

DISCUSSION PAPERS

PROGRAM FOR A PROGRESSIVE POLITICS: A DISCUSSION NOTE

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Civic Republicanism and Progressive Politics

There are two sides to the idea of a progressive politics, as that is usually understood. It is opposed, on the one side, to conservatism and, on the other, to vanguardism. Thus it rejects a conservative skepticism about the State, arguing that the State may have to take a lead in challenging culturally ingrained habits —say, the habits that create privilege and hierarchy and imbalances of power— and in regulating and disciplining the operation of the market. And equally it rejects any vanguardist proposal to impose policies on an unprepared people. It is committed to looking only for democratically introduced changes that can be supported in public discussion and dialogue, on the basis that the change is desirable under standards and values that all can accept. It is desirable that women should be treated thus and so, given accepted standards of equality; it is desirable that prisoners should retain such and such rights, given the accepted value of human dignity; and so on.

I write this short discussion note on the basis and nature of a progressive politics at the invitation of President Zapatero and the Ideas Foundation. I do so from within a viewpoint motivated by the renewal of Mediterranean-Atlantic republicanism. This is the civic republicanism that emerged from countries in the Mediterranean basin in classical and Renaissance times, spread with revolutionary implications to countries on the Atlantic side of Europe and America in the modern period and, as I believe, sculpted the cornerstones of contemporary constitutional and democratic thought.

Republicanism in this sense should be distinguished, of course, from the posture of the American political party of that name, though it played a driving role in the American founding. And obviously it should be distinguished from a republicanism that is content just to denounce monarchy; civic republicanism was reconciled with constitutional monarchy in seventeenth-century England. The theory, which is sometimes described as neo-republicanism, sometimes as civicism, is characterized by three commitments:

- The celebration of freedom as non-domination, equally shared amongst people, as the primary ideal that government should promote.



- The organization of government under a mixed constitution in which powers are strictly separated and broadly shared, with no one controlling authority.
- A contestatory citizenry who not only keep a collective check on government at election-time but do so individually and in smaller groupings between elections.

Why do I think that civic republicanism provides a promising way to articulate a progressive politics? First, because the core value of freedom as non-domination makes a persuasive case for plausible improvements in the political organization of even our most advanced societies; civic republicanism is decidedly not conservative. And second, because the approach is also not vanguardist: the institutional requirements of this core value —the mixed constitution, the contestatory citizenry— argue for a multi-lateral, incremental approach to the process of change.

What is the positive basis for embracing a civic republican philosophy of government? In the remainder of this short paper I shall try to substantiate two claims. First, the ideal of freedom as non-domination is rooted in human psychology and social practice, and has the capacity to compel acceptance across gender and culture, class and caste, ideology and tradition. And second, this ideal supports a plausible philosophy of government in the three principal domains where the State operates. It supports a domestic policy of social freedom, a constitutional policy of democratic freedom, and an international policy in which the goal is a world of free peoples.

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The Republican Ideal of Freedom as Non-Domination

In contemporary discussions, commentators on the market often invoke the metaphor of free rein in arguing against restriction and regulation. The idea is that as a horse can be given free rein by the rider —the reins can be left slack and unconstraining— so people are best given free rein by one another, and in particular by government. This way of speaking suggests that a person will enjoy freedom just to the extent that others do not interfere, whether by obstruction or threat, by deception or manipulation. Others may have the power to interfere by such means, even to interfere with impunity; it is sufficient that they lack the incentives that would lead them to do so.

The mere absence of interference does not constitute freedom in the civic republican view. The horse that is given free rein by its rider is still under the rider's control, for that rider can pull on the reins should the horse not go in a desired direction. As free rein leaves a horse under the control of the rider, so merely enjoying free rein in their relationships with others would still leave people under the control of those who have a power of interfering with impunity in their affairs. They would still have to be careful not to displease or alienate those others and so they would have reason to censor their choices, watch their manners, and try to keep the powerful sweet. Those powerful individuals or groups might give them free rein in response to such ingratiation and deference but they would still occupy the saddle, still retain control.

