

SYMPOSIUM  
REPUBLICANISM BETWEEN JUSTICE AND DEMOCRACY



A PRÉCIS OF  
*ON THE PEOPLE'S TERMS*  
*A REPUBLICAN THEORY AND MODEL OF DEMOCRACY*  
BY  
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**A Précis of**  
*On the People's Terms*  
*A Republican Theory and Model of Democracy*  
Philip Pettit

**F**reedom is a property of both choices and persons. You enjoy freedom in a certain type of choice, according to the liberal sort of theory defended by Isaiah Berlin, insofar as you can choose as you wish between the options, regardless of what you prefer to choose. That means that in order to enjoy freedom in the actual world you must enjoy non-frustration in both the actual world where you prefer one option and in the possible worlds where you prefer others. Thus freedom in this sense — freedom as non-interference — requires non-frustration robustly across variations in your own preference as to what you should choose.

Republican theory argues that freedom in any type of choice requires a still higher degree of robustness. You must enjoy non-frustration, not just regardless of what you prefer to do, but also regardless of what others prefer that you do. You must enjoy it robustly across variations in your own preferences in the choice and robustly across variations in the preferences of others as to what you should choose there. Thus in order to enjoy freedom of speech you must enjoy non-interference in exercising speech or silence regardless of what you prefer to say or not to say and regardless equally of what others prefer you to say or not to say. This is freedom as non-domination, since it requires that no other

person or body be in the position of a *dominus* or master that can interfere at will in your exercise of the choice.

In order to be a free person or citizen — a *liber*, in the Latin tag — republican theory, as reconstructed here, requires that you should enjoy freedom as non-domination in a publicly determined range of choice-types and on a publicly assured basis. You should enjoy non-domination across the basic liberties that law and culture is required to define for your society; like freedom of speech, these are choices such that each can exercise and enjoy them consistently with others doing so at the same time. And you should enjoy non-domination on the basis of the protection offered by public laws and norms. The laws and norms of the local society should make your enjoyment of non-interference in the basic liberties robust across variations in your preferences, and the preferences of others, as to how you should choose in that domain. They should protect you against restriction and intimidation, private or public, in determining what you should think or say, for example, what religion you should practice, who you should associate with, where you should live, what job you should take, what you should do with your property, and so on.

As it is given substance in *On the People's Terms*, the republican ideal of the free person requires the laws and norms of your society — we set aside international issues here — to enable you to pass two tests. First, they should make it possible for you to enjoy private non-domination by giving you sufficient protection to ensure that you pass the eyeball test. According to that test, you should be able to look others in the eye without reason for fear or deference as a result of their power over you; and this, by accepted local standards as to when such reasons are present. Second, the local laws and norms should enable you to enjoy public or governmental non-domination by giving you an equal share in a system of popular control that is sufficiently effective

to enable you to pass the tough-luck test. According to that test, you should be able to take it as just tough luck if the laws or policies that the state puts in place are unwelcome to you or those in your corner; you should have reason not to treat those impositions as the proof of an alien or malign will at work in public life.

These ideas from republican theory support a theory of social justice and a theory of political legitimacy. The theory of social justice holds that the laws and norms of the society should give you and others enough in the way of resources and rights to enable you to pass the eyeball test. The second chapter sketches this theory and offers a rough model of the sorts of policies that it would require a regime to introduce. The theory of political legitimacy holds that the laws and norms of the society should be imposed on you and others under a popular system of control in which you equally share. The third chapter introduces this theory and the fourth and fifth chapters elaborate its implications, offering a model of the sorts of institutions that legitimacy in that sense would require.

The political theory of legitimacy imposes conditions under which a government that interferes in people's lives need not actually dominate them. Interference is not dominating if it is subject to the control of the interferee. The sort of interference that government inevitably practices in people's lives will not be dominating, then, if it is subject to the control of its citizens. And that is so, even though the control is shared. Assuming no one is special — this is a basic normative constraint — no one can complain about having to share with others in exercising this control.

