2012:11–18; cf. Laborde and Maynor 2008). In characterising the key elements of the social and political status we should seek to protect, this strand of republican thinking ascribes fundamental importance to the predictable and publicly guaranteed protection of the civil liberties that provide us with a personal sphere within which we can act independently and securely.

Furthermore, this latter account of republican freedom cannot be plausibly accused of romanticising or elevating the ethical value of politics or work in a way that demands that we regard participation (in the words of Rawls) ‘as the privileged locus of the good life’ (Rawls 1996:206). This notion of arbitrary power, and the general philosophy that informs it, rejects any such affinity between republican citizenship and the possibility for majorities to coercively impose highly specific moral doctrines or personal lifestyles on their fellow citizens.

If political power must be forced to track people’s interests and ideas and so avoid the tyranny of the majority, it seems difficult to avoid the conclusion that respecting the doctrinal pluralism of modern societies, including people’s commitments to highly diverse ideals of the good life, must be a central demand of a republican polity and a republican ethos. A republican society of the kind examined here aims to promote and protect people’s freedom to effectively pursue their liberties – as non-dominated equals – in whatever ways of life they may prefer.
It is true, however, that some contemporary republicans have rejected liberal neutrality on the grounds that such an idea ‘celebrates the freely choosing individual’. Liberal neutrality, they claim, fails to acknowledge the key role of a community-wide ‘formative project’ that is integral to (and, thus, guiding rather than competing with) their own personal conception of the good life (Sandel 1995). According to this type of critique, the liberal community is allegedly reduced to a procedural entity, which rests on an atomistic, market-centred rationale and lacks any deeper basis for a sense of community or common purpose of shared constitutive ends.

It would also be misleading to suggest that such a dismissal of liberal neutrality is exclusively associated with continental or communitarian articulations of the republican ideal. Richard Dagger, who describes himself as a liberal republican, claims that neo-republicans must ‘encourage self-governing citizenship’ and should therefore ‘rule out’ a ‘requirement of neutrality’ (Dagger 2006:166; see also Dagger 1997). However, republican critics of liberal neutrality have often failed to recognise that this idea actually remains hospitable to, and fully consistent with, republican considerations about individual duties and cooperative virtues (Birnbaum 2012, 114f; White 2012, 130–2). I therefore believe that this contrast between republicanism and liberal neutrality is both unnecessary and unfortunate.

Firstly, one possible basis of a general moral requirement to contribute productively in some form is the Rawlsian individual ‘natural’ duty to further just arrangements under circumstances when they are not yet in place and contribute to the maintenance of just arrangements once they have been realised (Rawls 1971:334ff.). As discussed above, Rawlsian justice primarily addresses the main institutions and social arrangements (i.e., the ‘basic structure’) of a society rather than the duties of particular agents. Nevertheless, the notion of an individual duty to ‘support and to further’ just institutions clearly seems to suggest something more demanding than passive compliance with the public rules of institutional justice.

For any conception of justice that involves substantial demands for moderating inequalities in power and resources, it seems essential that people seek to make at least some nontrivial contribution to the republican project of sustaining the institutional capacity and the conditions of solidarity on which justice depends. It is therefore unlikely that respecting such an individual duty to help build and
preserve a sustainable political home for the common liberties is consistent with passively enjoying the rights of citizenship while exclusively leaving the task of safeguarding this freedom in the hands of politicians and state institutions.

Secondly, even if – contrary to this assumption – radically non-contributive ways of life would be unobjectionable from the viewpoint of these general ‘Rawlsian’ individual duties of justice, they would still seem worrisome in a different, weaker sense, within such a liberal framework. Suppose that our only concern is to assess the merits of rival conceptions of social justice for the institutional structure of a given society. According to Rawls, considerations about the stability of a conception of justice must always play a central role in this context. In other words, what is the propensity of shared, public conception of justice to last – to generate its own support – once it has been realised?

When elaborating the more concrete demands that may follow from this concern for stability it should be clear that even a neutrality-based conception of justice should see no objectionable bias in saying that state institutions must be designed to encourage and recognise the cooperative virtues that help support the relevant background requirements. Indeed, any interpretation of institutional justice would seem seriously defective if it fails to take such considerations into account (cf. Rawls 2001a:86, 116–18, 125–6).

