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9 The common good

Philip Pettit

The republican tradition in political theory has long insisted on the centrality of the notion of the common good, arguing that if the state is forced to track the common good then it won't dominate its citizens. Not only can it serve the republican ideal of promoting freedom as non-domination of members of the public against private masters: the state will not itself have the cast of a public master; it will interfere with people in the course of tracking the common good but the interference will not be of the dominating variety (Sellers 1995; Pettit 1997; Skinner 1998; Viroli 2002).

I have two aims in this chapter. One is to look at what 'the common good' has got to mean if this republican axiom is going to be plausible, and the other is to consider how the common good might be identified and empowered in political life, as republican theory suggests that it ought to be. In pursuing these aims – though they relate to my projects rather than his – I will draw freely on Brian Barry's early but still unsurpassed discussion of common or public interests (Barry 1965).

The chapter is in three sections. The first section argues that 'the common good' cannot plausibly refer to people's common net interests but only to the common interests that people have as members of the public. The second maintains that such matters of public interest, while not often agreed on in deliberative discussion, should be theoretically identified as those arrangements that are best supported by the considerations and criteria admitted in such discussion. And the third shows how the institutions associated with electoral-constitutional democracy can function – and can reasonably be assessed – as a fallible means whereby public interests can be identified in practice.

I should mention, finally, that the chapter will abstract altogether from issues of how states should deal with one another or with the citizens of other states, includes states that are poorer and more vulnerable. My

My thanks for helpful criticisms on an earlier draft from Bob Goodin and Nic Southwood. I was also helped by discussion of the chapter when it was presented at La Trobe University, Melbourne and at Georgetown University.

focus is exclusively on the relation between a state and its own citizens, where the category of citizens is itself understood broadly, so as to include at least all adult, competent residents of the country.

People's net interests and their interests as citizens

Under the articulation of republican thought that I have offered elsewhere, someone can interfere in people's affairs and yet not dominate them so far as the interference is forced to track the interests that people are sincerely disposed to avow (whether accurately or not). An agent will not represent an arbitrary power of interference in people's lives, however much interference is involved, so far as he or she is forced to track the avowable interests, in this sense, of the interferences (Pettit 1997; Pettit 2001).

Interference in the sense in play here may involve blocking a person's choice of some option, burdening that choice with costs or penalties, or giving the person to believe that one will block or burden the choice. But no matter what form it takes, there are a number of ways in which the agent can be forced to track the avowable interests of interferences, thereby avoiding arbitrariness. The interferences may be well protected against arbitrary interference or may be capable of retaliation, for example. Or arbitrary interference may be difficult or costly for the agent. Or there may be a third party – say, the state – that is likely to penalize such interference.

Consider the way in which an attorney or accountant may interfere with a client's choices, preempting what the client will be able to do in future. Or consider the way that friends may do this when they have to take a decision on someone's behalf. Or consider the way his sailors interfere with Ulysses when they keep him bound to the mast. In all of these cases, the interference is relatively non-arbitrary; that is, it comes of a relatively non-arbitrary power. The threat of being fired will force the attorney and accountant to take heed of what they know that the client values. The bonds of friendship will have the same effect in the case where friends take a decision on a person's behalf. And the fear of being punished for disobeying instructions presumably inhibits Ulysses' sailors and means that in refusing to listen to him they do not exercise arbitrary, dominating power.

A first reading of 'the common good'

Given this way of understanding non-arbitrary interference, there is one obvious reason why we might be tempted to think that the republican

axiom about the common good is sound. Suppose that 'the common good' is just shorthand for people's common avowable interests. Under this assumption, the state which tracks the common good will interfere with citizens only so far as the avowable interest of each is served by that interference. Tracking the common good will mean nothing more or less than tracking avowable interests that people share. And so, by the definitions given, a state that is forced to track the common good will be to that extent a non-arbitrary and undominating presence in the lives of its citizens. There will be little or no mystery about what supports the republican axiom.

But is it plausible that citizens have such common, avowable interests and that in that sense there is a common good that the state can be required to track? The interests envisaged have to be the avowable net interests – the interests, all things considered – that citizens are disposed to avow (Barry 1965: 196). Is it plausible, then, that among the sets of practices and policies that a state might put in place, there is one that is in the avowable net interest of each? I think not. The reason for thinking not is best presented after first looking at two ill-conceived reasons that might be produced in favour of that line.

One ill-conceived reason for favouring a negative answer is this. The state interferes with citizens when it imposes taxes, when it coercively legislates, and when it punishes offenders for breaking the law. But it is extremely unlikely that any one's net interest will be best served by their being coerced or taxed or punished. It will always be better for them if they can benefit from the state's interference with others – the interference associated with establishing some set of practices and policies – while enjoying a free ride themselves. Thus it may seem that no single set of practices and policies could ever be in the avowable net interest of each; for every citizen there will be one, free-riding alternative that does better yet.

