

Republican Freedom Against Pluralism

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Abstract

Phillip Pettit has drawn on a republican tradition in order to articulate a conception of the state as primarily oriented towards pursuing freedom, understood as non-domination. In his framework, domination constitutes a harm that the state ought to alleviate. He explicitly treats this ideal as a political one, but in this paper I assert that there does not exist a political domain of life, distinct from the other spheres of our life. I therefore examine the consequences of Pettit's theory throughout other domains of life, contending that non-domination crowds out many other conceptions of the good and thereby lies in tension with pluralism.

Keywords: Political philosophy, political theory, republicanism, non-domination, pluralism, philosophy

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Introduction

Phillip Pettit's theory of freedom as non-domination has been influential in political theory, offering a theoretical framework distinct from liberal and communitarian conceptions. Pettit explicitly treats of this conception as a political ideal, but in this paper, I contend that there is no separate domain of life which corresponds to the political, and that, therefore, Pettit's theory, applied beyond the political, crowds out many other goods we value in life. I then examine a passage on children in order to assert that non-domination, while ostensibly unobjectionable, actually incorporates a problematic reliance on societal consensus.

Freedom as Non-Domination

Pettit presents his theory as connected to a republican tradition which saw freedom as non-domination, rather than non-interference. This view opposes freedom, then, to domination. Pettit characterizes this domination in the following way:

Domination, as I understand it here, is exemplified by the relationship of master to slave or master to servant. Such a relationship means, at the limit, that the dominating party can interfere on an arbitrary basis with the choices of the dominated: can interfere, in particular, on the basis of an interest or an opinion that need not be shared by the person affected. The dominating party can practice interference, then, at will and with impunity: they do not have to seek anyone's leave and they do not have to incur any scrutiny or penalty. (Pettit, 2002, 22)

Domination, then, is the ability to interfere with another's choices on an arbitrary basis. Importantly, Pettit's conception of domination does not require that such interference actually occurs; all that is needed is the *potential* for such arbitrary interference. He contrasts this view with the view of freedom as non-interference, as defended by liberals like Bentham and Paley, which require that such interference actually occur in order for someone's freedom to be implicated (Pettit, 2002, 49).

Additionally, Pettit's theory relies on a specific conception of arbitrariness. What it means for an act to be arbitrary, on Pettit's view, is that "it is subject just to the *arbitrium*, the decision or judgement, of the agent; the agent was in a position to choose it or not choose it, at their pleasure" (Pettit, 2002, 55). Pettit's conception of domination, then, arises from an agent having the ability to interfere or not *at their pleasure*, rather than with reference to the interests of the dominated.

From this account of freedom, Pettit then posits that freedom as non-domination constitutes a primary good, defined as a good which "a person has instrumental reasons to want, no matter what else they want" (Pettit, 2002, 90). Thus, freedom as non-domination is something which everyone should want. Pettit then shows why such freedom is something which the state should promote.

His argument here rests on two premises. Firstly, he asserts it would be undesirable to let individuals, on their own, pursue freedom as non-domination, for, as Hobbes noted, the state of nature is likely to be a state of war of all against all (Pettit, 2002, 94 – 95). Secondly, the state can act to secure freedom as non-domination. Having thus

established that the state ought to promote freedom as non-domination, Pettit then turns to how it should do so. In particular, he argues that, at least initially, states should treat this freedom as a goal, something to be maximized, rather than as a constraint on state action (Pettit, 2002, 97). This is because achieving more non-domination may well require incidental acts of domination by the state, and these smaller instances of domination (e.g. granting Parliament special prerogatives), can be justified as part of a larger scheme to reduce domination (Pettit, 2002, 102). To test whether such incidental acts of domination can be justified in pursuit of a larger scheme, Pettit invokes the Rawlsian test of reflective equilibrium, noting:

The relevant test, here as in other aspects of a political theory, is that of reflective equilibrium. The aim of political theory is to find a yardstick for political institutions that it is hard for anyone to question but that proves on examination to prescribe all the measures and patterns that it seems proper, by our considered judgements, to require: an ideal that proves, on reflection and perhaps after revision on both sides, to equilibrate with our judgements about proper political responses, and to help in the extrapolation of those judgements to new cases (Pettit, 2002, 102).

With this test of reflective equilibrium in hand, Pettit then outlines a number of additional aspects to consider in weighing different dominations, before sketching out the institutional picture that freedom as non-domination entails. This test of reflective equilibrium becomes critical later, when we discuss the problems which emerge with Pettit's theory.

