

sacrifices and comparable to theirs. That is a task at which no one should wish her luck.

#### NOTES

1. Of course, not even liberal democracy can be wholly free of the threat of great politics, if only because not everybody out there is liberal. As I write this, America is at war in Iraq. Missing from the American picture, however, here as elsewhere, is the invisibility required for the applicability of the Ellisonian paradigm. If anyone went unheard in the debate preceding the war, it was only because of the din.

2. The with-it reader will catch a distant whiff of Jacob T. Levy's *The Multiculturalism of Fear* (Chicago: University of Chicago Press, 2000). As the only current theorist cited in this comment, may Professor Levy bask in his iconic status.

## 3

### THE DOMINATION COMPLAINT

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It is possible to conceptualize political freedom as the absence of domination, arguing that a person is free to the extent that others do not stand over him or her, able to interfere at will and with relative impunity in his or her affairs. And this, furthermore, is how political freedom appears to have been conceptualized in the long and broad republican tradition: the tradition that stretches from republican Rome to revolutionary America and France, encompassing figures as diverse as Cicero, Machiavelli, Harrington, Montesquieu, Rousseau, and Madison. I have defended those two claims, respectively philosophical and historical, in earlier writings, as indeed have a number of other authors.<sup>1</sup>

In addition to defending those two claims, however, I have also argued that there is a good case for resuscitating the republican viewpoint as a political philosophy, on the grounds that it has many advantages in comparison with contemporary alternatives. I concentrate in the present essay on this third claim, approaching it from a new angle. The essay is in three sections. In the first, I consider the main constraints that we should expect any candidate for a central or supreme political ideal to satisfy, distinguishing between constraints of feasibility and constraints of desirability. And then in the second and third sections, I argue that the ideal of nondomination does remarkably well in satisfying those feasibility and desirability constraints. The argument in these sections is inevitably somewhat sketchy, since it often recapitulates points that I have elaborated elsewhere.

## 1. CONSTRAINTS ON A POLITICAL IDEAL

### *Ideals and Complaints*

Any political ideal that aspires to be a central or supreme political role has to provide a basis for assessing the way the polity is constituted and the way it behaves within the limits set by that constitution. The assessment of a polity turns in the last analysis on how well it serves its citizens or members, answering to interests they avow or are disposed to avow; I abstract from the assessment of the polity for its effects on nonmembers. And this being so, we must therefore expect any would-be political ideal to try and articulate the importance of something in which people clearly have an avowed or readily avowable interest: something whose absence in their lives will spontaneously lead them to make complaint.

This condition is satisfied by every half-plausible political ideal. Take ideals such as those provided by the elimination of poverty, the achievement of equality, the approximation of justice, and the minimization of interference in people's lives or the maximization of happiness. In every case we may expect people to be ready to complain about the absence of the condition recommended under the ideal: that is, to complain about poverty or inequality, injustice, interference, or unhappiness. And that is as it should be. For were people not ready to complain in this way, then the ideal could hardly claim to reflect an interest that they were readily disposed to avow.

So much for what I describe as the basic condition on any would-be candidate for the role of political ideal. With that condition spelled out, we can explore the further constraints that we might want a political ideal to satisfy. These are all well cast as constraints on the sort of complaint that an attractive ideal ought to articulate and I distinguish them into two bunches. So far as the first bunch is satisfied by the complaint, the corresponding ideal will be a feasible ideal for the state to track; so far as the second bunch is satisfied, it will be an ideal that it is also desirable that it should track.

### *Constraints of Feasibility*

The constraints of feasibility are, first, that the state or polity should be able to do something about relieving or remedying the com-

plaint in question; second, that it should be able to provide an effective remedy that does not introduce new problems in place of old; and third, that it should be able to provide an efficient as well as an effective remedy: that is, a remedy that involves lower costs overall than any alternative strategy. In a phrase, the complaint must be politically remediable and remediable in an effective and efficient manner.

That the complaint must be remediable means that it must amount to something more politically interesting than a complaint about the constraints of social life, or a complaint about the *anomie* or *ennui* of human existence, or a complaint about the inequalities of status that emerge among almost all groups of human beings. There is little or nothing that governments can do about such matters, however sharply they may impinge on people's consciousness, and so there is no point in using them as a basis out of which to construct a political ideal.

But a complaint might be remediable without the state or polity being able to provide an effective remedy. It might be that state intervention would be counterproductive, for example, engendering on novel fronts precisely the sort of complaint that it is designed to relieve. Thus, it might do more harm than good in its attempt to reduce the net level of a certain evil—say, interference or domination—in the society: it might perpetrate more interference or domination than it prevents.

Finally, to turn to the third constraint, the fact that the state is able to remedy a complaint, and do so effectively, does not mean that it represents the most efficient way of dealing with it. There may be nonpolitical ways of relieving the complaint that achieve better results for the same or for lower costs. If the complaint is to underpin a feasible political ideal, then the state should be able to remedy the complaint efficiently as well as effectively.

These three constraints are hard to resist, yet many proposed ideals seem to fail them. The first constraint would rule out trying to construct a political ideal out of wholesale antipathy to power, for example, as sometimes appears to happen in the work of Michel Foucault.<sup>2</sup> In railing against the capillary power that runs through the smallest veins of the system, Foucault does sometimes direct attention to phenomena that we might hope to be able to rectify. But often he seems to be castigating a sort of

influence that is as inescapable in the social world as gravity is in the natural.

The second, effectiveness constraint, raises serious questions about the libertarian ideal of ensuring that certain allegedly natural rights are respected in social life, in particular the right that people are assumed to have against the coercive restriction of choice. For there is no way in which the state can act so as to achieve that ideal without itself offending against it by coercively restricting the choices of individuals. This is the problem that Robert Nozick acknowledges as a challenge for rights-based liberalism, going on to make an attempt to resolve it that is ingenious, if not successful.<sup>3</sup> He argues that even if people were entirely respectful of one another's rights, rational self-interest would lead them—without violating those rights—to institute a state: specifically, an "ultramiminal" state of the kind close to that which he himself favors.

The third, efficiency constraint, explains why most of us agree that we should not require the state to concern itself with saving people's souls or elevating their minds—with their fidelity to any particular religion or their achievement of any personal ideal. Seventeenth- and eighteenth-century defenders of tolerance like John Locke made the relevant point when they argued that the way to win people's souls to the practice of any worthwhile religion is by free consent, not state coercion.<sup>4</sup> There are better ways—certainly more efficient ways—to tackle a supposed problem of unbelief than to have recourse to the power of the polity.

