Part II

4   The power of a democratic public

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Introduction

There are three aspects to democracy, all of them important for ensuring that the *demos* or people truly have *kratos* or power over their government. First of all, the government must be able to make a credible claim to speak and act in the people's name; it must have the general acceptance of the members of the domestic polity, however tacitly this is given. That first aspect marks off a democracy from the colonial form of government that is imposed from outside a country. It enables us to speak of the people as the ultimate sovereign, the ultimate source of political authority.

That the people is sovereign in this sense, however, does not mean that government is elected under universal franchise. It requires only that should the people generally come to disapprove of a government – say, a monarchical or aristocratic government – then they are entitled to resist and reject it. The second aspect of democracy also indicts any elitist dispensation, however benign, as undemocratic. It requires that the people serve in an electoral role as well as in the role of a sovereign.

But the fact that the people serve in these two roles does not yet mean, intuitively, that the people have much control or power over government. For all that the right of resistance and election enjoin, those in government might yet behave in a more or less arbitrary, even dictatorial fashion; they might deal unjustly with ordinary citizens. As many different commentators have noted, respect for those rights is no guarantee against what James Madison (Madison *et al.* 1987) described as an elective despotism.

The third aspect of democracy guards against the possibility of arbitrary government – if you like, against a salient form of injustice – as the first two guard against the possibilities of government being colonial or elitist. It puts measures in place that are designed to ensure that whatever is done by government is done under more or less restrictive constraints that reflect commonly shared ideas in the populace: for

example, ideas as to what equal respect and concern require of government. Those ideas constitute the public culture or public philosophy established in the community. The third aspect of democracy would empower the public by giving those ideas an important role in shaping how government operates.

The first aspect of democracy entails that government is in the people's name, exercised with their authorization. The second ensures that government operates with the people's warrant, being appointed on the basis of their electoral preference. The third implies that government is on the public's terms, being conducted within constraints that they impose. Not only do the people authorize and appoint their government; they also audit it for compliance with suitable constraints. They hold it effectively to account for how far it measures up to public expectations.

Government may be	non-colonial	+ non-elitist	+ non-arbitrary
in the people's name	Popular authorization		
+ by the electorate's warrant		Electoral appointment	
+ on the public's terms			Public auditing

This essay is addressed to the third aspect of democracy. I want to explore what is involved in the people's serving, not as a sovereign, and not as an electorate, but as a public that can hold government effectively to account. The essay is in two main sections. In the first I look at the idea of the public and in the second at the power that the public can exercise in monitoring and regulating government.

The idea of a public

The making of a public

We can readily imagine a populace, even a populace that lives under what is otherwise a democratic regime, that does not constitute a public. Such a populace would be apathetic about how things are done in the society as a whole or they would take an interest in those doings only to the extent that they impacted on their own private, atomized interests. They would relate to one another in the way in which the customers in a common mall or market relate. While they might generate aggregate effects through acting in a common context – this, in the way the consumers in a market might force prices to a competitive equilibrium – they would do so accidentally, as a result of each pursuing

his or her own goals: say, in the market case, the goal of buying at the cheapest price available.

The members of a population constitute a public in my sense insofar as they transcend this individual closure. They talk and exchange ideas on issues of common concern, matters of political moment, and do so to some purpose and effect. They do not let their collective life and affairs evolve as under the writ of an unchallengeable divinity. They get exercised about the way things go, they share their reactions, they form different views, they argue over their differences. They do not resign themselves to the rule of government, as to a blank necessity, but treat every claim and proposal made by those in power as fair game for debate and contestation.

Importantly, the members of a public don't just do this in separate circles, insulated by impermeable membranes. The different views they form are aired in speeches, in pamphlets, in the media, so that the eddies of private debate connect up in mainstream currents. The public gathers whenever two or more get together in discussion of common affairs, and it may gather in any of a variety of forums, ranging from the workplace canteen to the city café, the street-corner harangue to the formal debate, the television interview to the printed exchange. But those forums are not disconnected from one another. The use of public media, whether on the rostrum of Roman debate (Millar 1998), in the council of the medieval republic (Waley 1988), or in the television studio of today, maintains the flow of ideas between different circles. No conversation is closed; none can fix on just the ideas maintained in the local coterie.

