

Floors and Ceilings.
Institutional Designs to endorse Republican Freedom.
A Contemporary Interpretation of the Work of Jefferson and Robespierre.

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Abstract

This paper highlights the role of material independence in order to articulate the Republican notion of Freedom as non domination. Nevertheless, a normative and positive notion of Republicanism for current societies should require that political and economical institutions implement two significant tasks; these are also the two main hypotheses of the present analysis. First is to establish some *floors*, that is, to provide individuals with the materials means in order for them to achieve a certain degree of material independence assuring a cohesive and active civil society as well as a democratic public interaction. Second is to implement *ceilings*, namely, to develop an institutional design that can restrict and limit the excessive accumulation of wealth by a few private hands, which can ultimately, put in risk the individual autonomy and popular political sovereignty generating all kinds of domination relations. Therefore this paper defends the Republican notion of Freedom as non-domination, arguing that both the guarantee of material independence and limitation of the accumulation of wealth are necessary conditions –although not sufficient– to articulate an effective democratic civil society. To do so, the analysis focuses on the work of Thomas Jefferson and Maximilien Robespierre, two of the most prominent republican authors and political activists, highlighting their coincidences and some divergences. To support both *ceiling* and *floors* hypotheses, the paper finally argues how Basic Income can be one of the most suggestive policies to respond to the requirements of republican freedom in contemporary societies.

Keywords

Freedom, Republicanism, Jefferson, Robespierre, Material Independence, Basic Income.

1 - Republicanism as Political Economy

1.1 - Freedom as non domination

Usually, one can observe how, in the common sense, there are a set of concepts and notions that can help us rebuild the history of political and philosophical thought. One of these concepts is “Freedom” and, probably one of the most typical definitions of such concept is the following one: *my freedom finishes where the freedom of the others begins*. Therefore, if we develop this affirmation we have to follow that: *if the freedom of the other is diminished, mine would broaden in a proportional inverted form*. Finally, we should conclude that: *one would be the only person totally free if the rest of the people loose such condition completely*.

This common definition is useful to understand the negative conceptualization of Freedom coined by Isaiah Berlin (1958) following the distinction between the ancient and modern freedom of Benjamin Constant (1819). Nevertheless, republicanism has a very different conception. The “real” freedom –not only the formal one– is defined as the capacity to “do X when this doesn’t damage the sphere of the social autonomous existence of others and without the existence of the possibility of an arbitrary interference by part of third”. Republicanism understands freedom not as the absence of interferences (or constraints)¹, rather as of non-domination². This is the same meaning of Pettit (2002: 340) when he argued that:

Domination is subjection to an arbitrary power of interference on the part of another –a *dominus* or master– even another who chooses not actually to exercise that power. Republican freedom, I maintained, should be defined as non-domination, not non-interference.

As we can see, the political economy and sociology in which Republicanism is historically framed accepts and makes explicit that, social life is constituted by a dense network of asymmetrical social power relations. Therefore social life is constituted by unequal socioeconomic conditions where a few individuals monopolize some resources and, consequently, become “free” to impose some conditions or rules (although not always formal) under which others have to manage their own lives. Moreover, some individuals are not as free as others to establish, manage and control social interactions. Again, that is to say, the accumulation of wealth by a few hands causes focus of power that contributes to the generation of different and multiple bonds of socioeconomic dependencies.

Therefore, a (republican) political economy that seeks to face a real understanding of social life must take into account this fact and must implement an institutional design in order to control or restrict such dependency relations. Thus, this is the reason democratic republicanism has always tended to guarantee the socioeconomic independence of all the citizens, according to which, the government must implement certain kind of measures to ensure both socioeconomic independence and, at the same time, limit the accumulation of wealth. The shared goal of all of thinkers and political activist who belong to such

1 As MacGilvray points out (2011: 26), the word “free” “was used in the classical world, by republicans and non-republicans alike, to describe a specific class of power as well as the kind of behaviour that was associated with or expected from members of that class.” And he adds: “Only secondarily was it used to refer to the absence of constraint.”

2 According Pettit’s view (2005: 30), the free person or the *liber*; was someone who did not live in *potestate domini*, in the power of a master.

democratic republican tradition was to create and universalize a real free civil society, namely, an association of free and equal individuals –*equal* in the sense of being *equally free*–. Accordingly civil society was not only the free concurrence of “negatively” protected individuals into social life: protected of interferences and by the same –formal– rights rather, it was to ensure an institutional design that promotes those necessary conditions to consolidate individuals as really free-choosers³, those who can take “freely” all kind of decisions in their own life plans without any type of arbitrarily interference. Pettit (1997: 158-9), again, summarized this idea, arguing that: “if a republican state is committed to advancing the cause of freedom as non-domination among its citizens, then it must embrace a policy of promoting socio-economic independence”.

