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Review

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points out, at least some communitarians can be read as rejecting every one of its tenets. In addition, because Marxists and feminists believe that structural facts about social institutions give rise to both distributions of goods and “moral theories that justify those distributions” (xv), they hold that autonomous decisions made within oppressive institutions can undermine freedom and equality as effectively as governments. This leads them to reject the crucial liberal tenet that government should “implement liberal values by putting constraints on government policy, promoting toleration, and allowing the good to be defined by each individual” (203).

Because Hampton is fundamentally committed to liberal ideals, yet sympathetic to Marxist and (especially) feminist views, she favors an amalgam of these approaches that she dubs “post-liberal”; and a good part of chapter 5 is devoted to an exploration of its prospects. While there is much here by which I am not convinced—to cite just one example, I am far less sanguine than Hampton about the possibility of integrating a thoroughgoing institutional or “systemic” explanation of the positions that people occupy in society with a robust commitment to personal responsibility—the discussion is illuminating and provocative throughout. Like the rest of Hampton’s book, it is clearly written, resourcefully argued, synoptic, and intellectually honest. Hers was an important voice, and we are much the poorer for losing her.

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REPUBLICANISM: A THEORY OF FREEDOM AND GOVERNMENT. By PHILIP PETTIT. New York: Oxford University Press, Clarendon Press, 1997. Pp. xi, 304.

In his most recent book, Philip Pettit presents and defends a “republican” political philosophy that stems from a tradition that includes Cicero, Machiavelli, James Harrington, Locke, Montesquieu, Rousseau, and Madison. The book provides an interpretation of what is distinctive about republicanism—namely, Pettit claims, its notion of freedom as nondomination. He sketches the history of this notion, and he argues that it entails a unique justification of certain political arrangements and the virtues of citizenship that would make those arrangements possible. Of historical and philosophical interest, he stresses, is the fundamental contrast between freedom as nondomination and slavery. Joseph Priestly, for instance, invoked this contrast in defending the cause of the American Revolution, and in 1769 declared, incredibly, that if the parliament of Great Britain

continued to tax the American colonies, “the colonists will be reduced to a state of as complete servitude, as any people of which there is an account in history” (34). Those opposed to American independence, among them Jeremy Bentham, relied instead on a Hobbesian notion of freedom as non-interference, using it to argue that the colonists were no more interfered with by the British government than were citizens of Britain. Drawing out this contrast, Pettit aims to establish that a republican view of freedom better supports the institutions of a constitutional democracy than does liberalism. His account of the distinguishing characteristics and strengths of republicanism is, however, only partially successful. Neither his case that a republican notion of freedom provides for a more solid defense of democratic institutions and constitutional protections than is available within liberalism, nor his argument that republicanism can better address “private” injustices, is convincing.

Pettit presents the notion of freedom as nondomination as a third option between negative liberty (noninterference) and positive liberty (self-determination), but he concentrates for the most part on the contrast with a liberal view of freedom as noninterference. What sets republicanism apart from liberalism, Pettit argues, is that republicanism is not opposed to interference per se, but only to “arbitrary” interference. Moreover, claims Pettit, it significantly compromises freedom (and constitutes domination) for one party to have the capacity to interfere, on an arbitrary basis, in choices that the other is in a position to make—even if this capacity is not exercised (52). What is so disturbing about slavery, he maintains, goes beyond the way in which the master actually interferes with and restricts the slave’s activities; it includes the ever present threat of the possibility of interference at the wish and whim of the master. Nonarbitrary interference, by contrast, is interference that tracks the interests of those subject to it. Politically relevant interests, in his view, are public interests in the sense that they are interests persons share with one another. Furthermore, a relevant interest must be identifiable in terms of the (subjective) judgments of those subject to the exercise, or proposed exercise, of power. Thus, nonarbitrary interference is, more precisely, interference that tracks the interests persons share, according to their own judgments (55).

Pettit identifies the idea that government should track people’s interests as the intuition behind populism to which republicanism remains true, yet populism, he maintains, is itself no protection against the arbitrary interference or “tyranny” of the majority—there is no guarantee that the decisions of a majority will track the interests of minorities—and thus, republicanism rejects populism. A libertarian minimal state, he argues, also fails to provide adequate protection. The best protections against domination, in Pettit’s view, are certain constitutional protections coupled with appropriate procedures for contesting judicial and legislative decisions and policies. The constitutional protections include rule-of-law constraints, di-

vision of powers, a bill of rights, counter-majoritarian conditions on amending basic laws, and mechanisms of enforcement.