#### *Constraints of Desirability*

The second bunch of constraints on the sort of complaint that a plausible political ideal should reflect relate to the desirability of the state's relieving the complaint, as distinct from the feasibility of its doing so. There are three constraints that I distinguish in this category. The first is that the complaint be discursively admissible: that is, admissible as a relevant consideration in any open discursive discussion of how things are and should be organized in a society. The other two constraints bear on the substantive character of the complaint itself rather than on such a structural aspect. The second is that it be a significant complaint, that it is hard to dismiss

or downplay. And the third is that it be a complaint that subsumes a variety of other significant complaints within it.

The first constraint would rule out of consideration any complaint that is irreducibly relativized to a particular group within the society. Take a complaint of the form, "this is bad for us," where the plural refers to a particular group, not to the society as a whole. This might be just a way of drawing attention to a more general, nonsectional complaint, of course. The background assumption might be that the arrangement leaves others no better off, so that rejecting it would be a Pareto improvement: good for some—the complaining group—bad for none. Or the assumption might be that the respect in which the arrangement is bad for the group is a respect—say, that of access to one's own culture—on which all can agree that no group ought to be disadvantaged.<sup>5</sup> But suppose that the complaint, "this is bad for us," does not reduce to a more neutral form of complaint. In that case, it would not be discursively admissible, though it might be admissible in the context of mutual bargaining. The ordinary practice of discourse or conversation would rule it out as an irrelevant consideration to raise in an unforced, cooperative discussion about how things ought to be politically organized; it would represent a sort of special pleading and would be inconsistent with the assumptions built into such a discussion.<sup>6</sup> The response that the complaint would invite is: "That's not germane; the point is to discover what's best for all of us in the society, not just what's best for your group in particular."

But a complaint can be discursively admissible without being particularly significant, and so without satisfying the second constraint of desirability. It may be that while almost any of us can understand why a certain complaint should be made, none of us thinks that the complaint is of the greatest moment. While believing that someone has a just complaint in some matter, for example, we may feel that the complainant is lucky to have nothing more pressing to complain about. Clearly, any complaint out of which a plausible political ideal is to be constructed had better not be a complaint of this kind. It should be what I shall describe as a significant complaint.

The third constraint I mentioned is that any complaint out of which a political ideal is to be constructed should subsume a variety of other presumptively significant complaints within it. This

constraint bears in particular on any ideal that aspires to a central or supreme place in politics. What it is designed to rule out is the sort of ideal whose satisfaction would still leave a variety of other presumptively significant complaints unsatisfied. The ideal of maximal noninterference fails rather dramatically on this front, for example, since a society might realize such an ideal and yet be one where inequality, domination, and poverty prevail. If a complaint is to provide the stuff out of which a central or supreme political ideal is to be fashioned, then the measures taken for satisfying it should serve as far as possible to satisfy such other complaints as well. This constraint may be hard to meet but it clearly represents a plausible *desideratum*. To the extent that a complaint satisfies it, the corresponding ideal will have a claim to a central and perhaps even supreme place among political ideals.

There are other *desiderata* that we might want a political ideal to satisfy, but I shall stick with those just rehearsed. In the next section I look at how far the republican ideal of nondomination satisfies the feasibility constraints, and then in the final section I look at how far it answers to the constraints of desirability. While I shall have to make my points briskly and without much elaboration, I hope that the overview I provide will help to show just how attractive the ideal is.

## 2. NONDOMINATION AND THE FEASIBILITY CONSTRAINTS

The three questions to be asked about the complaint that republican theory privileges—the complaint, as I take it, about being dominated—are whether this is something that the state can take steps to remedy; if so, whether the remedy it can offer is effective, not counterproductive; and if it is effective, whether the remedy provided is efficient, comparing well with alternative strategies.

### *Defining Domination*

Before tackling those questions, however, we must first consider what domination involves. Here I must be brief, drawing on work done elsewhere.<sup>7</sup> I say that individual or group agents dominate an individual to the extent that they are in a position to interfere ar-

bitrarily in the affairs of that person: to the extent, that is to say, that such arbitrary interference is accessible and uncOSTLY.

My understanding of interference is narrow, so far as I take it to require intentionality or at least negligence—quasi-intentionality—on the part of the agent; it does not materialize just by way of brute accident but is something for which the agent can be reasonably held responsible.<sup>8</sup> My understanding of interference is broad, on the other hand, so far as I take it to include, not just removing an option from the range of options otherwise available in some choice to the person interfered with, but raising the costs of taking an option or even denying the person knowledge of the options available or of the costs in prospect.<sup>9</sup> The intuition driving the account is that interference should be equated with any initiative that intentionally worsens an individual's choice situation—and this, even if it is for the person's overall good—where contextual conventions and expectations may be involved in determining whether a certain act counts as a way of worsening that situation. Thus, to illustrate the approach taken, an agent may interfere with someone's choice, not just by forcibly or manipulatively rigging the options available, but also by threatening her sincerely with a penalty if she takes a certain option or by actually penalizing her for taking it. And an agent may interfere in the person's affairs by misleading her, as in the insincere but credible threat of penalty or in the deliberate withholding of information.<sup>10</sup>

An agent is dominated, I said, to the extent that a group or individual is in a position to interfere arbitrarily in his or her affairs. What makes an act of interference arbitrary? Not the effect of that interference itself: not, for example, the fact that it is to the detriment of the victim involved. Rather, the fact that in choosing to interfere, the dominating agent is not forced to track the avowed interests of the individual interfered with—or the interests the victim is readily disposed to avow—but can interfere more or less as his or her own will or judgment dictates. An act of interference will be arbitrary to the extent that it is not controlled by the avowable interests of the victim but, as arbitrary interference usually will be, is controlled by the *arbitrium* of the interferer, where *arbitrium* may refer to will or judgment. Thus, an act of interference may be done for the good of the victim, and may be successful in achieving that good, and yet be arbitrary. That it is arbitrary is

fixed by the controls to which it is subject, not the ends that it happens to effect.

There are three respects in which domination, by this account, comes in degrees. An agent may have a greater or lesser capacity to interfere arbitrarily in someone's affairs, for the option may be more or less accessible or uncostly. An agent may have a capacity to interfere more or less arbitrarily, for he may be more or less unburdened by constraints designed to force him to track the avowable interests of the victim. And an agent may have a capacity to interfere arbitrarily in a larger or smaller class of choices by the agent, or in choices that are intuitively of greater or lesser significance to the agent.<sup>11</sup> Domination, then, is not an on-or-off condition but one to which a person may be subject at a higher or lower degree of intensity. This should always be kept in mind, even when convenience of presentation requires us to describe it as if it were an on-or-off matter.

#### *First Feasibility Constraint*

Is the complaint about being dominated by others one that the state is in a position, at least in principle, to do something about? Clearly, I think, yes. In the nature of things, the state claims a monopoly of legitimate force in its community—if other agencies exercise legitimate force that is through being allowed to do so by the state—and that claim must be more or less effectively implemented within any well-ordered polity. But if the state has access to the use of force, and to the threat of force—to coercion—then it is in a position to reduce the degree to which people suffer at least certain forms of domination.

