**Two Societies and Civic Virtue**

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Senior Honors Thesis

Submitted to the Department of Political Science

University of California, San Diego

April 3, 2023

**Acknowledgements**

The thesis was a tremendous challenge. There were times when I felt that I should give up. There were times when I undermined myself. This challenge was lonely and frustrating. However, there were moments of great joy. In the end, I loved the challenging journey because the difficulty pushed me to grow as a student, as a writer, and as a political theory enthusiast. Thanks to this difficult project, I know that I enjoy writing on political theory and that the difficulty is what makes it fun.

I would like to thank my adviser Sean Ingham for all the assistance and advice he has provided. I am thankful that he always gave great advice to me and push me to have the confidence to make my own decision. All I have learned from him has been invaluable. It has been a challenging process and he has helped me learned how to overcome it. Otherwise, I may have given up due to my feeling of being inadequate for this challenge. Thanks to him, I know that this type of work is fun although difficult. I know that if I were to start another thesis, I would know what to do to ensure that I can have that satisfying victory of a creating a great thesis of which I am proud.

I am thankful for my partner who encourage me to start a senior thesis. I am forever grateful and thankful to my partner for their encouragement to do the senior thesis and the support throughout the challenging process. They provide well-needed reassurance when I felt the lowest during the process.

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# Chapter 1: Introduction and Literature Review

## 1.1 Introduction

Politics is incredibly important for all people. It is focused on how to organize a group for whatever purpose such as security or prosperity. Humans are social animals that want to be others. Our own being is a product from being with others. This connection with people brings concerns of how to structure ourselves for values such as survival and security. With these concerns is where politics is born. A fundamental value that can be found throughout history and the world is freedom. Many people have created political structures and ideas around their understanding of freedom, such as the American revolutionaries who created the government of the United States to obtain freedom that they did not get under British rule. All people have a sense for freedom and desire it. However, there are many different understandings of freedom. Some understand it as to do whatever one wants or to master oneself or some other interpretation. An interpretation of freedom that I will follow is republican freedom.

Those who desire republican freedom are known as republicans. To point out early on to avoid any confusion, republicanism is not referencing the American Republican political party. In addition, liberty and freedom will be used interchangeably. Republicans desire freedom as non-domination or the absence of the capacity of arbitrary interference. This freedom will be elaborated later but think of it as no one is a master over another. Republicanism is a broad tradition that starts from the ancient roman thinker Cicero. It reemerged with the 16th-century Italian thinker NiccolòMachiavelli. Later it was embraced in the 19th century by the American founding father James Madison and the French theorist Alexis de Tocqueville (Pettit, *Republicanism: A Theory of Freedom and Government*,19; Lovett, “Republicanism” 2022). The republican tradition has embraced the state in establishing republican freedom. Current republicans such as Phillip Pettit and Frank Lovett upholds the state through their own writings.[[1]](#footnote-1)

This paper addresses the problem on whether a state is necessary to achieve republican freedom. Republicans claim the state as instrumentally necessary for people to be free because without it more domination will occur, so republicans prefer a state over a stateless society[[2]](#footnote-2). However, the state itself can be a threat to freedom. For example, in the Jim Crow south, the state was utilized to take away African Americans’ freedom. Republicans recognized this threat and have discussed in length what needs to be done to prevent the state from taking away people’s freedoms. Despite this recognition of the potential issues around the state, not a lot of attention have been given to stateless societies. There are real cases of stateless societies that may display that a state is not strictly necessary to achieve republican freedom. To address the problem, I will conduct a comparison between a state and stateless society. With the assistance of empirical reports of stateless communities, I display a viable stateless society to republicans. There on, I argue one aspect of the comparison that shows an issue about the state for republicans.

## 1.2 History of Republicanism

### 1.2.1 Classical Republicanism

The remainder of this chapter is a literature review, so to begin it is important to gain foundational knowledge of republicanism by touching on the history of republicanism. As previously mentioned, the republican tradition can be found back in time from to the roman thinker Cicero and to the French theorist Alexis de Tocqueville. Those in this range will be called classical republicans. The classical republicans expressed the idea of the Republic that is a society upheld by the rule of law where no one rules over another and there is equal citizenship (Lovett and Pettit, “Neorepublicanism: A Normative and Institutional Research Program,” 12). The Republic is intertwined with many ideas embraced by republicans*,* such as freedom as non-domination, separation of powers, and civic virtue. To illustrate the classical republican theory, we can imagine the classical republicans desiring a house of cards that represents the Republic. At the base, there are many cards that represent ideas such as freedom and civic virtue. From the base there are cards stacked on top that represent the arguments and the top card displays the Republic. Each important concept of the house of cards are interconnected and rely on each other to support the republican desired government: The Republic. I have provided a brief view of the classical republicans.

### 1.2.2 Neo-republicanism

Now that one has a brief understanding of classical republicanism, I will explain neo-republicanism and how it differs from its predecessors. Neo-republicanism is a contemporary republicanism that emerged among theorists such as Philip Pettit and Frank Lovett[[3]](#footnote-3). Neo-republicans believe that the fundamental republican value is freedom as non-domination (Lovett, “Republicanism” [Stanford Encyclopedia of Philosophy], 2022). Thereon, other ideas are built upon this value leading to the desired government of the Republic. The fundamental difference between neo-republicans and classical republicans is that the neo-republicans view freedom as non-domination as the core base of republicanism, while the classical republicans can be interpreted as not having a singular base, but multiple supports to create a republic. To further illustrate the distinction between the two groups, recall the house of cards illustration for the classical republicans I provided in the previous paragraph. With the house of cards, there is a base of multiple concepts to support the Republic. On the other hand, neo-republicans have a one-concept base. Imagine neo-republican theory as a tree with roots that represents non-domination, and the trunk, branches, and leaves represent the different ideas that grows from the root. Now on, the strand of republicanism that I will be engaging with is neo-republicanism.

The choice to engage with neo-republicanism over classical republicans is due to the advantage of starting with freedom as non-domination. The neo-republican base allows one to explore topics that would not make sense with classical republicanism. For example, in my case, neo-republicanism allows me to compare a stateless and a state society because a state society is not a given; rather, it must be argued for with the base of republican freedom[[4]](#footnote-4). Starting with the base provides an opportunity to discuss a stateless society. On the other hand, classical republicans understood a republic with a state, so to suggest a possible stateless society that conforms to republican ideals would not make sense. In the end, neo-republicanism allows one to explore topics that would not be possible with the classical republican perspective.

## 1.3 Freedom

### 1.3.1 Two Conceptions of Liberty

To understand republican freedom as non-domination, it will be helpful to contrast it with Isaiah Berlin's discussion of negative and positive liberty. In *Two Concepts of Liberty,* Berlin articulates two central views of freedom that found in the history of political theory: negative liberty and positive liberty. Berlin defines negative liberty as the “absence of interference” (174) or non-interference. To illustrate negative liberty, imagine a person drinking alcohol without someone stopping them through force. In this imagined scenario, they are free to drink alcohol under the view of negative liberty because no one interferes with the person's choice to drink alcohol. However, the person is not free to drink alcohol if someone constantly knocks their alcoholic drink out of their hands because their choice of drinking is being interfered by another person. The example illustrates that negative liberty focuses on the absence of interference from another person or group. To further add, interference can be expressed by coercion. Coercion is understood as a threat of violent physical force. Coercion is an expression of interference because it changes a person’s evaluation of their options through a threat of violence. For example, if a person points a gun at me and tells me to give them money, then my evaluation of my options of giving or not giving money is skewed to giving money to the person. As a result, the coercion interferes with my options. To sum up, negative freedom is freedom from interference

In addition to negative liberty, Berlin discusses the other view of freedom called positive liberty. Berlin defines positive liberty as a “wish on the part of the individual to be his own master” (178). Positive liberty can be understood as self-mastery or freedom for themselves by mastering themselves. With this view of positive freedom, the individual takes an active role in reaching mastery for themselves. This idea of self-mastery implies that one is separated into two parts, a true self, and a lower self (179). The true self is being a master of oneself, and the lower self is the opposite of the mastery such as being a slave to one’s pleasures. To illustrate this freedom and the distinctions between a true and lower self, imagine a person who is addicted to a drug that makes them dependent on it to avoid debilitating withdraws. A believer of positive freedom will say that the drug addict is not their true self because the drug addict's dependence causes them to be unable to master themselves such as be able to say whether they want the drug or not. The drug addict will be free only if they can master themselves by getting rid of the addiction. To sum up the differences of the two freedoms, positive freedom is freedom for oneself, and negative liberty is freedom from others.

From the discussion of the two freedoms, Berlin prefers negative liberty over positive liberty. Berlin believes that positive liberty can be used as a disguise to oppress people, so he prefers negative liberty because it avoid the oppressive issue of positive liberty (178). Positive liberty can become oppressive because a person can justify oppressing another in the name of positive liberty on their perception that the oppressive act is necessary to elevate the person’s lower self to their true self. For example, a person may believe that the drug addict cannot reach self-mastery alone, so the person forcibly restrains the drug addict to send them to a rehab center on the hopes they can be their true-self. The person may say the drug addict is not able decide on their own because their drug dependence (which makes them their lower-self) is making them reject rehab. For the drug addict to be able to make a proper choice requires that they do not become dependent on the drug. This example highlights the issue of positive liberty. Many people will be concerned that a person can exert force on another without permission due to the perception that the other person is not able to provide permission. As a result of this potential issue, Berlin prefers negative liberty because it does not have this oppressive potential. Positive and negative liberty are two conceptions of freedom that Berlin discusses, but republican freedom is another alternative not considered.

### 1.3.2 Freedom as Non-domination

Republican freedom breaks this binary and presents a third path: Freedom as non-domination. To begin our walk through this path, it is important to define domination. Domination is an agent's capacity to arbitrarily interfere with another. Arbitrary is understood as without consideration of the opinions or interests of those affected (Pettit, *Republicanism: A Theory of Freedom and Government,* 55). The capacity aspect of the definition indicates that domination occurs without a person arbitrarily interfering with another person, so long they have the capacity to do so. An analogy of a master-slave relationship illustrates domination. The master dominates the slave because they can interfere in the slave’s choices whenever they want, so they can arbitrarily interfere with the slave. Even if the master never intervenes with the slave’s choices, the slave is dominated because the master *can* intervene without considering the slave’s opinions, so the master has the capacity to arbitrarily interfere. In addition, the analogy will display why capacity matters by displaying a psychological component of domination. The slave knows the master has the capacity to arbitrary interfere but is never certain when the master will act, thereby creating fear. As a result of the fear, the slave will act in ways they believe aligns with the master's wishes to prevent the master from interfering. It is important to note that the capacity to interfere arbitrarily must be an actual capacity that is ready to be exercised (Pettit, *Republicanism: A Theory of Freedom and Government,* 54). In the case of the master-slave relationship, the society permits the master to intervene whenever they want through its enforced laws (for example, a law that requires run-away slave to be captured and return to the owner) that provides the master an actual capacity to arbitrarily interfere with the slave. In conclusion, domination is the actual capacity of arbitrary interference.