Civic republicanism argues that a person is free only when there is no one in the saddle, not even someone who lets the reins hang slack. Freedom means not being under the power of any master or *dominus*. It means avoiding domination —*dominatio*, as the Romans called it— and not just being lucky enough, or cunning enough, to avoid interference.

In the rhetoric of republicanism, freedom in this sense was canonically contrasted with the most extreme form of domination or subjection to the will of another, which is slavery. To be free was not to be a slave and not to have any reason to be slavish. It was to be able to stand on your own two feet, walk tall, and look others in the eye, as standard clichés expressed the ideal. It was not to have to bow and scrape, not to have to fawn or toady or kowtow; it was to be your own man or woman, living without fear of others or in deference to others. The idea was given typical and pithy expression in Cato's Letters, a radical republican tract of the mid eighteenth century. "Freedom is, to live upon your own terms; slavery is, to live at the mercy of another."



The very familiarity of these expressions —similar phrases abound in other languages— demonstrates the traditional hold of the republican ideal of freedom. And the cliché character of such expressions is matched by the iconic status that is given, across various literary and oral traditions, to experiences that reveal the evil of domination.

Think of the person who lives with an emotionally volatile spouse; or the pupil of the teacher who forms arbitrary likes and dislikes. Think of the employee whose security requires keeping the boss or manager sweet; the debtor whose fortunes depend on the caprice of money-lender or bank-manager; or the small business owner whose viability depends on the attitude taken by a predatory competitor or indeed a union boss. Think, to go to more contemporary examples, of the welfare recipient whose fortunes turn on the mood of the counter-clerk; the immigrant or indigenous person whose standing is vulnerable to mainstream whim; the plaintiffs who try to gain satisfaction from a powerful corporation. Think of the older person who is vulnerable to a gang of neighborhood youths. Or think indeed of the offender whose life in prison is hostage to the whims of a warden or bully. All of these are exemplars of the sort of domination —the sort of subjection to the will of another— that republican freedom would preclude.

If anything else needs to be said in support of the claim that the ideal of non-domination has deep roots in our psychology, it is the following mundane observation. Freedom as non-domination may be valuable and attractive in its own right —as a matter of fact I think it is— but it is certainly valuable and attractive as a means to a variety of other goals that human beings espouse. Whether you want to achieve fame or riches, live a simple rustic life, or strive for a religious image of perfection, you will do well to enjoy freedom as non-domination. Almost any such goal is going to be the more difficult to attain, the less secure is your standing in relation to others. Freedom as non-domination has a claim to be a primary good, in John Rawls's phrase; it is a good that it is necessary or at least useful to have, no matter what goals you wish to pursue. Whatever else you want, you should want to enjoy this sort of freedom.

3

Freedom as Non-Domination and the State

Civic republicanism casts the ideal of freedom as non-domination as the primary goal that the State should support and advance. Thus, in its contemporary form it argues that the first duty of the State is to protect its people —its people, inclusively understood— against private domination, establishing a base for an ideal of effective social freedom. It should provide a field of shared rights and powers and options that enables individuals, so far as possible, not to have to live under the domination of other individuals or groupings of individuals.

But private non-domination will be of little worth if there is public domination. And so civic republicanism argues, secondly, that even though it has to interfere in people's lives in order to protect them against domination, still the State should not itself be a dominating agent. It should be a non-dominating protector against domination. In terms for which I shall argue, it should guarantee the contestatory, democratic freedom of its citizens.

But the non-dominating character of such a state will be of little worth, in turn, if it is dominated by other agencies: by other states, by multi-national corporations, by international agencies, even by cross-territorial religions. And so civic republicanism argues, thirdly, that the State should seek an international order in which its people, and by implication other peoples, enjoy an undominated status. It should look for a global order of free peoples.

To sum up these three lessons, then, the civic republican state should be an internationally undominated, constitutionally undominating protector against private domination. I look briefly now at the signature demands of the ideal on each of these three fronts, domestic, constitutional and international.