This is an irrelevant consideration, because talk of what is in the avowable net interest of each is relative to a given set of options. 'Being in someone's interest is at least a triadic relation between a person and at least two policies' (Barry 1965: 192; cf. 197). The set of options presupposed in this case must be the set of options which it would be feasible for the state to realize and, short of irrelevant extremes, the state's allowing all but one individual to free-ride does not belong to that set. Thus the fact that the free-riding option would serve each better than any set of practices and policies that did not allow them to free-ride is not relevant to the matter in hand. The question is whether, among the feasible, more or less universal practices and policies available to a state, there is one set which is in the avowable net interest of each.

There is a second objection to the possibility of finding such a set of practices and policies that also fails. Think of the person who does relatively badly, as some are bound to do, under a policy that had seemed fine before. Or think of the person who is about to be penalized, as some will surely be penalized, under a law that they had previously approved. The policy or the law is not likely to be in the avowable net interest of that person, given the way things have turned out. But some people are certain to be in that person's position at one or another stage of their lives. And so it seems that no set of practices or policies could ever turn out to be in the avowable net interest of each; it will not be in the avowable net interest of those who do relatively badly, or of those who fail to comply and are consequently punished.

This objection fails, however, because it does not distinguish between what is in someone's *ex ante* interest and what is in their interest *ex post* (cf. Barry 1965: 196–7). Suppose that it is in the avowed net interest of each citizen *ex ante* that the state adopt a certain measure, where everyone knows that this involves a chance element and that, depending on how the chance works out, a given individual will fare better or worse. And now imagine that someone fares worse, and that the measure is not in his or her avowed net interest as that is judged after the event. It would be quite counter-intuitive to say that the fact that the state does not serve the person's *ex post* interest in this way means that it is an arbitrary presence in their life. The relevant question is whether it serves that person's *ex ante* interest well, which by hypothesis it does. Hence, the consideration raised here, like the previous one, is on the wrong track.¹

And now, finally, to what I see as a sound objection to the idea under discussion. Even given the restriction to feasible alternatives and to *ex ante* interests, it is extremely unlikely that among the different sets of practices and policies available to a state, there is one that will be in the avowable net interest of each. A set of practices and policies will be in a person's net interest, plausibly, if it is one whose expected results are something the agent wants for himself or herself, where that want satisfies conditions that guard it against charges of clear irrationality (Barry 1965; Geuss 1981).² The fact that people differ in their capacities and circumstances, their tastes and commitments, means that there is little

¹ Consider in this context Barry's (1965: 198) more or less supportive comment on Rousseau's distinction between laws and decrees: 'Rousseau does not deny that it may be in your interest to break a law which benefits you qua member of the community; all he says is that it is certainly in your interests to vote for it, and that if you have voted in favour of a certain punishment for a certain crime you have no business to complain if your wish for a certain general policy is applied to you in a particular case'.

² Worrying about making the question of what a person's interests are into a non-empirical issue – a function of the interpreter's ideals – Barry only considers the irrationality involved

or no chance that among feasible alternatives one and the same set of practices and policies will be in the avowable net interest of each. It is inevitable that different people will want for themselves results associated with rival sets. As someone talented, adventurous and confident, you may want for yourself the results associated with having a *laissez-faire* economy. As someone of modest capacities, I may want for myself the results associated with a welfare state. And so on.

To say that there is no complete set of practices and policies that is in the avowable net interest of each is not to say, of course, that there are no individual practices or policies that are in the avowable net interest of each. And so an alternative may seem to have been neglected. For someone might propose that it would be reasonable for a society to introduce or preserve those individual elements on which people converge, leaving the *status quo* otherwise unchanged (Buchanan and Tullock 1962). I am not moved by this proposal, however, as the complete set of practices and policies it would support – a mix of the new initiatives and the status quo – would not be in the avowable net interest of each (cf. Barry 1965: 274). And that is the point, as I see it, that is relevant in this discussion.

Or is it? Suppose that there is no agreement on changing the status quo in certain respects. Doesn't that mean that the only feasible sets of practices and policies are those that include those elements of the status quo? And doesn't that entail that the proposal mooted points us towards an arrangement that, alone among feasible alternatives, is in the avowable net interest of each? No, it does not.

The set of practices and policies that a state implements has to be characterized in terms of its omissions as well as its commissions: in terms of what it decides not to do as well as in terms of what it decides to do. The decision not to change the status quo in a certain manner, when it is within its power to do so, represents a policy choice – or a choice of practice – just as much as any more positive decision. And it is bound to be noteworthy, therefore, that that decision favours some but not others: that it is in the avowable net interest of some, but not in the avowable net interest of all (see Sunstein 1993).