Now that domination has been covered, I will point out the aspects of negative and positive liberty present in republican freedom. Republican freedom contains the “absence” component of negative liberty (Pettit, *Republicanism: A Theory of Freedom and Government,* 22). Republican freedom is the absence of the capacity for arbitrary interference or the absence of domination. This absence of domination is far more robust for freedom than non-interference (Pettit, *Republicanism: A Theory of Freedom and Government,* 24). To illustrate this, going back to the master-slave analogy, the master may never interfere, which satisfies to say that the slave is free for those who hold negative liberty. Intuitively, it seems odd to say the slave is free in this situation when the master can control the slave whenever they want; however, a republican would say the slave is not free because it acknowledges the power the master has over the slave despite not actively interfering. In the end, republican freedom has the negative element of negative liberty but can be viewed as more robust for freedom.

On the other hand, republican freedom incorporates the mastery component of positive liberty. It incorporates mastery by focusing on people being masters over others (Pettit, *Republicanism: A Theory of Freedom and Government,* 22). Republican freedom accepts interference but not mastery over others. Returning to the master-slave analogy, the master is a master over the slave because they can do whatever they please with the slave. However, if there were a mechanism that forced the master to consider and listen to the slave’s wishes (such as laws that forced the master to listen and follow the slave’s opinions), then the master's interference would not be arbitrary causing them to lose their master status and the slave becoming free. In addition, republican freedom does not guarantee self-mastery because it only focuses on mastery over others. By people aiming for non-domination, it allows people to have the potential to reach self-mastery because people are not master over them. In the end, republicanism focuses on mastery that people have over others, not on self-mastery.

I have discussed republican freedom as having an absence of arbitrary interference and a focus on mastery over other, now the final piece to discuss is interference. Republicans accepts interference if and only if it is not arbitrary. To explain why republicans accept interference, it will be useful to look back at negative liberty and understand their view on the rule of law. Rule of law can be understood as a system of impersonal coercively enforced rules that controls interference while itself is controlled (Lovett, “A republican argument for the rule of law,” 2020). Those who hold negative liberty reluctantly accept the rule of law because the law requires interference to be meaningful. They do not view the rule of law as making people free because to be free people must have lack of interference. They reluctantly accept the rule of law for its ability minimize interferences which is better than a world without laws because the law can hinder many types of interferences, such as robbery and murder. A world without laws will have far more types of interference occurring. On the other hand, republicans accept the rule of law as necessary to secure republican freedom because the law’s interference causes many people’s capacity to arbitrary interfere to be non-arbitrary. For example, if the rule of law is working well where people know that the enforcers of the law will successfully stop the person arbitrarily interfering with another, then many people can continue on their day without any hindrance to their choice because they know the law can stop and prevent people from arbitrarily interfering with them. For republicans, the interference by the law is acceptable so long the law itself is controlled. The example of the different view on the rule of law by republicans and those that hold negative liberty shows that interference is compatible with republican freedom—so long it is not arbitrary. To conclude, republican freedom permits interference.

After what has been discussed about republican freedom, one may notice that non-domination is a status gained among people, not in isolation. Republicans understand that freedom requires robust protections for the person beyond what is required for negative liberty (Pettit, *Republicanism: A Theory of Freedom and Government*, 24). Another example from the slave-master analogy illustrates the point. Suppose the slave is freed from their master’s supervision. In that case, they could still be captured and given to another master, so the only way for the slave to be genuinely free is to have social and political institutions that ensure that there can be no master over them. In addition, their non-domination is common knowledge among others. Common knowledge is the concept that everyone knows the relevant information of a person, and everyone knows that other knows this, and this continues[[5]](#footnote-5). To make this concept concrete, imagine a person who is dominated by their romantic partner, and people in their community refused to interact with them because the people fear that the romantic partner may harm them. In this imagined scenario, if the legal system intervenes and prevents the partner’s domination (for example, the law can arrest the abusive partner), but never announces the change to others, then the person never reaches non-domination because others do not know that the law intervened, so they continue to refuse associating with the person. The fact that the romantic partner is not dominating the person is not common knowledge. Once it becomes common knowledge that everyone knows the person is not being dominated, and everyone else knows that everyone knows that the person is not dominated and so on, the person then reaches the status of non-domination. To reach non-domination as a status, there needs to be common knowledge about the person’s non-domination and no one is dominated by another through social and political institutional designs (Pettit, *Republicanism: A Theory of Freedom and Government,* 66). To conclude, non-domination is a social ideal; it cannot be achieved in isolation.

After discussing non-domination, now we must discuss how to achieve non-domination. There are many ways to helps us reach the goal of republican freedom. One way is through reciprocal power whereby the dominator and dominated have the resources necessary to equalize their powers, leading the dominated able to protect themselves, and the dominators can do the same, causing both parties to be unable to dominate each other (Pettit, *Republicanism: A Theory of Freedom and Government,* 67). This can be understood as “status freedom” as power against each other is symmetrical (Guillery, “Domination and Enforcement: The contingent and non-ideal relations between state and Freedom,” 413). An alternative is through a constitutional provision that removes the power of people to dominate and defend themselves. The entity that removes these powers track the interest of its people (Pettit, *Republicanism: A Theory of Freedom and Government,* 67-68). An example is the rule of law that is usually applied through the state. The rule of law ensures that people do not arbitrarily interfere with others because if they do, one will know that the law enforcer will punish the person. Altogether, reciprocal power and constitutional provisions are ways to achieve non-domination.

In conclusion, non-domination is freedom that requires that people cannot have the capacity to interfere arbitrarily. This path requires social and political support to ensure this security. It is a social ideal as it requires multiple people to achieve it.

## 1.4 On the State

Before explaining the arguments in this section, it will be helpful to define the state. I will utilize the definition provided by Philip Pettit on pages 133 to 134 of *On the People’s Terms: A Republican Theory and Model of Democracy.* The definition has three core elements: the state is a group agent, has a monopoly on coercive force, and has an explicit or implicit authority to use coercive force. A group agent is a group able to coordinate its members to act united as if it were an individual with a singular voice (133). Coercion is the use or threat of physical violence to make a person do a certain action. For example, a person who holds a gun to a victim's head is understood to coerce the victim because the gun is the threat of physical violence. Authority is to be understood as an agent’s right to enforce obedience. For example, the state of California has the authority over education within the state because the state government has the right to enforce people and groups within its borders to follow its education laws. This understanding of the state is important for the rest of the paper.

### 1.4.1 Pettit’s Argument for the State

The argument that the state is necessary for non-domination is from Philip Pettit’s *On the People’s Terms: A Republican Theory and Model of Democracy.* First, Pettit considers a stateless society governed by social norms and points out issues about this society. An issue they point out is that the social norms may not be able to identify appropriate freedoms especially among people because social norm spawns spontaneously, so they are unreliable to acknowledge freedoms (135). Another issue is that norms may not be able to fully resource freedoms that may need redistribution. An example that Pettit points out is that wealth and power will accumulate among a few without a state, so there will be a lack of resources for the poor to ensure they will not be dominated by the rich (135). A final issue is that norms would not serve as adequate protections for everyone as norms may reflect social divisions contributing to certain groups not being protected (135). As an example, historical racism in the United States had social norms that reflected the racism of the time that contributed to black Americans not being protected from the domination of racist white Americans. As a result of the issues, Pettit favors a state over a stateless society. However, for the state to not dominate people, there must be a democratic form of governance.

Pettit prefers a state over a stateless society but understands that the state has the potential to dominate due to its superior power. He proposes popular control, otherwise known as a democracy as the form to control the state. This popular control must be individualized, unconditioned, and efficacious (153). Individualized means that control is equal among citizens. Unconditioned means that the control cannot depend on the state's willingness to be controlled. Efficacious means that the popular control is robust to ensure no sense of an alien will is being imposed on another through people having a shared equal power over the state. If popular control can fulfill the criteria provided by Pettit, then the state is non-dominating.

### 1.4.2 Guillery’s Argument

The argument against Pettit’s claim that the state is necessary for republican freedom is given by Daniel Guillery’s “Domination and Enforcement: The contingent and non-ideal relations between state and Freedom*.*”The article argues that the state does no better than a stateless society regarding republican freedom. Guillery is attempting to equalize the state and stateless society in ideal conditions to illustrate that there is no improvement that a state society makes compared to a stateless society, even in the best of conditions. Guillery starts with an ideal stateless society where everyone is perfectly morally motivated, so no one will arbitrarily interfere another and help each other if needed (409). In addition, a stateless society can have governing rules and institutions (406). However, there will be inequalities in the stateless society, such as natural strength, and there will be group agents (415). So, there will be a sense of domination because powerful group agents and strong individuals have the *capacity* to arbitrarily interfere although they will not interfere with one another. Then Guillery points out that the state is a group agent capable of organizing and dominating individuals. He acknowledges that this is not a worry for Pettit so long the state is unconditionally controlled, which can be done by a popular rebellion to deter the state from dominating them. This leads to Guillery’s key point that the state does not improve upon a stateless society on republican freedom because a stateless society with perfectly moral people will help each other fend off those who act on their capacity to dominate. As a result, those in the stateless society can do the same actions that people in a state society will do to prevent the state from dominating. The state society does not do better than a stateless society on republican freedom. This leads him to say that justifying the state over a stateless society regarding republican freedom does not work; rather, justifying the state must be considered on other grounds.

### 1.4.3 Discussion on Pettit and Guillery’s Arguments

An issue with Pettit’s justification for the state is that it paints a stateless society in a superficial manner making it seems that it is incredibly weak to address domination. Although many of the issues he points out are legitimate, he does not attempt to describe a stateless society that can address these issues. Guillery is correct to point out that a stateless society can have governing rules and institutions, and these can possibly address the issue that Pettit brings up. The challenge is to describe such a stateless society.