The fact that a public is essentially involved in such exchange and discussion may suggest that, like a debating society, it is really just an arena for the development of rival views about politics. But that would be quite misleading. The very fact that members of a public squabble over differences ensures that they accept a range of propositions as commonplaces that all endorse. Building progressively towards dissensus, as the members of a public inevitably do – such are the circumstances of politics (Waldron 1999) – they create a bedrock of agreement to provide a context and a platform for their differences. And they do this unwittingly and unavoidably, generating their commonalities as side-effects of the difference-marking enterprise.[1]

Participatory commonplaces

There are two broad sorts of commonalities that will more or less inevitably emerge in any public. The first are common assumptions about the titles that people have to participate in the ongoing exchange and to

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[1] For other approaches to the public see Dewey 1991; Richardson 2002: ch 13.

be treated as participants proper. If people are admitted to discussion at any center of public debate, routinely enjoying the address of others and routinely getting a hearing from them, then they are recognized in effect as equal voices with equal claims to speak. The practice incorporates them in such a way that should they occasionally be silenced or ignored – or worse, should they be treated with duplicity or force – then they will be able to appeal to the requirements of the practice in order to vindicate their position. They will be able to argue that its success presupposes the satisfaction of ideals that the offending treatment breaches. In the practice that remains true to those ideals, achieving its communicative ends properly – in what Jürgen Habermas (1984; 1989) calls the ideal speech situation – no one can be denied a right to speak on an equal footing with others, a right to be given a fair hearing by those others, and associated rights not to be trampled on in various ways.

The point here is not mysterious. Suppose I play chess with you, recognizing you as a suitable opponent. Contingently on my continuing to play chess, I have to treat you in a certain way. I have to respect the rules of the game, give you an opportunity to make your moves, comply with the rules in the moves I make myself, and eschew aggressive or threatening behavior. I may refuse to treat you in that way, of course, but if I do I have to give up any pretence of playing chess. In denying you the status of a chess-player, as established within the practice, I have to abandon the purport of relating to you as one player to another.

The point made about participants in public discussion of common concerns is parallel, though, as we shall see, it is in one respect even more powerful. People may give up the pretence of engaging with certain others within the practice of such discussion. But so far as they do not give up this pretence – and they do not generally do so in an ongoing civil society – they have to recognize those others as having a certain standing and a certain set of claims on how they should be treated. Chess-players must deal with one another within the rules of chess and must renounce fraud or violence. Participants in public discourse must deal with one another within the rules of discourse – they must give one another a voice and a hearing – and, equally of course, they must renounce deception or force; if they do not, then they can be condemned in the name of ideals that they will have implicitly endorsed.

I said that the point about participants in public discourse was parallel to the point about chess-players but also more powerful. It is more powerful, because of one important disanalogy. I might play chess with you every weekend but treat you in the intervening periods in an appalling manner; you, after all, might be my chess-playing slave. But I can hardly relate to you on regular occasions as one member of the public to another, yet treat you in intervening periods as someone I can push

around, exploiting the extra strength or resources or connections that I happen to enjoy.

Were I to push you around in this way, you would be unlikely to be forthright in discussion; you would naturally want to keep me sweet, out of fear of what I may do when the debate is over – a parallel lesson may even hold in the chess case. But this is a fact I am in a position to recognize. And it is a fact that is salient enough to be recognizable by all; no thinking person can fail to notice it, fail to register that others must notice it, and so on. It follows that so far as people participate with one another in public discourse, they must be assumed to eschew the resort to fraud or force, not just while discussion continues, but at other times as well. Let someone fail in such a regard and others are in a position to ask how they can be expected to treat that person as someone with whom they are to debate on an equal and open footing. We can readily imagine the incredulity with which they would raise the query.

If this line of thought is right, then whenever a public emerges, there is good reason to expect that members will recognize one another as equal voices with equal claims to speak and get a hearing. They will acknowledge one another's rights as presumptive participants in exchange. They may not always honor those rights, not living up to the ideals implicit in the practice, but they will have to be taken to countenance them and to expose themselves to rebuke in the event of not complying.