Moreover, as Casassas pointed out (2007: 1), the republican tradition revolves around the idea that “freedom requires the enjoyment of a certain set of material assets granting individuals socioeconomic independence from others”; that is: people cannot be free without the material existence politically guaranteed. Therefore, here appears the importance of property by republicanism. Property is an instrument, a politic and economic institution that can institute a free “civil society”, as I have pointed out before. Then, property is the instrument that ensures the material independence which allows the creation of a sphere of autonomous social existence (*autonomous* in the sense of being non dominated, rather than being atomistic divided among/from human beings).

To summarize the “institutional” requirements of republican freedom, it can be useful to focus on Raventós' outline (2007), which groups the core axioms of republican political sociology. According to this outline, one can be understood as a free individual when:

- Does not dependent on the will of another to live.
- Nobody can interfere arbitrarily in the sphere of social autonomous existence of X.
- The Republic (the Government) should interfere rightfully in the sphere of social autonomous existence of X.
- Any kind of interference into the private sphere of the autonomous existence of X that might damage this space and thereby to damage the autonomous social autonomy of X, is illicit.
- The Republic (the Government) is obligated to interfere into the X's private social sphere if it qualifies X to compete (with a possible success) against the Republic's right to determine what is the “public good”.
- X is insured in his/her political freedom by a set of constitutive rights (not only formals) that nobody can snatch, nor he/she can alienate without losing his/her free citizen condition.

To sum up, republican freedom needs that people achieve an autonomous existence position protected from potentially arbitrary interferences. Hence, it must be necessary to count on a certain kind of

³ See Casassas (2005: 2414). And also this Pettit's sentence (2006: 134): “On the chooser-based view, choosers will be free so far as they have resources that give them a shielded standing among others and their choices will be free so far as that standing ensures that they are not obstructed in making those choices”.

“property” to guarantee a minimum degree of material independence, which might provide individuals with those necessary material recourses to escape from dependence (or also servitude) bonds that social configuration entails. Therefore, material independence becomes a necessary (although, not sufficient) condition to ensure freedom as non-domination, as Republicanism understood it. This kind of freedom should be understood as that social condition that allows individuals to take decisions or choices in all domains of their lives, “with the security that nobody will have the possibility to arbitrary interfere in the decisions he/she might make with regard to his/her own life plans”, as Birnbaum and Casassas (2008: 2) pointed out.

It is true though, that republican freedom was also attached to the practice of virtue. Because as MacGilvray highlights, the republican idea of freedom in the pre-modern political thought consisted in the enjoyment of certain political status [protected from the arbitrary exercise of power] and certain virtues. In addition, as he also points out, the specific republican thinking about freedom begins at the point “where the practice of virtue is made to depend on the absence of arbitrary power, and vice-versa” (2011: 16). Nevertheless, this paper tries to focus on “arbitrary power” and both its political and economical implications, rather than in the virtue aspect. Nevertheless, paying attention on such “political status” of freedom, let's see what Pettit's said (2005: 30) about that:

Freedom, in contrast to such subjection and servility, was presented as a condition in which one could walk tall and look others in the eye, knowing that one could not be pushed around with impunity, and knowing that this knowledge was shared among the members of one's community.

Such quote expresses, in a common terminology, another aspect of republican freedom –as non-domination– which is its “collective” (therefore, political) side. Against the individualistic view of freedom –as non-interference– by part of the large *bobbesianan* influence, republicanism and especially its most democratic interpretation, was always concerned with building and protecting the “civil society”. That is those who shared the same status as a free citizen or –according to Pettit's expression– those who *can look the others in the eyes*, knowing that nobody can push around his/her fellow citizen.

Excluding, of course, females and slaves among others, the classical collective republican meaning of freedom was built according to two dimensions or concerns, both the internal and external defence of such freedom. The former expresses the political (and economical) concern in order to keep the liberty inside the nation in front of potential despotism or a threat of a ruling-mastery government⁴. It implies the introduction and maintenance of a set of political (and philosophical) arrangement such as the dispersion of political power, to keep the axiom of “ruling of law”, to introduce rotational and limited terms of the public offices and so on. The later alludes to the external security question however Greek and Roman republics were quite vigilant about their frontiers and external-military menaces.

A part from that, the two major dangers to freedom as non-domination came from private power

4 And also, defending from internal menace like the majority rule, which is one of the oligarchic or non-democratic interpretation of republicanism.

(*dominium*) and public power (*imperium*). Thereby, when reinterpreting these classical concerns about freedom (internal and external), the American Independence and the French Revolution were the two historical cases where these ideals were reintroduced in a clear republican standard/way. In the American case it was drawn throughout both the process of redaction of the Federal Constitution, the defence from British control and the “critique of any form of colonial rule”, as Pettit stated (2005: 31). In France, on the other hand, these axioms about freedom were developed internally with the fight against monarchy and despotisms, and externally with the defence from the European monarchies incursion (also supported by internal sectors).