My issue with Guillery’s argument leads me to move away from the ideal conception of a stateless society. Even if his argument succeeds, Pettit’s preference for the state over the stateless society may work better for republican freedom in the best version of our not ideal world. Although, the state may not be necessary in ideal conditions for republican freedom, it may be necessary in non-ideal but realistic conditions thereby supporting Pettit’s preference. Pettit’s discussion on the stateless society undermines the capabilities of what a stateless society can achieve While Guillery points out that a stateless society can produce institutions to minimize domination. These views lead me to consider whether a possible and realistic stateless society can improve towards or obtain republican freedom and if it can improve upon a state society regarding republican freedom. Considering what has been discussed, I will use methodology from Dimitri Landa and Ryan Pevnick in a 2022 unpublished manuscript[[6]](#footnote-6) to construct a model of a “well-designed” stateless society that accepts flaws but is beyond current society and displays ways to reform it.

## 1.5 Methodology

This section is dedicated to explaining Landa and Pevnick’s methodology of a well-designed society. In their unpublished manuscript, Landa and Pevnick discusses their methodology in their second chapter. I will apply it to a republican state democracy and a democratic stateless society. To start, we will be comparing regime types. A regime type is a set of core characteristics found throughout different institutional makeup and policies (19). Regime forms are variations of the regime type. To clarify these terms with an example from the authors, representative democracy is a regime type, while parliamentary and presidential democracies are regime forms as they still hold on to the core elements of representative democracy (19). From thereon, we can look at regime forms and their corresponding regime type.

Now we can compare similar regime types through their regime form or compare regime forms of the same regime type to see which one does better for a particular value. The point of similarity is so one can equalize the playing field between the two. I will compare well-designed regime forms of similar regime types. Recall that regime forms contain the core elements of a regime type, but regime forms will differ from each other due to different structural makeup. Then I will compare similarly positioned institutional structures of the regime forms (31). So, I will look at the formal institutional rules and outcomes that it will most likely produce (34). For example, the regime’s laws and their outcomes. In addition, assumptions of people will not be idealized as seen in Guillery; rather, I will assume people to be flawed. This encourages one to look at institutional structures more than what will be needed in ideal assumptions of people. Finally, we touch on what Landa and Pevenick called mechanisms. The mechanism can be understood as the link that explains how certain assumptions, such as human agency, informational assumptions, and structural conditions, will lead to a certain outcome (36). Comparing regime types with important mechanisms associated with them allows us to see how the regime type realizes a value, in my case, freedom as non-domination.

The regime form compared will be “well-designed” regime forms. They are well-designed in the sense that they do not have avoidable errors thus making them better than existing institutions. The purpose of picking well-designed forms is to show that even in the best of realistic conditions a regime type or regime form does better or worse or equal to another for a particular value. A benefit of the comparison of well-designed regime form is that it can show that there can be reform proposals for currently flaw regime forms. The reason is that it displays that with an existing imperfect regime form, its core elements of its regime type can allow for reforms that will improve it to be well-designed, and there is no need for a revolution (20, 23).

## 1.6 Empirical Assistance

I will use Ostrom's *Governing the Commons* and Tellez’s *Border Women and the Community of Maclovio Rojas: Autonomy in the Spaces of Neoliberal Neglect* to help construct a model of a well-designed stateless society*.* Ostrom presents case studies of people coming together to address issues around economic resources without a state or a free-market. With the case studies, she the principles that successful groups followed. The relevance of this text is that the principles provide the way people can cooperate to address issues by addressing collective action problems without a state. A collective action problem is when people are better off cooperating but fail because individuals have conflicting interests. An example of a collective action problem is imagining a park that needs all to pay to maintain the park. Some people stop paying causing the park to be in disarray. In this example all will be better off if they all gave money, but due to a variety of reasons, people refuse to give it causing the park to be in ruin. Going back to the principles, a minor issue with the principles is that they apply to political economy, the study of how political and economic systems are linked. To make the principles applicable solely to politics, I will reinterpret them to remove the economic aspect while holding on to its political aspects.

To assist me with the reinterpretation of the principles, I will use Tellez’s *Border Women and the Community of Maclovio Rojas Autonomy in the Spaces of Neoliberal Neglect*. Tellez discusses an autonomous community near the US-Mexico border on the Mexican side. This community lacks a state within its territory, although they are under attack by the Mexican state. Sprinkle throughout this text is a description of their political organization that can display how this community has survived. Displaying Ostrom’s principles through the community’s political system can assist in highlight the politics of Ostrom’s principles. In addition, if there are institutional issues with the community, Ostrom’s principles can assist me in improving them, which further assist me in creating a well-designed stateless society to compare with a well-designed state society.

## 1.7 Conclusion

At the end, the chapter has pointed out that freedom as non-domination is the value I will be working with. From this value, I looked at the discussion of the state in the republican literature and pointed out that a possible and realistic stateless society has not been shown that can reach for republican freedom. A task for the paper is to present a stateless society than can reach republican freedom. Later, I will present a well-designed state society and a well-designed stateless society to set up a comparison between the two. To start it off, the second chapter will focus providing a reinterpretation of Ostrom’s principles.

# Chapter 2: Ostrom and Maclovio Rojas

Ostrom created the principles within the context of political economy, so I will provide a political reinterpretation of the principles so they can be applied solely to politics. I will introduce Maclovio Rojas, a stateless community in Mexico, to assist in illustrating a political reinterpretation of Ostrom’s principles. Afterward, I will point out the issues that this community has regarding republican freedom. This chapter provides the foundations to introduce a well-designed stateless democratic society in the next chapter and compare it with a well-designed democratic state society

The relevance of Ostrom’s principles and Maclovio Rojas is that it provides a framework to assist on creating a model of a well-designed stateless society. The principles are derived from cases studies of groups without a state solving economic issues, so they will be helpful for constructing a realistic model of a well-designed stateless society. Maclovio Rojas will assist me on isolating the political aspects of Ostrom’s principles. The reason for isolating the political aspects is that the principles are formulated for political economy, so the economic language makes it so that I must work with the economic groups, which is not what I am working with.

## 2.1 Ostrom’s Principles

In *Governing the Commons*, Elinor Ostrom, a political economist, argues that a state or a free-market system is not necessary to solve collective action problems to successfully manage economic resources. A collective action problem is when a task requires people to cooperate to complete it, but some individuals do not cooperate due to diverging interests, causing the task to fail. An example of a collective action problem is when a student is assigned to a group project that requires all to do their part to get a passing grade for the project. When the student is checking if their classmates are doing their part, they realize that some students are not doing their part because they can afford to fail the project and still pass the class. The task at hand is everyone doing their part to get a passing grade for the project. The collective action problem is that some are not doing their part due to being able to handle the cost, causing the rest to fail the project. Ostrom utilizes different case studies of different communities to show how they adapted to their local context to successfully manage resources without a state or free market. Then, they reveal principles that are present in every successful case study. Lastly, they display case studies in which communities were not successful, reinforcing the necessity of the principles.

I will provide some definitions so that the principles are easy to understand. First, “common-pool resources” (CPR) is a natural or human-made resource system so large that it will be very costly to exclude others from accessing it. An example of a CPR is the sea because its massive size places an immense cost to prevent others from accessing it. Next, a resource system is a system that, in good condition, produces goods that can be used by people without harming the resources in the system or the system itself. For example, the sea is a resource system that produces plentiful fish that can be caught by people without harming other fish or the sea itself. Resource units are what people take or use from the resource systems. An example of a resource unit is fish from the sea. Appropriators are those that take from the resource system, such as fishermen that catch fish. A provision is a plan to maintain the resource system, such as ideas on how not to harm the sea's ecosystem. Operational rules directly affect members' day-to-day decisions, who monitors, the rewards or punishments, and what information is given and withheld. An example is a rule that dictates when fishermen can fish, who monitors the rules, and the consequences of a fisherman complying or violating the rules.

The final definition is for “nested enterprises,” which means that there are small groups that cooperate, forming a multi-layer of groups to fulfill tasks that are required to sustain the CPR through a large population. For example, imagine a vast community of farmers that produces a variety of products, each region of the community requires different amounts of water for their crops, and all rely on a river. An issue for the farmer is that if too much water is taken out of the beginning of the river, farmers down the river have inadequate amount of water to provide to their crops, so the community will need to organize themselves to prevent this issue. A solution is nested enterprise whereby each region can create a group that works with others to facilitate how irrigation will work for each region, forming a layer of groups to address irrigation. These definitions will help one understand the list of the eight principles that will be shown below and found on page 90 in Ostrom’s book. I will utilize examples provided in Ostrom’s book to illustrate each principle and if they are relevant to republicanism then I will explain its relevancy.

## Table 1 *Ostrom’s Eight Principles*

1. Clearly Defined Boundaries
   1. Individuals or households who have rights to withdraw resource units from the CPR must be clearly defined, as must the boundaries of the CPR itself.
2. Congruence Between Appropriation and Provision Rules and Local Conditions
   1. Appropriation rules restricting time, place, technology, and/or quantity of resource units are related to local conditions and to provision rules requiring labor, material, and/or money
3. Collective-choice Arrangements
   1. Most individuals affected by the operational rules can participate in modifying the operational rules
4. Monitoring
   1. Monitors, who actively audit CPR conditions and appropriator behaviors, are accountable to the appropriators or are the appropriators.
5. Graduated Sanctions
   1. Appropriators who violate operational rules are likely to be assessed graduated sanctions (depending on the seriousness and the context of the offense) by other appropriators, by officials accountable to these appropriators, or by both.
6. Conflict-resolution Mechanisms
   1. Appropriators and their officials who have rapid access to low-cost local arenas to resolve conflicts among appropriators or between appropriators and officials.
7. Minimal Recognition of Rights to Organize
   1. The rights of appropriators to devise their own incisions are not challenged by external governmental authorities.
8. Nested Enterprises
   1. Appropriation, provision, monitoring, enforcement, conflict resolution, and governance activities are organized in multiple layers of nested enterprises.