Participatory rights might be recognized as general claims, spelled out in more or less abstract principles, or they might be recognized just as a matter of case-by-case compliance and case-by-case complaint. Logicians recognize as a general truth the logical principle that the truth of a conditional, "if p, then q," together with the truth of its antecedent, "p," will ensure the truth of the consequent, "q." Ordinary people only recognize this principle – *modus ponens*, as it is called – in a more tacit fashion: they acknowledge it so far as they generally comply with its demands, and they admit the relevance of complaint should they or others fail to comply.

Participatory rights and principles will certainly attract the tacit form of acceptance, but they are also likely to be spelled out and endorsed in more abstract form. It is going to be in the interest of most members in most contexts that such principles be articulated as common commitments; this will assure each against the dangers that others might not comply. There should be no shortage of political entrepreneurs who are willing to proclaim such rights, daring anyone to raise a voice of dissent.

Before I seem to wax too enthusiastic about the participatory commonplaces that a public should be expected to endorse, I should add

that in any society, alas, the public may be an exclusive club. It may cut out women, as publics did in nineteenth-century Europe, America, and Australasia, and as many still do in various countries throughout the world. Or it may cut out those who belong to minority religions or minority sects. But still, this need not be a reason for utter despondency. The historical experience has been that once a public has formed, it is difficult to guard its borders and insulate them against others. Outsiders quickly catch on to the common issues and themes addressed in the public discourse. And if they speak, however guardedly, or in however limited a context, it will require a positive effort not to give them a hearing. Short of strict surveillance by a police force or a priesthood, any genuine public is liable to be porous at the periphery. It is in the nature of publics, left on their own, to grow.

Inferential commonplaces

The second category of commonalities that will emerge in any ongoing public constitute what I call inferential commonplaces as distinct from participatory ones. Participatory commonplaces are the assumptions that all members must be taken to endorse in virtue of treating one another as fellow participants in public discourse. Inferential commonplaces are assumptions that all must be taken to endorse so far as they come to agree on what count as arguments – arguments, not necessarily persuasive arguments – and what as hopeless *non sequiturs*: things that just do not follow.

Consider the explanation offered by the Renaissance medical expert Paracelsus for why syphilis ought to be treated with a salve of mercury as well as by internal administration of the metal: "the metal mercury is the sign of the planet, Mercury, and that in turn signs the market place, and syphilis is contracted in the market place" (Hacking 1983: 71). However forceful the argument may have once seemed, no one today could take it seriously. The presupposition of the argument, that there is a medical significance in the names and roles of the planets, is utterly incredible to a contemporary audience. Rejecting that presupposition out of hand, we see no relevance whatsoever in the argument produced. There is no connection, however weak, that we can acknowledge between the premises adduced and the conclusion asserted.

This rather recherché example helps to bring out a point that often goes without notice. When we find an argument relevant in any discussion then we must give some credence to the connection it posits or presupposes between the premises and the conclusion. We may not find the argument compelling, whether because of rejecting a premise

or thinking that the support the premises offer for the conclusion is outweighed by other considerations. But even if we reject an argument, marking out a point of explicit disagreement with our interlocutor, the fact of accepting its relevance means that we will have acknowledged an implicit point of agreement. The intended effect of the response may have been to focus on a difference, but the unintended side-effect will have been to mark out a common presupposition.

This may seem too clever by half. Can't we put everything up front in an argument and not allow presuppositions to sneak in and establish areas of agreement behind our backs? No, we can't, for a reason that was deftly established by Lewis Carroll in a famous discussion of deductive reasoning, published in the 1890s. Better known as the author of *Alice's Adventures in Wonderland*, he also made contributions as a logician.