4

The Domestic Ideal: Social Freedom

If people in a society are to enjoy freedom as non-domination equally, there must be a common set of choices, considered fundamental to human life and interaction, in which they are each protected on the same basis —the same manifest and public basis— against other private agents, individual or corporate. To the extent that they each benefit from a common, manifest basis of protection, they will be able to enjoy the status of free persons or free citizens, in their mutual relations. They will be able, in the traditional idioms, to stand on their own two feet, walk tall, and look others in the eye.

The main source of protection against unfreedom has got to be the laws of the State, interacting as they always must do with the norms of the society. Those laws will advance the cause of freedom as non-domination just so far as they give citizens equal rights against one another, compensate for dangerous asymmetries of power, and reinforce a culture of mutual respect with suitable educational and other forms of support.

The implications of civic republicanism on this domestic front are best identified in a comparison with what the ideal of non-interference —and, in effect, a libertarian philosophy of government— would require in the name of freedom. Both philosophies will register the need for an infrastructure that promotes an effective system of public and private law, a prospering economic and financial system, educational arrangements that guarantee equal opportunity and make high achievement possible, and an environmental strategy that promises sustainable development. And both will recognize the need for protection against criminal threats to people's integrity, whether of a blue-collar or a white-collar variety. There are important differences in the particular policies that the rival approaches are likely to support in these two areas but it would take me too far afield to review them here.

The republican and libertarian philosophies will come most saliently apart, first, in the views that they take of the capabilities, in Amartya Sen's term, that are required for the enjoyment of freedom; and second, in their views of the protective resources that may be legitimately deployed in support such capabilities.

If freedom is non-interference then people will enjoy freedom even in relationships and contexts where they have to rely on the goodwill of others for not suffering interference. They can enjoy it even in marriages where one spouse enjoys more physical or other resources of power, even

in employment relations where the owners or managers hold the trump cards, even in civil relations where being of a certain ethnic or legal category puts people at the mercy of others. And they can enjoy it even in contexts where they are dependent on the pro bono efforts of others for their shelter or sustenance or medical welfare.

But if freedom is non-domination, then avoiding interference merely by virtue of the goodwill or charity of others does not ensure freedom. In order to be free persons, it will be necessary to enjoy basic capabilities on a robust basis that does not make people dependent on the benevolence of their fellows. Social freedom is not so easily attained as under freedom as non-interference; it requires a basis that secures people against interference and also makes it unnecessary for them to have to keep others sweet.

Not only do the philosophies differ on what capabilities freedom requires, they also diverge on the resources than the State may deploy in seeking to meet those requirements. They may agree on the rights that should be put in place such as the right to divorce an abusive spouse, or even the right to organize with fellow-employees in a workplace. But they will diverge on how far other resources should be used in support of people's capabilities.

The possible resources for protecting people in vulnerable relationships include the restriction of the powerful: for example, prohibitions against domestic abuse, firing workers at will, or hate speech; and the empowerment of the powerless: for example, policies establishing homes for abused spouses, ensuring a safety income for the unemployed, providing for the education of immigrants in the local language, or making medical assistance available on a universal basis. A philosophy of non-interference, strictly interpreted, will support such measures only in the unlikely event that they promise to reduce more interference than they inevitably perpetrate. But a philosophy of non-domination will be able to support them without hesitation, if the State that pursues those policies can do so in a way that is undominating. This observation takes me to the constitutional domain and the signature lesson of civic republicanism there.

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The Constitutional Ideal: Democratic Freedom

The reason why the ideal of non-domination supports a more radical domestic ideal than the ideal of non-interference is that, just as a horse can be controlled even when the rider is not pulling on the reins, so people can be subjected to the will of others —they can be supervised and intimidated— even when no one is actually interfering with them. A complementary reason explains why it also provides a different constitutional ideal: a different prescription for the relationship between people and their government rather than for their relationships with one another.