Starting with the first principle called Clearly Defined Boundaries. In page 61, Ostrom discusses a village in Törbel, Switzerland. In this village, they created laws that forbid non-community members from automatically gaining rights for communal land (the village’s CPR), and current members can decide whether a non-member can have membership (62). These laws set a boundary between those who could use the CPR and those who could not. In terms of the CPR itself, it is pointed out that the boundaries of the CPR were laid out in a 1507 inventory document by the village (62). This provides an illustration of the first principle as villagers created boundaries on who can use the CPR and the boundaries of the CPR.

Now the first principle has been covered, the next principle is Congruence Between Appropriation and Provision Rules and Local Conditions. Ostrom demonstrates the principle through the Hirano, Nagaike, and Yamanoka villages in Japan. Ostrom points out that the villages have assemblies that produce rules for the villagers. Many of the rules supported the environment and economic roles that CPR products played in the local economy (67). The villages ensured to have rules that fit with their people’s environment. Regarding republicanism, this principal fits with republican freedom as the principle emphasizes that legislative bodies should track their people’s interests. The tracking is desirable for republicans because it is preferred that people’s interests are considered when interference is planned or is applied, but republicans will still have concerns with the principle. A republican will point out that domination is present despite the tracking of people’s interests because the people may have no control over the legislative body, so people are at the mercy of the goodwill of the legislative body to track their interests. The body maintains the capacity to arbitrarily interfere until the people have a way to remove that capacity. Republicans will say that the principle is important but does not ensure the removal or lessening of domination. The third principle will provide a mechanism to ensure domination is lower.

The Japanese villages discussed above demonstrates the third principle of Collective-choice Arrangements. Generally, the Japanese villagers participated in forming the rules that affected them. The villages had an assembly that consisted of the heads of households delegated with authority to make decisions (66). In some villages, all households had the right to participate, and in others, fewer households could participate. Nonetheless, no external person or group outside of the village made the rules, so it was usually all people who were affected that participated. This principal fits with republicanism because it provides a vague outline of a democracy to ensure that people’s interest and conditions are tracked in the rulemaking process. With everyone affected participating in rulemaking, rule makers must work with other to pass rules, so they cannot fully arbitrarily interfere with people.

The previous principle will not eliminate domination, it will just lessen it. As discussed in Ingham and Lovett’s “Domination and democratic legislation,” they illustrate that there is less domination in democratic legislative body than in other legislative forms. The democratic legislative body that follows the rule that proposals are passed with a simple majority lessens domination more than the democratic legislative body that requires all must approved for a proposal to pass. The reason domination is lowered but not eliminated is that there will always be a degree of domination occurring in the democratic majoritarian process because some can create a coalition with others to pass or block proposals without considering those outside of the coalition. However, other methods such as requiring all to approve for a proposal to pass will allow individuals dominate more than will be seen in a majority rule system. In the end, republicans would prefer majoritarian rules over other options and the principle discussed works with republicanism.

Next, the fourth principle called Monitoring is displayed through a Swiss village. The village has local officials who are given the authority to hand out fines to those who violates a rule, and the official keeps a piece of the fine for themselves (62). As a result, the officials benefit from doing their job. This official is a monitor. In addition, they are held accountable by the village because people can revoke their position of power. This principle follows republican freedom as it ensures there are rules enforced which is important for the rule of law. To add, the enforcers are held accountable by the people, thereby forcing them to not have the capacity to arbitrarily interfere because they can be kicked out of their position.

The fifth principle, called Graduated Sanctions, is demonstrated through the Japanese villages with their detectives who provide sanctions. The detectives scanned the villages for violators and provided escalating penalties depending on the violations and the frequency of the violations by the person (68). For example, if it were a small violation, the detective would ask for money, but if it were an extreme violation, the violator could be banished from the village. These punishments depended on various factors, such as frequency and the seriousness of the violation.

Next, the sixth principle of Conflict-resolution Mechanisms is displayed through the Huerta system. The Huerta system covers different regions to manage the CPR of water canals. In the region of Valencia, the irrigators have weekly tribunals that resolve conflicts between irrigators or officials (71-72). Irrigators sends a person to represent them and make their case, and the tribunal official asks questions and decides on the matter to provide solutions and fines if necessary. The frequency of the tribunals and the delegation of the task to a particular person lower the cost of resolving conflicts.

The seventh principle, called Minimal Recognition of Rights to Organize, is not easily illustrated by the successful cases, so the case of the failure of the Kirindi Oya Farmers can demonstrate the importance of the principle. Ostrom explains that an external government system played a role in the management of Kirindi Oya’s water with little community input. This external system bred issues for the farmers. The farmers were stealing water from each other because of an external government structure that accepted favors and bribes contributing to a power imbalance for farmers, so many farmers felt it was best to steal (164). If the farmers had the right to manage the water among each other without external government interference, then the power imbalance may not have been an issue. At the end, it is important for the community to organize themselves rather than a group or person outside setting the rules because it can prevent issue such as external factors causing power imbalance. This principle follows republican freedom because the right of a community to organize themselves hinder an external actor’s capacity to arbitrarily interfere. If the government has appropriate mechanism to enforce the right, then domination from an external actor can be eliminated.

On the final principle of Nested Enterprises, the groundwater basins of Los Angeles demonstrate it. For each basin, an association was created to form a forum in which people within the basin and other people from other basins could talk to one another to exchange information and resolve conflicts and issues among each other (138). These associations allowed for more groups to be formed allowing for different tasks to be complete such as interacting with state courts and legislatures (189). As a result, there is a multilayer system of groups that performs different tasks. The principle helps to lower the cost of organizing a large and complex community because the groups serve to spread information and coordinate people.

From the discussion, one can see that Ostrom’s principles are tailored to political economy, so it may not be clear how it relates solely to politics. Due to this issue, I will provide a political reinterpretation of these principles. To help me provide the reinterpretation, I will illustrate them through Maclovio Rojas.

## 2.2 Maclovio Rojas, Mexico

In *Border Women and the Community of Maclovio Rojas: Autonomy in the Spaces of Neoliberal Neglect,* Michelle Téllezdescribes the dynamics ofMaclovio Rojas, a collective community in Tijuana, Mexico. Due to the Mexican state’s limited government and worsening economic conditions for workers, some Mexican citizens created the community out of necessity to live a decent life (35, 44). Mexican citizens migrated near the U.S-Mexico border for work due to the booming growth of factories resulting from a trade deal called the North American Free Trade Agreement (NAFTA) (41). Unfortunately, the migrating workers found that economic conditions were inadequate to live on. These citizens squatted on unused land to create their own community to survive (28). Mexico has a law that permits citizens to acquire land if they have been squatting on unused land and fulfill a criterion (48-49). The community has survived for thirty and more years despite the Mexican state being hostile to its existence. Some examples of the hostility are that the Mexican police entering the community’s land or imprisoning a member of the community to undermine the political stability of the community (80,128). Through this ethnographic text, Téllez focuses on the females of the community because they play a significant part as leaders and activists of the community.

Téllez sprinkles descriptions of the community’s political makeup that reveals a form of a direct democracy. A direct democracy is a community where all members have a vote and participate in changing the rules of the community. This differs from a representative democracy in which members vote for a representative who, on their behalf, changes the community’s rules. All residents are given a plot of land that they can use for themselves, but in exchange, they are expected to partake in and protect the community (50). All members are poor and rely on community support, so although no one in the community will force them to participate, they participate because they know that their plot of land and general support relies on the community’s existence. Furthermore, the Mexican state’s constant challenges to the community contribute to many members feeling compelled to support the community. Despite members having plots of land, they have not been able to farm on it due to the plethora of challenges they have to overcome that require many of their own resources, such as money and time (111). An abundance of resources is utilized to protect their land from intruders, assist community members in need, and fight a court case against the Mexican state to have their land legally recognized. As a result of being unable to farm, many residents work at nearby factories to have an income to buy necessities and support their community (57). To conclude, the land plot represents the people’s membership in the community, but they cannot fully utilize the land due to many issues the community has to tackle.

Another important political aspect of the community is that they have democratic assemblies once a week. The community members have assemblies to inform residents about the community’s problems and reinforce community unity by reminding people that the community exists because people have worked to keep it alive (58). People at the assembly are encouraged to provide input on addressing community and individual problems and tell others how their lives have been going. Furthermore, an executive committee composed of elected community members sets the agenda for the assembly, but people at the assembly finalize the agenda (28, 58). If an agenda item is finalized, the community will implement it. An example to make the executive committee’s relationship with the members clear is that the executive committee may believe the community should have a school, so they set this interest as a topic for the assembly agenda. The assembly participants will discuss it and decide if it should be finalized with other agenda topics to be implemented. The assembly is the location that allows all members to participate in changing and proposing rules to be implemented.

Adding upon what has been discussed, the community has a president who serves as a leader who guides the community. The president lacks any coercive power to make people do things. The president is simply a guide trusted by the community and is meant to offer direction and assistance. In addition, they represent the community when the community interacts with external agents such as the Mexican State. The people of the community assign this role through a popular vote (29). The president is an important adviser that lacks coercive power.

The community has a system to coordinate and inform its population. Due to the community’s large population of 3,000 families, a system is in place to ensure all people are informed about the community and can relay information back to the rest of the community (28). The community is divided into five sections (67). Each one has a coordinator that works with the executive committee and block coordinators, who represent a neighborhood. The block coordinators and coordinators organize rallies, events, retrieve and spread information (67). To present this system better, one can imagine a multilayer system of representation for the community. First, at the neighborhood level, block coordinators represent a neighborhood. Then a coordinator represents all block coordinators of a section. The coordinator interacts with other coordinators or shares information with important institutions such as the executive committee. The system is meant to maintain cohesion throughout the community.

Now that the system of community cohesion has be discussed, there are multiple committees for different local and community projects that allows people to create things for themselves and others before going to the assembly. It is ambiguous how the committees are made because the author does not provide this information, but it does seem that people of the community decide on their own to create them to work together and produce ideas that could be discussed in the assembly. For example, some vendors of the community felt they should create a group to facilitate business, so they created a group to do so for the local area they live in (71). In terms of a community project, if the groups of people were interested in improving education in the community, they could interact with other sections of the community to develop a committee that served to facilitate education in the region. An example of a product of these committees is the creation of mutual aid projects to assist residents, such as the Casa de la Mujer, a childcare facility for mothers and an educational space for women (57). To conclude, members of the community can create their own group to pursue their interests.