One way in which it might do this is by redistributing resources and powers of interference across the population in a society. Where X was previously able with impunity to interfere arbitrarily in Y's affairs, a redistribution might ensure that Y is able to retaliate, so that the expected cost of X's interference goes up and the domination X enjoys diminishes or disappears. Call this the strategy of armament. Another way in which the state might reduce domination is by disarmament: that is, by removing the extra resources and powers that enable some to dominate others. And yet

#### *The Domination Complaint*

another is by protection—by putting defenses in place for those who might otherwise be dominated.

The armament, disarmament, and protection strategies might in turn be pursued by the state in a more or less direct or more or less indirect way. Those who are dominated may be armed or protected by virtue of explicit legal and political measures. Or they may be armed or protected so far as the state facilitates and sponsors developments in civil society that serve suitable purposes. They may be armed or protected, for example, so far as the state is able to encourage a civic culture of condemnation for various forms of arbitrary interference and a culture of coming to the aid of those who suffer such interference. Again those who dominate might be disarmed by explicit state action or by recourse to less formal methods. Take the case where a monopoly firm in a company town dominates those who depend on the firm for employment. This firm may be effectively disarmed if the state explicitly limits its power of dismissal, or ensures relatively generous unemployment benefits, or provides incentives or facilities that attract other employers into the labor market. The possibilities are legion.

#### *Second Feasibility Constraint*

Let it be granted that the state can do something by way of remedying the complaint many people will have—whether or not they phrase it that way—of being dominated by others: the complaint is not one of those irremediable complaints that no one, or at least not the state, is able to do anything about. The next question is whether in seeking to provide a remedy for the complaint of domination, the state is likely to do more harm than good. In particular, is it likely to represent a new force of domination at the very moment that it seeks to relieve people of domination? Is it likely to be counterproductive?

Consider, first, not the ideal of nondomination, but rather that of noninterference. It is commonly acknowledged among those who invoke this ideal—this conception of freedom—that as the state tries to reduce the interference that some agents practice in the lives of others, it will itself have to interfere in people's lives. In

order to prevent violence and coercion, it will itself have to coerce people into paying taxes and obeying the laws, and it will have to practice penal violence against convicted offenders, whether in levying fines, imprisoning them, or even resorting to capital punishment. "As against the coercion applicable by individual to individual, no liberty can be given to one man but in proportion as it is taken away from another. All coercive laws, therefore, and in particular all laws creative of liberty, are as far as they go abrogative of liberty."<sup>12</sup> This means that there is a risk of the state being an ineffective agency for promoting noninterference—it may do more harm than good—though it does not mean that the state will necessarily be ineffective: there may be good grounds for hoping that the level of interference it perpetrates is less than the level of interference it prevents.

How do things stand with the state as an agency for promoting nondomination, as distinct from noninterference? They stand even better. For not only is there bound to be a hope, if the state dominates people in some measure, that it will perpetrate less domination than it prevents. There is also a hope that while it interferes in people's lives, it will still not dominate them, or will dominate them only in a relatively insignificant degree.

The reason for this higher hope is that while the state has to interfere with people, if only by way of coercing them to pay taxes and obey the law, it need not interfere with them arbitrarily. It will not interfere arbitrarily, according to the account given earlier, if it is in the ready-to-be-avowed, overall interest of each to have a state that interferes in their lives, and controls their affairs, according to a certain brief. And it is plausible that this will be in the ready-to-be-avowed interest of each, provided that the interference allowed to the state is subject to a controlling brief that helps to ensure that on every issue it has to track the common, readily avowable interests of citizens, and only such interests. I conceive of common interests as those interests whose collective promotion is supported by considerations that people admit as discursively relevant, but others may wish to introduce a different conception at this point.<sup>13</sup> Whatever conception of common, readily avowable interests is adopted, however, the really telling question is whether there is any prospect of constraining the state, once established, so

that it acts only for the furtherance of such interests: in the traditional phrase, only for the promotion of the common good.<sup>14</sup>

The republican tradition has given enormous, sometimes almost exclusive attention to this question in the long history that involves Cicero and Machiavelli, Montesquieu and Rousseau, Harrington and Madison. The notion of the blended or mixed constitution—the sort of constitution that Polybius celebrated in Rome—was developed, for example, in the attempt to work out the sorts of arrangements that would constrain the state suitably and effectively, forcing it to serve the common good. And many other notions, some of them implicated in this master idea, were elaborated and varied with a view to finding the best institutional design. They include proposals for dividing up sovereignty both between the legislature, the executive, and the judiciary and—in bicameral arrangements—within the legislature; for requiring public decisions to be matters of proper legislation, and for legislation to conform to the rule of law; for ensuring that decisions are made according to agreed-upon reasons and for establishing associated possibilities of appeal, review, and consultation; for devising methods of election and appointment to public office that further the prospect of common avowable interests—the common good—being tracked; and for constitutionally limiting the range of matters over which government can have influence as well as for limiting the sorts of decisions it can make.

The most interesting challenge for republican thought today—that is, for the sort of thinking that is oriented around the ideal of nondomination—bears on how to design political arrangements so that, as far as possible, the state really is forced to track all and only the common, ready-to-be-avowed interests of the citizenry. The challenge is to see how far government may operate, so that while it can have the reduction of nondomination as a central or even principal aim, it need not itself represent an arbitrary and therefore dominating influence.<sup>15</sup> I do not say that any institutional design is going to remove domination fully and meet the challenge with complete success. But there is at least a hope that state domination may be reduced to a tolerable minimum: a level that is clearly compensated for by the domination that the state prevents.

That this hope is rational is enough for our purposes here; we do not have to do any more by way of vindicating it. For the fact that it is rational to hope for an institutional design that will curb the dominating potential of the state means that we cannot dismiss the complaint about domination as one that no state could remedy effectively. To dismiss it in such a way would be to surrender preemptively to despair at ever finding the sort of institutional design required.

The position adopted here is not one of utopian idealism. We may concede, for example, that even if the state does not interfere in an arbitrary and dominating way in people's lives, it is still bound to do some harm to their enjoyment of nondominated choice. It is bound to limit the range over which people may enjoy nondominated choice, just as natural obstacles limit that range. Like the nonintentional obstruction that the natural world or the social system may impose, nonarbitrary but intentional interference will condition people's enjoyment of nondomination, even if it does not compromise it: even if it does not itself represent a form of domination.<sup>16</sup> It will restrict the number of choices in which people may take advantage of their not being dominated.