This theory is undemanding insofar as it presupposes that there will be some state or government in place, without seeking to justify this. But that is not a serious lacuna from a republican

point of view, since it is a form of necessity rather than a dominating will that accounts for the inescapability of the state. It is a matter of historical necessity that everyone lives under government: the state-bound character of the earth is the byproduct of a long, often unfortunate history. It is a matter of political necessity that people live under a particular government without necessarily being able to gain admittance elsewhere: states cannot survive if they open their borders to all-comers. And it is a matter of normative necessity that the coercion required to keep some from abusing others is imposed equally on all: if only some were subjected to coercion then they would enjoy a special status, contrary to our basic normative constraint.

This is not to deny that a stateless or one-state world might do better by freedom as non-domination. But such a world is not accessible from here. And here is not inevitably inimical to freedom, since the necessities rehearsed mean that the bare existence of states does not in itself entail the presence of a dominating will in people's lives.

While the republican theory of legitimacy is undemanding insofar as it does not seek to justify the state as such, it is very demanding insofar as it requires the legitimate state to be subject to the control of citizens: to constitute a properly democratic regime in which the *demos* or people exercise *kratos* or power over government. The state has to be subject to an individualized form of control that is equally shared by all; an unconditioned form of control that is not contingent on the will of any third party or group; and a form of control that is efficacious in the sense of ensuring that the tough-luck test is satisfied: no one need think of unwelcome policies that the state delivers as the sign of an alien will in their lives.

People will control the state in the required manner to the extent that there is a system of equally accessible influence in

place that directs government towards the adoption of equally acceptable policies: that is, policies that people are equally disposed in actual fact to accept. Popular influence is necessary but not sufficient for democratic control; it must also have the effect of pushing government in a popularly acceptable direction. But could any feasible institutions deliver that sort of directive influence? The last two chapters of the book give support to a positive answer by describing broadly democratic institutions that might be expected to fit the bill.

Chapter 4 describes a system of popular influence in which electoral institutions are supplemented by institutions that are designed to provide for influence sufficient to support an individualized, unconditioned and efficacious system of control. The individualized clause requires the system to give each an equal chance of being on the winning side in any randomly chosen issue; given sticky minorities, this means that electoral results must be subject to a fair contestability regime, with perhaps some issues being taken off the electoral agenda. The unconditioned clause requires a resistance-averse government and a resistance-prone citizenry: in effect, a government that is subject to a mixed constitution, unable to close ranks against the people, and a community where specialized social movements mobilize and channel civic virtue. And the efficaciousness clause, tied up with the tough-luck test, requires a depth of influence available only under those same conditions. Elected government must be required, as under the mixed constitution, to operate in interaction with executive authorities like electoral commissions and central banks, contestatory authorities like ombudsman and auditor bodies, and the judicial authorities represented in various courts and tribunals. And the resulting network must be exposed at numerous points to the invigilation and contestation of effective non-governmental bodies.

Chapter 5 opens up the issue as to whether such a system of equally accessible influence could be expected to deliver equally acceptable policies. It offers a model of government in which this result may be secured, as by an invisible hand, provided that within the institutions described in the earlier chapter the participants always seek to play ‘the acceptability game’. They try to identify acceptable policies on the basis of considerations that all citizens can regard as relevant and they try to identify acceptable processes for resolving remaining disputes on the basis of just those same sorts of considerations. Under such a regime, so the chapter argues, we should expect stable community standards to emerge and shape the outcomes of government, thereby achieving policies that are to that extent acceptable to all.

This final chapter seeks to illustrate the plausibility of these claims by drawing on the history of democratic reforms in nineteenth-century Britain. And it elaborates the ontology of state and people that the emerging picture supports. On this ontology the people operate in a constituting role when they serve as citizens to keep government in line, imposing the standards that ought to serve in the long haul as substantive constraints on public policies and processes. But insofar as the people operate in that role, under a well-functioning mixed constitution, they will give themselves the corporate profile of a group agent and this corporate people can be identified with the state itself. These observations serve to resolve a variety of constitutional conundrums and to give us an attractive image of the way people and state connect under republican theory.

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