




## Civic virtue in non-ideal republics

M. Victoria Costa 

Department of Philosophy, College of William and Mary, Williamsburg, VA, USA

### ABSTRACT

This paper defends a neorepublican account of civic virtue as consisting of stable traits of character, understood in broadly Aristotelian terms, that exhibit excellences associated with the role of citizen, and that contribute to the secure protection of freedom as non-domination. Such an account is important for the neorepublican project because neither laws nor social norms can yield reliable support for republican freedom without a parallel input from civic virtue. The paper emphasizes the need to distinguish civic virtue from desirable norms, which can operate in tandem. Against other neorepublican accounts of civic virtue, it argues that the primary function of such virtue is not to support the stability of republican regimes. Rather, it has a corrective function, and may in fact challenge institutions, laws, and informal norms if they allow for the exercise of arbitrary power. Finally, the paper argues that this account of civic virtue is better positioned than a stability-focused account to shed light on the relationship between civic virtue and the common good.

**KEYWORDS** Pettit; Republicanism; civic virtue; freedom; domination; common good

### Introduction

Contemporary republican theorists, when they defend their account of what a well-functioning republic would look like, often give the impression that all that is needed to protect people's freedom as non-domination is the existence of the right kind of institutions and laws. It is the purpose of this paper to argue explicitly against this. In particular, I will argue that cultivating civic virtue is a key element of the neorepublican political project. This is not just because civic virtue sustains compliance with good laws and social norms, as it is often acknowledged. Rather, it is because such virtue sustains efforts to alter or eliminate laws and norms that license the exercise of arbitrary power. Admittedly, neorepublicans like Richard Dagger (1997), Iseult Honohan (2014), Frank Lovett (2015, 2022, pp. 194–219), Philip Pettit (1999, pp. 241–270, 2012, pp. 246–247),

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**CONTACT** M. Victoria Costa  [mvcosta@wm.edu](mailto:mvcosta@wm.edu)

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and I myself in earlier work (Costa, 2009), have paid some attention to the topic of civic virtue. But, glossing over some differences of these accounts, they all share a focus on the issue of maintaining the stability of republican institutions. This focus is certainly reasonable, given that civic virtue – and the desirable social norms that arise when such virtue is sufficiently widespread – helps check different kinds of corrupting influences that threaten the well-functioning of republican government. But, I will argue, this focus prevents us from seeing the full picture. The corrective function of civic virtue is more basic than its stabilizing function, since only certain kinds of political stability are worth preserving, and the corrective function is what pushes a society in the right direction. Moreover, thinking of civic virtue as fundamentally corrective means we should understand it as quite demanding, at least in its paradigmatic examples.

The thesis that *moral virtues* are fundamentally corrective was first defended by Philippa Foot (2002). She argued that the traits we consider virtues are ones that typically help correct for common flaws and defects in human nature. For instance, benevolence is a virtue because human beings typically find it difficult to care about the needs of others as they do about their own; courage is a virtue because humans find it difficult to face great dangers or evils, and so on. One aim of this paper is to show that the same point is usefully applied to *civic virtue*, as it is also difficult for human beings to act in ways that are civically valuable. The central reasons for this – distinct from the sorts of reasons Foot offers in the moral case – involve the complex nature of political phenomena, and the demands that political activities place on people's time and efforts. I will also argue that the corrective account of civic virtue has an important advantage over the stability-centered account; it provides a more plausible interpretation of the republican thesis that virtuous citizens act for the sake of the common good. This becomes more apparent once we focus on non-ideal contexts in which republican institutions and social norms often fail to provide adequate protection against serious forms of domination.

What makes neorepublican theories distinctive is the central place they give to the idea that domination is a significant personal and social evil. So a very plausible adequacy condition on neorepublican theories, by their own lights, is that they help illuminate the complex phenomenon of domination: what it is, why certain forms of domination persist over time, why they may not even be widely perceived as such, and how some of them can be overcome. It is the contestatory aspect of civic virtue that helps provide an answer to the last question. It is this aspect that allows us to reliably identify the vulnerabilities to arbitrary interference of particular groups, to make those vulnerabilities visible by means of political activity, and to propose strategies to remedy them. As even a cursory glance at the historical record shows, the contestation that made existing republics more inclusive has been initiated

and supported by collective political activity that displays the sort of civic virtue I will describe.<sup>1</sup>

## Freedom, laws, and social norms: a mixed picture

To orient ourselves, it will be useful to begin with Philip Pettit's (1999) and Quentin Skinner's (1998) arguments that a central theme in the republican tradition is the importance of freedom understood as non-domination.<sup>2</sup> For reasons of space, I will focus on Pettit's account of freedom as non-domination, but similar conclusions follow from variations of this account proposed by other neorepublicans. Following Pettit (1999, pp. 52–58), I take a relationship of domination to exist whenever an agent has the capacity to interfere arbitrarily with the actions and choices of another agent. This means that the dominating agent can do things such as physically coerce, threaten, manipulate, impose penalties on, or withhold expected benefits from the dominated agent, and in this way, control their behavior. For an agent to have arbitrary power they must not only be able to interfere – they must be able to do this at will and without appropriate checks and sanctions. Admittedly, there has been extensive debate about the republican account of freedom. Some salient issues concern whether it is distinct from freedom as non-interference, whether it is descriptive or moralized, and what types of control render the power to interfere non-arbitrary.<sup>3</sup> But for present purposes there is no need to settle these issues as long as it is sufficiently clear what – extensionally – arbitrary interference amounts to.