Building solidarity among residents is important for the community’s survival. This is done through weekly reminders about the fragility of the community and providing a supportive environment for all in need. An example of the solidarity is seen in the unfortunate cases of domestic abuse that has occurred in the community (91). The community has responded by implementing mechanisms to hinder such occurrences, such as creating a childcare facility that provides a safe haven for women, and women have priority for land rights that provides them an option of escape if they find themselves in a bad relationship (91). In addition, the community is very supportive of victims through encouragement and advice, leading many female victims to gain the confidence and strength to leave abusive relationships (77). In conclusion, there is a high degree of community solidarity in assisting each other in need.

On an interesting final note about the politics of Maclovio Rojas, although there is a lack of a state presence within the community, the community has needed assistance from the Mexican state. It is difficult to get all that is necessary for the residents considering that the members are poor. As a result of the difficulties, they have asked for assistance from the state such as retrieving water and supporting their educational facilities (76). Otherwise, without assistance, they will steal resources making them vulnerable to be arrested by the state.

### 2.2.1 Application of Principles to Maclovio Rojas

Now that I have explained Maclovio Rojas, I will intertwine Ostrom’s principles with the community to illustrate the principles’ political implication. To start, we will use the first principle of Clearly Defined Boundaries, which states, “individuals or households who have rights to withdraw resource units from the CPR must be clearly defined, as must the boundaries of the CPR itself.” This principle means that there are boundaries on who can participate in withdrawing resources from the CPR, and there are defined boundaries in the CPR. This provides a general structure for the community to prevent chaos among its members by providing a map that members can work with. To connect this principle to politics, we can start by acknowledging that we cannot have a political community without some boundaries that facilitate who can participate and who cannot, otherwise chaos will occur because positions are not defined allowing for anyone to do whatever they please. Maclovio Rojas has a boundary to facilitate who is a member and who is not through the assignment of land plots. Those with the land plot is a member and those without out one is not a member. This principle can be reinterpreted as “the community has boundaries for who is a member and who is not” In the end, this reinterpretation attempts to be close to the spirit of the original by acknowledging the roles boundaries play to facilitate coordination.

Now on to the second principle called Congruence Between Appropriation and Provision Rules and Local Conditions. This principle states, “appropriation rules restricting time, place, technology, and/or quantity of resource units are related to local conditions and to provision rules requiring labor, material, and/or money.” This principle can be understood as the alignment of rules with the local conditions and the people’s resources and labor. Everywhere we can find differences between people and land, so there is no one set of rules that fits all people. Due to the differences among people, rules must be created to align with their people and their conditions; otherwise, issues will emerge for the people managing the CPR. Maclovio Rojas follows this principle through its many rules that recognize the disadvantages of the members. For example, domestic abuse against women occurs in the community, so as a rule, women have priority rights to land over their male counterparts to provide an escape from an abusive relationship. To conclude, this principle can be renamed Congruence Between Rules and Members’ Local Conditions and Interests with a new definition that states, “rules of the community are aligned with the members’ interests and their local conditions.” This reinterpretation maintains the original principle’s sprit of maintaining an alignment of rules and the people affected.

The third principle is Collective-choice Arrangements. The principle states, “most individuals affected by the operational rules can participate in modifying the operational rules.” This principle requires little modification as its political implications are clear because it requires that peopled affected by rules plays a part in changing rules. Maclovio Rojas follows this principle through its assemblies that allows the member to change rules around the community. To conclude, this principle can be understood as members affected by rules can participate in changing them.

The fourth principle is Monitoring. This principle states that “monitors, who actively audit CPR conditions and appropriator behaviors, are accountable to the appropriators or are the appropriators.” The point of the principle is that there is a mechanism to ensure that rules are being followed through the people monitoring each other or a special position that monitors people is held accountable. An example was expressed earlier in the chapter with the Japanese villages that had detectives to monitor others. I could not use Maclovio Rojas as an example because Téllez does not show a mechanism that the community uses to check whether people are complying with the rules. Nonetheless, this principle’s political aspect is that it requires rules to be enforced and the enforcers are held accountable. This principle can be reinterpreted as “members are the monitors or people in a special position monitors people to ensure rules are being follow and this position is held accountable by other members.”

The fifth principle is Graduated Sanctions. This principle states, “appropriators who violate operational rules are likely to be assessed graduated sanctions (depending on the seriousness and the context of the offense) by other appropriators, by officials accountable to these appropriators, or by both.” This principle means that those who break the rules will receive a punishment that depends on severity and context. In addition, the sanction is administered by others or a special position accountable to others. In the case of Maclovio Rojas, as mentioned in the previous paragraph, it was not clear through Téllez’s text how the community deals with those who violate rules. This principle can be reinterpreted as “Members who violate rules are to be given graduated sanctions dependent on severity and context from other members or people whose jobs are to give them or both.”

The sixth principle is Conflict-resolution Mechanisms. This principle states, “appropriators and their officials who have rapid access to low-cost local arenas to resolve conflicts among appropriators or between appropriators and officials.” This principle means that people and officials have a low-cost area to solve conflicts among other people and officials. This can be found with assemblies in Maclovio Rojas. Attending assemblies have minimal cost as it just requires some time out of one’s day. If one cannot attend, coordinators can relay information from the person to the assembly for it to be discussed. The members are encouraged to express what is going on, so if there is an issue with officials or others, they have support and confidence to address it. This principle can be understood as “members and their officials have easy access to low-cost locations to resolve conflicts with members or officials.” This principal changes little because the principle asks for a political institution to be implemented with the purpose of minimizing cost on addressing issues between people.

The seventh principle is Minimal Recognition of Rights to Organize. This principle states, “the rights of appropriators to devise their own institutions are not challenged by external governmental authorities.” Essentially, external government authorities do not challenge the commons. Maclovio Rojas is in a precarious situation because the Mexican state continuously challenges the community’s institutions. However, due to their peaceful self-defense, they protected their land from external authorities. If the state provides recognition to the community, then the community could last for a long time because nothing from the outside is destabilizing their institutions. It is marvelous that the community has survived despite a lack of recognition and shows it is possible for these communities to last without the recognition of external governmental authorities through self-defense. Nonetheless, this may not be true for other communities such as the possible case where the state is willing to do anything to overpower a community and take their territory. This principle can be understood as “members’ right to create and manage their political community without challenges by external government authorities.” The principal changes little because the original is focused on politics as it is describing the desired relationship between the community and an external government.

Finally, the eighth principle is Nested Enterprises. This principle states, “appropriation, provision, monitoring, enforcement, conflict resolution, and governance activities are organized in multiple layers of nested enterprises.” This principle is used for large and complex communities; whereby important community tasks are allocated to small groups that form a multi-layer system of groups that encompass the entire community. Maclovio Rojas displays this principle through its coordinators and sections. A political reinterpretation of nested enterprises is viewing it as a variant of federalism whereby a large community has small groups that complete important community tasks with other groups that reach a high layer that ultimately leads to a connection to the entire community. The small groups would be delegates of their respective section of the community. This understanding of federalism is different from the one the United States has, where there is a division of labor as states and the federal government perform different tasks. The federalism I discuss is one where local community can complete all relevant tasks for themselves, but there is bound to be cases when they cannot address certain task, or it is better to work with others to fulfill those tasks. If they need to interact outside of their group, they can by sending off a delegate to contact the relevant community to form a group that solve their mutual issue. If needed, they can go to more groups, leading to the point where there is a group of people who perform tasks that affect many communities. This is demonstrated with Maclovio Rojas, whereby coordinators and block coordinators are meant to relay information and provide events from and by the people. This principle can be renamed federalism and expressed as “different tasks important for the community’s operation can be organized by multiple layers of delegate groups.”

The purpose of this section was to show the political aspects of the principles and illustrate them through an actual stateless community. Below will be a list of a political reinterpretation of Ostrom’s principles.

## Table 2.2 *Political Reinterpretation of Ostrom’s Eight Principles*

1. Clearly Defined Boundaries
   1. the community has boundaries for who is a member and who is not
2. Congruence Between Rules and Members’ Local Conditions and Interests
   1. Rules of the community are aligned with the members’ interests their local conditions
3. Collective-choice Arrangements
   1. Members affected by rules can participate to change them
4. Monitoring
   1. members are the monitors or people in a special position monitors people to ensure rules are being follow and this position is held accountable by other members
5. Graduated Sanctions
   1. Members who violate rules are to be given graduated sanctions dependent on severity and context from other members or people whose jobs are to give them or both.
6. Conflict-resolution Mechanisms
   1. “Members and their officials having easy access to low-cost locations to resolve conflicts with members or officials.”
7. Minimal Recognition of Rights to Organize
   1. member’' rights to create and manage their political community and without challenge by external government authorities.
8. Federalism
   1. Different tasks important for the community’s operation are organized by multiple layers of delegate groups.

### 2.2.2 A Reflection on Maclovio Rojas and Republicanism

The lack of mechanisms to enforce rules in Maclovio Rojas poses an issue for republican freedom. Without some sense of security that enforcement provides, many will be and feel dominated by those more powerful in terms of strength and wealth. An example is the cases of domestic abuse in the community. Although Maclovio Rojas has land rights that provides an escape to women in abusive relationships, there is no protection from the abuser from entering the victim’s land. As a result, there is a capacity for the abuser to arbitrarily interfere as no rules are enforced to check those with power. In conclusion, the lack of monitors makes it difficult for republican freedom to manifest.

In conclusion, I have demonstrated the politics of Ostrom’s principles through Maclovio Rojas. The political reinterpretation of the principal will assist me on creating a well-designed stateless society. The next chapter will focus on providing the well-designed state society that is presented by Pettit and a well-designed stateless society.

# Chapter 3: The Two Societies

## 3.1 Introduction

This chapter presents the models of a well-designed state and well-designed stateless society. I discuss the relevant regime types and their respective regime forms. I will explain a regime type of a stateless society, then provide the regime form of well-designed stateless society with the assistance of Maclovio Rojas and the reinterpretation of Ostrom’s principles. In addition, I will present Pettit’s well-designed state society.