Barry emphasizes that, *ex ante*, there are various individual policies that are likely to be in the net interest – and, we may presume, the avowable

in an agent's being indifferent to his or her future opportunities of want-satisfaction (Barry 1965: 184–5). I do not share that worry to the same extent. The issue of whether something is in a person's interest will remain empirically tractable to the extent that there is a background consensus on norms of rationality. And there are many norms besides that of temporal neutrality that are a matter of consensus. This is true at least of those norms that spell out conditions for the successful functioning of wants in relation to information and action: say, conditions related to consistency, updating and the like.

net interest – of everyone. But he is pessimistic about 'supposing that the uncertainty of the future is the passport to the rehabilitation of common interests in all areas of social life' (Barry 1965: 200). Pessimism about whether there is any one set of practices and policies that will prove to be in the avowable net interest of each, even *ex ante*, has come to dominate contemporary political thought (Goodin 1996).³

Let us assume that this sort of pessimism is justified. Whatever 'the common good' refers to, then, the referent cannot be the common avowed net interests of citizens. If there were such a referent for the phrase to pick out – if there were a single set of practices and policies that answered to the avowable net interest of each person in a society – then it would be unmythical why republicans should claim that so far as a state is forced to track the common good, it is non-arbitrary and undominating. But no such referent is available.

Towards an alternative reading of 'the common good'

If it is to be non-arbitrary and undominating, according to the republican definitions, the state has got to track, and be forced to track, the avowable net interests of those with whom it interferes. We have been discussing the question of how it might be the case, as the republican axiom has it, that the state that is forced to track the common good satisfies this requirement. The resolution we have just explored and rejected starts from the fact that it will certainly do so if the common good is nothing other than the common avowable net interests of those with whom the state interferes: as we assume, its members or citizens. But that resolution, so it transpires, is not the only way in which the republican axiom might turn out to be true.

The resolution rejected starts from the observation that the republican axiom will be made true if 'the common good' is interpretable so that the following formula is satisfied.

In being forced to track the common good, the state is forced to track the common avowable net interests of its citizens. But the axiom would also be true in the event of 'the common good' referring to something – something other than people's avowable net interests – that makes the following formula come out true.

³ It is present, for example, in the background of John Rawls' (1971) theory of justice. It drives him to ask whether there is any single set of practices and policies, or at least any 'basic structure', that will prove to be in the avowable interest of anyone who faces the alternatives, not just *ex ante*, but *ex ignorantia*: that is, from behind a hypothetical veil of ignorance as to their personal properties and prospects.

It is in the avowable net interest of each citizen that there should be a state that is forced to track the common good This formula might be satisfied, without the common good itself coinciding with the common avowable net interests of citizens. What is said to be in the avowable net interest of each is not the common good itself, after all, but the arrangement under which there is a state that is forced to track the common good – for the moment we postpone the question of what ‘the common good’ now means. Among the feasible sorts of state available, the state that is forced to track the common good is said to answer better than others to people’s avowable net interests.

The availability of this formula is supported by some points that Barry himself makes. He remarks that even though certain policies, A, B and C, may not represent common net interests in themselves, still the higher-order policy of implementing policies that satisfy certain criteria may be a common net interest; and this, even though the criteria would select those very policies, A, B and C, for implementation. ‘Under favourable conditions it may be that everyone can reasonably expect to gain if a higher-order policy is adopted which specifies some criteria and says that any action or policy which satisfies these criteria is to be put into effect’ (Barry 1965: 201).

Is there a plausible interpretation of ‘the common good’, then, such that the higher-order policy of having a state that is forced to track the common good in that sense is in the avowed net interest of each; and this, even though the common good may not represent something in itself that is in the avowed net interest of each? A plausible interpretation of ‘the common good’ will have to involve the shared interests of citizens in some sense, of course; otherwise it is hard to see why it might be described as the common good. So what sorts of shared interests might satisfy the condition that it is in the avowable net interest of each that there should be a state that is forced to track them in its practices and policies?

Barry directs us to what is probably the one live candidate. A person’s net interests contrast, under his presentation, with the interests that he or she has as the occupant of a certain role. ‘As a motorist, tighter enforcement of the speed limit is not in his interest, as a pedestrian it is; as an importer of raw materials it is not in his interests to have higher tariffs all round, as a seller who has to compete with foreign rivals it is; and so on’ (Barry 1965: 196). Assuming that ‘the common good’ refers to matters of common interest, the obvious suggestion is that the phrase refers to the interests that people share in their role as citizens. If the republican axiom is sound, then the reason must be that it is in the avowable net interest of each that there should be a state that is forced to track people’s common interests as citizens. To require that a state should be forced to

track people’s common interests as citizens is to require that what it does should be guided, at whatever level of control, by those interests, and only by those interests. It is to require that the state should be even-handed in seeing no difference between different citizens and that it should be effective in advancing citizens’ interests.