Pettit (2009, 2012, pp. 92–107) has argued that republican laws and policies constitute the freedom as non-domination of individuals, insofar as they robustly protect a set of basic liberties associated with the idea of a free citizen.<sup>4</sup> Of course, further arguments are needed to specify which rights and liberties in particular the law must recognize if its population is to count as non-dominated. The traditional image of the free citizen was associated with political systems in which propertied males were the only candidates for the full rights of citizenship.<sup>5</sup> A consequence of this traditional image was the acceptance of a traditional set of associated rights: rights that propertied males could enjoy largely because of the productive and reproductive activities of dominated members of the polity. It should be obvious that simply extending the traditional rights of citizenship to all adult members of the polity would not suffice for the general enjoyment of republican freedom. That is, new legal rights would have to be instituted to protect members of different social groups from the specific kinds of vulnerabilities they face.<sup>6</sup>

Let us grant that adequate laws are necessary for the enjoyment of republican freedom. Still, it remains the case that legal systems often include laws that allow the state to interfere in the lives of the general population, or in the lives of particular groups, in ways that adversely affect their basic interests. Moreover, the laws often fail to adequately protect members of some groups from arbitrary interference by private parties.<sup>7</sup> Significant forms of private domination are made

possible by powers explicitly granted by the state, by the failure of the state to regulate certain areas or activities, or, when desirable laws exist, by their inadequate enforcement.<sup>8</sup>

The upshot of looking at what makes domination possible might seem paradoxical. Some laws partially constitute some of the freedoms of citizens, but other laws partially constitute some of the respects in which they are not free. Also, the laws form the background within which private domination takes place. But even if we only look at ‘good laws’, their relation to freedom is complex. Good laws are only *partially constitutive* of the freedom of citizens, since they need to be backed by a network of good social norms if they are to secure the robust protection of basic rights and liberties.

Social norms involve patterns of behavior in society that are not merely the result of common preferences of individuals – like the pattern of people sleeping at night (Pettit, 1999, pp. 243–244). Rather, social norms are established when members of society (or of smaller groups) generally approve of behavior in accordance with a rule, and/or disapprove of those who go against the rule. A further feature of established social norms is that the general acceptance of the rule is likely to become a matter of common knowledge, at least among members of the relevant group. As people expect others to follow the norms and also expect that those who break them will face disapproval or sanctions, these patterns of behavior become more reliable. Geoffrey Brennan and Pettit (2004, pp. 15–49) claim that mere desire for approval is a significant source of motivation for most people, giving rise to what they call the ‘economy of esteem’. The belief that behavior is required by the norms shared by a group induces compliance with those norms, even in the absence of severe sanctions for non-compliance.

Pettit himself recognizes the fact that led me stress that the law only partially constitutes freedom. In his words

The reliable enjoyment of non-domination, therefore, requires more than the existence of laws that stake out the areas in which you are to be proof against interference; it requires that there are also socially established norms that give an added salience and security and luster to those areas. If there are such norms in place, then it will be a matter of reliable, perhaps unthinking inclination that leads others to respect you in those areas. You will not have to depend just on the effectiveness of the law for your freedom as non-domination; you will also be able to put your trust in the power of the established norm. (1999: 246)

What needs to be stressed at this point is that, partly in virtue of their relation to laws, social norms are not intrinsically opposed to domination. They can help reduce domination by supporting compliance with the right kind of laws, but they can also reinforce domination by undermining the effects of good laws, or by supporting undesirable laws. Social norms can also have an impact on domination independently of their relation to current laws: they may hold different groups to different standards of behavior, creating

systematic advantages for some and systematic disadvantages for others (Sandven, 2020). There are norms that encourage racism, xenophobia, bigotry, or hostility towards outsiders, even as they support respect, cooperation and a sense of belonging among members of in-groups (Chambers & Kopstein, 2001). More positively, social norms also can and have been used to sustain political activities that expand the enjoyment of republican freedom. Members of vulnerable groups often develop social norms that help them support each other, and to organize and articulate their grievances against a political system that neglects their interests (Pettit, 1999, pp. 247–248). Alas, similar norms of loyalty and mutual support can also help members of powerful groups to coordinate their activities and effectively lobby against measures that affect their (non-basic) interests. This shows that in order to determine whether certain causes are worth pursuing, or supporting, individuals need to evaluate them on their own merits. This requires capacities to gather reliable information, to assess it, and to be motivated to act conscientiously. That is, it requires some measure of civic virtue.

