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Republicanism: Philosophical Aspects

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Abstract

Republicanism is the doctrine that public power should always serve the common good of all those subject to its rule. This raises the question how to do so most effectively, either through particular policies or through constitutional structure ('the republican form of government'). The republican philosophical tradition began with Plato and Aristotle, flowered in the writings of Marcus Tullius Cicero, and reappeared with the revival of learning in such authors as Niccolò Machiavelli, James Harrington, John Adams, and Immanuel Kant. More recently Philip Pettit, Jürgen Habermas, and others have returned to the republican conception of liberty as nondomination, and how to secure this through the rule of law, popular sovereignty, and the checks and balances of well-designed deliberative politics. Republicanism seeks freedom and justice through law and government in pursuit of the common good.

'Republicanism' as a philosophical doctrine begins with the axiom that law and government should always serve the '*res publica*' or common good of the people. 'People' in this context signifies all citizens or (more recently) all participants in the relevant community. The *locus classicus* and most famous manifesto of republican thought is in the philosophical writings of Marcus Tullius Cicero (106–43 BC), above all *de officiis*, *de legibus*, and *de re publica*, in which he defined a republic as the property and project of the '*populus*', when the people come together in pursuit of justice and the common good (*de re publica*, xxxv.39). This standard definition of a republican, repeated by St. Augustine (354–430) (*de civitate Dei* XIX.xxi), John Adams (1735–1826) (1787: p. I.xviii), and many others should be given in full and in Latin, because it remains the foundation and persistent common thread in all republic thought: "*res publica res [est] populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis juris consensu et utilitatis communiione sociatus*". Which is to say: "a republic is the property of the people – not just of any group of persons jumbled together – but of a *people*, properly speaking united in pursuit of justice and the common good of society as a whole.

While Cicero and the Latin language inaugurated the philosophical discourse of republicanism, Cicero himself (*de officiis*, I.xv.85) attributed the insight to Plato (423–347 BC), who had argued in his *Politeia* that rulers exist to serve the welfare of all citizens alike (*Politeia*, I.xv. 342 E). Aristotle (384–322 BC) made the same point when he equated justice with the common good (*Politica*, III.iv.7; VII.ii.10), and this became the dominant conception of government, law, and justice through most of European history (Sellers, 1998). Cicero wrote his dialogues *de re publica* and *de legibus* to celebrate and modernize Plato's work on the state and the laws (*de legibus*, II.v.14), and the practical aspects of republican philosophy have remained dominant ever since. It is not enough simply to declare the abstract purpose of serving the common good; one must also propose practical institutions to realize the common good in fact. This 'republican form of government' became the primary object of subsequent republican discourse (Adams, 1776).

Discussion of republican principles and the republican form of government has had a revolutionary impact wherever it

has taken hold. By asking 'the great question', "what form of government will compel the formation of good and equal laws, an impartial execution, and faithful interpretation of them, so that citizens may constantly enjoy the benefit of them, and be sure of their continuance" (Adams, 1788), philosophers, lawyers, and statesmen have shaken the governments of Italy, the Netherlands, England, North America, France, and many other nations with demands for 'liberty', 'the rule of law', 'popular sovereignty', 'checks and balances', and other basic requirements of republican government, as established already by Cicero in Rome (Sellers, 1998). Subsequent republicans would add representation, the separation of powers, and other new structural devices to protect public liberty ('*libertas*') and avoid Rome's eventual descent into popular tyranny and military despotism (Hamilton et al., 1787). Contemporary philosophers such as Philip Pettit (1945–) (Pettit, 1997) and Jürgen Habermas (1929–) (Habermas, 1992) have renewed this tradition, with further proposals directed at protecting people everywhere against arbitrary power.

The Republican Tradition

'*Res publica*' was the Romans' term for their state, its public business, all public property, and the purposes these served. The word notoriously evades translation, most often appearing in English as 'commonwealth', or simply (more recently) 'republic', the use preferred here. Cicero and Titus Livius (Livy) (59 BC–AD 17) constructed the first and most influential comprehensively republican ideology, to try to explain how and why the Roman republic had failed to serve the public good. Both agreed that republican institutions collapsed when military expansion and party conflict upset traditional checks and balances between the senate, the magistrates, and the people of Rome.