I leave for the next two sections the question as to how we should determine what people’s common interests as citizens are but the general idea should be clear. When we think of people’s common interests as motorists, we consider the interests that they have so far as they share a purpose of using a private car, under the presumptive constraint that there are going to be a number of motorists on the roads and that they each have to be treated equally. When we think of people’s common interests as citizens, we presumably take certain goals and constraints to be relevant to the members of any polity, though how we interpret them may vary under different theories. And then we take their common interests as citizens to be the interests they have just in virtue of pursuing those goals under the satisfaction of those constraints.

I shall not be providing an argument for why it is in everyone’s avowable net interest that there should be a state that is forced to track their common interests as citizens. But I do think that the claim is quite plausible. What is said to be the case is that, as between the different feasible sorts of political arrangements, it is in the avowable net interest of each person, from an *ex ante* point of view, that there should be a state that is forced to track his or her interests – as it is forced to track the interests of everyone else – as a citizen. And while this is not by any means a self-evident truth, it certainly stands a good chance of being true. If we can institutionalize things so that practices and policies systematically track people’s interests as citizens, and only such interests, then that form of arrangement is going to have a powerful claim to be in the avowable net interest of each.⁴

To sum up this discussion, then, we have distinguished two readings of ‘the common good’. Each is a plausible reading in the sense of having the

⁴ Indeed even this paragraph overstates what has to be claimed under the approach. For a given population, whether in the world as a whole or in a certain territory, there are different ways in which the population may be subdivided into citizens or peoples. All that is strictly needed for the republican axiom to be sound is that there is a subdivision such that for any people or citizenry identified it is in the interest of each member, from an *ex ante* point of view, that there should be a state established amongst them that is forced to track their common interests as citizens. Nothing like this move, notice, could have been introduced to increase the plausibility of the counterpart claim under the earlier resolution. The reason is that no matter how the population is subdivided into peoples – or at least fairly numerous bands of people – differences in capacities, circumstances and other factors will emerge so as to undermine the idea that a single set of practices and policies might be in the avowable net interest of each member.

phrase refer to shared interests: in the first case, the common avowable net interests of people; in the second, their common interests as citizens. The first reading would make it true, as a matter of analysis, that the state that is forced to track the common good tracks people's common avowable net interests and so is non-arbitrary and undominating. The second reading would make this republican axiom likely to be true but not true for certain, and not true as a matter of analysis; it will be true if, as it seems reasonable to believe, it is in the avowable interest of each that there should be a state that is forced to track people's common interests as citizens.

But this second reading leaves us with two pressing questions. First, how should people's common interest as citizens be defined in theory? And how are they to be identified in practice? I turn to those questions in the two remaining sections of the chapter.

Defining people's interests as citizens

It is plausible that a person might show, just on the basis of choice behaviour, what it is that answers to his or her avowable net interest. If agents are minimally rational and well-informed, and if the context is one where only self-regarding wants are in play, then presumably they will individually choose among different alternatives in a manner that reflects what they are disposed to avow as their net interest. Avowable net interests might amount in this way to revealed interests.

Nothing of the same kind can be true, however, of the interests that a person has in a certain role or capacity, such as his or her interests as a citizen. There is no context of choice in which someone's interest as a citizen, say as between certain alternatives, is bound to be revealed. No doubt the uncertainty of the polling booth, together with the possibility of altruism, means that a person's vote will not necessarily reveal their avowable net interest among possible electoral outcomes (Brennan and Lomasky 1992). But neither will it necessarily reveal their interest as a citizen, or even their image of where that interest lies; there are too many other factors that may affect their decision on how to vote.

This means that there is no escaping the need for people to make judgements, and presumably deliberately informed judgements, about what their interests as citizens are. But the need for deliberation and judgement is eased somewhat by the fact that whatever a person's interests as a citizen, they will be the same interests as those of anyone else, considered as a citizen. That is part of what is coded into the notion of a role interest as distinct from a net interest. There will be no need for different judgements about the interests of different people as citizens,

then, though what those interests require in one person's situation, of course, may differ from what they require in another's (Kymlicka 1995). We might even give up talk of people's common interests as citizens in favour of speaking of public interests, or the interest of the public, or just the public interest. And this, indeed, is what Barry (1965: 190) proposes: "The definition of the meaning of 'the public interest' which I propose makes it equivalent to 'those interests which people have in common *qua* members of the public'".

The fact that their interests as citizens are matters of judgement and deliberation means that if something is a public interest, in the sense of being an interest of the public, it is also going to be public in the further sense of being detectable as a matter of public interest; whether it is a matter of public interest will be determinable by public debate, it will not be a function of how things are in private realms of sentiment that only experts can plumb. This dual resonance makes it attractive to resort to talk of the public interest as distinct from people's common interests as citizens. But if we do talk of the public interest, we should be careful not to suggest that the public interest is the interest of an entity that exists in some way over and beyond members of the public. What is in the public interest will always be so in virtue of the effects that it has on members of the public. Or so at any rate I am happy to assume, embracing in this respect a sort of moral individualism (Kukathas and Pettit 1990: ch. 1).