Pettit's examination of the mechanisms that support freedom as non-domination focuses on institutional design and the law and, as a supplement, on a widespread network of desirable social norms that he calls 'civility'. This terminology is quite misleading, since 'civility' is often used to refer to a personal virtue. The contribution of norms of civility to the neorepublican project receives detailed treatment primarily in chapter 8 of *Republicanism* (1999). These norms are also prominent in the account of popular control associated with governmental legitimacy in *On the People's Terms* (2012: 239–292). Pettit claims that popular control of government materializes when people come to support certain norms of public policy making, and when these norms come to direct public decisions, giving a popular direction to government (2012, 252). These processes take place in ways that are not necessarily intended by participants.

In comparison to his discussion of norms of civility, what I am calling 'civic virtue' itself does not receive a comparable degree of attention.<sup>9</sup> Admittedly, Pettit's discussion of institutional design does raise the problem of how to support virtuous dispositions and prevent corruption (Pettit, 1999, pp. 212–219). And it is also true that Pettit briefly presents a model of popular control of government that relies on civic virtue (Pettit, 2012, pp. 244–247). But this is ultimately rejected. Finally, civic virtue resurfaces in determining what counts as a 'vigilant citizenry' (2012: 225–229). But – as long as there are enough specific groups that advocate for particularized causes and defend them as matters of common concern – what is required for the existence of a vigilant citizenry is not very demanding:

Calling for contestatory vigilance is not redundant, then, any more than it is romantic. People do have to make an effort to overcome political apathy, so that the habit of making such an effort deserves the name of virtue. It constitutes a motivated variety of virtue – a sort of virtue that is independently

reinforced by personal interest and spontaneous investment – as distinct from virtue of a pure, moralistic kind. However demanding, such motivated virtue is within people’s reach. (2012, 227–228)

My hypothesis is that Pettit assigns norms of civility the task that historical republicans assigned to civic virtue: to sustain and provide a check on the functioning of republican institutions. And I think he does this because he thinks that it is not likely that enough people will be sufficiently virtuous to keep a critical eye on these institutions without incentives (2012, 246). However, at the root of the civic behavior described in terms of norms of civility, there must be a critical number of virtuous citizens with dispositions to act on the right kinds of reasons.<sup>10</sup> Moreover, if we look at historical examples, it seems clear that the level of civic virtue needed to transform political regimes for the wider enjoyment of social and political rights was quite remarkable. Indeed, it was of the ‘romantic’ kind. The resulting contestatory civic activity was inspired by substantive ideals of justice, freedom, equality, and solidarity, and drew attention to the ways in which the political community failed to live up to these ideals.

### **Civic virtue, stability and change**

The broadly Aristotelian account of civic virtue I am adopting characterizes it in terms of a robust set of traits of character that exhibit a number of excellences – in thinking, feeling, and acting – that are associated with the role of a citizen.<sup>11</sup> People can be more or less civically virtuous, and they can exhibit certain types of civically valuable traits more than others. Some of these traits, such as justice, self-respect, and solidarity, allow people to properly assess the relative weight of various claims, as well as to act in ways consistent with that assessment. Others, such as courage and perseverance, are needed if one is to pursue goals over time in the face of difficulties and dangers. And still others, such as toleration and the virtue of civility, involve communicating proper attitudes and exercising self-restraint.<sup>12</sup> Crucially, civic virtue includes an appreciation of the value – for everyone – of freedom as non-domination, or at least of the adequate protection of the basic rights that are associated with the enjoyment of such freedom.<sup>13</sup> This appreciation is expressed in a willingness to do one’s part in supporting – and fighting for – institutions and laws that protect it.<sup>14</sup> This means that the exercise of civic virtue is concerned with the functioning of major social institutions, and how they distribute benefits and burdens among the population. Civic virtue presupposes knowledge of the role that legal and political institutions play for the widespread enjoyment of freedom, and a capacity to assess political information sensibly (Otonelli, 2018). In this respect, the cognitive resources and ingenuity that allow virtuous agents to find ways

to effectively challenge undesirable laws and norms cannot simply be provided by the social norms themselves.