In his characteristically engaging way, Carroll (1895) imagines a character, the Tortoise, who complains to his companion, Achilles, that he just cannot seem to derive anything from anything. Achilles, confident he can help, produces a standard bit of deductive reasoning on the pattern of: p; if p, then q; therefore q. Tortoise says that he just cannot see how to get to "q" from those premises but notices that he might perhaps do so if allowed a further premise that licenses the move: a premise to the effect that if the premises are true, the conclusion follows. Fine, replies Achilles exultantly, let me give you that premise and then you can make the deduction. But, alas, the Tortoise demurs again. He can't get to the conclusion "q," even from the original premises, call them "A," and the new premise, "if A, then q." Perhaps if he could just have another premise to the effect that if those enhanced premises are true, it follows that q? Fine, Achilles is delighted to concede: take it. But then hesitation strikes again and the Tortoise wonders if he doesn't need yet a further premise to the effect that if those doubly enhanced premises are true, then q. The regress opening up begins at this stage to dawn even on Achilles. Speed is not everything in argument, or anywhere else; perhaps the Tortoise is moving as fast as it is possible to go.

The lesson of Carroll's article, lost on poor Achilles, is that no matter how rich the premises adduced in an argument, nothing can be taken to follow from them except on the basis of a presupposition that itself remains unsaid. If the presupposition is spelled out as an extra premise, then the new argument will in turn depend for its force on the acceptance of a further, unarticulated presupposition. There is no possibility in argument of putting everything up front. Argument must always advance on the basis of an unavowed infrastructure of agreement (see

too Wittgenstein 1958). And what is true of accepting an argument holds also for agreeing that the argument is valid and relevant, even while rejecting a premise or putting other considerations on the table.

Taking advantage of this observation, let us return now to the political domain. The observation suggests that if the members of a public succeed in maintaining dialogue and exchange, then, regardless of the cleavages that open up between them, they will inevitably build those disagreements on a body of agreed presuppositions. Let one person argue from the value of equality to the need for a universal health service, for example, and another argue from the value of quality in health provision to the need for keeping a private component in the system. Insofar as they do not reject one another's arguments as irrelevant, they will display a common presupposition to the effect that both equality of distribution and quality of service are relevant values. They will divide on the case for a universal health service only because of weighting those values differently or differing on some related matter of fact: they may differ, for example, on whether universal health provision would reduce the quality of service. But from our viewpoint, the important thing to notice is how much they agree on. They presuppose in common that the equality of health consumers and the quality of health provision both matter in the society.

Suppose by contrast with this case that one person argues for a universal health service on the grounds that this is the only way of ensuring that regardless of religious inhibition, people are subjected to whatever treatment doctors recommend. I imagine that in most contemporary societies that argument would be greeted with a blank stare. People would just not endorse the presupposition that people's religious inhibitions about the medical treatments they receive should be ignored by doctors; the argument would not wash. It would be treated as irrelevant, or even as pointing to a consideration against the very conclusion it was meant to support.

The emerging picture is that if a public gets successfully established in a society, generating a healthy, continuing process of debate, then it will do so through a dynamic, evolving convergence on common presuppositions of argument and inference. At any time there will be some members of the public, or at least of the society, who will dissent from the most basic presuppositions. There will be the rebels that others may follow in due time; there will be the zealots who refuse to accept the implications of a shared public life; and there will be those who just don't meet the standards for sharing a public life. But these figures will, of necessity, be marginal to the mainstream life. The presuppositions will carry the day amongst the vast majority of their fellows.

The presuppositions will not just pass without saying among the population; they will have to register with participants in public exchange, and presumably in a more or less explicit form. In order for people to be able to conduct themselves with assurance in exchange with others, they will need to be able to know what sort of argument is likely to go down well, and what is not. And they will need to be able to rely on others knowing this too, and on their expecting them to know it in turn. The common presuppositions of argument will have to attain the status of commonplaces, in other words, being propositions that nearly everyone admits, expects everyone to admit, expects everyone to expect everyone to admit, and so on. Only people who are party to those inferential commonplaces will know their way about in the public space of the society.

Apart from the public space of any society, of course, there will also be sub-public spaces; there will be sub-publics that are marked off by belonging to some more confined group than the public as a whole. In all likelihood, there will be a denser set of inferential commonplaces accepted within any such sub-culture than across the society as a whole. Insofar as people take part in properly public debate, however – debate that is supposed to reach across more sectarian divides – they will have to avoid invoking those more local commonplaces; they will have to know and rely on presuppositions that are endorsed on all sides.