As I can subject you to my will without interference, so I can interfere with you without subjecting you to my will. There can be interference without domination as well as domination without interference. Where the possibility of domination without interference explains the domestic ideal of civic republicanism, the possibility of interference without domination explains its constitutional ideal.

The possibility was illustrated for the ancients in the story of Ulysses and his sailors. The sailors interfere with Ulysses in keeping him bound to the mast. But they do so on his terms, and by his leave. They do not subject him to their will but rather act as agents whereby he can impose his own will on himself. The fact that interference can occur without domination argues on republican grounds for requiring government to be non-dominating in the interference it practices in the course of protecting people from one another: that is, in levying taxes, imposing laws and penalizing offences.

The ideal of non-interference will call for government interference only when it promises to reduce interference overall. Thus, unless it sees a prospect of benevolent, non-interfering government —say, the benevolent despotism imagined in the eighteenth century —it will argue for preventing the State from exercising anything more than the night-watchman functions of external defense and internal policing. The ideal of non-domination, in contrast, will call for government action whenever it can reduce private domination without exemplifying public. While it will rule out a benevolent despotism as a matter of principle —that would put a rider in the saddle— it will argue that the State can be given a wide range of functions so long as its interference in exercise of those functions is non-dominating or, as it is sometimes put, non-arbitrary.

In order to be non-dominating, government interference will have to be controlled by the people in the way that Ulysses controls his sailors. And government will have to be controlled by them in such a way that individual citizens can each ascribe to themselves a status equal to others, recognizing that, given no one is special, they have as much control over government as they can reasonably expect. This approach offers a novel construal of the democratic vision in which the *demos* or people exercise *kratos* or control over government.

The republican version of the democratic ideal rules out two alternatives to popular control. It will have to give control to the people as distinct from any elite —any minority faction. But, unusually, it will also have to give control to the people as distinct from any majoritarian faction; else it won't protect individuals against the tyranny of the majority. What can this mean? And how can it be achieved?

The core idea in the republican response to these questions is that the price of liberty is eternal vigilance. In order for people to make government their servant, as Ulysses's sailors are his servants, the people must be able and ready to contest government collectively in the way allowed by periodic, open elections. And they must be able and ready to contest government individually, or in more individualized groupings, arguing with potential effect that this or that measure or policy fails to treat them or others as equals: that, in effect, it represents a majoritarian tyranny. No individuals or groupings can have the power of vetoing government decisions, of course, since that would make the system unworkable. But they must be able to demand a credible hearing for any complaint —or at least for any complaint that passes an accepted standard of plausibility— command a credible judgment on the complaint, and rely on that judgment being implemented even if it goes against those in power.

The contestatory ideal of democracy has many dimensions, making room in broad terms for the mixed constitution and the contestatory citizenry that are hailed in republican tradition. The system must be governed by constitutional and conventional norms that themselves allow of contestation and amendment. Those norms must provide for open elections, regulate campaign finance and electoral conduct, govern the appointment of unelected authorities. They must allocate decisions amongst different authorities, and impose presumptive constraints on government such as rule-of-law restrictions and basic rights. They must require public deliberation and reason-giving in support of public proposals and decisions, and provide for freedom of information, criticism and publicity, in order to facilitate popular interrogation of those initiatives. And they must support civic engagement with the decision-making. This will require the creation of credible forums to air grievances, credible agents to pursue them, and credible authorities to arbitrate. And it will require recognition for the forum of public discussion, for the role of public-interest groups that pursue grievances there, and for the arbitration that public opinion often provides.

This contestatory ideal gives us standards by which to assess the organization of government, and its conduct in dealing with the citizenry. But it also gives us standards that the citizenry themselves have to satisfy, if government is to be effectively monitored and checked. People must be prepared to keep themselves up to date, to form or join specialized public-interest groups, to support those groups in the challenges they bring against government, and to provide for the formation of a civil but critical body of public opinion.