Civic virtue is sometimes defined by reference to the values and attitudes that support a particular type of socio-political regime. But it is counter-intuitive to talk about someone who supports the authority of a fascist political regime as a 'virtuous' fascist citizen, or a racist as a 'virtuous' citizen of a racial supremacist regime.<sup>15</sup> The account of civic virtue I adopt in what follows relies on independent arguments about the political principles of good government, and it associates civic virtue with a range of activities that support the satisfaction of those principles. Assuming, then, that the arguments for republican principles are sound, the virtues of an excellent citizen will be traits of character that tend to contribute to the widespread enjoyment of freedom as non-domination. In order to be plausible, this account of republican civic virtue should be understood as presupposing a background of minimally favorable conditions and as taking a long-term view. After all, in contexts of widespread corruption a minority's virtuous behavior could easily fail to have any impact on people's freedom as non-domination. With this in mind, it should be clear that there will sometimes be a mismatch between the traits (and agents) that are genuinely virtuous and the traits (and agents) that are, at the moment, widely taken to be virtuous. In fact, predominant social norms often operate in ways that undermine efforts of virtuous citizens to change the *status quo*.

Several authors have interpreted historical republicans' claims about the importance of cultivating civic virtues as a response to what John Rawls and Kelly (2001, pp. 180–202) called 'the problem of stability' (Costa, 2009; Lovett, 2015, 2022, pp. 182–224; Weithman, 2004). This is the problem any normative political theory faces, of serving as a self-sustaining public philosophy for a regime that embodies its prescriptions. The issue is whether, and to what extent, such a political theory can be freely endorsed by current and new members of a polity, shaping their political behavior and helping to sustain its distinctive institutions and practices over time. This problem was at least implicitly recognized long before Rawls gave it a name. Frank Lovett (2015) has reconstructed the views of civic virtue endorsed by different historical republicans, and he suggests that the stress these theorists placed on the importance of civic virtues was in response to a number of perceived dangers facing historical republics. In particular, discussions of patriotism and courage were motivated by the constant threat of conquest and subjugation by foreign powers. Other traits of character – such as the disposition to be politically engaged, to obey the law, and to moderate one's political demands – were meant to help defend republican institutions and laws against the potential corruption of leaders or undue factionalism. In brief, civic virtues were expected to help sustain the institutions and practices of a well-functioning republic, supporting their stability.

As mentioned earlier, the historical understanding of republican civic virtue as contributing to stability was typically associated with political regimes that restricted the enjoyment of non-domination to a limited portion of the adult population. Some historical republicans defended an aristocratic political regime while others offered a somewhat more democratic model that made room for at least some power-sharing among social classes (Lovett, 2015). But even the more democratic models took it for granted that a portion of the adult population – slaves, foreigners, workers without property, and/or women – could permissibly be excluded from the rights and liberties of citizenship. It is an open question whether these regimes deserve to be described as republics that embody the value of freedom as non-domination. When we consider non-ideal republics, it is misleading to associate the workings of civic virtue with the stability of the regime, since that stability may only be maintained at the expense of the freedom of a subset of its population. In fact, civic virtue, understood as a corrective virtue, is about maintaining only what is worth maintaining in a political community. Civic virtue will therefore challenge predominant understandings of what is in the common good when those understandings misrepresent sectional interests as if they were genuinely general.

Popular revolts and demands for civil and political rights often serve the cause of expanding freedom as non-domination in the long run. If the stability of the regime is given pride of place over freedom, this type of political contestation will not be interpreted as displaying any kind of civic virtue. After all, protesters sometimes threaten the stability of the existing sociopolitical order, even if their efforts (might) ultimately contribute to building a more just and stable political order. Rawls conceptualized the problem of stability in terms of the capacity of a regime that already embodies a conception of justice to procure compliance ‘for the right reasons’ – not simply by means of force. My focus here is different. We are considering the stability of existing regimes that have republican institutions of government, but are far from satisfying the demands of non-domination. Because of this, they must often resort to force and fear to generate compliance. For those who are enslaved or severely oppressed, there does not seem to be a duty to support the regime or to obey some of its laws. Granting this – that such individuals have a right to appropriate resistance – the question I am interested in is what civically virtuous individuals would do. After all, there are both virtuous and non-virtuous ways of claiming and exercising one’s moral rights, or defending the rights of other people with whom we are in solidarity. What virtuous citizens can do and would choose to do has to be responsive to contextual features of their historical and social circumstances, including the level of justice and legitimacy of the regime.<sup>16</sup> One widely discussed model of virtuous resistance is that of peaceful civil disobedience, inspired by the activities of the American civil rights movement. Those who engage in this type of civil disobedience appeal to the sense of justice of the wider population, and their self-restraint and

willingness to accept punishment makes it clear that their activities are in good faith (Rawls, 1969). But other kinds of virtuous resistance, such as that involved in the underground railroad, cannot possibly fit this model without defeating its purpose.