But what makes it the case with any group that it is in their common interest as members of the group to adopt this or that initiative? In particular, what makes it the case that it is in people's common interest as members of the political public that this or that set of practices and policies be established? What is the truth-maker of a claim about the public interest?

Some false starts

One line might be that what is in the public interest of a group is whatever members collectively say is in the public interest, whether in majority voting or under some other arrangement. This would make members of the group into authorities on the matter. But that is a barely credible approach, since it would mean that there was no sense in the idea of a group coming to the view that members were wrong in the past when they judged that that this or that was in their common interest as members. It would imply that the public interest had changed, not that members had corrected an earlier judgement. But the members of groups do often make that sort of self-corrective judgement and there has to be something missing in a theory that renders self-correction inexplicable.

Another line might be that what is in the public interest of a group is what members would collectively judge to be in their common interest as members were they in the idealized position of having access to all relevant evidence, being each able to make a contribution to the deliberation, not being subject to irrelevant pressures of bias and partiality, and so on. This approach too would make people – but now only idealized people – into authorities on what is in their common interests as members of a group. One interpretation of that line might be to say that what is in the public interest is what people would judge to be in the public interest, were they in the sort of speech situation that answers perfectly to ideals of debate that are immanent, according to Jürgen Habermas (1973; 1984; 1989), in ordinary practice.

This line is no more attractive than the first. For there is no guarantee that what idealized members of the group would find to be in their common interest as members is what is in the common interest of members of the group under actual, distinctly unidealized circumstances (Smith 1994). Imagine that there is a question as to whether it is in the public interest of members of a group to have a body of experts that would review every collective proposal and advise members on its ramifications before putting the proposal to the vote. The idealized members of the group would not find it to be in their interest to consult a body of experts – in their circumstances, such a body would not be needed – but it might well be in the public interest of actual, imperfectly situated members to establish a body of that kind.

The response to this problem might be to propose a third line. Under the third line, the issue of what is in the public interest of the members of a group would be determined by what those members would judge to be in the public interest – the actual public interest, under real-world conditions – were they themselves in the idealized position of having access to all evidence, being able to hear all voices, not being vulnerable to bias and partiality, and so on.

This third line is quite different from the other two. The first two lines make the members of a group, ordinary or idealized, into defining authorities on their common interest as members; what the members say in each case goes, with no possibility of error. But this third line casts idealized members as expert judges on the public interests of ordinary members of the group, not as defining authorities. It presents them as occupying an epistemically favourable position to judge on those interests, rather than making their say-so authoritative in itself.

The *Enthyphro* test marks off this third line from the other two (Pettit 1982; 2002). Socrates asked in Plato's *Enthyphro* whether something is good because the gods love it or whether they love it because it is good.

Under the first reading, the gods would be authorities who dictated what was good by virtue of what they chose to love, under the second they would be experts who could be relied upon to detect the good and love it. Under the first two lines on the public interest of members of a group, something is in the public interest because it is what members – ordinary members or idealized members – say is in the public interest. Under the third line, however, it is not the case that something is in the public interest because idealized judges say it is in the public interest. On the contrary, the idealized judges say it is in the public interest because it is in the public interest; that it is in the public interest reliably guides their judgement, in view of the epistemically favourable position they occupy.

The fact that the third way of identifying the public interest of a group has this character means that we can hardly be satisfied with it as an ultimate standard of the public interest. If we think idealized members would be able to tell what is in the public interest, that must be because we have a notion of the factors that determine whether something is in the public interest, and think that the position of idealized members enables them to detect the presence and the import of those determinants in a reliable manner. But if we do see things like this, then clearly we are committed to thinking that what makes it the case that something is in the public interest of a group is the fact that it answers those determinants appropriately. That idealized members judge it to be in the public interest is a sign that it answers appropriately to those factors; it is not what makes it to be the case that it is in the public interest.

A new beginning

We are back, then, at square one. What are the determinants of the common interests that members of a group have as members of the group? In particular, what are the determinants of the common interests that people have as citizens? We have seen that the question cannot be finessed in favour of identifying authorities or experts who can reliably direct us to such public interests. We have no recourse but to try and approach the question from another angle.

One alternative angle that may appeal to some is to identify people's common interests as citizens with something substantive such as the satisfaction of a privileged list of rights or the maximization of utility in some variant of the utilitarian notion. But this won't serve our purposes, as it is going to be quite implausible that people might each be disposed to avow a net interest in having a state that is constrained to promote such a determinate and controversial end. I propose, therefore, to explore a different line.