Argument and rhetoric

The participatory and inferential commonplaces that inform a society like ours, then, will provide reasons for or against certain collective decisions that each recognizes as relevant, each recognizes as having this recognized status, and so on in the usual hierarchy. The commonplaces that play this role in a contemporary democracy may be more or less universally compelling considerations to the effect that everyone should be treated as an equal, that children should be provided with a basic education, that members should be protected against individual destitution or natural disaster, and so on. But they may also include culturally specific considerations, bearing on limits to private property, or the position of a certain religion in public life, or the need for cultural homogeneity. And they will also naturally include some considerations on how the government should be organized, how it should inform itself on various matters, and how it should conduct its business.

In speaking of these considerations as reasons, and in speaking of argument and inference and debate, as I have throughout, I may seem

to have an excessively intellectual picture of the political forum (Young 2000; Viroli 2002). But for all I assume, the exchange that character-izes the public world need not take the form of abstract disputation and argument. It will materialize just as often in the sage use of a cliché, the shaft of effective irony, the construction of a deft metaphor, the invoca-tion of a vivid grievance, the deployment of a telling phrase, the resort to humor and mockery. The tropes of rhetoric may be as essential to the exchange of ideas, indeed, as any of the tools of logic; and they are likely, of course, to be much more effective. If the tools of logic are needed to show people why they should move position, the tropes of rhetoric may be necessary to get them to budge; this was the claim of both classical and Renaissance rhetoricians (Skinner 1996). Rhetorical devices serve to make a censured position feel uncomfortable, letting it be the butt of humor or abuse; and they help to give the recommended alternative a habitable or otherwise inviting cast (McGeer and Pettit 2009).

But even if public exchange is often rhetorical in character, rather than austerely intellectual, still it can proceed only on the basis of com-mon presupposition. A cliché or metaphor will be found telling and worthy of contestation only so far as it is seen as picking up a relevant aspect of things. A joke or shaft of irony will strike home only so far as everyone can be expected to see the point. However colorful and emo-tive the medium of exchange, it still comes down to a sort of debate; it is still meant to put a case for one side of an argument and against another. It can do this only if it draws on an accumulating, evolving reservoir of shared assumption, seeking to use that common ground for the support of a favored, if unshared proposal.

Connections

In concluding this account of a public and of the participatory and inferential commonplaces by which a public is characterized, I should emphasize that I am not plowing a lone or novel furrow. Classical and medieval sources recognized the impact that the views of the com-mon people could have in public life, though they generally thought of that impact coming about in public assembly and protest (Waley 1988; Hansen 1991; Millar 1998). But by the late seventeenth century, it was already clear that the views of the people could come to mat-ter, even when they were aired in diverse sites of discussion, among smaller groups of people. In the England of the 1690s and early 1700s the short-lived practice of three-year elections, together with the emer-gence of coffee-houses and other places of middle-class exchange and commerce, created a public in our contemporary sense. It made salient

the fact that things that were said in relatively decentralized, dissensual exchanges could easily generate waves of common assumption – a *lingua franca* of ideas and opinions – that no public figure would dare offend (Habermas 1989; Knights 2005).

The ideas that emerged in eighteenth century England became mainstays of democratic culture in succeeding periods and in other places. They infiltrated Britain's American colonies and inspired French aficionados of contemporary Britain such as the Baron de Montesquieu; and they thereby laid the foundations for the American and French revolutions. They included ideas of individual rights – historical rights, as the British thought of them – religious tolerance, the value of personal independence, the limited authority of government, and the importance of protections like trial by jury and *habeas corpus*.

The recognition of the public and the importance of public opinion can be associated with the idea of civil society that became celebrated in the nineteenth century among thinkers as diverse as G. W. F. Hegel, Alexis de Tocqueville, and John Stuart Mill. Charles Taylor (2004) distinguishes between civil society in the Lockean sense of a pre-political people, and a more political sense of the idea that he associates with the eighteenth-century French thinker, the Baron de Montesquieu. In this more political sense, civil society exists within the polity, rather than before the polity. While it connects people on the basis of pre-political commonalities of interests, ideas, and norms, it organizes them in such a way that they naturally resist unnecessary political intrusion in their lives, and they submit the aims of the polity to continual review and discussion.