The contestatory ideal of democracy gives a central place to elections but it differs from more standard ideals in holding out an image in which the people control government, not just by using their votes to select the bearers of public office, but more generally by forcing government to be guided by the ideas and institutions that pass muster in their ranks. If it works well, then the interactive, evolving cycle of initiative and contestation, proposal and challenge, ought to help ensure that whatever escapes contestatory elimination sits comfortably with what all should endorse under the constraint of having to live on the same terms as others. It serves to filter out by default standards that all can be taken to accept and to impose those popular standards on government.

Civic republicans have to acknowledge that the standards that the people impose on government, thereby making it into an undominating regime, may not explicitly include their own standards, even the standard of non-domination itself. In such a world republicans will accept the lesson of the regime's legitimacy and oppose its objectionable policies only within the system: at the limit, by recourse to civil disobedience. Satisfied that they live under a more or less acceptable dispensation, they will give voice to their viewpoint in the political campaigning and contestation that the constitution allows. Their theory will support democracy —republican democracy— in the first place, and republican domestic policy in the second. Indeed this order of priority also holds between their commitment to democracy and republican international policy. I turn now to this last area of policy-making.

6

The International Ideal: a World of Free Peoples

Contemporary thinking about international ideals tends to oscillate between two extremes. At the austere end of the spectrum, some still canvas the minimal ideal of non-intervention amongst states —this is a version in the international domain of the ideal of freedom as non-interference. At the rich end of the spectrum, many have adopted the maximal ideal according to which, subject to constraints of feasibility, states ought to contribute in the world at large to the sort of justice —the satisfaction of republican criteria— that they acknowledge an obligation to deliver in the domestic.

Applied to the international domain, civic republicanism supports a position that lies between these extremes, being neither so under-demanding as the first, nor so over-demanding as the second. The primary evil on which it focuses in the international domain is the domination of a country, —or at least a country that is itself a more or less contestatory democracy— by another international body, be it another state, a multi-national corporation, a cross-territorial religion or an international agency. Let such a democracy be dominated from outside and the people of that country will not be the final controllers of the way they are governed; at least in some measure they will be controlled by external parties.

Think then about the international obligations of countries that approximate the status of contestatory democracies. They will each be obliged in the first place to seek protection for their own people. And they will each be obliged to support a regime of protection for peoples in other such democracies. This will be a moral requirement of impartiality, of course. But, perhaps even more importantly, it will also be a pragmatic requirement of self-protection. It is only within a network of mutually supportive states that any such democracy can hope to secure the protection of its own people.

This commitment will require collaboration with other countries in setting up a framework of international law and international standards, in establishing agencies to develop mutually protective and otherwise beneficial arrangements, in furthering reconciliation across cultural divides, and in making common cause with countries exposed to particular, shared dangers. Those dangers may emanate from sources as diverse as economically or militarily hostile countries, multi-national corporations that seek to play off peoples against one another, or terrorist networks that operate across national boundaries.

This comments bear only on the duties of a broadly contestatory democracy towards its own people, and by implication its duties towards other such democracies in networks of collaboration. But a democracy will also have duties, from the civic republican viewpoint, towards countries that fail to achieve a properly democratic status. Those duties will be supported by an impartiality of concern across peoples but they will typically be reinforced by more mundane, self-interested motives of making the world a safer, more prosperous, more sustainable place.

The republican viewpoint will prescribe, on the basis of the constitutional ideal, that every country should be a contestatory democracy, however diverse the cultural forms that contestatory practice yields. Thus it will argue that any state that itself approximates a contestatory democracy should contribute to enabling other countries to achieve a similar mode of organization. Let another country be a disordered regime that is oppressive towards its citizens, or an ill-ordered regime that for reasons of poverty or division fails to provide for its citizens. In either case the democratic state ought to acknowledge an obligation, in collaboration with similar states, to help the people of that country achieve the control over government that its own citizens enjoy.