The fact that the state is bound to condition people's enjoyment of nondominated choice in this way does not mean that it will be an ineffective agency for promoting nondomination. We may disagree about how exactly to weight the two, but the compromising of nondomination that the state can prevent is intuitively more important than the conditioning of nondomination that it is bound to impose. Still, there is an important lesson that follows from the fact that even the nondominating state conditions people's enjoyment of nondomination. This is that, as between two forms of state that do equally well in reducing domination, where one involves deeper-running legislation and coercion than the other, we ought to prefer to have the one that interferes less.

Finally, we have an objection. If the state espouses nondomination as a goal, won't it find itself shackled to a project that will demand more and more in the way of resources and interference? Won't it be at the mercy of an essentially insatiable goal? The range of matters that the state is allowed to take under its purview will increase dramatically, one may say, as the baseline of nondomination rises. And so it is bound to give rise over time to counter-

productive, dominating effects that will leave people worse off in terms of nondomination than they would have been under a more modest regime.

This challenge articulates a danger, however, not an inevitability. And the danger teaches us that if we are to devise a set of policies for the state to espouse in the attempt to remedy complaints of domination, then we should be on our guard against the sort of power creep envisaged. There is undoubtedly a lot of room, starting from the sort of society most of us live in today, for the state to explore new policies. Imagine, then, that we introduce those initiatives incrementally, with a view to seeing how well they do overall in coping with domination. As we increase the initiatives explored, thereby enlarging the reach of the state, we should be alert to the likelihood of there being a point where there is no net gain in evidence or in prospect. At that point, the state itself will begin to condition people's enjoyment of undominated choice in such a measure, or will threaten to compromise people's undominated status in such a degree that the lesson is: Stop! From that point on the certain damage done by state activity, even as it is assessed in the ledger books of nondomination, will be too great to compensate for any likely benefit it may achieve.<sup>17</sup>

There will undoubtedly be differences among people on the question of whether at any point the state has done all that it can do without becoming counterproductive; espousing the ideal of nondomination does not mean having an automatic resolution of those differences. The point to note here, however, is that no matter how great those differences are, it can be agreed on all sides that there is an end at some point to what the state can productively do. There will be agreement that the cause of remedying complaints of domination does not threaten to legitimate rampant, uncritical recourse to the state. And that there is bound to be agreement on that point means that the complaint about being dominated does not hold out the specter of an insatiable political ideal.

### *Third Feasibility Constraint*

We turn finally to the third question of feasibility. This is the issue of whether relying on the state promises to do better than any

other likely strategy for reducing domination in a society; in particular, whether relying on a state that is designed to track all and only the readily avowable, common interests of citizens promises to beat alternatives. If it does not promise to do better than other instrumentalities, then this is going to mean that it does not represent an efficient agency on this front.

The salient alternative to introducing a state, and authorizing it to act against the domination of some by others, is to rely on the spontaneous measures of economic and civil society to give rise to high levels of nondomination all around. But there is little or no prospect of spontaneous interactions and formations supporting a regime of nondomination. The problem is that resources generally attract more resources, power more power: to them that have it shall be given. Thus, if social life is left to evolve without any political shaping, it will tend to allow the emergence of relatively few positions of influence and to open the way for the domination of the many by the few who command those positions. This is a melancholy observation but one that is supported by common sense, historical experience, and the testimony of many literary traditions.

As the state promises to be an effective agency in acting against domination, then, it looks likely to represent the most efficient instrumentality available. The state will be able to achieve only very little, as the long republican tradition emphasizes, if it cannot rely on a fund of civic virtue and commitment for ensuring a regime of nondomination: "Just as good morals, if they are to be maintained, have need of the laws, so the laws, if they are to be observed, have need of good morals."<sup>18</sup> But without the state as a guiding presence, as indeed Machiavelli takes for granted, there is no hope of such virtue and commitment—such good morals—achieving anything.

### 3. NONDOMINATION AND THE DESIRABILITY CONSTRAINTS

#### *First Desirability Constraint*

The first constraint of desirability on a political ideal is that the complaint it articulates be one that can be raised as a relevant con-

sideration in discourse among people as to how their social and political affairs can be best organized. Does the complaint about domination come across as a consideration admissible in presumptively cooperative discussion, and not just as a complaint of the self-seeking kind that will be deemed irrelevant—an instance of special pleading—in such exchange? Does it present itself as a complaint that all must countenance and take into account? I believe that it does present itself as a complaint of that kind, and for the deepest of reasons.

When a number of people engage in discourse, their aim being to determine what is so in some domain or how it is best for them to act as a whole, then they give exclusive privilege to a particular form of influence that they may have on one another: that which occurs by virtue of producing reasons relevant to the outcome that is to be resolved. Thus they eschew the ways in which people influence one another when they exercise violence, or coercion, or intimidation, or anything of that kind. They authorize one another as voices that are generally capable of providing reasons relevant by discursive criteria and as ears that are generally capable of recognizing such reasons when they are once produced. From the point of view of the discourse that they essay, only properly reason-mediated influence is legitimate.<sup>19</sup>

This being so, any party to discourse is certainly going to be able to complain admissibly about the existence of a form of influence that reduces their capacity to exercise or undergo discursive influence proper. It will be absolutely reasonable for anyone to complain, for example, about being pressured or coerced by others to go along with a certain line; those who attempt such pressure or coercion do not honor the constitutive requirements of discourse: they are playing another game. But the existence of a relation of domination between one party and some other or others means that that party is subject to a form of influence that reduces their capacity to interact discursively—it reduces their capacity to influence and be influenced in a purely reason-mediated way—and so it is going to be perfectly admissible for someone to complain about domination of that kind.

Why is domination going to reduce a person's capacity to interact discursively with others? Because, as a long tradition of thought insists, the fact of being exposed to the possibility of arbitrary



interference from another impacts in a serious way on the likelihood that a person will speak his mind.<sup>20</sup> It will put in place a powerful incentive to keep the dominating parties on side, however beneficent they may be: to keep them sweet both by positive measures of ingratiation and by negative measures of avoidance and self-censorship. There is an old ideal, celebrated for example in the Quaker tradition, of speaking truth to power. But speaking truth to power is an ideal, precisely because it is recognized on all sides to be difficult. The person who speaks truth to power, never flinching from the most unpalatable forms of advice or rebuke, or the most unwelcome expressions of opinion, is a saint or a hero, not someone of merely regular nerve.

Not only is domination likely to lead someone to warp his or her voice, tuning it to the expectations and tastes of potentially dangerous potentates. This being a matter of common recognition—as it always has been—domination will also lead others not to take seriously the words uttered by anyone in a position of subordination and dependency. How can people trust the remarks of the vulnerable person, especially when they are tailored to fit with the opinions of someone in relation to whom they suffer vulnerability? They may seek out their opinions, particularly when it is they who are in the position of power—it is always pleasing, after all, to have some reinforcement of one's own views—but they will have no reason to take the dominated person really seriously; they will have no reason to grant that person a real voice or give him or her a genuine hearing.