Pettit argues that these protections are necessary to force political institutions to track the interests of their subjects. But what ensures that legislation and adjudication that implement them will track the interests of persons according to their own judgments? The short answer Pettit gives is that it is a simple matter of fact whether sectarianism or factionalism is present (56–57). But even if it is true that the presence or absence of factionalism is a straightforward factual matter, its absence is not enough to guarantee that the interests promoted are those everyone would identify as relevant. Pettit's longer answer concerns the contestability of anti-populist protections. He argues for the interesting idea that in republicanism, the notion of consent central to many liberal accounts of legitimacy is displaced in favor of the idea that legitimate institutions are contestable. They are contestable if they make available procedures, including forums for public discussion, that are open to people to register their objections and to receive in due course a reasonable response. Yet this would seem to fall short of ensuring rights of democratic political participation. For example, John Rawls has recently elaborated the idea of a decent society in which a “just consultation hierarchy” ensures that all persons are represented and have the opportunity to contest official decisions.¹ This alternative to democracy would appear to guard against domination. Although Pettit advocates rights of democratic participation, it is not clear enough that freedom as nondomination is sufficient to require it, or that if democratic procedures force a rethinking of constitutional constraints, “then it is obviously the dictates of that democratic process that should prevail” (201).

Many liberals have also been seriously worried about the tyranny of the majority, and could accept Pettit's analysis of the need for checks on majoritarian democracy. On what Pettit calls the “constrained liberal view,” the same constitutional protections will be recommended as the best means to lower instances and expectations of interference, and thus will guard against the possibility of (arbitrary) interference: protections against interference are also protections against domination. Not only that, many liberals (Pettit calls them “left-liberals”) recognize the value of equality, the satisfaction of basic needs, or fairness, in addition to the value of freedom as noninterference. These values provide further grounds for constraining majoritarian procedures and outcomes, and for doing so in a way that functions to guard against domination. They also provide a basis for arguing that democratic political rights are a requirement of justice.

¹See John Rawls, “Law of Peoples,” in *On Human Rights: The Oxford Amnesty Lectures 1993*, ed. Stephen Shute and Susan Hurley (New York: Basic Books, 1993), especially 60–71.

Pettit does not sufficiently distinguish the differences between left-liberalism and his own republicanism with regard to his understanding of their policy implications. He suggests that differences can be found in the way in which these views deal with cases of domination that do not involve actual or expected interference, cases that fall outside of the proper sphere of legal regulation. He argues that the constrained version of the noninterference ideal “is consistent with allowing domination—and the attendant uncertainty, strategy, and subordination—within those spaces where the relevant legal injunction leaves people to other devices. Thus it is consistent, in a way that freedom as non-domination would not be, with domination occurring in the workplace or in the home or in any of a multitude of so-called private spaces” (89–90).

Many liberals reject the traditional public/private distinction much criticized by feminists and others, and have accepted, for instance, legal injunctions against spousal battery and rape. Pettit does not assume liberals accept the traditional distinction. He is concerned, as I have indicated, with what lies outside of the proper sphere of legal injunction, namely, with the possibility that domination may still exist when legal injunctions and mandates are not appropriate. Here we need a better understanding of what these cases might look like and how republicans would propose to respond to them. How would republicans intervene in these “private” affairs? Would they favor more rigorous public education programs? More extensive social services? A system of incentives for altering relationships that involve asymmetrical power relations? Pettit suggests that in a republican society, civil norms will censure conditions that foster domination. But if hierarchical associations and personal relations deserve censure, the distinction between republicanism as a political philosophy and as a comprehensive morality that ultimately endorses the positive ideal of self-determination is obscured. Pettit endorses multiculturalism, but republicanism would seem to find itself in conflict with many religious and cultural values. Would this constitute an objectionable form of intolerance? These are interesting and important matters, and Pettit’s thoughtful and readable survey of republicanism calls them to our attention. More generally, his proposal of republicanism as an alternative to liberalism is provocative and appropriately challenging to interest-group and libertarian liberals. A progressive concern for the elimination of domination is especially relevant in an era in which the threat to liberty is by no means limited to bad government.²

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