There are a handful of neorepublicans who have examined the civic activity of people who are not recognized or treated as full citizens, but who nevertheless manage to challenge the existing legal and political order to gain access to some of the rights, liberties or other social benefits enjoyed by more privileged groups (Aitchison, 2018, 2020; Gourevitch, 2020). Let us call this activity ‘formal institutional contestation’. The suffragist movement and the American civil rights movement are often cited as examples of political activity directed at the political institutions of the state, in an effort to extend the enjoyment of rights to include subordinated groups. Two more recent examples include the LGBTQ+ movement for the expansion of civil rights and women’s movement for the legalization of abortion in Latin American countries. These groups engaged in political reflection and organizing, in the education of their members, and in a variety of methods of contestation to overcome oppressive social and political arrangements.<sup>17</sup> Formal institutional contestation by members of vulnerable groups is essential to overcome persistent forms of domination that primarily affect those groups, since those who are not subject to these types of arbitrary interference often lack the capacity to perceive it adequately or – even if they do perceive it – sufficient motivation to combat it. Moreover, as I argue in [section 4](#), this civic activity challenges and can help correct shared (mis)understandings about the common good.

Beyond formal institutional contestation, there is another means for promoting freedom as non-domination: one that has hardly received any attention in the neorepublican literature. This involves political activity that is not aimed at changing the laws but at changing the social norms that help sustain domination. Contestation of social norms provides a good way to think about the specific contribution of civic virtue to the neorepublican project, since it is hard to see how social norms themselves will challenge social norms. Consider the political activities of feminists and LGBTQ+ groups. Many of these are directed at changing rigid norms concerning gender roles and family responsibilities. When prejudicial norms of this type are widespread, they create significant obstacles to the life projects of those who do not comply with them, even without open legal discrimination by the state (Krause, 2013). For example, prejudiced individuals can be members of hiring committees for desirable jobs, juries in criminal trials, social workers with influence in custody cases, or bank employees deciding who qualifies for a loan. Obstacles created by prejudices, when these prejudices are widely shared, are in important respects quite similar to the obstacles created by direct forms of interference (Costa, 2019). They impact the freedom as non-

domination of those who suffer systematic disadvantages as a consequence. To rid society of the obstacles created by prejudice, there need to be significant changes in the social *ethos*, and new norms to regulate social interactions. The political project of changing social norms is plagued with obstacles, and if it succeeds, it will only be in the long run. Still, some of the positive changes in the direction of more freedom-supportive norms were initiated by intelligent, perseverant and brave groups of people acting collectively to contest existing social arrangements. These activities were sustained by shared norms of solidarity that helped members of these groups coordinate their actions. But they also reflect paradigmatic displays of civic virtue.<sup>18</sup>

### **Factionalism and the common good**

Historical republicans often identified civic virtue with a commitment to the common good – a commitment that made both public officials and regular citizens willing to sacrifice their personal interests for the sake of the republic's flourishing. In contrast, as Richard Dagger (*forthcoming*) points out, neorepublicans seem more focused on protecting individual freedom as non-domination than on promoting the common good. The emphasis on freedom as non-domination can give rise to a worry that, if contestatory activities are directed to defending the interests of particular groups – as they often are – they might encourage factionalism and neglect the common good of society. In order to respond to this worry, we need some clarity on what the common good might be, from a neorepublican perspective. Then we can consider whether a focus on contestatory activities that help expand the freedom as non-domination of individuals and groups is consistent with an orientation towards the common good.

Typically, the common good is thought of as the set of basic interests that the members of a political community have in common, as well as the material, cultural and institutional facilities they share to serve those interests (Husain, 2018). These facilities range from different kinds of political, legal and social institutions and practices to material things such as the system of public transportation, hospitals, or schools. Waheed Husain (2018) plausibly argues that what is distinctive about the idea of the common good – as opposed to other forms of the good – is that it assumes that members of society are in a civic relationship with one another, and that this generates special obligations between them to satisfy their common interests. Moreover, on many philosophical accounts, the common good is expected to play a role in the practical reasoning of virtuous citizens and lead them to display appropriate forms of mutual concern, at least in relevant contexts. That is, when citizens face questions about which laws and policies to support, or what to count as socially responsible behavior, they will answer these questions by considering the common

interests they share with other citizens and how these interests can best be served. The normative expectation that citizens will care about the common good cannot go so far as to require the subordination of the legitimate interests they have in pursuing their own personal projects. But in certain circumstances, even if the pursuit of personal projects becomes more difficult, the expectation remains that citizens will discharge their civic obligations prompted by a concern with the common good.

In order for people to enjoy freedom as non-domination it is necessary that there be a variety of checks that protect them from significant forms of interference. Democratic systems of government offer the best prospects for passing and implementing laws that provide such checks. Some democratic systems do a better job than others, of course, but I cannot enter here into a discussion of democratic institutional design. Still, I take it to be very plausible that all members of society, including those engaged in contestatory activities, have an interest in living under a well-functioning democratic state. This is because, when it functions well, such a state protects very significant interests they all have in avoiding harms and securing basic goods.