I hope that these remarks will make it plausible that the complaint of being dominated is well suited in respect of discursive admissibility to underpin a central political ideal. But is the complaint a truly significant one, in particular a complaint fit to engage the attentions of the polity? That is the next question to be considered.

### *Second Desirability Constraint*

The feature that marks human beings off from other species is our capacity to enter discourse with each other, relying on a common language in which we authorize one another as generally competent speakers and listeners: as speakers who warrant and deserve a

hearing, and as listeners who can acknowledge our claim to a similar hearing in turn. Let someone be denied full access to discourse with her fellows, or a full presence there, and she is denied full enjoyment of the treatment—the authorization or respect—that marks her off as a person among persons.

The primary reason why the complaint about being dominated is of the first significance is that domination almost invariably undermines a person's capacity to enjoy respect in this sense. Where one person dominates another, it is almost bound to be a matter of common awareness among the people involved, and among other relevant parties, that this domination exists. The question as to whether someone is dominated by another is one that will interest all those involved, after all, and the answer to that question will be obvious in most cases from the sorts of resources they control relative to that other. Thus we may expect most people to recognize domination when they see it, and this in turn being obvious, to recognize that others will recognize it too, thereby giving rise to the usual hierarchy of common awareness; each will believe that the person is dominated, each will believe that each believes this, and so on.<sup>21</sup> Once it is recognized as a matter of common awareness that someone is dominated, however, then that person will no longer be able to enjoy the basic respect that we think personhood entitles him to. He will no longer have the sort of voice that can be reliably forthright, or can be expected to be forthright. He will always be under suspicion of playing to the audience of the powerful and never having anything worthwhile to say in his own right.

Dominated subjects of this kind may not be ignored or dismissed outright: they may be treated magnanimously to the trappings of respect. But they will not command respect; they will receive it only in the manner of supplicants. They may be treated as if they had the status of persons, so we might put it, but they will not really have that status. Being a person is inseparable from earning and receiving respect as of right—as of effective, not just formal right—and in their case there will be no question of earning or receiving as of right. What they receive, they will receive only as a gift—only by grace of the powerful.

This line of thought is a familiar and recurrent one in republican thought. It is worth mentioning in connection with it that Kant, the great philosopher of respect and personhood, seems to

have shaped many of his ideas on that subject in his reflections on Rousseau's *Social Contract*, itself a book that belongs at least among the apocrypha of the republican tradition. The point is emphasized by J. B. Schneewind, who quotes Kant as saying: "It is not all one under what title I get something. What properly belongs to me must not be accorded to me merely as something I ask for."<sup>22</sup> Schneewind comments: "If nothing is properly mine except what someone graciously gives me, I am forever dependent on how the donor feels toward me. My independence as an autonomous being is threatened. Only if I can claim the others *have to* give me what is mine by right can this be avoided."<sup>23</sup>

Given the connection between enjoying respect as a person and not being subject to domination, there is every reason to treat the complaint of being dominated as extremely significant. What more serious complaint could there be than one that draws attention to a relationship in virtue of which one's very standing as a person who can command the attention and respect of others is put in jeopardy? This is no mere trifle to do with having one's nose put out of joint, or one's feathers ruffled. It is a complaint of the first moment. Let some people be dominated and to that extent they will be put out of any community that involves those who dominate. They may aspire to community with such others and their presence may even be tolerated among those others. But they will always cut somewhat sorry or comic figures, and will always invite only condescension or contempt. They will have no more standing, in a somewhat archaic image, than dogs that cower at their masters' feet or that snuggle up to their mistresses' skirts.

One word more on the significance of the complaint about being dominated. People don't reveal their minds only in the words they explicitly stand over in discursive settings. They also express their discursive minds in the actions they choose to perform, because they routinely acknowledge that they may be held answerable for their actions in discourse: they don't deny the relevance of discursive challenge as to the legitimacy of what they do. But if someone is dominated by another—and even if that other does not exercise the domination in attempts at pressure or coercion—then we may expect the relationship to warp the things they do as well as the things they say. We may expect people to take positive measures of self-ingratiation and negative measures of self-censor-

ship that would not appeal to them in the absence of the domination. And that being so, the deleterious impact of domination will be obvious, even short of actual interference by the dominating person, in the deeds as well as in the words of the victim.

This observation is worth adding, because it shows that just as the dominated person cannot be taken to enjoy the freedom of thought that is necessary if someone is to be worth hearing, they also cannot be taken to enjoy freedom of choice, either. Operating within the gravitational field that relationships of domination establish, people are deprived of a measure of discursive control that would otherwise be available. When they purport to speak their minds or to display their minds in action, therefore, there is a robust possibility, marked in everyday expectation, that they are not fully their own masters; they are not reflecting their own best opinion of what circumstances require but rather the opinion that materializes most comfortably at their particular place in the field of dominating force.

The significance of the complaint about being dominated is borne out in the rich idioms associated with the complaint and with the many changes that have been rung, and that continue to be rung, on them. This is cast in melancholy tones as a condition of servitude or subordination, subjection or subjugation—at the limit, a condition of slavery—in which one can do nothing but by the leave or permission of others, one lives under their thumb as those in the Roman circus lived under the thumb of the emperor, one has to fawn and toady and kowtow in their direction, one has to ingratiate oneself with them or at least placate and humor them, and one has to tug the forelock or tip the cap, acknowledging them as one's superiors and betters. The condition in which the complaint has no ground is cast, by contrast, as an ideal of being able to stand on one's own two feet, and to walk tall, having a standing on a par with others; an ideal of being able to look others in the eye, not showing fear or deference, and not seeking grace or favor; and an ideal of being one's own man or woman or master: an ideal in Roman terms of being *sui juris*.

These phrases have often been formed in relation to contexts that no longer obtain very commonly. But there are contexts aplenty in contemporary society where the message they convey—ultimately, the complaint they carry—still clearly applies. Think of

the child of the emotionally volatile parent; the wife of the occasionally violent husband; 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 moneylender or bank manager; or the small business owner whose viability depends on the attitude taken by a bigger competitor or a union boss. Think of the welfare recipient whose fortunes turn on the mood of the counter clerk; the immigrant or indigent person whose standing is vulnerable to the whims that rule politics and talk-back radio; or the public employee whose future depends, not on performance, but on the political profile that an ambitious minister happens to find electorally most useful. Think of the older person who is vulnerable to the culturally and institutionally unrestrained gang of youths in his or her area. Or think indeed of the young offender whose level of punishment depends on how far politicians or newspapers choose to whip up a culture of vengeance.