Cicero and Livy inaugurated a republican tradition of 'liberty' that fortified principled resistance to demagogues, emperors, and kings for the next 2000 years. Niccolò Machiavelli (1469–1527) did the most to revive this republican tradition in Italy, in his *Discorsi sopra la prima deca di Tito Livio* (1517).

The resistance of the Swiss, various Italian cantons, and the United Provinces of the Netherlands to imperial control added practical models for republican liberty, as did the constitutional and theoretical writings of various English authors, in their efforts to restrain or remove their kings during the Civil War and Commonwealth (1642–60), the Glorious Revolution (1688), and the extended British controversies over American Independence (1763–83).

The Republican Revival

Republican political and legal philosophy provides an enduring model for philosophers and lawyers who oppose the domination of arbitrary power. The constitutional controversies of the French and American revolutions left institutional relics, which established republican ideals in the structures of Western politics, with a pervasive commitment to 'liberty' and even (in the United States), a federal 'guarantee' that every state in the Union must enjoy 'a republican form of government' (*United States Constitution*, 1787: Article IV, Section 4). Similar provisions requiring senates and independent judges give republican theorists a practical foundation in the constitutions of most Western democracies. Lawyers such as Frank Michelman (1936–) and Cass Sunstein (1954–) revived republican doctrine in law schools, to justify judicial intervention for the common good, against partisan legislation and political corruption (*Symposium*, 1988).

Philip Pettit inaugurated a similar revival among philosophers, embracing three central claims of the republican tradition: that government must serve the common good; that certain institutional arrangements will do so; and that liberty will be the result (Pettit, 1997). Republicanism, since Cicero has offered a political epistemology for finding the common good, or approximating it as closely as possible. The republican question has not been (in the first instance): 'What is the common good?'; but rather: "Which political procedures will best find and protect the common good, given the possibilities and limitations of history and human nature?" (Sellers, 1991).

Liberty as Nondomination

Republican liberty consists in not being interfered with by other persons or the state, except as regulated by the common good of the people, established by republican politics (Harrington, 1656). This conception of liberty as 'nondomination' contradicts a widely held (but more recent) understanding of liberty as not being interfered with at all. Public and private actions that constrain or influence a person's activities do not restrict republican liberty unless they violate the law or republican principles established to serve the common good of the people as a whole. Republican liberty cannot exist without a republican state because nonrepublics will always dominate their subjects, as masters dominate their slaves.

Domination marks the end of liberty, in republican theory, because domination subjects one person to the arbitrary will of another, without regard for the common good. The unchecked power of the *dominus* (or master) makes his subordinates slaves, whether the master chooses to exercise power or not. Slaves to good masters remain slaves, and dominated, because

they have no security against their master's will. States dominate citizens when constitutions give legislatures or public officials the arbitrary power to act without regard for the public welfare. Private individuals dominate others when laws and public officials do not protect citizens against private oppression.

The common good is the measure of domination, and therefore of liberty, in republican political vocabulary, because only the common good distinguishes 'arbitrary' interference from justified state action. *Libertas* (liberty) in Rome signified the status of a free citizen in a republican state. The *res publica* (republic) represented every citizen's common interest in the public good. Restraining citizens equally with just laws in pursuit of the common good enhances their liberty by restraining arbitrary power. Neorepublican doctrine revives liberty as a worthy object of public policy by rescuing the sense in which the word first developed as a political ideal. Liberty is not, as Thomas Hobbes (1588–1679) tendentiously redefined it, the unfettered license to do what one wants, but rather a public shield against uncontrolled license in others. Republican liberty consists in equal subjection to the rule of laws, made for the common good, through the carefully balanced mechanism of a republican form of government. For further references see Freedom: Political.

The Common Good

The first difficulty republicans face in finding the common good lies in defining the relevant community. Ancient republics closely restricted their citizenship, excluding women, immigrants, and slaves. Most republicans would now extend citizenship and membership in the *populus* or people to all inhabitants of a given territory. This leaves open the question of boundaries. Cicero endorsed a universal republic or society of all humanity, but also recognized the value of local politics. Cultures and human relationships develop and solidify locally. Therefore, the republican interest in harmony and community implies small homogenous republics, where people will have more in common (Montesquieu, 1748). But the natural diversity of human talents and interests guarantees that small communities will find their own internal minorities to dominate and oppress. Larger republics with greater diversity better protect minorities, by making dominant factions harder to assemble (Hamilton et al., 1787: p. x).