When John Rawls explicitly says that ‘classical republicanism’ and the egalitarian liberalism he favours are compatible, this is the instrumental and neutrality respecting type of argument he has in mind (e.g. Rawls 2001a:142–4). To clarify, a plausible account of liberal neutrality does not imply that the state should remain indifferent to people’s attitudes with regard to civic participation or productive contribution. The crucial condition is, instead, that the justification of such a concern for participation and virtue must not appeal to the supposed superiority of any particular conception of the good life.

Neither the argument for an individual duty to further and maintain justice nor the argument for the importance of cooperative virtues to the stability of just institutions violates this condition. They do not say that persons devoted to a life of highly productive forms of work, or of tireless political engagement in the service of the common good, are somehow more genuinely free, or
somehow leading an objectively more meaningful life, than a person who prefers a calm and private existence, focused on family and friends. These arguments therefore remain relatively impartial, inclusive and respectful with respect to the great diversity of answers to such fundamental questions about the nature of a good and meaningful life. They do, however, demand that we address the effects of different lifestyles and attitudes on the long-term preconditions for establishing and sustaining a just society.

Having said this, some may still think that a republic committed to such a neutrality-based respect for diverse conceptions of the good life will remain objectionably restrictive about the kinds of lives and values it may accommodate. For example, libertarians will typically find it important that people must be free to pursue ways of life in which the status of non-domination is not universally or continuously protected.12

However, I will here argue that republican freedom does not seem to specify such values in a way that the Rawlsian tradition, i.e. the most influential account of liberal-egalitarian justice, should be inclined to reject. On the contrary, my claim is that there is a fundamental continuity between republicanism and Rawls’s theory and the idea of political justice as non-domination may help specify Rawlsian commitments in a number of ways. John Rawls held that the social bases of self-respect might constitute the most important of the primary goods that we all need, i.e. whatever specific objectives or ideals we may have in life. Rawls’s account of self-respect includes, first, ‘a person’s sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out. Second, it implies a confidence in one’s ability, so far as it is within one’s power, to fulfil one’s intentions.’ This primary good is ascribed fundamental importance because if we lack self-

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12 They are likely to object that it is not the job of the state to ‘protect’ persons from exploitable dependency, submissiveness and servitude in their interaction with other citizens. In such a view, people must be free to engage voluntarily in (and live with the consequences of) whatever relations they prefer, or whatever choices they make, even if this implies being subject to domination.
respect ‘nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them’.

To see the close affinity and overlap between Rawlsian commitments and non-domination it is important to see that he links citizens’ sense of self-worth closely to the public, mutual recognition of the equal basic liberties, established by the civil rights of citizenship (cf. Rawls 2001a:115). Specifically, he argues that self-respect ‘presupposes’ or ‘is rooted in the development and exercise of both moral powers’ (1996:318, 319) that help define the political conception of the person as a free and equal citizen upon which his theory of justice is built. These powers are ‘the capacity for a sense of justice’ and ‘the capacity for a conception of the good’ (1996:34). The basic liberties are particularly central to the protection of self-respect, since they help ‘guarantee the full and informed exercise of both moral powers’ (1996:319).

Elsewhere, Rawls also argues that guaranteeing the fair value of the political liberties is very important to self-respect. These liberties help strengthen people’s ‘sense of their own worth, enlarge their intellectual and moral sensibilities and lay the basis for a sense of duty and obligation upon which the stability of just institutions depends’ (1971:234, see also 544–6). However, while Rawls’s account of justice and self-respect strongly emphasised the key role of demands expressed by Marshall’s civil and political rights and, more broadly, the ‘respect and mutuality shown us by others’ (1996:319), his theory leaves us with many important questions about the specific nature of this connection.

How do we specify the politically relevant target of such a general and, frankly, rather vague demand to support the ‘full and informed exercise’ of moral powers that plays such a fundamental role in this argument? And how are we to flesh out the sociology that is supposed to link the effective capacity to exercise such liberties to self-respect, to which Rawls so emphatically ascribes priority?