To start, it will be good to reiterate the distinction of a regime type, regime form, and where a well-designed society fits within this framework. Regime type is a broad category of a general political structure with core institutional features. For example, a representative democracy is a regime type with the core institutional feature of having citizens elect representatives that can vote according to their own judgement and on citizens’ behalf. A regime form is a specific shape of a regime type. For example, parliamentary democracy and congressional democracy are two forms of the regime type of representative democracy. A parliamentary democracy is a specific form of representative democracy because there are representatives, but the head of the executive branch is selected by the numerical majority in parliament. A congressional democracy has representatives, but the executive branch is voted by popular vote by citizens, not representatives. A “well-designed” society is a form of a regime type because it follows the core institutional features of a regime type. The regime form is considered well-designed because it does not have avoidable errors present in regime forms found in our current world for a particular value. An example will help us make this clearer. Suppose I am concerned about equal political influence per citizen as a value and I look at the United States’ representative democracy. I can say that the United States’ representative democracy is not well-designed because of the unfortunate avoidable error of allowing wealthy groups and individuals to have superior political influence over poorer groups and individuals due to the wealthy people’s superior wealth. A well-designed form of the U.S. representative democracy would not have this issue by having institutions that can equalize political influence, such as placing laws that equalizes economic influence on electoral politics, thereby making it well-designed for the value of equal political influence per citizen. I have given a brief review of regime type, form, and well-designed society.

Before introducing the regime types and their well-designed forms, I will explain the assumptions about people that I will use in the comparison. The first assumption is that people are not perfectly moral beings. People may not follow every moral norm that will optimize republican freedom. For example, some individuals may assist on alleviating domination even if they have enough resources to do so. The second assumption is that people do not know all the relevant information in their society. An example of this assumption is that people may know what is going on in their neighborhood because they live in it, but they may not know what is going on a few blocks away, so people have limited information. Another assumption is people are drawn to others who are similar to them. The similarities can be social identities (an identity that is part of a membership, such as being an American is a membership of being part of the nation of America), hobbies, and goals. A final assumption is that power begets power. An example of the assumption is that a person may want to gain more power if they are in a position of power. These assumptions are realistic. The first two are obvious: humans have limited knowledge, and there may be deviant behavior. The third reflects the intuition that similar people are drawn to each other because it is easier for people to connect when they have things in common. There is sociological and psychological research that supports this assumption (Bahns, Angela J et al. 2017, Miller McPherson, Lynn Smith-Lovin, James M Cook 2001). The last assumption is based on that having power provides a plethora of benefits to the powerful and if they notice these benefits then they will want more power for more benefits. To conclude, I assume not all are perfectly moral, all are not omniscient, all are drawn to similar people, and power begets power.

The regime types in my analysis are a stateless direct democracy (SDD) and a state representative democracy (SRD). Let representative democracy to be understood where citizen elect representatives who are incentivized to legislate according to their constituents’ preferences but are free to act contrary to constituents’ preferences when they have conflicting judgments about which policies are best. An example can illustrate this regime type. If a representative’s constituency (the people who represented) preferred policy is A, then the representative may legislate for Policy A. However, if they felt policy B is better than A, then they can go against their constituent’s preferences for their own preference of policy B. Now let a direct democracy to be understood that citizens themselves legislate. An example of a direct democracy is if a town of 50,000 residents all came together to legislate laws.

Regime form for the SDD is inspired by Ostrom’s principles, Maclovio Rojas, and my experience at a student-run cooperative. Considering that the student-run cooperative has not been introduced as compared to my other inspirations, I will discuss it briefly. A cooperative is a business whose members have equal power to determine its operation, and all have the ability to change the business rules with others, so it is a direct democracy at the workplace as everyone has a say on the operation of the business. At the cooperative I volunteered at, I learned about some institutions and mechanisms that I think will be a great addition to the institutional designed of the well-designed SDD.

## 3.2 Well-designed Stateless Direct Democracy

I will now present a model of a well-designed direct democracy utilizing Maclovio Rojas, Ostrom’s principles, and the student-run cooperative. Regarding the first principle of Clearly Defined Boundaries, the SDD can follow what Maclovio Rojas does for their membership which is to give those who want to be members a plot of land in exchange for being an active member. As long one agrees to be an active member, then they are given land to be a member. The land rights create a boundary between those who are part of the community and those who are not. This fulfills the principle of Clearly Defined Boundaries.

Now to the principles of Congruence Between Rules and Members’ Local Conditions and Interests and Collective-choice Arrangements can be discussed together as they are closely related. They are closely related because if everyone is involved with creating the rules, then it is likely that rules will align with people’s conditions and interest. The model of a well-designed stateless democracy is one in which it is organized as a direct democracy, so members are able to change the rules that affects them, which fulfills Collective-choice Arrangements. Following what I said about the two principles being closely related, if the stateless society is a direct democracy, then it is bound to have rules reflect the interest and conditions of its members.

The assembly should not hold an excessive amount of people. There are not clear limits on how many can participate in the assembly. However, there is a point where the more people participate, the fewer benefits are gained. For example, an excessive number of participants can cause difficulties in maintaining order within the assembly or cause meetings to take a long time to conclude or the proper time that people’s voices should be given needs to be cut so that many others can participate. To avoid the cost of having an excessively large number of people in an assembly means that the community will be small in terms of population. As a result of limiting how many can be in a community, there will be a plethora of communities in the society. For example, a society with a population of 50,000 will have a difficult time if all people were to be consider a community that requires an assembly because there will be too many people at the assembly. So whatever limit is applied on how many should be in a community will lead to the society to have at least more than one community with their respective assembly.

The assembly operates on majoritarian rule which follows the principles of Collective-choice Arrangements and Congruence Between Rules and Members’ Local Conditions and Interests. The simple majority rule is the system of legislation in which a majority of participants are required for proposal to pass to be a rule. This style of voting requires that for a proposal to pass, at least 51% of participants must agree to the proposal for it to pass. Majoritarian rules follow the principle of Collective-choice Arrangements as all members can participate in shaping the rules of the community. In addition, simple majority rule follows the principle of Congruence Between Rules and Members’ Local Conditions and Interests for two reasons. First, all participants can participate, so many rules will reflect the conditions of the member. Secondly, the small scale of the community will ensure that rules will usually reflect the members conditions as there will likely not be great differences for members in terms of conditions. For those curious as to why I did not pick a unanimous rule (defined as all must agree for a proposal to pass), Ingham and Lovett’s argument in “Domination and democratic legislation” points out that there is less domination under simple majority rules with compared to a unanimous rule, so one who values republican freedom would prefer simple majority rule. In conclusion, people will participate in forming rules through majoritarian rule.

The well-designed stateless society will have a federalized system where power remains from the bottom rather than the top. Local communities will have their own assembly to legislate matters that only affect that community. The purpose is to maintain the principle of Congruence Between Rules and Members’ Local Conditions and Interests and Collective-choice Arrangements. However, there is bound to be issues between communities. These intergroup issues foster the federalized component of the society. To address the issues, all communities can have delegates, those who solely represent the community’s values, to interact with other communities and solve intergroup issues. The reason for choosing delegates over representatives is to ensure rules reflects people’s conditions. Representatives can legislate without considering their communities preferences which goes against the principle of Congruence Between Rules and Members’ Local Conditions and Interests because rules can move away from the community member’s conditions and interests. Delegates should create their own assembly that follows majoritarian rule only if there are more than two delegates. The reason that an assembly is required is that there needs to be a decision-making system for delegates to come to an outcome. The outcome will be a plan of how to address the problem and it will be sent back to the community assembly for them to accept or reject the plan. If a majority of relevant communities agree, then the delegates’ plan passes. The aspect of delegates moves us to the principle of Federalism

There are two components of the federalized system. There will be a federal assembly whereby delegates are sent from each community to solve intergroup issues that affects all communities. The second component is for intergroup issues that do not affect all communities. Under the second component, if an issue emerges between groups, then they can form a joint group of delegates to come together and solve the issue. For example, if there are issues of irrigation that affect two or more but less than all communities, then all affected can communicate with each other to create a group of delegates that have the task of solving the irrigation issue. Once decisions are made away from local assemblies such as the federal assembly or a joint delegate group, they must be reported back to the local assembly to determine whether the community is satisfied with the decision. If most are satisfied, then whatever was proposed will be passed.

Now we need to discuss how rules are enforced and how their enforcement follows the principles of Monitoring and Graduated Sanction. If an offense does occur, a critique session will be hosted. This critique session is from the cooperative I volunteered at. This critique session is a light sanction on the person because no coercion will be used as compared to stronger sanctions that may use violence. In this session, people will voice their critique of the person and the reason for the action being an issue. Critiques will be relevant to the violation that sparked the sanction. The critiqued person will voice their perspective on the situation and action. In the end, the critiqued person either make a good case for why their action should not be considered a violation or they will accept the critiques and promise to change their behavior. If they refuse, then they will be asked for their reason and discuss it. Then the question will be asked again. If a critique session fails, then the critiqued person will be asked by the community if they would like to leave the community. The reason this is asked is to remind them that they can choose to disassociate with the community if they cannot agree to comply with the community’s operation. For severe offenses such as murder, the community should host a critique session and apply an appropriate punishment for the severity of the case. However, punishment will not involve violence. Punishments are economic or social or a combination of both. I will provide an example for punishments that are economic or social. An example of a non-violent economic punishment is when the offender is denied employment for a period of time making them have a difficult time to survive on their own. An example of a non-violent social punishment is people refusing to talk to the person for a period of time.

It is possible that the critiqued will refuse to leave, which brings the question of what will happen. I suggest that the community economically isolate the person. No one will do business with them, provide goods and services to them. This punishment will deprive the person of being able to live that will push them to leave. Coercion is understood to have latent violence, so there must be some level of physical violence that can potentially manifest to make a threat to be credible. The economic isolation would not count as coercion as no physical violence is latent or present. People will not physically harm the person. As a result, the community orchestrate the economic isolation but does not apply violence.

One may wonder whether the society I display is actually a model of stateless society. After all, one may say it is a group agent because the communities have institutions to make it have one voice. I will point out the well-designed SDD does not meet the criteria of a state set by Pettit. The relevant criterion is that the state has monopoly of coercive force. The society I lay out lacks a monopoly of coercive force because coercive force is not utilized. In a state society, the state is the only entity with a monopoly to use physical violence on others. For example, if I am mugged, the state represented as the police can be sent over to me to restrain the individual with physical force. In the stateless society, there will be no coercive force orchestrated by the group agent of the community as no punishment will use physical violence. As a result, under Pettit’s definition of a state, the SDD is stateless because it does not satisfy his criteria.