The republican solution to the problem of republican boundaries has been to encourage different levels of nested republics, for different purposes, with different capacities. Immanuel Kant (1724–1804) advocated a federation of national republics, assembled in perpetual peace (Kant, 1795). The formula suggested by the United States and modern European Union has been to entrust the protection of individual human rights and commerce, which local majorities might threaten, to federal suprapublican authorities, while delegating social and cultural concerns to smaller, more homogenous republics. When regional authorities consistently abuse their powers to oppress local minorities, their oppression implicitly recognizes such minorities as separate people, entitled to separate republican homelands, within the republican federation (Sellers, 2006). For further references see Public Interest.

Popular Sovereignty

Republicans realized very early in Rome, and have maintained the principle ever since, that the common good will never be found or maintained without the *imperium populi* or popular sovereignty to support it (Tullius Cicero *Cat.* IV.14; *Phil.* IV.iv.8). Machiavelli credited Cicero with the insight that although the people may be ignorant, they are capable of grasping truth, when good men place the truth before them (Machiavelli, 1517: I.iv.10). The purpose of republican popular sovereignty is not that the people should govern everyday, but rather, as Benjamin Rush (1745–1813) suggested in advocating an American ‘republic’, that the people should select their rulers themselves. The people exercise their power on election days, then defer to magistrates that they themselves have selected (Rush, 1777).

This republican reliance on popular sovereignty distinguishes republican government from liberalism, which diverged from the republican tradition at the beginning of the nineteenth century (Sellers, 1998). Early liberals rejected popular sovereignty in the wake of the French revolution, while retaining republican commitments to liberty, the rule of law, and certain specific rights against the government (Constant, 1819). Liberals divorced liberty from its basis in public deliberation by distinguishing ‘political liberty’ from personal independence. This left liberals dependent on judges and magistrates to verify their assertions of rights, and protect individual liberty against the state. Liberalism started as a flight from politics, but found that this implied a new definition of liberty as the ability to do what one wants, without state regulation (Pettit, 1997).

Contemporary liberalism has largely abandoned the fear of democracy that separated liberalism from republicanism in the first place, and most liberals now endorse the widespread political participation of citizens in elections (Rawls, 1993). Republican popular sovereignty never signified democracy in any case, but rather a carefully balanced and controlled mechanism for gathering the insights of all members of society, through a process of public deliberation, in pursuit of the common good. As modern liberals have sought a method of democratic deliberation to legitimate their sense of community, and regulate conflicting private interests, they have increasingly returned to the republican principles and institutions already embedded in Western constitutional democracy.

Checks and Balances

The primary, process-centered challenge for republicans has been to identify those institutions that find and secure the common good best. Popular sovereignty provides access to every citizen’s interests and insights, but democracy would become an elective despotism, without checks and balances to restrain it (Pettit, 1999). Cicero blamed the Greeks’ misfortunes on the turbulence of their popular assemblies, lacking internal balance or a senate to control them (Tullius Cicero *Flacc.*). Republics since Rome have maintained bicameral legislatures to prevent self-seeking in either assembly (Harrington, 1656: p. 22). Democracy is one of several foundation stones of liberty, not an end in itself.

The necessary checks and balances of republican government prevent public officials from making themselves and not the *res*

publica the object the state (Paine, 1792: p. 168). The dispersion of power through bicameralism, federalism, and the separation of powers makes it harder for any one person or faction, including the majority, to wield arbitrary power over others (Pettit, 1997: p. 177). American republicans such as John Adams (1787–8: p. I.ii–iii) and Alexander Hamilton et al. (1787: IX) added representation and the life tenure of judges to bicameralism and checks on governmental powers as basic desiderata of balanced republican institutions. If the people and judges are outside government, they can better control their government’s mistakes (Hamilton et al., 1787: p. LXIII).

Modern republicans such as Philip Pettit differ from democrats in viewing democracy as a derivative value, in service to the broader ideal of balanced or ‘contested’ government (Pettit, 1997: p. 187). All government decisions should be subject to challenge by institutions that prevent private inclinations from ruling public interests and ideas. Republicans have proposed bills of rights, public hearings, and many other devices designed to constrain and channel public decision making, so that ordinary citizens may influence their government’s decisions, without diverting the public purposes of the state. For further references see Constitutionalism.