Therefore, the core concern of both American and French revolutions was to create a government, its rules, and a suitable institutional design according to which the state would reduce private domination without becoming a source of public domination. In this sense, Thomas Jefferson and Maximilien Robespierre were the most outstanding political figures who always keep these issues in their political writings and activism since, according to the classical view, “the price of liberty is the eternal vigilance”⁵.

1.2 – Conditional Material Independence and Republican Freedom

As we have already pointed out, according to classical political thinking the free man was expected above all to be self-sufficient. In other words, to be free implies to be under his/her own jurisdiction and not under the power of another. Therefore, in order to apply the classical republican thought it was necessary to consider not only the domination relations within the state and public institutions (*imperium*), but also to minimise the internal domination relations of society that is, to eradicate those dependency relations of civil society (*dominium*), which are also “the origin of the *imperium*” as Casassas notes (2005: 239).

In the same sense, and as MacGilvray highlights (2011), in the classical language of freedom, one is free if “one is able to act under one's own initiative instead of merely reacting to the deeds of others, benevolent though they might be”. To be free then “is to be free of necessity (...) to depend on another person, whether tyrant or patron, master or benefactor, is to be unfree to that extent”. From this sentence one can observe that a free man has to be economically independent, because as Arendt pointed out (1958: 64), “poverty forces the free man to act like an slave”. Therefore the most obvious way to bridle the power of riches is by regulating the possession and consumption of property or indeed, to redistribute property. Of course, such classical interpretation interpreted property with the land property as the essential tool to enjoy social freedom as non-domination. Nevertheless, in the contemporary or modern market welfare societies such tool is the redistributive taxation of wealth (and also the taxation on financial movements as well as property speculation). In doing so, it is not only a manner of spreading the property in order to ensure freedom, but rather a way to achieve a balance of power among the various social classes. Thus, restricting power by redistributing its material background (property) is not the only a way of maximising the

5 This is a controversial quotation yet some authors attribute this sentence to Jefferson, although there are no evidences about that. Despite of this common believe, it could belong to John Philpot Curran, who in a 1790 speech said: “The condition upon which God hath given liberty to man is eternal vigilance” as quoted in the *Oxford Dictionary of Quotations*, New York (1953: 167). However it is also attributed to Wendell Phillips an abolitionist from Massachusetts

civic virtue improving the material conditions of the middle class (as Aristotle wished), but rather it is a manner to constrain the capacity of certain classes (the riches ones) to define and control the public sphere.

However, it must be remarked that wealth (re)distribution by itself was not the main goal of the classical republicanism, but rather to ensure the freedom's enjoyment and its associated civic virtue. Therefore “distributional justice”, as a institutional design to ensure the material independence, was rather an indirect (necessary) policy that depended on the pursuit of such freedom. On the contrary, social power and its subsequent social domination relations are the result of wealth accumulation (or redistribution) and, therefore it was a core element of (democratic) republican policy. However, not all types of inegalitarian societies must be domination-based. It is rather that, in inegalitarian societies, these domination relations are highly likely if political institutions and economic policies are not designed to avoid it, because as Pettit remarked (2006: 139): “(...) if the property system or distribution has the contingent effect of allowing domination, then that makes a case for institutional adjustment”. Moreover in relation to this “institutional arrangement” he also adds that: “If a republican state is committed to advancing the cause of freedom as non-domination among its citizens, then it must embrace a policy of promoting socioeconomic independence” (1997: 158-9).

Hence, one can see how, for the republican tradition of thought, the conception of freedom as non-domination provides several powerful arguments for redistributing property or restricting the powers associated with wealth, so that domination caused by extreme inequality could be minimized.

2 - Republican Political Economy in its historical context

Until here we have been seeing, in a general framework, how such normative, political and moral conceptualization of freedom has been arranged. Nevertheless, as a result of multiple historical interpretations of what was understood as “Freedom” and “Property” we can also observe how different institutional arrangements have been designed and applied in each historical context. We have also seen the link between both concepts as a fundamental feature of historical Republicanism. Therefore, following such different conceptualizations and historical experiences of such tradition, we can observe how “Property” (the political and economical institution or mechanism which allows individuals to achieve an independent and undominated social status) has been implemented in multiple and heterogeneous ways. Thus, property's political implementation is committed with (and is also a result of) distinct normative conceptions of “Democracy”; in other words each distributive policies schemas are strongly related with a specific ideal of Democracy as well as with different Freedom conceptualization.