## 3.3 Philip Pettit’s Republican Well-Designed State Society

Philip Pettit’s model of a well-designed state society can be seen as a form of the regime type of a representative democracy. Pettit provides specific institutional designs for representative democracy to conform to the value of republican freedom. Philip Pettit lays out his model of a representative democracy in his book *Republicanism: A Theory of Freedom and Government* and *On The People’s Terms: A Republican Theory and Model of Democracy.[[7]](#footnote-7)* This democracy would be a constitutionalist one, where the government is constrained and limited in its abilities. It must be constrained to follow the rule of law; the government officials must be constrained to follow laws and not be free to act arbitrarily on its own wishes. Next, it will have a separation of powers, such as separating executive power from legislative power. Third, it should be difficult for the majority to change the government, such as laws. Finally, representative democracy is contestatory, allowing citizens to challenge government actions. This description provides a general idea of the institutional framework.

In terms of ensuring people not to step out of the realm of acceptable action in the republic, Pettit provides some mechanisms to prevent deviant actions through sanctions and screening. The former provides rewards or penalties for actions. The latter filter out those that should not be in a position of power and options that they should or should not have. Pettit takes a compiler-centered strategy that believes that not everyone tries to insidiously take advantage of their position of power for themselves. As a result of this strategy, he utilizes the screen to filter out those that should not take power. Then, sanctions reward good behavior and provide penalties for bad behaviors so as not to alienate people in those positions of power. Finally, there needs to be widespread civic virtues to support the institutions necessary for the operation of the republic and minimize domination.

In *On the People’s Terms: A Republican Theory and Model of Democracy*, Pettit points out that the democracy would have to be individualized, unconditioned, and efficacious. Individualized means that everyone has equal access to influence. Unconditioned is that people’s influence has an impact on the state’s will and that the state cannot refuse the influence. And the control is efficacious when influence is generally successful and when it fails, people believe it to be unfortunate bad luck rather than an effort to dwarf their influence. The separation of power can ensure that the control is unconditioned as it will make it difficult for the state to go against the will of the people. Civic virtue will help people to be willing to resist the government if it tries to dominate to ensure it is unconditionally controlled. To conclude, I described Pettit’s well-designed regime as a form of representative democracy.

The stateless society is well-designed for republican freedom as it follows Ostrom’s principles. Many of the principal fits with republican freedom, so if the society follows it, then republican freedom can be possible. In addition, Ostrom’s principles are derived from empirical case studies, and I used Maclovio Rojas to assist me to create the stateless society, so the society I present is realistic and possible to have in the world. If it is possible to exist and can achieve republican freedom, then a stateless society is an option for republicans and the state is not necessary for republican freedom. However, even if it is not necessary it can be better for republican freedom than a stateless society, so now I must point out which society is better for republican freedom. The next chapter will point to one critical aspect that pushes republicans to see that a stateless society may be better for republican freedom than a state society.

# Chapter 4: On Civic Virtue

To start on the comparison, we will look at civic virtue. I understand civic virtue to be a vague social norm whereby citizens have a sense of solidarity and vigilance with one another to minimize domination[[8]](#footnote-8). An example of civic virtue is displayed when a public official is abusing their power and people unite to remove the official’s power to prevent further domination. Civic virtue is an important concept for republican freedom because without it is difficult for non-domination to manifest. If there is no civic virtue, then a republic with good laws that minimizes domination will have little use, because no one would agree to follow the laws[[9]](#footnote-9). To conclude, civic virtue is of great concern for republicans to reach or get as close as possible to the ideal of republican freedom.

## 4.1 Social Norms

In this chapter I argue that civic virtue as a social norm is unstable in a well-designed state society while it is stable and strong in a well-designed stateless society.

To begin, I will start with an explanation of social norms by pointing out that social norms are informal rules. They are informal because they are not written down and not deliberated over unlike formals rules such as the law. For example, that one should not lie to a friend or family is an informal rule because that rule is not usually written down or deliberated. Usually, people learn social norms through interactions with other people such as parents and teachers. Such as when the parent says to their child that if they lie to them, they will be on Santa’s naughty list, thereby making the child learn the rule to not lie. In the end, an aspect of a social norm is that they are informal and are learned by interactions with others

Social norms are informal, but this does not fully explain what they are, so introducing the idea of a social fact will increase our understanding. The concept of a social fact is from The Rules of the Sociological Method by the sociologist Emili Durkheim. Durkheim’s purpose for the book is to explain what the field of sociology studies and how it differs from other fields such as biology and psychology. Durkheim discusses in the chapter “What is a Social Fact?,” that the social fact can be understood as ways of acting, thinking, and feelings that are outside of the person and holds a power outside of them to push them to be constrained to follow those ways of acting, thinking and feeling (52).

This definition of the social fact may not be clear, so I will unpack it. The term “outside” in the definition is understood as individual’s experiences, such as acting and feelings, which do not initially exist within the person, but comes outside and needs others to exist. An example of this is language. Humans are not born knowing English or any other language. Language is taught and reinforced through communication with others. Now to clarify the part of the definition that states “holds a power outside of the person to push them to be constrained,” this part describes the experience of when a person attempts to do something outside the social fact. There is a collective power that pushes a person to stop their deviant action that reinforces and maintains the social fact. For example, if I used English incorrectly, such as by stating “dog” to mean cat, then others will be confused, and others may correct me by stating “you are not using ‘dog’ correctly.” If I received similar treatment from multiple people throughout my time of using “dog” incorrectly, then my deviant behavior will provide little to no benefit for me to continue using it. The cost of continuing the misuse of “dog” will outweigh the benefits causing me to move back to the conventional use. As a result, there is a subtle collective power that pushes me back to use “dog” for what others understand it. One may have not experienced this collective force because, as Durkheim points out in page 51, when one follows the social fact, it is not necessary for the force to be present. Only those that deviate will notice the social fact. The fact that there is a collective power indicates that the social fact is a collective product because the force cannot be produced individually, rather it is produced by multiple people.

Following the discussion of a social fact, a social norm is a type of social fact. Social norms are a social fact because they are external informal rules on ways to act with a force of social sanctions to push back deviant behaviors. Social sanctions are forms of approval or disapproval from other people such as applauding or shaming a person’s action. Furthermore, social norms are a collective product that is produced by many individuals following it. In the end, social norms are a type of social fact, specifically informal external social rules on behaviors that have the force of social sanctions to push individuals to stay within the rules.*[[10]](#footnote-10)*

Now that I have discussed that a social norm is a social fact, I will explain what is needed for its manifestation. For social norms to manifest, they need consistent interactions that apply the rule through a sufficient number of individuals. As mentioned earlier, social norms are a collective product, so there needs to be a lot of people participating in creating them. If I take one person out of the production of social norms, that removal of the person will do nothing to dismantle it. If I take out another person, the social norm will remain. However, there will be a point at which enough people are out of the production that the social norm will stop being produced. This shows that social norms are created when a critical mass of individuals follows the rule.

To make the previous paragraph clearer, let us consider waiting in line as a social norm. To start with the illustration, imagine a world where this norm does not exist. If one person, the line-creator, stood next to a vendor, no one would care what the person is doing because no one knows what they are attempting to do. In addition, no pressure is placed on anyone to join the line-creator. This shows that one average person is not enough to set a social norm. Now consider that a coordinated group forms a line next to a vendor with the goal to convince and pressure others to join. If the group is made up by two individuals, it will be very difficult to have everyone else follow. However, if more people are added to the group, there will be a point when their collective power is able to affect others to follow the line through sanctions, such as shaming and mocking. The results provide a resemblance of a social norm but nothing in the example will lead people to reproduce it the next day. Social norms are not a single event. Like a factory where workers remember how to do their task to ensure the continuation of the production line, social norms are reproduced by people because they remember them and act on that memory. If the group did not repeat their line-making activity the next day, we can assume that many would not create a line on their own because people would have thought it was a random one-time event. If the group repeated the creation of the line multiple days with success, soon enough many others would remember it, follow it, and repeat it sensing it as normal. The more repeated it is, the more the social norm is strengthened as a collective product because it is ingrained in the memory of those participating. The example displays a consistent critical mass of people remembering and following a certain way of action is necessary for it to be a social norm.

A final point relevant to the discussion of social norms is the distinction between strong and weak social norms. This distinction concerns the strengths of the sanctions. A weak social norm is one where the social sanctions impose low costs that many are willing to maintain their deviant actions. A strong social norm is when the social sanctions impose high enough costs that most or all individuals are motivated to follow the social norm. Let us use the social norm of heteronormativity as an example. Heteronormativity can be understood as the social norm that the only sexuality allowed in public is heterosexual such as a man and women holding hands at a mall. For ages, those who deviated from heterosexuality faced high sanctions such as being ostracized, making it difficult to maintain the deviant actions. In this case, heteronormativity is a strong social norm because the cost is enormous that most to all deviant people will stay within the norm by not displaying their sexuality. As time has passed, heteronormativity as a social norm has weakened as the cost for deviant action has dropped. For example, a person who is lesbian may face some stares and slurs from strangers, but many are able to withstand the cost, and only a few may have trouble dealing with the cost. In the end, the cost of deviant actions determines whether a social norm is weak or strong.

From what has been discussed on social norms, we can say civic virtue is a social norm. Civic virtue can be understood as a social norm because it is an informal external rule that a collective group follows. In addition, the norm of civic virtue as emphasized by republicans, such as Pettit and Lovett, works only critical mass of people follow it. Considering its importance for republican freedom, Republicans desire that it is fostered in a society.

## 4.2 On the State and Civic Virtue

Now that the discussion on social norms is done, I will point out that an important aspect of a society is protection of a sufficient number of residents. There must be a critical mass of people to produce a society. This collective product of individuals must protect most people in it to ensure it survives. A lack of protection will lead people to break away from the society to attempt to create their own, or the society would be in a state of chaos as people will be attempting to protect themselves. Ultimately, a society needs to protect most residents to maintain itself.

A mechanism that societies uses to protects themselves is the state. The state is delegated with the task of protection. The state is allowed to use violence to enforce rules set by the society. As a result, the delegation of the task of protection is removed from individual communities. A community would not need to up set its own police force if the state is managing the task. However, one may point out that the claim that the protection is removed from the people is not true as it is possible for people to act independently from the state such as forming their own security agency. For example, an objector may point to the existence of community watch groups that serves to be a layer of protection for a community in the United States. As a response to the objection, consider that no matter what security agency is created by a group, it could not challenge the state’s own power; otherwise, it would undermine the state itself as the state has to have the monopoly and authority over coercive force. Community watch groups are under the supervision of a police department so ultimately the state supersede in the protection role. If anything, the state is delegating some duties to these groups but are keeping a watchful eye on them.