The Rule of Law

The ‘*imperia legum*’ or ‘rule of laws and not of men’ protects republican liberty by forestalling arbitrary power. Republican authors from Livy to Pettit have protected the moral element in the republican concept of ‘law’ against the simplifications of legal positivists, beginning with Thomas Hobbes. Laws secure liberty against domination by delimiting and protecting the line across which private or state behavior violates individual autonomy against the common good. Cicero insisted that such laws must serve the public welfare (*populi utilitas*) not the public will (*populi voluntas*) (Tullius Cicero *Sulla* 25) because votes cannot alter the natural laws of justice (Tullius Cicero *Leg.* I.xvi. 44). Republics require institutions that will find justice by securing the common good.

The empire-of-law condition of republican government entails that laws should be publicly promulgated, intelligible, consistent, stable, general, and apply to everyone, including the legislators themselves. This prevents arbitrary decisions by public officials, by subjecting their will to known constraints and purposes. Republics maintain a general presumption that government action, when needed, will operate by law, not by ad hoc or *ex post* decisions. All agencies of government must act through principled, regulated structures, maintaining the ‘due process’ of laws to prevent the abuse of governmental power (Pettit, 1997: pp. 174–175).

Codifying the law in every detail will not be possible or desirable. Some discretion must remain, but subject to the dispersion-of-power and popular sovereignty procedures that generate republican laws in the first place. Discretion subject to constraints against arbitrariness may sometimes secure the common good, but unlimited discretion produces mistakes about justice, through the natural partiality and limited viewpoint of any individual decision maker. The republican rule of law protects liberty by respecting the welfare of every member of society, pooling their insights to secure the common good of

the people. Legislation is the public reason of the republic, protecting citizens' liberty against private power (Harrington, 1656: pp. 19–20).

Neorepublican Ideals

Contemporary philosophical republicanism reasserts the republican conception of liberty, proposing new republican institutions to support republican liberty in the modern multicultural state. Philip Pettit has given the most detailed proposal for neorepublican politics, supplanting the Benthamite liberal opposition of 'negative' and 'positive' liberty with older republican conceptions of liberty as nondomination, and protection against arbitrary power (Pettit, 1997). Pettit understands arbitrary power ('*arbitrium*') to include any action against the 'interests and ideas' of those who suffer interference. This surpasses the old republican standard, which measured arbitrary power by its violation of an objective public, common, or collective good.

Neorepublican deference to private interests and ideas reflects the residual liberal commitment to moral pluralism and cultural diversity. This enduring hesitation to overrule anyone's personal ideas makes the revised standard of nondomination very strong. Interference or influence over others' choices becomes domination unless it tracks their private values. This introduces a subjective element into republican doctrine. Older republican ideals tolerated hierarchy and private influences when toleration served the common good of all citizens.

Neorepublican rhetoric describes the state as seeking to promote freedom as nondomination, where older republicans would have understood republican pursuit of the common good simply to be freedom as nondomination. The difference lies in the pluralistic language of the newer theories. Some suggest that immigrant groups and minority cultures will maintain their separate identities in republics, because republics help to preserve hereditary differences within the larger culture (Pettit, 1997: p. 144). This represents a significant departure from traditional doctrine. Republics exist precisely to create and maintain an overarching culture that embraces all citizens. This necessarily influences and discourages dissenting subcultures by promoting an image of national unity, which will tend to assimilate minority perspectives.

Neorepublican Institutions

The neorepublican commitment to pluralism encourages a greater emphasis on counter-majoritarian aspects of republican popular sovereignty (Pettit, 1997; *Symposium*, 1988). Neorepublicans embrace the empire-of-law condition of republican government and the dispersion-of-power constraint, but they often seek to displace public decision making onto independent panels of social scientists or courts (Pettit, 1997; Sunstein, 1993; *Symposium*, 1988). This favors 'contestability' over consensus to limit the weight of unified public opinion.