Given the above, what would it take for those who engage in different kinds of political activities to be properly concerned with the common good? At a minimum, they should (1) care about the well-functioning of the republican institutions that are necessary for the protection of their basic rights and liberties. Additionally, they should (2) care that all members of society enjoy the protection of these rights and liberties. The common good involves a lot more than this. But to address the worry about factionalism that is the concern of this section, it will suffice to focus on these two requirements. Those who engage in contestatory activities in a virtuous way will be aware that the enjoyment of important rights – their own and those of others – depends on the proper functioning of republican institutions, and they will also be willing to contribute to it.<sup>19</sup> As it turns out, the criticism about factionalism better applies to the political behavior of groups who benefit from a dominating status quo and lobby to maintain their advantages. In contrast, political activity in support of the basic interests of subordinated groups favors political change in the direction of satisfying the minimal requirements of the common good listed above. Participants in this latter type of contestatory activity can be more or less virtuous, depending on their understanding of political phenomena, their motivation, and whether they appreciate the need for principled restrictions in the pursuit of political goals. My point, though, is that they often are sufficiently virtuous, despite their local focus on promoting sectional interests.

The account of the common good defended by Pettit (2004, 2019) is, admittedly, different from the one I am using here. My understanding of the common good makes it dependent on objective facts concerning the shared interests of members of a political community and the facilities that help them satisfy them.

Pettit focuses exclusively on the problem of how the activity of the state itself could be constrained by standards that are shared by citizens. He defends an idealized account of the functioning of political institutions that would lead to the emergence of shared egalitarian standards among the people: standards that then underwrite what is in the common good and thereby authorize state action. On his view, the common good is intersubjective, and results from a certain idealized intersubjective agreement. Pettit's account assumes that what is in the common good has to be recognized as such by the people. His story is plausible, but it is so idealized that it is not very useful for the purposes of evaluating the functioning of actual states. Actual public deliberation often fails to be conducted according to minimal egalitarian – or even logical! – standards. But the fact that shared standards are often missing from public deliberations does not prevent us from evaluating political decisions according to their impact on domination – whether to promote it or help reduce it. One does not need to wait until shared egalitarian standards emerge and there is broad agreement on acceptable policy before one can figure out some of the ways in which the common good could actually be promoted. Another downside of Pettit's account of the common good is that it cannot vindicate the idea that progressive political activity is oriented towards the common good, unless activists succeed in changing the standards that the majority in the political community endorse.

### **The politics of civic virtue and the problem of perfectionism**

One persistent criticism of neorepublican views that endorse the cultivation and exercise of civic virtue has been that this endorsement makes the view unduly perfectionistic. This criticism is often based on a particular misinterpretation of the reasons why neorepublicans advocate an active and vigilant citizenship. Following Aristotle, this (mis)interpretation assumes that virtuous political activity is not only intrinsically valuable but also an essential component of the good life for human beings. The criticism therefore is that neorepublicans presuppose a controversial conception of the good life for human beings: a conception that is by no means shared by all reasonable people.<sup>20</sup> However, the account of civic virtue defended in this paper does not rely on any premises that concern the specific goods that make a human life worthwhile. Rather, it only considers the role civic virtue plays in combating domination and thereby forming one pillar – working in tandem with laws and social norms – supporting republican freedom. It does not reject the claim that certain types of political activity are admirable in themselves. But it is also consistent with value pluralism and with the position that it is up to each individual person to decide on the particular plan of life they will pursue – as long as that plan is consistent with a system that guarantees the enjoyment of the freedom for all members of the political community. Value pluralism asserts that (a) there are a plurality of goods that can be pursued as part of a plan of life, and that (b) these goods cannot all be combined in one single life.

It also often includes the idea that (c) the decision about which goods to pursue in one's life is not, in many circumstances, rationally determined (Wall, 2010, pp. - 234–236). Virtuous political activity can of course be a rewarding and important part of an individual's conception of the good life. But it need not be. Those who prioritize the pursuit of other goods in their lives are not to be considered as lacking capacities for appreciating what is good, or even as lacking all civic virtue. They can still be sufficiently good citizens – if they support the right kind of causes when they are called upon to do so – and live good lives oriented to the enjoyment of other values.

In fact, the criticism that defending the value of political activity involves perfectionism often presupposes a simplified account of the realm of value. Dispositions and actions can be valued (intrinsically or instrumentally) from different perspectives. They can be informed by moral principles, political principles, aesthetic principles, or principles associated with other types of excellence such as athletic excellence. These types of value and associated excellences are not merely not unified; they can also sometimes come into direct conflict. Those who devote their lives to achieving one type of excellence may not be able to achieve certain others (Wolf, 1982). In this respect, valuing activities that contribute to the expansion of freedom as non-domination should not prevent us from recognizing that devoting significant time to political activity often carries personal costs and makes the pursuit of other important goods more difficult. Valuing and devoting oneself to personal projects and relationships places certain demands on one's time and can make it very hard to be a committed and effective activist for freedom. On the other hand, if the political arguments for the value of freedom as non-domination are sound, members of the polity cannot all have the opportunity to pursue their conception of the good life in the absence of well-functioning republican institutions and a social *ethos* supportive of freedom.