A benefit of the delegation of protection to the state is that individuals can focus on their private lives. They do not need to be concerned about how to coordinate protection as they are allowing the state to manage this issue. In addition, most people do not need to participate in enforcing the protection. As a result of the delegation, people can focus more time and resources on whatever interests them in their private lives. In a well-designed state society, domination by private actors will be minimized, allowing citizens to have more time to enjoy their private lives and trust the system.

Now the issue at hand is whether a well-designed republican society has a mechanism for maintain the social norm of civic virtue. Social norms can change from being strong to weak, or vice vera or they disappear. Ideally, republicans want civic virtue to be strong because the entire system relies on it so that other institutions can function well. If civic virtue disappears, the rule of law would do little to address instances of domination because the people are not willing to uphold the law. Due to the importance of the social norm, Philip Pettit believes that the state should be careful to not disturb the intangible hand (a process of people’s responses to each other that creates a collective outcome for all in the process) that maintain the social norm (257). At the end, the social norm is important to obtain and sustain republican freedom, so Pettit gives the advice that the state should be careful to not disturb the production of the social norm

Looking back to Classical republican Niccolò Machiavelli illustrates an issue with Pettit’s advice for the state. Like all republicans, Machiavelli believes civic virtue is important to maintain a Republic. He believes that the best way to ensure citizens have civic virtue is with religion. When talking about the role religion played in Rome, he states, “For where the fear of God fails, it must be either that the kingdom comes to ruin or that it is sustained by the fear of a prince, which supplies the defects of religion. Because princes are of short life, it must be that the kingdom will fail soon, as his virtue fails” (*Discourses on Livy*, 1.11.4) For Machiavelli, a Republic with a god-fearing population will sustain civic virtue. However, if the people lack a god, then they will have to fear people, such as the princes, to maintain the civic virtue. Machiavelli believes that fearing other humans will only last for a short while because people will die. On the other hand, God, being a transcendent being, provides a fear that can last as long as most people believe in it. God provides an ever-present fear that breeds the motivation for civic virtue among the population, while humans that can spark the civic virtue will die and make civic virtue unreliable. Unreliable as that the civic virtue will constantly fluctuate between strong to weak and vice versa.

As time passes by, relying on institutions to sustain strong civic virtue is unreliable. Machiavelli recognized that relying on humans to ensure that civic virtue is stable and strong is unreliable due to their fallibility and mortality. In addition, the state is bound to create laws that disturbs the intangible hand due to the issues humans have as mentioned in the previous sentence. For example, the state may place a law that has unintended and adverse effects on civic virtue. What is required to maintain civic virtue is something eternal and omnipresent that is removed from the people to ensure that civic virtue last throughout the times.

The well-designed stateless society contains the special element that is eternal and omnipresent that surpasses Machiavelli’s religious solution. In the stateless society, a lot of pressure is placed on people participating to ensure the system work. If people start to not do their part, then it is bound that people will recognize that people are not doing their role and fear that the system will fail. If the system fails, then society will crumble, and chaos will start. The solution is found by the knowledge that the society can fail. People simply being aware that they are part of a system that ensure the society stability and maintenance provides the knowledge that instills the fear that if they do not do their part, then the society may fail. As a result of the ever-present fear that their society can fail, people are motivated to sustain the civic virtue.

The benefit of the stateless society’s fear-based mechanism as compared to Pettit’s advice and Machiavelli’s religion is that it does not heavily rely on people to sustain it. The issue with Pettit is that the institutions he relies on are not perfect and will have bad laws because people themselves are not perfect even at their best. With Machiavelli, religion can be interpreted in many ways for many people so there is bound to be difference in interpretation that can conflict with different groups breeding hostility. In addition, considering that religion is a social product that is taught to others and people are fallible, religion can be taught in a wrong way that is contrary to fostering civic virtue. Furthermore, as time has passed, people has generally become less religious thereby weakening the influence religion has on people. On the other hand, the possibility that the stateless society will fail if people do not comply with the social norm of civic virtue is ever-present. All that is needed for the mechanism to works is that people are aware the society can fail if people are not doing their part. With this fear, individuals may sense that they should attempt their best to sustain civic virtue to avoid the incredible cost of failure. At the end, this simple awareness will contribute to the stability of civic as a strong social norm.

One may point out that the same fear can be placed in the state society by having people acknowledge that if the state fails its part, then things will be worse for all. This information can be spread through different types of media, such as television, and through education. The issue with the objection is that with a very individualized society where people minimally participate in the state by the benefit of having a state, the threat will not be taken very seriously. People will very likely expect the state to not fail. So, they are not worried for that scenario. Second, many minimally participate in interactions with the state such as election, so many may not realize the seriousness of its failure as they are more occupied on personal matter. The education and media may work when there are signs that domination is becoming more present in the society and the state, leading people to realize the seriousness of maintaining civic virtue. If what I said is true then, at the end, we will find that civic virtue in terms of its strength will fluctuate, thereby making it unstable. While in the stateless-society, many people are actively participating in supplying protection, causing at least most to realize the importance of the system working. This knowledge makes them actively work to make sure that civic virtue is maintained.

For example, imagine a group of friends that create a business and hire an accountant to take care of its financials. Like the state taking care of protection that is important for all, the accountant is taking care of the finances that is important for all the co-owning friends. If the state fails to protect, then the residents are in dangers from others, which like the accountant failing their job, putting all co-owners in financial jeopardy. Let assume that the accountant is competent at their task and has been doing a good job for years. In this case, the co-owners can focus on other aspect of the business other than its financials. A friend of the co-owners tells them that they should keep an eye out on the accountant to ensure the financial are actually fine. However, considering that they trust the accountant, gain the benefit on focusing on other matters, and they have minimal participation in the finances, we can expect that they will be unlikely to check on the accountant’s work. This is like what can be expected in the state society. However, if the friend group did not hire an accountant and learned for themselves how to deal with the financials, then they will lose the benefits of focusing more time on other matter, but they gain more knowledge on the business financials. This similar to what will occur in the stateless society as all would need to participate to ensure the society does not fail. In addition, the business owners would understand that if people are not doing their part, then business can be on the verge of bankruptcy, leading them all to check on each other and be vigilant to prevent the potential failure of the business. The outcome of the case that does not have an accountant is similar to what will occur in a society that does not have a state.

One may provide an objection to my argument by stating that it relies on a mismatched between a small stateless society and a large state society that sets up an unfair comparison. My response is that my argument does not rely on the size of a society. The critical difference I point out is that civic virtue as a social norm is more salient and appreciated due to the importance of it to maintain a stateless society than in a state society. The reason it is more salient and important in the stateless society than in the state society is by the fact that the stateless society relies on all to supply protection while in the state society, people rely on the state to supply it. Due to the salience and importance of civic virtue in the stateless society, the cost of deviating from the social norm will be far higher than is found in a state society. The greater cost makes civic virtue reliable and strong while in the state society it will be fluctuating between strong and weak.

In the end, civic virtue will be stronger and reliable in a stateless society as compared to a state society. The reason is that people in the stateless society heavily participates in the political structure making them understand the importance of maintaining the institutions and everyone doing their part. Through that understanding they are aware of the importance of civic virtue to prevent the worst case that their society fails. With the fear comes the strong civic virtue in the stateless society. On the other hand, the state society will have trouble upholding a strong civic virtue because people are pursuing their own interests, trust the state operations, and lack of experience of the importance of maintaining the state. The stateless society is not strictly better than the state society, rather there an important disadvantage the state society will have regarding civic virtue. This all lead one to see that the well-designed stateless society may be preferable as compared to the state society.

# Conclusion

My construction of a stateless society supports the view that the state is not absolutely necessary to have republican freedom. However, if the state is not necessary to have republican freedom, then there is a question whether the society with a state is better than the one without the state. My argument points out that a stateless society is better on fostering civic virtue than in the state society. However, this argument does not show that the stateless society is strictly better than the state society. To claim that the stateless society is strictly better requires that either the state society is incapable to have republican freedom or that the stateless society does better than the state society on other important aspects to have republican freedom. The former path will not work because republicans such as Pettit and Lovett provide convincing arguments that the state society is capable to have republican freedom. The latter path will require more time to fulfill which I do not have. At the end, I present the case that republican freedom is possible in stateless society and that it does better to foster civic virtue than a state society.

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1. Current republican texts such as Pettit’s *On the People Terms: A Republican Theory and Model of Democracy* and Lovett’s *Rule of Law* discuss the importance of the state in establishing republican freedom. [↑](#footnote-ref-1)
2. Pettit’s second chapter of *On the People Terms: A Republican Theory and Model of Democracy* argues this claim. Many current republicans accept Pettit’s argument as a base for their own arguments. For example, Ingham and Lovett’s “Domination and Democratic Legislation.” [↑](#footnote-ref-2)
3. E.g., Pettit’s *Republicanism: A theory of Freedom and Government* and Lovett’s *Well-Ordered Republic* [↑](#footnote-ref-3)
4. E.g., Pettit’s third chapter of *On The People’s Terms: A Republican Theory and Model of Democracy* provides argument for the state on the ground of republican freedom [↑](#footnote-ref-4)
5. Pettit discusses this in length in their section called “Common Knowledge” within in *Republicanism: A Theory of Freedom and Government* [↑](#footnote-ref-5)
6. My adviser provided me a copy of this manuscript. [↑](#footnote-ref-6)
7. In Page 276-281 of *Republicanism: A Theory of Freedom and Government,* Pettit provides a brief overview of this representative democracy and Chapter 3 of *On the People’s Terms: A Republican Theory and Model of Democracy* is where he discusses the conditions of the state to not be dominating. [↑](#footnote-ref-7)
8. Pettit calls civic virtue “civility”, and he discusses this in his eighth chapter of *Republicanism: A Theory of Freedom and Government* [↑](#footnote-ref-8)
9. Pettit makes this point in page 245 of *Republicanism: A Theory of Freedom and Government* [↑](#footnote-ref-9)
10. Frank Lovett in chapter 2 of *A Republic of Laws* utilizes game theory to explain social norms. The outcome of his discussion is similar to my discussion of a social norm as a social fact. [↑](#footnote-ref-10)