Consider any group that is based on the voluntary, deliberative participation of its members. Suppose the members of that group stick together, undertaking now this enterprise, now that, and binding themselves, here to this way of doing things, there to that alternative practice. And suppose further that while those policies and practices are not unanimously endorsed, no one argues that they are illegitimate, being selected in breach of accepted ways of doing things. It seems plausible that the members of such a group would see the modes of group behaviour adopted as answering to their interests as members; otherwise they would presumably protest. So what is it about the way things are done in that paradigm group that makes it the case, by their lights, that the public interest is furthered?

The key to an answer lies in a fact about how the members may be expected to deliberate as they try to identify practices to implement and policies to pursue. When people debate with each other about what they should do as a group, or about how what they do should be determined – when they debate about their decisions or their decision-making – then they invariably produce considerations in support of this or that or the other proposal. Some of those considerations will be rejected by others as reasons that have no hold on them as members of the group. They may be rejected, for example, as representing a sort of special pleading on the part of those who put them forward. Other considerations, however, will be allowed to pass. They will be granted the status of reasons that are relevant to the matter of what the group as a whole should do; different members may give them different weight but all will acknowledge that they deserve a certain weighting.

Considerations that would not pass muster in group debate include self-seeking observations to the effect that such and such an initiative would give one member or subset of members an advantage over others, as well as expressions of what is required by an ideal or cause that is not shared by all. The considerations that are likely to be accepted as relevant on all sides come in two broad categories: first, neutral considerations that concern the general prosperity of the group, or its efficacy in attaining agreed ends, or the assurance available to each that no other members enjoy any particular privilege, and so on; and second, those more personal complaints that members of different groups may raise against various proposals and that secure acceptance as reasonable: 'That's going to make life difficult for those of us who are poor/who belong to an ethnic minority/who live in rural areas . . .'

Not only will the members of any group privilege certain commonly admitted considerations in this fashion, they will also privilege certain criteria of argument bearing on what those considerations are supposed

to establish. They will do this, once again, so far as they let certain forms of argument pass, while objecting to others.⁵ With one sort of consideration, for example, they may show that they think that its overall satisfaction argues for a certain arrangement, even though a minority may do badly under that arrangement. With another sort of consideration, they may be unwilling to allow aggregate satisfaction to compensate in the same way for individual shortfalls.

The fact that members of our paradigm group will have deliberated in this fashion over different proposals means that in their evolving practice various considerations and criteria of deliberation will have been identified as reasons that are countenanced as relevant to group decisions and group decision-making. They will constitute a fund of reasons such that short of raising novel objections, everyone will be expected to recognize them as relevant to group behaviour, everyone will be expected to expect others to recognize them as having this relevance, and so on.

What constitutes the common interests of the members of a group, then? What determines that this or that decision, or this or that mode of decision-making, is in their common interest as members? The fact, plausibly, that according to publicly admissible criteria of argument, it is best supported among feasible alternatives by publicly admissible considerations; the fact, for short, that it is best supported by the reasons that are publicly admissible within the group. The reasons publicly admitted will presumably approximate to those that are publicly admissible. And so when members of the group see the initiatives taken as ones that the publicly admitted reasons best support – as members presumably do in the case of our paradigm group – they naturally see those initiatives as answering to their common interests as members.

There are different cases, of course, in which members of the group may see initiatives as enjoying the support of publicly admissible reasons. One is the case where the relevant considerations and criteria are aired in the group as a whole and everyone agrees – implausibly – that amongst the available alternatives this or that initiative enjoys the most support. Another is the case where the decision is made by a subgroup that is regarded as a reliable judge of what the relevant considerations and criteria support. And yet another is the case – no doubt the most common of all – where the possibility of reasonable disagreement is acknowledged and the decision is taken among equally supported proposals on a basis

⁵ A crucial background assumption here is that the criteria that argument follows – the principles of inference that it respects – may operate without being spelled out as considerations that the argument takes into account. In a classic article, Lewis Carroll (1895) showed that on pain of infinite regress some principles of reason have to operate in this unarticulated manner.

that is itself endorsed by publicly admitted reasons. The basis endorsed may involve a lottery, or the judgement of an impartial panel, or the judgement of a committee or court that is required to follow certain guidelines, or a majority vote among members or representatives.

According to the line of thought emerging from these considerations, an initiative will answer to the public interest of the members of a group precisely when it is supported in some of the ways just rehearsed by the reasons publicly admissible amongst the members, precisely when it answers, directly or indirectly, to publicly admissible, supporting considerations, according to publicly admissible criteria of support.

This line of thought can be easily extended to the case of the polity. The members of a democratic public constitute a group that has to decide on what ends to try and accomplish in a collective manner; in particular, via the agency of a coercive state. As joint agents of that sort, they will discuss among themselves questions bearing on what should be done. Such discussion may take place in assemblies that have decision-making powers but they will occur more routinely in smaller decentralized groups – even just groups of two and three – that have the power, at most, of affecting electoral fortunes. People in these subgroups will discuss what should be done collectively with the same fervour and seriousness as those in positions of power; it is just that their deliberations will be off-line from the point of view of decision-making.