Therefore, we shall to examine two of the most prominent historical events with regard to the republican tradition. These are, on the one hand, the American Revolution, the first revolutionary experience that, as Rosenberg and Richard pointed out, conserves the most important teachings of classical and ancient Republicanism; and on the other, the French revolution, also influenced by classical Republicanism as well as by the American experience. In more detail, we shall focus on the most outstanding features of republican

thought and politics in both regions. To do so, we shall analyse the work of Thomas Jefferson and Maximilien Robespierre, as intellectual and political chiefs of such “constitutive moments”.

Despite there is no doubt that both phenomena (and authors) were quite different (and some times contradictories), the explanation of why they shared the Freedom-Property link and how it should be applied in political and economical terms, is something that still remains insufficiently studied. Then, let us see how they understood and applied such link, though first of all, this analysis deserves a brief discussion in political and economical philosophy terms.

2.1 - Conditions and Constrictions

As we have seen, to put republican freedom in place requires certain conditions as well as imposes some constrictions. Both constitute what we shall call “an institutional system to support freedom”.⁶ Two of the most important branches of that system are a) to ensure “material sufficiency” on the one side, and on the other b) to restrict those private powers that might control or interfere arbitrarily into civil society as we have highlighted before. Therefore, both a normative and positive notion of republican freedom should require that political institutions would implement these two significant tasks. First, to establish some *floors* (material sufficiency), namely to provide material means to individuals to allow them a certain degree of material independence and assure a cohesive and active civil society as well as a more democratic public interaction. Secondly, to implement a set of political and economical *ceilings* (restrict private powers), namely to establish an institutional design that could restrict the excessive accumulation of wealth by a few private hands that ultimately, could put in risk individual autonomy and popular political sovereignty, generating all kinds of domination relations.

On the one side, the first condition –*floors*– is quite obvious. If individuals have not guaranteed their material existence, then they will do whatever to obtain it, even to accept the external domination, alienate their freedom and so on. Hence, this is the reason why republicanism has always had a “proprietary character”. Thus, the private propriety represents the most outstanding condition of possibility of individual independence that, in its turn, makes possible the political freedom and virtue.⁷ Because, as Charles Beard (2002 [1922]) pointed out, the propriety constitutes the background which provides the means to protect the life and the freedom. According to that, propriety and wealth's (re)distribution are two crucial aspects of that condition as well as one of the most controversial issues into this tradition of thought.

As we have already suggested, the second condition –*ceilings*– is related not only to the dispersion of wealth, but also to a concrete political arrangement, that is to prevent the centralization of political power. To sum up, (democratic) republicanism has always tried to ensure a political government based on the deliberative and consent process where all members of the Republic might participate from an equal social

6 In order to develop this idea, see Raventós and De Francisco (2005: 262-6).

7 Although this paper does not face with the debate about Republican virtue, this point suggests that virtue is something not (only) attached to moral or psychological aspects, but rather with a certain institutional design which may make possible the exercise of that virtue. To highlight this debate see Ovejero (2005).

status. In this sense, private interests must be excluded from “deliberative arena”, because, as Pettit (1997: 63) pointed out: “it must always be possible for people in the society, no matter what corner they occupy, to contest the assumption that the guiding interests and ideas really are shared and, if the challenge proves sustainable, to alter the pattern of state activity”.⁸ The deliberative, and more specifically, the “consent” ideal that republicanism defend, implies that all members of such debate should participate as equals, not in the sense of being equals, but rather in the sense they must have the same resources to deliberate in the same conditions, and also should be equally influent into the public deliberation. In doing so, private interests supported by excessive influent social powers must be bridled in order to keep the public consent.

Therefore, this paper defends the republican notion of Freedom as non-domination, explaining that both the guarantee of material independence as well as the limitation of wealth accumulation are necessary conditions –although not sufficient– to articulate this classical (but also contemporary) ideal. As we will see, both ideals were shared by different thinkers and republican partisans, although they differed in how these must be applied, and above all, which part of population should be included in such policies.⁹

3 - Floors and Ceilings in Context

In order to arrange such “institutional system to support freedom” or in other word, in order to build those institutional conditions that might guarantee freedom as non-domination, both Jefferson and Robespierre shared some elements which allows us to assume that both were part of democratic republicanism tradition despite their differences in some crucial aspects, as we will see. Nevertheless, between the late eighteenth and the first years of nineteenth century, democracy was associated with Robespierre in France and with Jefferson in U.S. In France, bourgeois were ruling the revolution until 1793 when the power shifted in favour of *Jacobins* and radical revolutionaries. In United States, the first revolutionary government was managed by rich proprietaries and landlords, however since 1800 the republican party won the presidential elections defending the small ownership and peasant interests. Both movements –as Rosenberg remember (1973: 17)– were understood in that moment as “democrats” or “radical republicans” and they tried to ensure the people's (or *demos*) interest against the privileged aristocracy.