How ought it to contribute? That will naturally depend on the options available, on the proportionality of available options to the problems they are meant to solve, on the collateral costs that this or that action might entail, and on the prospects that the action will support long-term benefits as well as resolving short-term difficulties. There is no general recipe, though there are two principles that states would do well to satisfy, in light of republican ideals. One —the iron as distinct from the golden rule— is to avoid doing for any other country something that the members of that country can be enabled to do for themselves. And the other is to provide assistance in multi-lateral action with other states, avoiding the danger of turning the beneficiary country into a client state.

Apart from its duties towards similar states, and towards disordered and ill-ordered peoples, broadly contestatory democracies will also have a duty in regard to any international agencies that they help establish, be they judicial or executive bodies, or indeed bodies that serve to articulate regulations and standards in a quasi-legislative way.

Insofar as they embrace the ideal of non-domination, democracies will be required to ensure that international bodies of this kind are subject to the sort of contestation by member states, by nongovernmental organizations, and by individual citizens that should help to guard against their being a dominating or arbitrary power in the lives of its people, or indeed of people anywhere. This may argue for a degree of collective, electoral contestation, as in the case of the European Parliament, which serves a role in relation to the European Commission and Council of Members. But it argues even more clearly that room needs to be made for more individualized contestation. It is on this front that democratic deficits, as they are often called, are particularly likely to cause problems.

The civic republican ideal of a world of free, undominated states is more realistic than the cosmopolitan ideal under which each state would have the same duties to the peoples of other states as towards its own people. But it is important to stress that the ideal is much more demanding than the ideal of non-intervention. It is more demanding in the extent of concern that it supports: that is, in arguing that full democracies should support other peoples. And it is

also more demanding in the kind of concern it requires. If a people is to escape domination, then it has to be secured against other countries and corporations and agencies in such a way that it does not have to keep those bodies sweet; it does not have to rely on preserving the goodwill of the powerful. The non-interference it enjoys comes to it by virtue of its incorporation in a supportive, robust network, not by grace of contingent favor.

In concluding this discussion note, let me add one further thought. It is often said that when a state signs up to international treaties and gives international bodies a degree of power over its citizens, it expatriates control and betrays its own people. But this is downright mistaken. There is a linkage between contestatory democracy and a global order that goes missing in this picture.

The control that people should have over their government, as we have seen, has an individualized as well as a collective dimension; otherwise the tyranny of the majority looms. But one of the best ways in which a government can give individualized control to its citizens is by recognizing in an international body a forum to which they can appeal in seeking remedy for an alleged abuse of their status as equal citizens. Thus the European Court of Human Rights has played an important part in empowering the citizens of countries who have signed up to the convention that it enforces. Let the contestatory aspect of democracy be given a republican gloss and the relation between constitutional and international ideals begins to look synergetic rather than adversarial.

7 Conclusion

The civic republican philosophy of government has a threefold attraction as the basis for a progressive politics, as I hope this discussion note may suggest. It supports a regime that is neither conservative nor vanguardist, offering a plausible set of policies in the three major areas of policy-making. It provides this support on the basis of a single, deeply rooted and compelling value: that of freedom as non-domination. And it draws for a defense of this value, and of the institutional measures that it broadly supports, on a long tradition of political thought; while it has to be transformed in order to apply in contemporary conditions, it is not yesterday's invention, nor the invention of any one person or group. In these respects it scores very highly against any plausible alternatives.

It may be useful, finally, to draw together the main points for which I have argued.

- Civic republicanism promises a persuasive articulation of the requirements of a progressive politics that is neither conservative nor vanguardist.
- It embraces equal freedom as non-domination as its central value, and supports a domestic ideal of social freedom, a constitutional ideal of democratic freedom, and an international ideal of free peoples.
- Freedom as non-domination requires free persons not to have to live in the presence of others who can interfere with impunity in their lives, even when those others are benevolent; it supports personal independence.
- In domestic policy this value argues for a social freedom under which people enjoy a rich dispensation of social rights, powers and options.
- In constitutional policy, it argues for a democratic freedom under which people have powers of individualized as well as collective contestation.
- In international policy, it argues for an order in which contestatory democracy is promoted and respected and peoples can be equally free.



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