If we think of members of a democratic public as parties to such a plan of joint action, then we can see that like the members of any such group they are bound to privilege certain considerations and certain criteria of reasoning as those that are relevant for their collective purposes. They will generate a fund of public reasons such that everyone in the society will be expected to countenance them, short of producing novel grounds for raising challenges. Part of learning one's way about such a polity will consist in learning what considerations and what criteria pass without saying – pass in every context, not just in this or that particular milieu – as principles of local political argument.

Given this parallelism between the polity and the paradigm group, we can define the political notion of the public interest as follows. A set of practices and policies will be in the public interest in any society just so far as it transpires that by publicly admissible criteria that particular set answers better than feasible alternatives to publicly admissible considerations: the fact that it best satisfies the fund of reasons that are publicly admissible in deliberation about what should be collectively done. This definition is entirely natural with a democratic polity but it applies also in the undemocratic case. Even if there is no deliberation practised amongst citizens as a whole about what the state should do –

even if the state is a private fiefdom – still there is room for asking whether this or that initiative is supported better than alternatives by the reasons that would prove admissible in inclusive political debate.

I propose to go along with the mode of identifying public interests that we have sketched in this discussion. Initiatives that are supported by what members consider to be the reasons relevant to group decision-making have a natural claim to count as being in the group's interest, especially given that such reasons are unlikely to reflect controversial ideals or causes. And in any case, there are no serious rivals available; the proposal explored is the only plausible contender on offer.

Finally, an observation in passing. On the conception of the public interest emerging here, there is an interesting convergence with the version of Rawlsian contractualism espoused by T.M. Scanlon (1982; 1998) and applied to politics by Brian Barry (1995). Under that approach, roughly stated, we seek to establish whether certain principles are just by asking whether anyone could make a reasonable complaint against them as a basis of cooperation with others. On the approach taken here, practices and policies will count as being in the public interest precisely so far as they are immune to reasonable objection, under a particular interpretation of what makes an objection reasonable. The practices and policies that are in the public interest will be immune to the sort of objection that is licensed by the considerations and criteria that are publicly admissible within the society; or they will be selected on a basis that is immune to such objection. Thus they are practices and policies that might count, under a broadly contractualist approach, as arrangements required by justice.

Identifying in practice people's interests as citizens

But it is one thing to have a theoretical account of how in principle people's common interests as citizens are to be defined. It is quite another to give an account of how in day-to-day politics they might be picked out and empowered: that is, given an exclusive role in determining the state's practices and policies. I make some general remarks on that issue in this final part of the chapter.⁶

Suppose we are given the problem of designing a polity so that people's common interests as citizens are reliably identified and empowered. What steps would we need to take in order to ensure this result? What are the main dangers against which we should look for institutional safeguards?

⁶ For some further work on related issues see (Pettit 2000; 2002b; 2003).

There are two sorts of danger that stand out at the most abstract level. The first is that the system might fail to identify and empower all the public interests relevant to the polity. And the other is that it might misidentify or misrepresent certain private interests as public interests and proceed to empower them. The first danger is that of a false negative, the second that of a false positive. The false negative would consist in missing out on certain public interests, or on what public interests support; the false positive would consist in mistaking other interests for public interests or in mistaking an outcome supported by other interests for a public-interest outcome. The first involves an ignorance of certain public interests, the second an error about what those interests are.

The false negative danger

How might the false negative occur and what might be done to guard against it in the ordinary practice of politics? It might occur in one of two ways: either because there are publicly admissible reasons that have not surfaced yet within discussions in the polity, or because there are many feasible variations in practice and policy that have not been canvassed, including variations that might prove to have the support of publicly admissible reasons and so to count as being in the public interest. What political institutions would we need to establish with a view to guarding against these problems? Clearly, there has got to be widespread public discussion of what the state should do in order for the fund of publicly admissible reasons to be extended and developed. And, equally clearly, there has got to be an opportunity for members of the polity to propose and canvass any number of variations in political practice and policy.

The electoral institutions that are familiar from current democracies look capable, at least in principle, of playing the role envisaged. Let those institutions facilitate and further deliberative discussion in the electorate, among candidates who stand for election, and in the various forums to which authorities are elected and appointed, and there will be a good chance that a rich fund of reasons will be established as publicly admissible in common currency and consciousness. At least, this will be so, if public discussion is not distorted by the shortcuts of electronic advertising, by resort to personal or party abuse, by the exclusion of certain sectors of the population, by divisions of paralyzing distrust, or by other such melancholy realities.