In France, workers and peasants were quite differentiated from bourgeoisie especially after the revolution of 1789, and clearly opposed during the 1789. Meanwhile, in the U.S. since 1765 the Independence war showed different fighting methods between small farmers and tenants, and rich businessman, traders and landlords on the other. Actually, the Independence War slightly evened out these differences in favour of “national(ist) interests”, though, once the war was over those contradictions were intensified and re-emerged during the discussion of the new federal Constitution. Since that moment, the

8 Although Pettit defends that “contestability” idea should rule that policy which tries to eradicate the domination, “consent” is also important in the deliberative Republican ideal. Then, as Sunstein (1988) remarks, “contestability” and “consent” are not –necessarily– opposed principles.

9 These are the (ideological) strategies: Oligarchic Republicanism excluded from civil society those who where “dependent”, that is: those who were not *sui iuris*. Democratic Republicanism tried to include all of them (namely, to include also those who were *alien iuris*).

aim of the Republican Party founded by Jefferson was to oppose the capital and banking interests.

Although American republicans were always favourable towards “individual” private propriety and French revolutionaries placed ahead the collective and public control over such propriety, both forces were fighting in favour of poor people –either farmers and tenants or urban workers– maintaining private propriety as a fundamental issue of their governments and political initiatives. As Richard (1995) highlighted, such fundamental feature is the reason why these two experiences were strongly connected with the classical democrat republican parties in Greece and Rome¹⁰.

Therefore, Robespierre and Jefferson assume and attempted to apply a package of measures in order to introduce the *floor* and *ceiling* ideal. Following Harrington in *Oceana* (1656), both activists understood that propriety was the real foundation and the means of power and, then, they used it as the core policy issue of their governments. They also inherited from Harrington the idea that a rightful government must be founded on the propriety issue as we can see in Madison's words:

The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.¹¹

Thus, both Jefferson and Robespierre –although in different ways– made such “property issue” the core element of their governments. This was also one of the most important differentiation principle against federalists in United States, and against Jirondins and monarchs in France. While the former was focused on theorize and develop policies towards the *yeomen* and small farmers and was concerned about redistribution of land which should provide them with the political and economical independence because “the small landholders are the most precious part of a state”¹²; the later was concerned about developing a revolutionary political-economic program (called “Popular Political Economy”) in opposition to the oligarchic and speculative interests, since as he pointed out, the propriety had been instituted “to guarantee the right to existence” for all the mankind.

10 Although this connection has been described by different authors, among others Richard (1995) and Appleby (1992) it is also true that this sentence deserves some nuances. In doing so, one can observe how Jefferson and American republicans might be connected with moderate Solon's policies, meanwhile, Robespierre and Jacobins were strongest related with more the radical ideals of Aspasia or Ephialtes. To go in deep this debate, see especially, Richard 1995, (especially pp: 53-85) and Appleby 2001 and also Adair 2001. However this classical influences over the Founders arrived indirectly to America, yet they was previous “filtered” by english Wighs and Florentine republic as Pocock highlights in *The Macchiavellian Moment* (1975), as well as by John Locke.

11 Madison, November 23, 1787 (*The Union as a Safeguard against Domestic Faction and Insurrection*) in *The Federalists Papers* (2009: 50).

12 Letter to James Madison, October, 28, 1795 in Appleby and Ball (1999: 107). See the coincidences with the Aristotle's *Politics* when he argued that: “the best republics were predominantly agricultural”.

3.1 – Jeffersonian ideal

Both knew that political wisdom required a government based on property and on the (re)distribution of wealth that such property provided as well as the control over bank and financial activity. For this reason, Jefferson in a letter to William Plumer a lawyer of Massachusetts in 1816 said: “I place economy among the first and most important of republican virtues, and public debt as the greatest dangers to be feared”. In the same year, in another letter to George Logan, a politician from Philadelphia, he added: “I hope we shall take warning from the example of England¹³ and crush in its birth the aristocracy of our moneyed corporations which dare already to challenge our Government to trial, and bid defiance to the laws of our country”.

According to these sentences we cannot divide the *floors* and *ceiling* ideal. Both are different sides of the same *problématique*, namely, the material independence of individuals. Such material independence was based on the small farmers way of life, according to which they could not remain dependent on a master, corporation or, even on the government. The philosophical background of such ideal was the classical republican aim, namely: the division of powers, either political or economical. However, when focussing on the economic one (the most important according to Beard's language), Jefferson was quite clear: the land must be distributed throughout the population despite “that an equal division of property is impracticable”¹⁴. He was totally shocked seeing at France's distribution of land and its poverty consequences. After advocating for the introduction of a system of inheritance taxation over the land and wealth, he also said that:

Another mean of silently lessening the inequality of property is to exempt all from taxation below a certain point, & to tax the higher portions of property in geometrical progression as they rise. Whenever there is in any country, uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural right. The earth is given as a common stock for man to labour & live on. If for the encouragement of industry we allow it to be appropriated, we must take care that other employment be provided to those excluded from the appropriation. If we do not the fundamental right to labour the earth returns to the unemployed. It is too soon yet in our country to say that every man who cannot find employment but who can find uncultivated land shall be at liberty to cultivate it, paying a moderate rent. But it is not too soon to provide by every possible means that as few as possible shall be without a little portion of land.¹⁵

Reading this sentence we can clearly see that the republican freedom he envisaged had to be assured from *below* and from *above*, that is; assuring a minimum of material independence –a *floor*– with the application of a progressive taxation and redistribution –a *ceiling*–. On the one hand, poverty and servitude, must be eradicated, while on the other, wealth and power must be bridled. None of both can produce freedom nor virtue. Because, as Appleby and Ball pointed out (1999: 25): “the liberty of the people is in

13 As Montesquieu said (1989: 70) Great Britain was “a nation that may be justly called a republic disguised under the form of monarchy.”

14 *Ibid.*; 20

15 *Ibid.*; 20.

constant danger from the predations of the powerful. The best, indeed the only, antidote to concentrated power is power diffused among the people themselves” as Pettit also remarks it.¹⁶ Nevertheless it must be highlighted that this defence of diffusion of powers was not an “instrumental” policy to favour the articulation of his republican ideal. Rather it was founded on a moral or philosophical principle based on the (progressive) natural right tradition as we can observe:

No man has a *natural right* to commit aggression on the *equal rights of another*, and this is all from which the *laws ought to restrain him*; every man is under the *natural duty* of contributing to the necessities of the society, and this is all the laws should enforce on him.¹⁷

In the above, we can see how natural rights are the most fundamental axiom of his philosophy. Thus in order to preserve them, the law must act restraining (in *negative* way) and also assuring (in *positive* way) to preserve the necessities of society. Therefore, from this sentence it can be deduced that property is one of the natural rights that individuals must protect, because as we can see:

The true foundation of republican government is the *equal right* of every citizen in his person and *property* and in their management.¹⁸

As we have seen, the freedom as non-domination ideal, based on the enjoyment of material independence and founded on the individual property, was Jefferson's fundamental axiom that structured the thought and politics in the early history of the American republic. Nevertheless, Jefferson was not radical – as we could say– Robespierre was and he was quite careful not to become “too much” of a democrat. Therefore, Jefferson was consistent with the classical republican concerns according to which, there are two great dangers to freedom as non-domination, which could come from private power or *dominium* and public power or *imperium*. Hence, Jefferson's central problem was how to devise a government that would reduce private domination without becoming a source of public domination. This could be the reason why he never tried to control completely private property by public or governmental hands. Rather trusted in the “private virtue”, provided by the material independence of tenants, yeomen and in the “natural aristocracy” in order to manage the political matters of the federal government.

3.2 - Robespierre's (republican) Political Economy

Maybe, this is one of the most fundamental disagreements between American and French republicanism, and also between Thomas Jefferson and Maximilien Robespierre. The French was differentiate from the Founders in two main issues. On the one hand, referring to those who should be included in the democratic process, and on the other, how propriety and wealth should be arranged. With regards to the first point, Robespierre was a radical democrat and his aim was to integrate democratic structures and processes into

¹⁶ See note 12.

¹⁷ Letter to Francis W. Gilmer, June 7, 1816 in Appleby and Ball (1999: 142). (Emphasis added).

¹⁸ Letter to Samuel Kercheval, July 12, 1816 in Appleby and Ball (1999: 212). (Emphasis added).

society. Poor people, small peasants and urban workers should be the core actors of such democracy. Freedom as non-domination then should shelter to all the *petit peuple*, that is, the whole *demos* who had been excluded during the previous period. In this sense, after the king's execution people became the only political sovereign or the “self-ruling people”. This was the only moral and political authority, because as he said: “Is inside of the virtue and into the people's sovereign where it should be search the shelter against the vices and the despotism of the government”.¹⁹ Therefore, in the French case, the “imperium of the law” was gradually replaced by the “government of people”, namely, the “democratic rule of the collective people”.

Such ideal represented an important shift of the republican tradition of thought. Before Rousseau, Republicanism rarely recognized a central role to “people” (in general), but rather the concepts of republicanism and popular democracy were confronted. Then, the French revolution was the first time both concepts were linked, making them interchangeable. We can see such difference between American and French Republicanism, yet in the first case they never talk about democracy, but rather about republicanism. This conceptual *problématique* showed that in early U.S, the Founders were afraid of the European historical experience, and specially, of the French riots and revolutionary explosion. They were quite conscious that such government meant, the “majority rule”, referring to the poor multitude.