No Special Sphere for Politics

Political theory often holds that politics constitutes a special domain of life, distinct and separable from the others. Both liberalism and communitarianism offer an argument for this conclusion, but both face decisive refutations. Liberalism often posits the existence of some special rights that rightly belong to individuals and exist prior to political institutions (Shapiro, 1999, 7). These rights are purported to mark the rightful boundary of state power and a limit on the state's reach. But we lack reliable knowledge of which, if any, conception of individual rights is ultimately correct, and thus, we cannot use a priori methods to demarcate the political and personal. Furthermore, actual practice reveals that "the boundaries to the private sphere are themselves politically constituted and change over time" (Shapiro, 1999, 8). Therefore, any effort to demarcate the political and the personal based on current practices merely naturalizes a particular, politically constructed, view. Both a priori reasoning and reflection on current practice, then, cannot construct a successful demarcation of the personal and the political.

Communitarian thinkers offer an account of communities which are alleged to be apolitical, or "immune from political criticism and action" (Shapiro, 1999, 10). But Shapiro rightly notes that the apolitical nature of such communities arises not from the communities themselves but rather from the political order. Even in the archetypal example of the family as a domain beyond politics, the case of marital rape legislation shows how "the accepted boundaries of politics shift constantly as the result of political struggles" (Shapiro, 1999, 9). There may, then, be domains of life in which politics chooses not to interfere, but there are no domains of life which are beyond the

reach of politics.

Thus far, I have given a rejection of other views which separate the political and the personal. Here, I offer a positive argument for this conclusion: because we cannot disentangle the political and the personal in practice, we ought not demarcate them conceptually. The consequences of political activity pervade society, through action and, especially, inaction. The decision of how much to fund public universities, for example, can make a significant difference in how many students go on to higher education. But it's not just through positive action that the government effects changes; inaction, too, produces consequences. The government's decision to not subsidize childcare or improve infrastructure comes with myriad personal ramifications which extend beyond politics and pervade all domains of one's life. Thus, to the extent that some part of one's life is not deeply affected by the government's action, it remains deeply affected by the government's non-action. Consequently, no domain of life, conceptually, may escape the consequences of the political.

This relation, however, goes both ways. In contemporary democratic societies¹, the personal directly implicates the political. When people go to cast their votes, they may employ any set of personally persuasive reasons they wish; the political, then, depends on the personal. And beyond the ballot box, many other domains of one's life implicate the political. In working, an individual contributes to a particular economic order and, thereby, to a compatible political one. Through ostensibly non-political associations (e.g. organized religions), people help determine the interests that political actors will consider. In purchasing and consuming goods, individuals help determine which corporations will have the funds to access political power. The political, then, cannot escape other domains of our lives, all of which tend to produce political consequences.

Thus, no domain of our life can escape the reach of politics, and politics cannot escape the domains of our life. The political, then, cannot be a separate sphere of our lives. But this constitutes a difficulty for theorists like Pettit who develop an institutional vision on the basis of some primary good of politics.

Non-Domination Throughout Our Lives

If we take the thesis of politics pervading our lives seriously, then we have reason to be concerned by theories of politics which posit some greatest good towards which the state should strive. Specifically, we will be concerned by the prospect of this political ideal crowding out the other kinds of goods which we recognize in our own lives. I offer the following example as an illustration.

Imagine that Susan is an employer and has, as a derelict employee, Derek. The state, in designing its regulatory framework, must make the decision of how to structure the regulatory framework. Suppose further that they adopt the value of freedom as non-domination and create a comprehensive regulatory framework to ensure that no employee suffers arbitrary termination. Susan, then, must engage in tedious meetings

¹ An extension to non-democratic societies appears plausible, but I do not make the argument here.

and write-ups before firing Derek, wasting time and resources while Derek continues to perform poorly. Throughout the economy, this results in diminished economic growth and thus diminished wealth for the country's citizens. There lies, here, a clear trade-off between goods: non-domination and economic growth are not perfectly compatible. And while we may be inclined, in this formulation, to prefer freedom, I contend that this problem generalizes. Consider the possibility of religious organizations that incorporate traditions which produce domination. The choice between a religious good and non-domination appears much more fraught, and the state which truly takes non-domination seriously will be obligated to stamp out any dominating practices in these arenas as well. Thus, if we accept that politics pervades our lives and that the state ought to promote non-domination wherever possible, Pettit's theory entails a certain crowding out of other goods. Non-domination may not entail the rejection of these goods, but it will make them secondary and of derivative import, which, at least in some contexts, appears deeply objectionable.

Having laid out a difficulty for viewing Pettit's non-domination as the primary aim for the state, I want to consider two possible defenses of his view. One defense is that non-domination includes certain provisions to prevent the state from itself becoming a dominating agent. These will preclude the possibility that the state will crowd out the other kinds of goods which people can desire. A second defense follows from Pettit's consideration of reflective equilibrium as a limitation to the general rule of maximizing non-domination. I contend both are problematic.

Pettit does consider the possibility that the state will itself become an instrument of domination. Thus, he seeks to minimize the amount of "arbitrary will" in the state's institutional design through a number of institutional features (Pettit 171). His main strategy is to set a constitution that is not easily manipulable by those in power, as well as a contestatory system where decisions can be effectively and democratically challenged (Pettit 172). These achieve non-arbitrary government, since the will of the government is brought in line with the will of those subject to the government's power, namely the people.