In all of these cases, someone lives at the mercy of others. That person is dominated by those others in the sense that even if they don't interfere in his or her life, they have a more or less arbitrary power of doing so on a greater or larger front and in a more or less substantive measure: there are few restraints or costs to inhibit them. If the dominated person escapes ill treatment in such a situation, that is by the grace or favor of the powerful, or perhaps by dint of a native cunning and deception. The price of liberty in such a world is not eternal vigilance but rather, in a phrase once used by Gore Vidal, eternal discretion. The person lives in the power or under the mastery of others: they occupy the position of a *dominus* in his or her life.

#### *Third Desirability Constraint*

That the complaint about being dominated not only passes the feasibility constraints but is admissible and significant already goes a long way to establishing that it ought to have a serious place in politics—in effect, that the ideal of nondomination ought to be targeted by the state. But the complaint might be all of these things and not connect in any substantial manner with other complaints that have traditionally been placed within the province of

the polity's responsibility. We turn now to the question as to whether that is how things stand with the complaint about being dominated. Is it a more or less stand-alone complaint such that rectifying it leaves many other putatively relevant political complaints unaddressed? Or is it a complaint such that if the state takes serious steps to put it right then it will at the same time take steps that put many other complaints right? Is it a complaint that subsumes a range of other complaints in that sense? I argue that it is a characteristically subsumptive complaint, not one of the stand-alone variety.

The best way to support this point, at least in the short compass available, is to consider how far the rectification of complaints about domination in a society would go to establishing a sample of other ideals. I shall include in my sample liberty, equality, and community—the three ideals of the French Revolution—as well as functioning capability, in Amartya Sen's phrase,<sup>24</sup> and a contractualist conception of justice.

#### *Liberty*

I have argued elsewhere that liberty or freedom was long conceptualized precisely as the absence of domination: not being under the thumb of a master.<sup>25</sup> If that construal is accepted, then it follows that someone may be unfree in doing something, even though there is no natural obstacle that constrains them to do it and no one forces or coerces them to do it. This will happen so far as the person is inhibited or intimidated by the presence of a power that has to be kept sweet. But if the construal is accepted, then another perhaps more surprising result also follows: this is that someone is not necessarily rendered unfree by the fact of a natural obstacle removing an option or raising the costs of taking it, or by the fact of an intentional agency interfering in her affairs to a similar effect. The natural obstacle won't dominate the person so it can't make her unfree. And the interfering agency may not dominate the person—the agency may be forced to track the person's avowed interests—in which case it won't make her unfree, either. How easy is it to live with this implication, while claiming that the relief of domination will advance the ideal of liberty?

It is quite easy, I suggest, to live with this conclusion so long as

we recognize that without compromising the enjoyment of nondomination—without itself being dominating—a natural obstacle or an intentional agency may still have a negative effect on that enjoyment; it may condition it, as we saw earlier, by restricting the range over which—or indeed the ease with which—the person exercises undominated choice. Even if liberty is taken to require the absence of natural limitation or the absence of intentional interference, then, we can see that the systematic remedying of the complaint about domination is going to involve, so far as possible, the reduction of nonintentional obstacles, and of intentional but nondominating obstacles, to people's choices; we already mentioned this point in the second section.

If nondomination is used to conceptualize liberty, therefore, it leads us to distinguish between primary and secondary restrictions on liberty. The primary form of restriction is domination by another person or group: in this case the person or group has more or less ready access to more or less arbitrary interference across a more or less substantial range of choices. The secondary form of restriction is the limitation imposed by nonintentional forces and the interference practiced by intentional but nonarbitrary agencies. It seems right and intuitive to me that this distinction is made between these two different grades of restriction, since only the primary form is inimical to an agent's status as a person; one is not de-authorized or disrespected by nonintentional or nonarbitrary influences in one's life. But it is important that even if people worry about the secondary form of restriction, they will see that a state committed to advancing the enjoyment of nondomination will go a long way toward satisfying their concern.<sup>26</sup>

### *Equality*

What now of the ideal of equality? There are many interpretations of that ideal, as there are notoriously many ways in which people may or may not be equal with one another. But from our point of view a very significant aspect of the ideal is going to be equality of nondomination: in effect, equality of the kind that is provided when people equally command the attention and the respect of others. An obvious question, then, is whether the attempt by a state to redress the complaint that individuals may have about

being dominated is likely to push toward equality of nondomination or whether it is likely to create or support large inequalities, with nondomination being maximized at a point where there are such inequalities between people. It is often said that the maximization of people's subjective utility or happiness may require that some are very unhappy, and in particular much less happy than others; that is how the sums may come out. Is the same sort of thing likely with the maximization of nondomination? Or is there a closer tie between promoting this ideal overall and ensuring that the distribution across people tends toward equality?

As it turns out, there is indeed a close tie between maximizing and equalizing the enjoyment of nondomination.<sup>27</sup> Whether a person is to enjoy a good measure of nondomination in relation to others depends not on their absolute level of power—their power of interfering, retaliating, defending themselves, and so on—but on their level of power relative to the power of others. A level of power that would give me absolute supremacy in one society may leave me relatively badly off in another; in the land of the blind, the one-eyed man is king. This means that if the power of some people is increased with a view to increasing the nondomination they enjoy, then by that very token the degree of nondomination enjoyed by others falls; any positive move on one front is at the same time a negative move on another.

But not only is there going to be interaction between different fronts in this way. A second equally plausible observation suggests that it will always be better from the point of view of maximizing the enjoyment of nondomination in a society to act on fronts that make for its equalization among members of that society. As we increase the relative powers of people with a view to increasing their nondomination, there will tend to be a better result available so far as we focus on relatively powerless rather than on relatively powerful individuals. The more powerful people are, the smaller will be the gain in making them more impregnable to others—the extra resources may be redundant—and the larger the loss in making others more vulnerable to them: the extra resources will impact ever more significantly on the prospects of the weak.

If the level of people's nondomination is sensitive to their relative degrees of power, and if this sensitivity is greater for the weaker than for the stronger, then any attempt to maximize

nondomination overall is bound to focus at every stage on improving the lot of the weaker, and it is bound thereby to push toward more and more equality. This represents a fundamental tie between the ideal of nondomination and the ideal of equality, and one indeed that was well recognized even in Roman times.<sup>28</sup> Any society where people's nondomination is at a maximum will be a society in which people enjoy a corresponding equality of status, with each doing as well as can be expected in commanding the respect of their fellows. This sort of equality does not entail equality in every other dimension; it is consistent, for example, with inequality in the subjective well-being that people enjoy and with at least a certain degree of inequality in the objective resources at their command: in their wealth. But it still represents a substantial kind of equality and it should encourage egalitarians who might otherwise have balked at making nondomination into a central, even supreme, political ideal.