Neorepublicans do not endorse interest-group pluralism in the classical amoral sense of liberal democracy, but their concept of representation favors cultural minorities. Some believe that public policy should be able to be justified according to the lights of every member of society (Pettit, 1997:

p. 169). This overstates the value of mistaken perceptions of the good. Republican government differs from liberal democracy precisely in that it offers a deliberative technique for overruling mistaken views, while allowing constructive dissent by those who oppose the consensus.

Traditional republics maintained geographical representation to encourage the development of local communities. Most recent proposals prefer religious, cultural, or sexual diversity. Popular elections now seem too crude to identify administrative competence, or to guarantee minimum statistical representation for every stakeholder grouping (Pettit, 1997: p. 192). Neorepublicans often propose deliberation among statistically selected 'representative' officials, in place of elected representatives or public assemblies. This leads to difficulties in identifying which subcultures or stakeholder 'groups' to represent. Most people have many such partial or self-defined sources of identity.

The People

The fundamental republican conception of the common good encourages social solidarity by seeking a community of interest among the *populus* or people of any given republic. Cicero described republics as the property of a people (*res populi*), in the most influential and frequently repeated passage in the republican canon. A *populus* is not just any collection of humans, but a partnership about justice, in pursuit of the common good (Tullius Cicero *Rep.* I.xxv.39). There will be no republic without people and no people (in the fullest sense) without republic, which is to say the mutual recognition of common citizenship (fraternity) and the equal importance (equality) of all citizens in the eyes of the state.

The concept of peoples represents the most contested element in contemporary republican doctrine, and the most likely source of disagreement between neorepublican philosophers. The United Nations Charter recognized the republican principle of self-determination of peoples (Article I (2)), implying a people's right 'freely (to) determine their political status' (International Covenant on Civil and Political Rights 1966, Article 1). This gives the republican identity a practical importance in international politics, implying that recognized status as 'people' entail some degree of political separation. The salient examples of liberated 'peoples' have been the inhabitants of colonial territories, who constitute peoples in international law for the purpose of pursuing their independence from imperial domination.

Some neorepublicans would separate the national and territorial principles to create politically separate republican peoples on the basis of ethnic, religious, or linguistic affinities within larger multinational empires. Different laws would apply to different subjects of the overarching state, according to their different internal 'citizenship' or status. This violates the republican principle of equal citizenship to achieve the republican ambition of social solidarity among state-maintained subgroups of the population. Traditional republican doctrine would insist that all citizens enjoy the same privileges and immunities in their public capacities, while permitting private initiatives to pursue elective affinities. This protects (but may subtly discourage) private diversity, because the people, as public citizens, will be the same under law.

Republican Philosophy

Republican philosophy since Cicero has sought to construct a harmony of interests and common sense of justice among citizens through the 'empire of laws and not of men'. Republican laws draw the line between liberty and license, in pursuit of the common good. Republican theory seeks to find and establish good laws, by discovering the principles and basic structure that serve the *res publica* best. So although republican philosophy begins, as Thomas Paine (1737–1809) put it, by making the '*res publica*, the public affairs, or the public good' the object of all governments, and 'republican government is no other than government established and conducted for the interest of the public' (Paine, 1792: p. 168), the idea of the republic entails a constellation of political structures to secure republican legislation, embedded in 2000 years of republican tradition, derived from Rome.

The republican commitment to political institutions that protect liberty challenges the later 'liberal' flight from politics after the French revolution. Former republicans such as Benjamin Constant (1767–1830) hoped by securing certain rights or liberties to protect their own private liberty against the state. But republican philosophy recognizes the futility of 'rights' without power. Republican doctrine offers a political epistemology to discover and protect public justice and fundamental human rights. Republicans believe that without popular sovereignty, the rule of law, deliberative senators, elected executives, independent judges, a representative popular assembly, and proper checks and balances, the people cannot know or enjoy their rights and duties to each other, or to the state. The basic desiderata of republican government may appear more (or less) important in different contexts, so that even a monarchy could seem nearly 'republican' when limited by two independent branches in the legislature, and subject to the rule of law (Adams, 1787–8: pp. I. xxi–xxii). Contemporary republican philosophers adapt republican principles to new circumstances to protect public liberty against improper domination ('*dominium*') by private interests, or the arbitrary government ('*imperium*') of the state (Pettit, 1997). What makes such theories republican is their fundamental commitment to the common good, and to the political structures that support the *res publica* best. Republican philosophy is a theory of freedom and government, or rather of freedom through government, to secure a shared sense of justice, in pursuit of the common good. Republicans believe that there can be no justice without community, no liberty without the law.