The arrangement or public control of property –despite maintaining the same ideal– was also managed in a quite different way. Jefferson and Robespierre shared the same conception of freedom as non-domination. But the historical and economical context forced them to develop it in different ways. Robespierre was totally convinced that material independence, which should guarantee the freedom, should be achieved through a radical public intervention in economical institutions, that is: land propriety, wealth accumulation and the price-commodities speculation, especially with regards to the grain and flour market. Therefore, to achieve the material independence the first stage would be to guarantee certain degrees of economic or material needs like the right to subsistence or, in other words: guarantee a minimum *floor*. In this regard he exclaimed:

What is the first goal of the society? To keep the *imprescriptible* human rights. And what is the first of these rights? The *right to existence*. The first social law, then, is *to guarantee to all members of society the means of their existence*. All of the rest of the rights are subordinated to this. The propriety has not been instituted or guaranteed by other aim than to cement this. *Properties is*, in the first place, *to live*.²⁰

As we can see here, Robespierre did not refuse the right to property. Rather, he supported and encouraged this right. Nevertheless, it must be used in order to protect the first (imprescriptible) human right, namely: the right to existence that can be understood as the minimum *floor*. Being an author clearly influenced by classical republicanism he never rejected this right as: “the freedom of trade is necessary until the limit in which the homicide avarice starts to abuse of it”. One year later he added, following Jefferson's thought, that: “(...) the extremely wealth disproportion is the beginning of much of the harms and crimes,

19 Speech “About the Constitution”, 10/05/1793 to the Convention. (All Robespierre's translations are mine).

20 Speech about the “Right to Subsistence”, 02/12/1792, to the Convention.

but we are not less convinced that the exactly equality of goods is a chimera”.²¹ Therefore, we cannot consider Robespierre and his policies as utopian-egalitarian, rather we should consider his principles quite clear and pragmatic. Propriety has a social character that must be controlled in a democratic way and it should not be lead to the private interest. His aim was that all members of society should enjoy those goods and commodities necessary for their existence and the rest of social production should be arranged and allocated through commerce and trade.

The law of *maximum* is the other political tool necessary to establish a package of *ceiling*, which contributes to maintain freedom as non-domination. It consists to establish a maximum price of the grain and flour. Clearly, that policy was designed to prevent the speculation and therefore, to constraint the “unlimited freedom” of commerce and businessmen. On July 19, 1793 this policy spread out to all combustible materials; on July 26 was extended to the whole basic consumer goods, and on the July 27 to the stockpiled provisions –“to subtract from the circulation those commodities and basic foodstuff” in Robespierre's words– was declared a capital crime. The moral background of that policy was clear: all mercantile speculation done at the expense of the life of men is not traffic, but rather banditry and fratricide. Finally on September 4, the *maximum* policy became national law.

Despite that such law might be interpreted exclusively as a *ceiling* policy, Robespierre was the political activist who defended *floors* and *ceiling* policy as two indivisible dimensions of the same political/moral goal. To sum up, he joint both terms in what was called “Popular Political Economy”²², that is to prevent that the economic power would be independent from the laws which impose its limits. Moreover, Popular Political Economy means, as Gauthier explains (2007: 72), “that the economic power must be bridled by the politic one and that the policy is the *common propriety* of people, of the citizens who really exercise the power”. As Jefferson thought, Robespierre tried to implement an institutional design arranged to guarantee the right to existence and, then, to strengthen the freedom as non-domination and also the virtue. His political initiatives –as Jefferson did– were based on conditions and constrictions. Hence, laws and especially the economical ones, should be implemented to establish those economical and political institutional conditions over which people could enjoy such freedom. A part from that, laws –decided and chose by universal suffrage– should “constrain freedom”, that is: to elaborate laws and a particular institutional design to restrict those private powers that can put in risk such freedom conditions, because as he said: “The people's interest, is the public good. The interest of the powerful man is a private interest”.²³

Both Jefferson and Robespierre were concerned about establishing certain conditions and constrictions –or *floor* and *ceilings*– in order to preserve individual and collective freedom. It implies that people should be sovereign over (and protected from) economy and private interests, and also sovereign over the (and protected from) the potential governmental despotism as we can see:

21 Project of the “Declaration of the Rights of Man and of Citizen”. Speech to the Convention, 24/04/1793.

22 Robespierre entitled “Popular Political Economy” in opposition of “Tyrannical Political Economy” which was previously announced by Rousseau in the *Political Economy*.

23 Speech “On the Constitution”, 10/05/1793 at the Convention.

Why laws should not halt the homicide hand of the monopolist, in the same manner they do with the ordinary assassin? Why they [laws] should not be concerned about the people's existence, after to be concerned about the enjoyment of the powerful men and of the despots?²⁴

4 - Floors and Ceilings in Contemporary Societies. Towards a Basic Income proposal.