In this context, I propose that a republican interpretation of political justice, with its focus on the connection between freedom, voice and self-respect, and its dual attention to institutional structure

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13 Hence, in making a decision about the most fundamental commitments of our public institutions and arrangements, we ‘would wish to avoid at almost any cost the social conditions that undermine self-respect’ (Rawls 1971: 440).
and social ethos, offers a very promising foundation that may help us address these ‘Rawlsian’ questions and commitments more fully under real-world conditions (that is, including the condition of reasonable disagreement about distributive justice and fairness). As we have seen, the most fundamental and urgent objective of this republican account of political justice is not only to satisfy the opportunity for all to effectively exercise the civil and political liberties, as discussed in section 2.1., but also to do so in a manner that allows us to enjoy these liberties while walking tall and being able to look one another in the eye.\textsuperscript{14}

\textbf{Rawlsian Republicanism and its Implications: Welfare Contractualism Versus Welfare Conditionality}

In spelling out the foundations, meaning and implications of this complementarity between Rawls’s philosophy and political justice as non-domination, one important task concerns the ways in which the design of social rights will help cultivate or obstruct the effective exercise of the moral powers and the development of republican virtue. Rawls himself remarks at one point that:

significant political and economic inequalities are often associated with inequalities of social status that encourage those of lower status to be viewed both by themselves and by others as inferior. This may arouse widespread attitudes of deference and servility on one side and a will to dominate and arrogance on the other. These effects of social and economic inequalities can be serious evils and the attitudes they engender great vices. (Rawls 2001a:131)

The connection between fundamental resource inequalities, power asymmetries and domination is bound to play a particularly central role in this context. On Rawls’s view ‘we expect and indeed want people to care about their liberties and opportunities so that they can achieve their good. We think they would show a lack of self-respect and weakness of character in not doing so’

\textsuperscript{14} For other arguments on the connections between Rawls’s theory and republicanism, see for example Costa (2009); Francisco (2006); Larmore (2001); White (2012).
(Rawls 2001a:85). However, as stressed in the philosophy of non-domination, it is not surprising if people display such a ‘lack of self-respect’ and deep sense of powerlessness if they systematically depend on another for the satisfaction of their most fundamental material needs and so can effectively exercise their basic liberties only with another’s permission (cf. Birnbaum 2012: Ch.2).

Going beyond Rawls, it also appears difficult fully to provide the social bases for the ‘adequate development’ and ‘full exercise’ of these capacities and the mutual recognition of equal standing between citizens in Rawls’s sense, unless we broaden our attention beyond the mutual institutional recognition of the relevant rights and liberties. Again, a sociologically plausible way of spelling out such an agenda must recognise the importance of the wider social ethos, including the attitudes, informal norms and codes of conduct with which these institutions and policies interact (and which they help to shape in fundamental ways) (Pettit 1997: Ch.8; Laborde 2008). It must also attend to the central paths and obstacles for social recognition and a lively sense of self-worth in people’s everyday lives. This is why the republican state has to endow people with ‘the resources of personal independence that might empower them against predators’ (Pettit 2010:89; cf. Pettit 2012:87; White 2007:7) and thereby also help resist and transform norms of servility in associational and domestic life (Laborde 2010:52–3).

The case for saying that there is a strong continuity and fruitful complementarity between Rawlsian justice and republican citizenship is also supported by Rawls’s more practically oriented arguments for why an egalitarian form of property-owning democracy or some form of liberal socialism are more likely to further the ends of justice than a capitalist welfare state. Rawls’s arguments on this topic are not only strongly consistent with republican principles and commitments. They also provide us with some of the most powerful ideas, sketchy as they may be, for how best to specify the implications of such republican principles and values (Dagger 2006; White 2012).

15 While considerations about norms, voice and people’s sense of self-worth are very central to republican thinking, it is not obvious how best to interpret or integrate these concerns in the republican project. In linking arbitrary power strongly to intentional interference of particular agents, Pettit’s account of non-domination is open to the critique that it may fail to detect and criticise more structural and unintended forms of domination (e.g. Gourevitch 2013; Krause 2013; Schuppert 2014).
The preconditions for securing the ‘fair value’ of formally equal political liberties and promoting or maintaining a public ethos that helps serve the common good rather than sectional interests, belong to the key concerns that motivate Rawls’s argument for the insufficiency of welfare state capitalism. Specifically, Rawls’s views on this theme alert us to the concentration and transfer of private wealth across generations and why they present a central challenge to the realisation of such a republican vision of political equality.