The criticism that a neorepublican politics of virtue is perfectionistic is not always based in an Aristotelian view of the virtuous life, or in a monistic view of value. An alternative version of the criticism might be that neorepublican institutions, laws and policies are designed to deliberately encourage some conceptions of the good and to discourage others, based on the assessment that some conceptions of the good – e.g. those that include political activity – are objectively better than others (Lovett & Whitfield, 2016, p. 122). Now, strictly speaking, this criticism is about the operation of the republican state and targets the idea that the republican state itself should be engaged in the promotion of civic virtue. My argument for contestatory civic virtue does not focus on whether the state should function to encourage civic virtue. Rather, it states that the exercise of civic virtue is crucial precisely when the institutions of the state fail to adequately protect some important interests of the people or particular groups. I presented examples of groups that engaged in the cultivation of virtue by meeting, discussing their grievances, sharing

information, and building a sense of solidarity and shared purpose. These preparatory activities, in turn, allow them to engage in different types of contestation while also displaying appropriate forms of self-restraint to make their case more compelling.

Despite what the above disclaimer might suggest, I am happy to grant that the state can legitimately be engaged in cultivating the seeds of civic virtue. The formal educational system actually should do part of this work, helping students acquire civic knowledge and develop the intellectual and moral capacities that sustain different types of virtuous behavior. If I am right that virtuous behavior requires developed capacities to evaluate complex political phenomena, then several years of formal education seem indispensable if one is to be able to act as an excellent or even good citizen in the modern world. But I am not confident that one can rely on schools to inculcate the affective attitudes and motivation that go with respecting the freedom and rights of other people. This task seems inseparable from the early moral education that families provide – or should provide – at home. As many theorists have argued, institutional design is also relevant, if not to create virtue, at least to incentivize and not undermine its exercise (Brennan & Hamlin, 1995; Pettit, 1999, pp. 206–240). In brief, I agree that the state should have a moderate politics of virtue, justified by appeal to the value of freedom as non-domination. A variety of public policies can supplement the teaching of virtue offered by families, social groups, and the organizations of civil society.<sup>21</sup>

By encouraging political participation and other types of civically minded behavior – such as respect for the rule of law – the state is giving the message that certain activities are characteristic of good citizens. It does not seem to me that by giving that kind of message the state is infringing on people's freedom to form and pursue their personal conceptions of the good life. Nor is the state infringing on this freedom if it supports scientific or artistic achievements, which is a way of recognizing that they are valuable. Encouraging civic virtue is the result of making a political assessment regarding the value of certain traits. In fact, widespread civic virtue and widespread civil norms are preconditions for people to have freedom to form and pursue their conceptions of the good life, so the republican state cannot be neutral with regards to the preconditions of freedom. Further discussion would be required to determine the extent to which the republican state can legitimately cultivate civic virtue, and I cannot provide that here. The focus of this paper has only been to enlarge our understanding of civic virtue and to draw attention to the necessary role it plays as a corrective to the laws and norms that regulate social life.

## Conclusion

In this paper I have defended an account of civic virtue as a set of stable traits of character that tend to contribute to the widespread enjoyment of freedom as non-domination. The traits that make individuals civically virtuous are varied, since different capacities are needed for effective political action in different spheres of social life. Still, an adequate understanding of the ways that political institutions function, and an appreciation of the value of republican freedom, seem to me to be necessary elements of civic virtue. These elements are not required for people to have moral or personal virtues.

As I have argued, neorepublicans who have written on civic virtue focus on its stability-preserving role. This is getting at something right; civic virtue is certainly needed to resist very common attempts to take control of the political process, undermine the rule of law, or withhold funding from institutions that satisfy basic rights of citizens to education, health care, or legal representation. Civic virtue is also needed to support the adequate implementation and enforcement of the law. Passing good laws does not do much to promote non-domination if they are applied in ways that betray their spirit. There is no need to deny that some of the tasks that virtuous citizens are expected to do involve preserving what is valuable in our quite imperfect political, legal and social arrangements. But a focus on stability obscures the corrective role of civic virtue as a force for progressive social change. Only virtuous action can be relied upon to correct and expand our shared understandings of freedom and to build the sort of social institutions that extend that freedom as widely as possible.

## Notes

1. On the history of radical republicanism see the essays in Leipold et al. (2020).
2. This thesis is somewhat controversial. Historians of political ideals disagree on how to characterize the distinctive features of the republican tradition. See Philp (1996); Coleman (2005).
3. For arguments that freedom as non-domination is reducible to freedom as non-interference see Carter (2008); Kramer (2008). For arguments that freedom as non-domination is best understood as a moralized notion see Costa (2019); Layman (2021). Against defining freedom in terms of normative notions see Carter (2008); List and Valentini (2016). On different accounts of arbitrary power see Arnold and Harris (2017). On the robustness of freedom as non-domination see Simpson (2017); Lovett and Pettit (2018); Sandven (2020).
4. Frye (2018) has argued against this thesis, claiming that laws are not necessary for freedom because they can be replaced by social norms. I agree that it is possible to think of small human communities that regulate the behavior of members exclusively by means of social norms. But in large and complex

human societies social norms cannot robustly protect individuals from arbitrary interference in the absence of the formal coercive apparatus of the state.