See also: Justice: Philosophical Aspects.

Bibliography

- Adams, J., 1776. *Thoughts on Government* [1983. In: Hyneman, C.S., Lutz, D.S. (Eds.), *American Political Writing During the Founding Era 1760–1805*, 2 vols. Liberty Press, Indianapolis, IN].
- Adams, J., 1787–8. *A Defence of the Constitutions of Government of the United States of America*, 3 vols. C. Dilly, London.
- Barnes, J., Griffin, M., 1989. *Philosophia Togata I: Essays on Philosophy and Roman Society*. Clarendon Press, Oxford, UK.
- Barnes, J., Griffin, M., 1997. *Philosophia Togata II: Plato and Aristotle at Rome*. Clarendon Press, Oxford, UK.

- Baron, H., 1966. *The Crisis of the Early Italian Renaissance: Civic Humanism and Republican Liberty in the Age of Classicism and Tyranny*. Princeton University Press, Princeton, NJ.
- Bleicken, J., 1972. *Staatliche Ordnung und Freiheit in der römischen Republik*. Lasleben, Kallmünz, Germany.
- Bock, G., Skinner, Q., Viroli, M. (Eds.), 1990. *Machiavelli and Republicanism*. Cambridge University Press, Cambridge, UK.
- Constant, B., 1819/1988. *De la liberté des anciens comparée à celle des modernes*. In: Fontana, B. (Ed.), *Political Writings*. Cambridge University Press, Cambridge, UK.
- Cornelius, T., 1906. In: Fisher, C.D. (Ed.), *Ab Excessu Divi Augusti Annalium Libri*. Oxford University Press, Oxford, UK [1974. *The Annals*. Penguin, Harmondsworth, UK].
- Cornelius, T., 1911. In: Fisher, C.D. (Ed.), *Historiarum Libri*. Oxford University Press, Oxford [1964. *The Histories*. Penguin, Harmondsworth, UK].
- Dagger, R., 1997. *Civic Virtues: Rights, Citizenship, and Republican Liberalism*. Oxford University Press, Oxford, UK.
- Fink, Z.S., 1962. *The Classical Republicans: An Essay in the Recovery of a Pattern of Thought in Seventeenth-Century England*, second ed. Northwestern University Press, Evanston, IL.
- Fisher, H.A.L., 1911. *The Republican Tradition in Europe*. G. P. Putnam's Sons, New York.
- Fontana, B. (Ed.), 1994. *The Invention of the Modern Republic*. Cambridge University Press, Cambridge, UK.
- Gordon, T., 1728–31. *The Works of Tacitus with Political Discourses Upon that Author*, 2 vols. Woodward and Peele, London.
- Gordon, T., 1746. *The Works of Sallust Translated into English with Political Discourses upon that Author*. Woodward and Peele, London.
- Habermas, J., 1992. *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*. Suhrkamp, Frankfurt, Germany [1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. MIT Press, Cambridge, MA].
- Hamilton, A., Jay, J., Madison, J., [Publius] 1787. *The Federalist*. [1987. In: Kramnick, I. (Ed.), *The Federalist Papers*. Penguin, Harmondsworth, UK].