As we have seen, both Jefferson and Robespierre were concerned with the implementation of political and economical conditions and constrictions and therefore with how to build an institutional design in order to establish certain *floors* and *ceiling* that can grant individuals' socioeconomic self-sufficiency. Moreover we have seen that they always highlight the priority of independence, a manner to safeguard the freedom as non-domination from private powers (dominium) as well as public despotism (*imperium*).

Therefore, they tried to apply this republican normative requirement through different ways. In this regard, they face such issue according to two main institutional implementations. On the one hand, they were concerned with land's appropriation and transmission obeying the natural rights. Accepting that an equal distribution of land is not possible –as they knew–, what could be the best way to solve such a huge unequal distribution of what belongs to everybody? Its solution can be achieved according Paine's ideal showed in *Agrarian Justice* (1945 [1795-6]). The “common property of the human race”, that is: the uncultivated land, has been appropriated in an unequal way, therefore, it must tax the land (inheritance) transmission and the land's rents in order to indemnify those who have been dispossessed by such unfair appropriation. Otherwise, as Jefferson observed in a letter to James Madison in 1787: “Whenever there are in a country uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate the natural right” (...) “If we do not [provide with other employment to those who have been expropriated], the fundamental right to labour the earth returns to the unemployed”.

On the other hand, a part from land taxation and its redistribution, the fiscal design becomes another way to achieve the material independence they defended. In this regard, Jefferson remarked: “Another mean of silently lessening the inequality of property is to exempt all from taxation below a certain point & to tax the higher portions of property in geometrical progression as they rise”.²⁵ Hence, both initiatives might help us to achieve –at least, as a necessary although not sufficient conditions– to understand the normative republican ideal of freedom as non-domination.

Nevertheless, to achieve such freedom as non-domination in our current market societies, the main question should be: Are there other ways to grant the individuals' material independence? In this regard, some authors have advocated for a Basic Income initiative (BI, onwards). Some have highlighted that a proposal like BI can maintain or contribute to endorse republican moral principles, and specially, the institutional ones (like civic virtue, material independence, a minimum material existence, wealth redistribution and so on) (Raventós, 2007; Domènech and Raventós, 2007; Casassas, 2005). Others,

24 Speech on “On the Subsistence and the Right to Existence”, 02/12/1792, at the Convention.

25 Letter to Rev. James Madison, 28/10/1785. In Appleby and Ball (1999: 107).

following republican ideal of Thomas Paine in 1796, stressed BI as a schema to be applied into the citizen's inheritances system in order to help them start their life plans better and from a suitable social position. Moreover, some authors have defined BI as a more ambitious measure that can go forward, from capitalism to socialist society, as Olin Wright did (2006) arguing that: “BI can contribute to a broader transformation of capitalism”.

However, our goal here is not to explain all the controversial interpretations of BI proposal, but rather, to just highlight its (democratic) republican implications, especially, by contemporary market societies. In this sense, as Domènech and Raventós pointed out (2007: 1) what is important to note here is that “since the aim of BI is precisely the material independence of individuals, the proposal for a universal and unconditional BI of citizenship and the republican political tradition are inextricably linked”. Moreover they summarise such idea arguing that (2007: 7):

(...) democratic and nondemocratic republicanism share the view that “property” (interpreted as “means of existence”) is necessary for freedom (...). Democratic republicanism maintains that ways should be found to ensure that everyone becomes a “proprietor” (materially independent). In today’s societies, a universal basic income would be the most effective way of institutionally guaranteeing this material independence and hence meaningful citizenship.

Therefore, from this tradition –democratic republicanism– a proposal like BI can contribute to endorse freedom as non-domination. As we have tried to demonstrate, such proposal can help us to maintain three conditions. First, BI could be a policy with the ability to provide the means of subsistence to all citizens contributing decisively to expand freedom as non-domination, as Robespierre had proposed in the eighteenth century. Second, a BI can also contribute to endorse political participation, mainly for those who have no time or means to do so. Since, following the Aspasia's ideal after 461 BC, BI as the successor of the *misthon*, can provide the material means to poor citizens in order to ensure the possibility of participating in the arena of deliberation and consent, and therefore in a democratic government. And last, but not at least, BI is a proposal which properly fits with a *floors* and *ceilings* policy as we have demonstrated above. Not only because it implies the guarantee of certain *floors* for everybody, but rather because it (should) incorporate a tax schema that forces to establish a set of fiscal measures to ensure its own performance as a social policy. That is, BI keeps in its core a *ceiling* policy which might help to (re)balance social power and wealth relations. In conclusion, such a proposal can contribute to maximize those material possibilities, supported by an institutional schema of conditions and constrictions that, in contemporary market societies should be introduced in order to ensure the republican ideal of freedom as non-domination.

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