While Rawls is generally associated with the justification of the welfare state he did in fact argue that even a welfare state that provides relatively generous redistribution of income against the background of very substantial ‘ex ante’ inequalities of wealth and human capital is insufficient for securing the fair value of the political liberties. A regime that fails to address these background inequalities cannot ‘prevent a small part of society from controlling the economy, and indirectly, political life itself’ (Rawls 2001a:139; cf. O’Neill 2012:82–3).16

Such a potentially corrupting or distorting influence of fundamental wealth inequalities may, for example, arise through the possibility that the wealthy could exploit people’s dependency by ‘buying’ the loyalties of voters and politicians. Again, the republican tradition holds useful resources to help spell out this anti-oligarchic aspect of Rawls’s account of political equality and explain why the link between freedom and voice demands that we always place fundamental power asymmetries at the centre of attention.

As we have seen, republicanism requires that we seek sustainably to secure the freedom from arbitrary interference of private wealth (dominium) while promoting the freedom from arbitrary interference of the state (imperium). One of the most central implications of this connection between freedom, voice and personal independence was captured succinctly by Rousseau’s famous remark that

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16 In a footnote, Rawls’s The Law of Peoples argues that very unequal distribution of income and wealth in the background culture and the great wealth controlled by corporate economic power in the United States are important explanations for why (as Rawls thinks) ‘congressional legislation is … written by lobbyists’ and ‘Congress becomes a bargaining chamber in which laws are bought and sold’ (Rawls 2001b: 24). Greater socio-economic equality would, thus, along with ‘public financing of elections and forums for public political discussions’ be a necessary requirement for a well-functioning democracy, based on deliberative norms and the common good.
‘no citizen should be rich enough to be able to buy another, and none so poor that he has to sell himself’ (Rousseau 1762/1994:87; cf. White 2011).

According to welfare contractualism, the rights of citizenship and, especially, the social rights of citizenship are always associated with certain duties of productive contribution. The idea of denying a guaranteed minimum income to non-contributing members has sometimes been criticised as objectionably illiberal on grounds of distributive justice. This liberal-egalitarian rejection of behavioural conditionality, which is perhaps most strongly associated with Philippe Van Parijs, is particularly forceful when the types of resources under consideration are assets to which nobody seems to have a clear, justified prior claim, say on grounds of desert or productive reciprocity (cf. Birnbaum 2012; Van Parijs 1995).

Why should, for example, efforts to provide an equal or fair share of inherited assets, or the value of natural resources be restricted to those who prove themselves committed to use them for some specific, collectively defined, purposes? Wouldn’t this fail to respect people’s commitments to a great diversity of worldviews, whatever importance they may ascribe to employment, politics or other forms of participation?

However, it should now be clear that this liberal objection does not apply to the republican way of interpreting the values and concerns of welfare contractualism that I have outlined above. As I have argued, this position is not based on any particular conception of the good life. Instead, these arguments about political justice appeal to the general preconditions for our political community to establish a foundation for non-domination and thus to serve sustainably as a home for our common liberty.

Furthermore, when the scope of the republican project is specified modestly as a conception of political justice (as defended above) rather than an exhaustive account of social justice in all its dimensions, such a position also remains neutral in relation to the many rival accounts of distributive justice, individual responsibility and brute luck, such as those debated by Van Parijs and his critics. Hence, this ideal does not deny the relevance and significance of such considerations on distributive justice. It implies, however, that any such demands must be understood in light of (and so be balanced
against) the weighty requirements of republican citizenship and therefore be pursued in a suitably voice-respecting, democratic manner.

This account of political justice and republican citizenship helps articulate a freedom-based foundation for the concerns of welfare contractualism that citizens must generally remain socially connected, productive and vigilant so that we can maintain a flourishing political community. It establishes a possible basis for a non-trivial individual duty to contribute productively to one’s community as well as justifying a more general need for civic virtues, i.e. a certain civic disposition or mind-set to serve these ends. In some cases people may identify so strongly with such a republican commitment that no serious friction in relation to their personal values is involved. In other cases the required dispositions or activities may give rise to a deeper sense of sacrifice. Nevertheless, if republicans are right to hold that the price of freedom is eternal vigilance, the demands for such a sacrifice may still be fully justified on grounds of freedom.