Not only can the institutions of electoral democracy serve to enrich the fund of publicly admitted reasons. They are also capable, at least in principle, of increasing the likelihood that a maximum of possible variations in political practice and policy will be aired in public. If there are

a number of parties competing for election, if candidates increase their chance of election by embracing attractive, distinguishing proposals, and if proposals are going to seem attractive to the extent that they are supported by publicly admissible reasons, then electoral competition should help to counter shortfalls of imagination – willful or innocent – on this front. Again, of course, the efficacy of electoral institutions here will often be diminished under the influence of familiar, melancholy realities. It will be reduced, for example, if electoral business is so expensive that smaller parties or political groups have no chance of getting a hearing, or if politics is dominated and shaped to their own purposes by two or three major parties.⁷

The false positive danger

Suppose that we have established electoral institutions of the required stamp in the society for which we are designing a political system. And suppose that there is some reason to think that the problem of the false negative that we have been discussing is thereby mitigated. What is this likely to mean for the problem of the false positive?

There are two dangers created by ordinary electoral institutions that are relevant to this problem. The first is the danger of a tyranny of the majority, the second the danger of a tyranny of the elite: the elite, in this picture, are those who are elected and appointed to positions of power, whether within the administration, the legislature or the judiciary. The first danger is that the interests of a majority get to be misrepresented as genuinely public interests, with a minority – a stable or one-issue minority – not being properly taken into account. The second danger is that, as broad electoral platforms get translated into detailed policies, or get to be implemented or interpreted in real-world contexts, they will be shaped by pressures that emanate from sectional or factional sources and that have no connection with the public interest as such.

What institutions might complement electoral institutions, and serve to deal in some measure with the problem of the false positive, in particular with that problem as it arises in an electoral context: in effect, with the danger of majoritarian and elitist tyranny? The best hope, as I have tried to argue elsewhere, is to look to contestatory institutions that

⁷ Why not resort to referenda in greater measure, making democracy more and more plebiscitary? Apart from considerations of feasibility, an important argument against allowing the electorate as a whole to dictate policy is that even well-informed, rational electors can make judgements on public policy that aggregate, under majoritarian arrangements, into inconsistent judgements and policies. The point is made in Pettit (2003), drawing on the impossibility result in List and Pettit (2002).

can allow minorities to challenge majoritarian proposals on the ground of not answering to genuinely common interests, and allow the public as a whole to challenge the objectionably sectarian forms that even public-interest measures can take in the backrooms of special interest and in the corridors of power.

I see contestatory institutions as being democratic in character so far as they serve like electoral institutions, to empower members of the public – in particular, to give power to the interests that they countenance in common as citizens. Those contestatory institutions come in two forms, depending on whether they facilitate or forestall contestation, and both are represented in most regimes that we would be happy to count as democracies.

Facilitating institutions allow contestations to be brought against government decisions in contexts where, ideally, the majoritarian or elitist pressures that may originally have caused a problem are absent or reduced. In extant democracies, the facilitating institutions will include courts of law, administrative appeals tribunals and ombudsman arrangements, as well as those arrangements whereby rights of parliamentary appeal and public demonstration are protected or even facilitated.

Forestalling institutions are those arrangements that serve to reduce likely contestatory burdens without undermining the rationale for contestation. They will include constitutional provisions whereby it is made difficult for government to legislate in potentially contestable ways. They will include depoliticizing measures whereby government decisions are put at arm's length from elected officials; these will be useful in areas where decisions might be influenced by short-term electoral considerations – say, in determining interest rates or electoral boundaries – rather than by the long-term public interest. And they will include consultative measures that require government to consult public opinion, soliciting the reactions of different groups, before going ahead with various legislative or administrative reforms.

I do not suggest that the contestatory institutions reviewed, whether facilitating or forestalling in character, always work well in existing democracies. Their influence is frequently damped or warped so that they may do little good, or even do more harm than good. But in principle I think that something along the lines of those institutions is needed in order to complement the role of electoral institutions and ensure that false positives are not a major problem.

This is not the context to look at ways in which the institutions of an electoral-contestatory democracy can be improved in order to facilitate the systematic identification and empowerment of public interests, as they are conceived in this chapter. In any case, such an examination would

require the resources, not just of philosophical analysis and theory, but also of empirical modelling and investigation. But I hope I have said enough to make it plausible that the task of identifying the public interest in the ordinary practice of politics is not necessarily an impossible one.

Conclusion

I looked in the first section at the most plausible way of construing the common good, arguing that it should be identified with the common interests that people have as citizens – with public interests – not with the allowable net interests that they have in common; this construal promises to save the republican axiom linking non-arbitrary government with government in the name of the common good. But government in the name of the public interest will mean nothing unless we can give a theoretical account of what constitutes the public interest and unless we can point towards political institutions that might serve to identify and empower the public interest in practice. I argued in the second section of the chapter that the public interest should be identified with those measures – those practices and policies – that by publicly admissible criteria answer better than feasible alternatives to publicly admissible considerations. And then I argued in the final section that the institutions of an electoral-contestatory democracy hold out the prospect that the public interest, so conceived, can rule in the political life of a society. That prospect needs a lot of further scrutiny but I hope enough has been said to show that it need not be an illusion.