#### *Community*

As there is a tie between valuing nondomination and valuing equality, in particular equality of status, so there is also a tie between valuing nondomination and valuing community. There are three points to make about this connection. The first is that nondomination has been understood in the long republican tradition—and is understood here—in such a way that it cannot be enjoyed by the solitary individual. To enjoy nondomination it is necessary, first, to have other people around with whom one interacts; and second, that one not be dominated by those people: that one enjoy standing in relation to them, being able to look them in the eye, commanding their attention and respect. It is not sufficient that there be no one in one's vicinity and so, *a fortiori*, that one not be dominated. One must enjoy the absence of domination in a context where it is a real possibility, not enjoy it as a mere by-product of total isolation. This condition already ensures a connection between nondomination and community, for it means that the ideal of nondomination is an inherently social value, not an atomistic one.

The second point to make in underscoring the tie to community is that if people are secured against domination by the opera-

tion of the institutional instrumentalities available for the state to deploy—the institutions of armament, disarmament, and protection—then the connection between being nondominated and those institutions is constitutive and not merely causal. To be nondominated is to be more or less immune to the possibility of arbitrary interference, and this immunity will come into being simultaneously with the introduction of measures that realize it, not as a causal consequence of those measures being in place: a consequence that might take time to realize. The connection between immunity to arbitrary interference and the presence of those measures will be like the connection between immunity to a certain disease and the presence of suitable antibodies in the blood. The physical immunity will not materialize as a contingent consequence of the antibodies that take a certain time to eventuate; it is present as soon as the antibodies are there, being realized by the antibodies. And similarly a person's immunity to arbitrary interference—a person's nondomination—will not materialize as a causal result of the institutional measures taken to realize it; rather, it will be constituted by those measures, being present just as soon as they are present.<sup>29</sup>

The fact that nondomination requires a community of individuals, and that a person's nondomination will be constituted by the institutional measures that make him or her more or less secure against arbitrary interference by other members of the community, means that for the state to work at promoting nondomination is just for the state to work at ensuring that people enjoy a certain sort of community: a sort of community that is bound to have the aspect of an ideal. The third point I want to add further emphasizes this connection between promoting the two ideals.

The value of nondomination is tied up with its being a matter of common awareness that one is not dominated, as we saw earlier. That means that if we are to enjoy nondomination properly, we have to be more or less secure against arbitrary interference, being personally protected, or having access to personal resources of retaliation. But it also means, we should notice, that others in any salient class to which we belong have got to be secure in the same way. Suppose that you are a black or a woman or an indigenous person in a society where people in those classes are generally dominated in certain ways. The fact that you have purely personal

resources against domination, say because of being very wealthy, will not ensure that you enjoy nondomination properly. For membership in that vulnerability class will convey the message to many that you are dominated and will constantly put pressure on the discursive status that you can enjoy; you will have to vindicate your standing, case by case, time after time. Thus, if you are to achieve the proper enjoyment of your nondomination, it had better be the case that all others in your vulnerability class escape domination too. You cannot enjoy freedom as nondomination without others in every salient class to which you belong—including, in the last analysis, others in the society as a whole—enjoying that sort of freedom as well.

#### *Functioning Capability*

I said that there are two other ideals, apart from those associated with freedom, equality, and community, that are subsumed in the ideal of nondomination. The first is functioning capability in Amartya Sen's sense, and the second is justice in the contractualist sense associated with John Rawls<sup>30</sup> and T. M. Scanlon.<sup>31</sup>

To enjoy functioning capability is to be in a position where the things one can do and be in one's society mean that by local criteria one functions perfectly well: intuitively speaking, one is not poor or deprived, even if one is not particularly rich. Capability in this sense will require access to conditions such as being fed, being healthy, being housed, being linked with family or friends, communicating with others, following what happens in public life, and tracking the opportunities for work and related activities.<sup>32</sup> There are two grounds for thinking that the ideal of nondomination subsumes this ideal of functioning capability.<sup>33</sup> The first is that to the extent that a person lacks such capability, to that extent he or she will be vulnerable to all sorts of arbitrary interference on the part of others. And the second is that even if someone's poverty or lack of capability does not expose him or her to further domination, it will still limit the range or ease with which he or she can enjoy nondomination, so that there is reason why a state that wants to advance such enjoyment should want, costs allowing, to put such lack of capability right, too.

#### *Contractualist Justice*

Roughly speaking, an arrangement will be just in a contractualist sense so far as people cannot reject it on the grounds that it violates an unobjectionable principle for regulating relations between mutually respectful individuals, in particular for regulating them politically; that the principle is unobjectionable means that it would attract no reasonable objection: no objection, as we may understand it here, that would survive discursive interrogation. Will a regime in which nondomination is maximized be likely to count as just in this sense? I think so. The sort of person who may be expected to complain about its injustice is one who suffers some redistribution of resources toward the poorer or some diminution of native advantages of power. But it is hard to see how the complaint made by such a person could stand up in the contractualist court.

The person envisaged acquiesces in the need for a regulation of the relations between mutually respectful people; specifically, in the need for a political regulation of those relations; and more specifically still, in the need for their regulation by a state that is designed as well as possible to advance all and only the readily avowable, common interests of citizens. There would be no issue to be considered, were this not so. The question, then, is whether this person could identify an unobjectionable principle on the basis of which to protest against the loss he or she suffers as a result of a redistribution of relative powers, even when the redistribution is necessary for increasing the nondomination enjoyed by people under the polity: that is, is necessary for meeting the complaints of various others about being dominated.

The person cannot dismiss the complaints about being dominated as being unnecessary to heed in discourse about how the state should be organized; after all, it is an admissible and significant sort of complaint, by the argument provided above. The only grounds on which the person can protest the redistribution, therefore, must be that the pattern of benefits and burdens it imposes is deemed unfair. But those grounds are bound to look hollow. In seeking to remedy complaints of domination, the state is trying to advance a common interest that all are ready, so we may presume,

to avow. The benefits to be gained for the interest of the weaker are great and the costs to the person complaining are not comparable; the person does not lose out substantially in terms of nondomination, after all, even if he or she suffers some financial loss or some loss of privilege. And so it is hard to see how the person envisaged can identify any unobjectionable principle on the basis of which to protest the redistribution. Any redistribution that advances the cause of nondomination is also likely to advance the cause of justice in the contractualist sense.

#### CONCLUSION

I hope that these brisk remarks will help to establish the powerful case that can be made for putting the complaint of domination right at the center of political concerns and for making the ideal of nondomination one of the central ideals in politics, if not the supreme political ideal. The state can do something about this complaint, something that provides both an effective and efficient remedy. The complaint is admissible in any open discourse on the best form of the state and directs us to a significant and substantive ideal. The performance of the complaint on these fronts gives it a serious claim on our attention in normative political thought and, presumptively, as my passing comments have tried to indicate, a more serious claim than any of its rivals.