5. Pettit (2012, pp. 92–101) uses additional formal criteria to specify which liberties count as basic: they must be co-enjoyable and co-satisfiable. In Costa (2022) I argue that these formal criteria fail to yield precise guidance for the specification of the basic liberties.
6. For example, the traditional set does not include or entail women's sexual and reproductive rights, or worker's rights, or a general right to healthcare, that are necessary to avoid subjection to the arbitrary power of others.
7. Examples from the United States include recent state laws that severely restrict women's access to abortion, and lack of adequate legislation to protect the rights of workers. See Anderson (2017); Gourevitch (2019).
8. Dorothea Gädeke (2020) describes these forms of private domination as 'structurally constituted,' emphasizing that interpersonal relationships of domination exist within wider structures. This is an important consideration. But what also needs to be stressed is that laws play a major role setting the overall framework for social interactions and that they result from the activity of an agent: the state. This is consistent with the idea that legal rules operate within a matrix of social norms that are not produced intentionally by any agent and that themselves contribute to the shape of social life.
9. In *The Robust Demands of the Good* (Pettit, 2015, pp. 43–72), Pettit theorizes about the structure of interpersonal moral virtues. He argues these virtues are 'rich goods' involving robust dispositions to provide 'thin goods' to other people. e.g. honesty provides the thin good of avoiding deception, justice the thin good of satisfying claims, fidelity the thin good of keeping promises, etc. He thinks that these virtues are supported by social norms that are internalized by people and that provide shared guidelines of behavior. But civic virtue does not fit this simple model of interpersonal moral virtue, since it includes dispositions to assess the functioning of social and political institutions, laws and norms.
10. For further arguments about the difference between widespread civility and widespread civic virtue see Costa (2009).
11. This account is only loosely inspired by Aristotle's account of virtue, but, as I explain in the penultimate section, it is not committed to the view that the exercise of civic virtue is a constitutive element of human flourishing.
12. See Calhoun's (2000) excellent discussion of the virtue of civility as the disposition to communicate respect. Calhoun argues that civility is often in conflict with conventional norms.
13. I am intentionally leaving patriotism aside. Whether patriotism counts as a civic virtue depends on whether it tends to support republican regimes that both protect the freedom of its citizens and do not infringe on the freedom of non-citizens.
14. I follow Lovett's (2022, p. 197) point that love of freedom as non-domination is at the core of civic virtue. But Lovett aims to be neutral with regards to the general psychological features of virtue, so he is not concerned with what exactly motivates civically valuable behavior. Some norm-induced behavior would count as displaying civic virtue on his view.
15. For a use of the notion of 'civic virtue' in a regime-relative fashion see Fischer (2021).
16. For discussion of strategies of resistance that are responsive to the level of legitimacy and justice of a regime see Pettit (2012, pp. 137–138); Lovett (2022, pp. 183–190).

17. Gourevitch (2020) makes these points with regard to American workers organizing in the 19<sup>th</sup> century, but the same considerations apply to many political activities of other subordinated groups.
18. Simpson (2017) argues that widespread civic virtue protects the freedom of individuals (understood as non-interference) against invasions by other individuals. This is because virtue provides motives for self-restraint, that is, *internal* checks. In contrast, I am arguing that civic virtue helps protect the freedom as non-domination of people by providing some *external* checks on the behavior of others, as well as correctives to laws and social norms. Thus, acting in civically valuable ways is not reducible to refraining from wrongful interference.
19. I am assuming that those who engage in contestatory activities to resist oppression can reasonably hope to gain fair treatment and adequate protection of their rights in the long run.
20. A view of this type is held by Sandel (1996, pp. 25–27). It is inspired in some republican themes, but it does not endorse the value of freedom as non-domination.
21. The state cannot take it upon itself to present the points of view of different social groups. Rather, it can only provide a forum in which they can articulate their demands themselves. Much of the activity of virtue takes place outside formal political channels.

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No potential conflict of interest was reported by the author(s).

## Notes on contributor

**M. Victoria Costa** is Associate Professor of Philosophy at William & Mary. Her research focuses on liberal and republican theories of justice and freedom, immigration, civic virtue, and civic education. She is the author of *Rawls, Citizenship and Education* (Routledge 2011). Her recent papers have been published in *Metaphilosophy*, *Res Publica*, *Journal of Social Philosophy*, and *Theoria*.

## ORCID

M. Victoria Costa  <http://orcid.org/0000-0002-7320-7374>

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