One of the key questions when addressing the role of work-based conditionality in this republican construal of welfare contractualism concerns the necessary preconditions for cultivating the capacities and virtues upon which our common liberties depend. Republicans have often stressed that commitments to equality and the mutual recognition of social and political equality are less likely to take root or to be sustainably reproduced over time, if groups with different economic, social or cultural backgrounds will not share public spaces and everyday life, so that they tend to pursue their lives in more or less separate and disconnected social worlds (Laborde 2008).

In this context, a good workplace may offer an important school for civic virtue by providing a social context in which we may transcend and interact constructively across particular identities and, more broadly, nourish many of the capacities of key importance for a sustainable republican polity, such as a sense of civic responsibility, and the awareness of and sensitivity to the views of others beyond our own circle (see for example Dagger 1997: Ch.12).

Having established an important way in which such a general case for republican citizenship may be supportive to these objectives of welfare contractualism is not, however, the same as saying that the increasing emphasis on behavioural conditionality is plausibly justified on such grounds. Is it? To be sure, this is a much too general question to be answered with a simple ‘yes’ or ‘no’ (and
there are, of course, many different kinds of behavioural conditionality in relation to different kinds of social rights). However, our Rawlsian account of republican demands generates a number of fundamental, critical questions in relation to the general emphasis and direction of this policy discourse.

Yes, one aspect of this republican vision is an ethos of social duty and responsibility, serving to cultivate a cooperative disposition to define and develop one’s own projects and interests in a way that remains compatible with (and conducive to) the long-term common good. However, while concerns of productive contribution need to play a role in such a republican ethos we must not forget that this is, above all, an ethos of freedom and democracy.

Such an ethos must be guided by the fundamental importance of not actively intruding on the basic liberties of others, of respecting and supporting the rights of citizens to a securely protected sphere of personal independence and by the need to protect the broader preconditions for an educated, vigilant, and critically thinking citizenry. It will thus place great emphasis on the opportunities for all citizens to engage in political activities and to support the complex infrastructure of a sustainable and flourishing political community, rather than focus narrowly on the world of paid work (Standing 2011:180–82)

In the absence of social rights that provide a secure basis for personal independence people will, as Frank Lovett points out, be tempted (or have no option but) to trade away their freedom from domination. They will be in a position in which they are likely to consent to relationships and working conditions in which they have no option but to live at the mercy of others in order to exercise their basic liberties (Lovett 2010:131–4; cf. Casassas 2007). From the point of view of voice and contestation it is also essential that people can form and express independent judgments; that they are free to ‘speak out’ (in the workplace, in the family and in the forum) and to contribute to their communities without having to justify every step they take to those they depend on and without fear of having the basis of their livelihoods withdrawn.

Hence, if initiatives for behavioural conditionality in specific programmes are to remain consistent with a compelling way of specifying the republican ideal, they must operate against the
backdrop of robust forms of universal social rights that systematically help moderate background inequalities while establishing a solid foundation for the personal independence of all citizens.

The political discourse of welfare conditionality has typically been part of a development in the opposite direction. It has been used to justify measures that reduce people’s access to strong, non-stigmatising, and citizenship-based social rights by making coverage less comprehensive, behavioural conditionality stricter and the means of enforcement more punitive. Instead of intensified efforts to address people’s unequal starting-points (Rawls’s ‘ex ante’ inequalities) and to curb the concentration and transfer of wealth across generations, the rise of welfare conditionality has often been combined with steps to scale back the taxation of accumulated wealth or to scrap it entirely.

In sum, I conclude that republican citizenship may offer a powerful foundation, consistent with liberal premises, for justifying some of the core values of welfare contractualism. In this framework, however, the general concern for participation must never be disconnected from the ways in which fundamental power asymmetries and relations of exploitable dependency jeopardise political justice and the social ethos of democratic citizenship. In many (most?) of its incarnations in actual policy debates, the agenda of welfare conditionality seems to present us with a direct challenge to republican citizenship rather than a useful means to support it.

References


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