I said earlier that there are other *desiderata* or constraints that we might expect a political ideal to satisfy, apart from those we have considered. In conclusion, I might mention that one of these is the *desideratum* of being a measurable ideal, on which many recent writers have focused.<sup>34</sup> The measurable ideal will enable us to determine how well individuals within a polity are doing in relation to that ideal and how well the polity does in comparisons across time or with other regimes. The ideal of nondomination does not count as a highly measurable ideal. First of all, domination and nondomination come in degrees along at least three separate dimensions that are not easily weighted against one another: it may involve more or less easy access to more or less arbitrary interference across a more or less substantive range. Second, there are two respects, also not easily weighted against each other, in which we will want the state to do well by the ideal: one, by reduc-

ing domination itself—by reducing the influence of factors that compromise undominated choice; and two, by reducing the presence of nondominating factors that condition such choice without compromising it.

In view of these complexities, the ideal of nondomination is not going to lend itself to ready measurement; there will always be issues of weighting that need discussion in any instance where it is to be applied. We might try to resolve those weighting issues at the abstract level, but I see little prospect of doing so in a way that is going to win general support. Still, however, I don't think we should lose heart. The important thing with any political ideal is that it be amenable to disciplined arbitration in the course of a conversation that involves all relevant sides; it is not a vague and nebulous notion that allows everyone to think what they will. And in this respect nondomination promises to do quite well. While people may not easily come to agreement on weightings to be assigned in the abstract to the different elements it involves, it will usually be clear how these elements should be weighted in the context of concrete issues. The ideal may not make the algorithmic adjudication of political arrangements possible, but it does represent a yardstick that will not easily bend to the grain of individual interest or bias.<sup>35</sup>

#### NOTES

1. See Philip Pettit, "Freedom and Antipower," *Ethics* 106 (1996): 576–604; idem, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997); idem, *A Theory of Freedom: From the Psychology to the Politics of Agency* (Cambridge and New York: Polity and Oxford University Press, 2001); idem, "Keeping Republican Freedom Simple: On a Difference with Quentin Skinner," *Political Theory* 30 (2002); Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998); and Maurizio Viroli, *Machiavelli* (Oxford: Oxford University Press, 1998).
2. See Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1872–1977*, ed. and trans. Colin Gordon (New York: Pantheon Books, 1980).
3. See Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

4. See John Locke, *A Letter Concerning Toleration*, ed. James Tully (Indianapolis: Hackett, 1983).
5. Will Kymlicka, *Multicultural Citizenship II* (Oxford: Oxford University Press, 1995).
6. See Jürgen Habermas, *A Theory of Communicative Action*, Vols. 1 and 2 (Cambridge: Polity Press, 1984, 1989); Jon Elster, "The Market and the Forum: Three Varieties of Political Theory," in *Foundations of Social Choice Theory*, ed. Jon Elster and Aamund Hylland (Cambridge: Cambridge University Press, 1986); and Pettit, "Democracy, Electoral and Contestatory," *Nomos* 42 (2000): 105–44.
7. See Pettit, *Republicanism*, and idem, "Capability and Freedom: A Defense of Sen," *Economics and Philosophy* 17 (2001): 1–20.
8. See David Miller, "Constraints on Freedom," *Ethics* 94 (1984): 66–86, and idem, ed., *Liberty* (Oxford: Oxford University Press, 1993).
9. *Pace* Hillel Steiner, *An Essay on Rights* (Oxford: Blackwell, 1994), and Ian Carter, *A Measure of Freedom* (Oxford: Oxford University Press, 1999).
10. See Philip Pettit, "Agency-freedom and Option-freedom," *Journal of Theoretical Politics* 15 (2003): 387–403.
11. Charles Taylor, *Philosophy and the Human Sciences: Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985).
12. Jeremy Bentham, "Anarchical Fallacies," in *The Works of Jeremy Bentham*, ed. John Bowring (New York: Russell and Russell, 1962).
13. See Pettit, "Democracy, Electoral and Contestatory."
14. See Philip Pettit, "The Common Good," in *Justice and Democracy: Essays for Brian Barry*, ed. Keith Dowding, Robert Goodin, and Carole Pateman (Cambridge: Cambridge University Press, forthcoming 2004).
15. See Pettit, "Democracy, Electoral and Contestatory," and idem, *A Theory of Freedom*, chap. 7.
16. See Pettit, *Republicanism*, chap. 2.
17. John Braithwaite and Philip Pettit, *Not Just Deserts: A Republican Theory of Criminal Justice* (New York: Oxford University Press, 1990).
18. Niccolò Machiavelli, *The Complete Work and Others*, trans. Alan Gilbert (Durham, NC: Duke University Press, 1965), 241.
19. See Philip Pettit and Michael Smith, "Freedom in Belief and Desire," *Journal of Philosophy* 93 (1996), and Pettit, "Capability and Freedom."
20. See Quentin Skinner, *Liberty before Liberalism*.
21. See Pettit, *Republicanism*, chap. 2.
22. J. B. Schneewind, "Autonomy, Obligation, and Virtue: An Overview of Kant's Moral Philosophy," in *The Cambridge Companion to Kant*, ed. Paul Guyer (Cambridge: Cambridge University Press, 1992), 311.
23. *Ibid.*
24. See Amartya Sen, "Capability and Well-Being," in *The Quality of*

- Life*, ed. Martha Nussbaum and Amartya Sen (Oxford: Oxford University Press, 1993).
25. See Pettit, *Republicanism*.
26. See Pettit, "Agency-freedom and Option-freedom."
27. See Pettit, *Republicanism*, chap. 4, and Francis N. Lovett, "Domination: A Preliminary Analysis," *Nomos* 84 (2001): 98–112.
28. See Chaim Wirszubski, *Libertas as a Political Ideal at Rome* (Oxford: Oxford University Press, 1968).
29. See Pettit, *Republicanism*, chap. 4.
30. See John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971).
31. See T. M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998).
32. See Martha Nussbaum, "Human Functioning and Social Justice," *Political Theory* 20 (1992): 202–46, and Sen, "Capability and Well-Being."
33. See also Pettit, *A Theory of Freedom*, chap. 7.
34. See Steiner, *An Essay on Rights*, and Carter, *A Measure of Freedom*.
35. This paper was presented at the University of Valencia in July 2001, the European University Institute in October 2001, and Chiba University in March 2003. I am most grateful for the very helpful comments that I received during those discussions. I am also most grateful for the final editing assistance of Genevieve Johnson.