- Harrington, J., 1656. [1992. In: Pocock, J.G.A. (Ed.), *The Commonwealth of Oceana*. Cambridge University Press, Cambridge, UK].
- Hobbes, T., 1651. *Leviathan, or the Matter, Form, and Power of a Commonwealth Ecclesiastical and Civil* [1991. Tuck, R. (Ed.), Cambridge University Press, Cambridge, UK].
- Honohan, Iseult, 2002. *Civic Republicanism*. Routledge, London, UK.
- Kant, I., 1795. *Zum Ewigen Frieden*. F. Nicolovius, Königsberg.
- Koenigsberger, H.G. (Ed.), 1988. *Republiken und Republikanismus im Europa der frühen Neuzeit*. R. Oldenbourg, Munich, Germany.
- Laborde, Cecile, Maynor, John, 2008. *Republicanism and Political Theory*. Blackwell, Malden, MA.
- Livius, T., 1919. *Ab urbe condita VI–X*. In: Walters, C.F., Conway, R.S. (Eds.). Oxford University Press, Oxford, UK [1982. *Rome and Italy*. Penguin, Harmondsworth, UK].
- Livius, T., 1974. *Ab urbe condita I–V*. In: Ogilvie, R.M. (Ed.). Oxford University Press, Oxford, UK [1971. *The Early History of Rome*. Penguin, Harmondsworth, UK].
- Machiavelli, N., 1517. *Discorsi sopra la prima deca di Tito Livio*. [1984. In: Ingles, G. (Ed.), *Discorsi*. Rizzoli Editore, Milano] [The Discourses. Penguin, Harmondsworth, UK].
- Montesquieu C. de Secondat. baron de la Brède et ce, 1734. *Considérations sur les causes de la grandeur des Romains et de leur décadence*. [1967. Truc, G. (Ed.), Editions Garnier, Paris] [1968. *Considerations on the Causes of the Greatness of the Romans and Their Decline*. Cornell University Press, Ithaca, NY].
- Montesquieu C. de Secondat. baron de la brède et ce, 1748. *De l'Esprit des lois*. [1973. Derathé, R. (Ed.), 2 vols. Editions Garnier, Paris] [1989. *The Spirit of the Laws*. Cambridge University Press, Cambridge, UK].
- Nicolet, C., 1982. *L'idée républicaine en France (1789–1924): Essai d'histoire critique*. Gallimard, Paris.
- Onuf, N.G., 1998. *The Republican Legacy in International Thought*. Cambridge University Press, Cambridge, UK.
- Paine, T., 1792. *The Rights of Man, Part II* [1989. In: Kuklick, B. (Ed.), *Thomas Paine: Political Writings*. Cambridge University Press, Cambridge, UK].
- Pettit, P., 1997. *Republicanism: A Theory of Freedom and Government*. Oxford University Press, Oxford, UK.
- Pettit, P., 1999. *Postscript to the Paperback Edition of Republicanism: A Theory of Freedom and Government*. Oxford University Press, Oxford, UK.
- Plutarchos Bioi paralleloi. [1949–1971. In: Lindskog, C., Ziegler, K. (Eds.), *Plutarchi Vitae Parallelae*. Teubner, Leipzig] [1914–26. *The Parallel Lives*. Harvard University Press, Cambridge, MA].
- Pocock, J.G.A., 1975. *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*. Princeton University Press, Princeton, NJ.