Nonetheless, this only brings the state's conception of non-domination in line with that of the people; it doesn't address the problem of multiple goods presented earlier. Even if the state's conception of domination is determined by some democratic majority within a stable constitutional framework, it may still run contrary to other goods, such as economic growth or certain religious practices people value. The state may not be dominating the people as a whole, but that does not obviate the consequences for a particular group of people with different interests and preferences. Thus, even if the state follows these institutional prescriptions in seeking to alleviate domination, it remains true that alleviating domination permits of no other goods, except as secondary and incidental.

In addition to the above procedural prescriptions on state action, Pettit also presents some substantive limits for the state to obey. In particular, Pettit addresses the possibility that such a teleological orientation for the state may entail "intuitively objectionable arrangements," and offers the reflective equilibrium as a way to safeguard against such a possibility (Pettit 102). On Pettit's view, careful reflection will enable us to reject certain policies that, while non-dominating, may appear repulsive for other reasons.

This safeguard moves in the right direction, but it's a direction extending away from non-domination. Once we invoke the reflective equilibrium and our other intuitions, we are no longer solely interested in pursuing non-domination. Thus, we need an account of these other goods which, on occasion, may stand in a higher degree of importance than non-domination. Accordingly, while this objection may preserve Pettit's non-domination as an important good in politics, it ultimately relegates non-domination to being only another, and not determinative, political good.

The problem, then, remains. A non-dominating state, through democratic and constitutional mechanisms, conceives of and enforces a particular conception of non-domination which may lie in conflict with many other goods in the lives of citizens. Because political activity cannot be sectioned off from other domains of life, the state must thereby reach out and root out all conceptions of the good which conflict with non-domination. In addition, it must seek to make even practices which already promote non-domination into ones which optimally promote non-domination. Use of reflective equilibrium may help mitigate these objections, but to the extent that it does so, we move away from Pettit's non-domination.

These conceptual problems for non-domination appear formidable. Nonetheless, the policy prescriptions that Pettit reaches from his framework of non-domination look surprisingly close to those produced by other political theories. The state will promote women's rights and redistribute tax revenues to benefit the worst off; it will protect its citizens but refuse to engage in imperialist enterprises. Thus, one might wonder if the concerns I've raised here translate to the level of actual policy. I turn, then, to a particular application to explore why we might find the justificatory structure of non-domination concerning.

Children and Non-Domination

Children, as Pettit recognizes, occupy a special place when thinking about non-domination because they lack the competencies of adults. Specifically, they require "education and development" in order to become competent individuals (Pettit, 2002, 119). Thus, Pettit states:

Children cannot be given the same opportunities as adults if they are to be enabled, when they become adults, to enjoy the sort of non-domination which a republic would confer: they must be subjected to the disciplines inherent, as any parent knows, in fostering education and development. (Pettit, 2002, 119).

This isn't, however, to state that children receive no protections in Pettit's theory. Rather, the state must hold parents and teachers to constraints in order to ensure:

First, they will seek to advance the relevant interests of the children; and second, that they will seek to promote those interests by non-idiosyncratic lights. Parents and teachers would be allowed to exercise considerable interference in the lives of children, in other words, but the interference would be designed to track the children's interests according to standard ideas, and it would not constitute a form of domination. (Pettit, 2002, 120).

This excerpt puts, in a particularly sharp way, the problem which I have been discussing. Few disagree with the idea that parents should seek to promote the interests of their children. The crux of the debate occurs in how, exactly, parents ought to do so. Non-domination resolves these difficulties with reference to societal agreement, given under certain constraints. Thus, parents can legitimately be held to the extant social standard for appropriate parenting. This conception, however, problematically rules out a legitimate diversity in conceptions of the good, whether it is of good parenting or good in other domains of life, except to the extent that the consensus permits it. When we look at specific instances of legitimate conflict over the interests and goods people choose, the resolution promoted by non-domination appears controversial. Non-domination in practice, then, seems not to be the kind of primary good it is in theory.

Conclusion

Freedom as non-domination is a primary good almost by definition. No one wants to be dominated, if being dominated means being subject to arbitrary interference and arbitrary interference is interference which doesn't track one's own interests. Asserting that such freedom is a primary good, then, is equivalent to asserting that people want what is in their own interest. The problem, then, lies not in the ideal; the ideal is certainly a primary good.

The problem arises once we try to put this ideal into practice. The state must, inevitably, choose a particular conception of non-domination, which requires choosing among different people's interests and thus their conceptions of the good. In Pettit's theory, the state does so in a particular way, with democracy and certain constitutional constraints. We might think such a system is a good idea, but it's clear that we are no longer dealing with the same primary good from before. We are here enforcing a particular, contestable notion of non-domination which many may disagree with, and we are employing the pervasive force of state power to do it. Non-domination, then, has much potential for domination.

References

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