- Polybios *Historia*. [1866–1868. Dindorf, L. (Ed.), 4 vols. Teubner, Leipzig] [1922–7. The Histories. Harvard University Press, Cambridge, MA].
- Powell, J.G.F. (Ed.), 1995. *Cicero the Philosopher: Twelve Papers*. Clarendon Press, Oxford, UK.
- Rahe, P.A., 1992. *Republics Ancient and Modern: Classical Republicanism and the American Revolution*. University of North Carolina Press, Chapel Hill, NC.
- Rawls, J., 1993. *Political Liberalism*. Columbia University Press, New York.
- Robbins, C., 1959. *The Eighteenth-Century Commonwealthman: Studies in the Transmission, Development and Circumstance of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies*. Harvard University Press, Cambridge, MA.
- Rousseau, J.-J., 1762. *Du contrat social*. [1973. Guillemin, H. (Ed.), *Union Générale d'Éditions*, Paris] [1997. *The Social Contract*. Cambridge University Press, Cambridge, MA].
- Rush, B., 1777. *Observations upon the Present Government of Pennsylvania in Four Letters to the People of Pennsylvania*. Steiner and Cist, Philadelphia, PA.
- Sallustius Crispus C., *Bellum Catilinae*. [1991. In: Reynolds, L.D. (Ed.), *Catilina; Jugurtha; Historiarum Fragmenta Selecta; Appendix Sallustiana*. Oxford University Press, Oxford, UK] [1921. *The War with Catiline*. Harvard University Press, Cambridge, MA].
- Sallustius Crispus C., *Bellum Iugurthinum*. [1991. In: Reynolds, L.D. (Ed.), *Catilina; Jugurtha; Historiarum Fragmenta Selecta; Appendix Sallustiana*. Oxford University Press, Oxford, UK] [1921. *The War with Jugurtha*. Harvard University Press, Cambridge, MA].
- Sandel, M.J., 1996. *Democracy's Discontent: America in Search of a Public Philosophy*. Belknap Press of Harvard University Press, Cambridge, MA.
- Sellers, M.N.S., 1991. Republican impartiality. *Oxford Journal of Legal Studies* 11, 273–282.
- Sellers, M.N.S., 1994. *American Republicanism: Roman Ideology in the United States Constitution*. Macmillan, Basingstoke, UK.
- Sellers, M.N.S., 1998. *The Sacred Fire of Liberty: Republicanism, Liberalism and the Law*. Macmillan, Basingstoke, UK.
- Sellers, M.N.S., 2003. *Republican Legal Theory: The History, Constitution and Purposes of Law in a Free State*. Palgrave Macmillan, Basingstoke, UK.
- Sellers, M.N.S., 2006. *Republican Principles in International Law: The Fundamental Requirements of a Just World Order*. Macmillan, Basingstoke, UK.
- Sidney, A., 1798. *Discourses Concerning Government*. [1990. West, T.G., (Ed.), *Liberty Classics*, Indianapolis, IN].
- Skinner, Q., 1998. *Liberty Before Liberalism*. Cambridge University Press, Cambridge, UK.
- Spitz, J.-F., 1995. *La liberté politique: Essai de généalogie conceptuelle*. Presses Universitaires de France, Paris.
- Sunstein, C.R., 1993. *The Partial Constitution*. Harvard University Press, Cambridge, MA.
- Symposium: *The Republican Civic Tradition*, 1988. *The Yale Law Journal* 97 (8).
- Trenchard, J., Gordon, T., 1723. *Cato's Letters or Essays on Liberty, Civil and Religious, and Other Important Subjects*, 4 vols. [1995 Liberty Fund, Indianapolis, IN].
- Tullius Cicero M. *De legibus*. [1914. Mueller, C.F.W. (Ed.), Teubner, Leipzig] [1998. *The Laws*. Oxford University Press, Oxford, UK].
- Tullius Cicero, M.M., *Antonium orationes Philippicae*. [1986. Fedell, P. (Ed.), second ed. Teubner, Leipzig] [1926. *Philippics*. Harvard University Press, Cambridge, MA].
- Tullius Cicero, M. *De officiis*. [1994. Winterbottom, M. (Ed.), Oxford University Press, Oxford, UK] [1991. *On Duties*. Cambridge University Press, Cambridge, UK].
- Tullius Cicero M. *Orationes in L. Catilinam*. [1901. Clark, A.B. (Ed.), Oxford University Press, Oxford, UK] [1976. In *Catilinam*. Harvard University Press, Cambridge, MA].
- Tullius Cicero M. *Pro L. Flacco Oratio*. [1906. In: Mueller, C.F.W. (Ed.), *M. Tulli Ciceronis orationes, Pro P. Sulla, Pro A. Licinio Archia poeta, Pro L. Flacco*. Teubner, Leipzig] [1976. *Pro Flacco*. Harvard University Press, Cambridge, MA].
- Tullius Cicero M. *Pro P. Sulla oratio*. [1906. In: Mueller, C.F.W., (Ed.), *M. Tulli Ciceronis orationes, Pro P. Sulla, Pro A. Licinio Archia poeta, Pro L. Flacco*. Teubner, Leipzig] [1976 *Pro Sulla*. Harvard University Press, Cambridge, MA].
- Tullius Cicero M. *De re publica*. [1969. Ziegler, K. (Ed.), Teubner, Leipzig] [1998. *The Republic*. Oxford University Press, Oxford, UK].
- Viroli, M., 1999. *Repubblicanesim – Una nuova utopia della libertà*. L'Espresso, Roma.
- [2002. *Republicanism* [S. Anthony Trans.]. Hill and Wang, New York].
- Washington, G., 1789. *The First Inaugural Speech*. [1985. In: Allen, W.B. (Ed.), *George Washington: A Collection*. Liberty Classics, Indianapolis, IN].
- Wirszubski, C., 1960. *Libertas as a Political Idea at Rome during the Late Republic and Early Principate*, second ed. Cambridge University Press, Cambridge, UK.