Two contemporary political philosophers have emphasized the role in the life of a public of the sorts of commonplaces I have been discussing. One is the German philosopher and social theorist Jürgen Habermas, the other the outstanding, twentieth-century exponent of American liberalism, John Rawls.

Habermas, who wrote his first book on the emergence of the public sphere (Habermas 1989), is particularly well known for insisting on the way in which participatory commonplaces become established as part of the pragmatics of communication. He sees an ideal speech situation adumbrated in every overture of a properly communicative kind, suggesting that the norms that characterize this regulative, horizontal ideal amount to nothing less than a discourse ethic; a set of principles sufficient to provide a moral framework for society (Benhabib 1990). While he does not comment as such on shared commonplaces, he argues that within the sphere of public life, the participatory principles preside over processes of communication in which bodies of opinion form at

different centers and constitute a natural constraint on what government can or should try to do (Habermas 1994).

Rawls's early work was devoted to the abstract project of articulating the demands of justice (Rawls 1971). But he took to heart a variety of criticisms that, among other assaults, attacked the apparent pretension to provide a theory of justice for every place and time. Acknowledging that his starting point was provided by ideas prevalent and accepted in his own constitutional tradition, he came to present his views as an attempt to articulate the requirements of those historically situated assumptions: to work up a conception of justice from them (Rawls 1993; 2001).

I think we can see the ideas of which Rawls speaks here as a close cousin of the commonplaces that I have been discussing. While he tells no story as to why they should emerge, he certainly thinks that their emergence is inevitable, and that it is equally inevitable that they should provide bearings for the assessment of government. The thought, in his own words, is this:

[T]he political culture of a democratic society that has worked reasonably well over a considerable period of time normally contains, at least implicitly, certain fundamental ideas from which it is possible to work up a political conception of justice suitable for a constitutional regime (Rawls 2001: 34–5).[2]

Empowering the public

The question of power

We have seen that once a public sphere of discussion has emerged in society, it will become a source of two sorts of commonplace, participatory and inferential. Members of the public go very different ways as they form rival views on the direction that political policy ought to take. But out of that very divergence, a body of common assumption is born. Participatory and inferential commonplaces materialize as the inevitable side-products of the exchange. They emerge as unintended precipitates that the exercise secretes, not – or at least not in the first place – as matters that attract explicit consensus.

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[2] The commonplaces or common reasons on which I focus may differ in some respects from the public reasons emphasized by Rawls (1999). I emphasize three points that are not made in Rawls and might even be rejected by him: first, that they are generated as a by-product of ongoing debate; second, that they are relevant to such debate, no matter at what site it occurs, private or public, informal or formal; and third, that in principle the common reasons that operate in a society, or even in the international public world, may not be reasons that carry independent moral force: we may disapprove of their having the role they are given in debate. I am grateful for a discussion on this topic with Tim Scanlon.

Can the public, so conceived, exercise control over government? Can it contribute in that sense to a democracy: a regime in which the *demos* or people have *kratos* or control? By the account given in the previous section, a public is going to be characterized by the participatory and inferential commonplaces it supports. That suggests in turn that the public will rule so far as those commonplaces rule. The public will be in power to the extent that those commonplaces constrain and channel what happens in government.

The empowering of public commonplaces

How might such shared ideas be empowered? Those in government should be required to justify the decisions they make on the basis of such ideas, perhaps by invoking constitutional or procedural constraints that are presumptively rooted in those ideas. And the justifications offered by the authorities should always be subject to challenge – potentially effective challenge – by members of the public.

What effects might we expect a successful regime of justification and challenge to have? First, it would remove from the agenda of government any policies that were clearly in conflict with received ideas, indicting them as downright unacceptable to the public. But this would naturally leave a number of different policies on the table as potential responses to any policy issue. By my characterization, after all, the relevant commonplaces are common to people who hold by different policy stances. And so we should expect a regime of justification and challenge to have a second effect, too.

The successful regime, to move to that effect, would identify and impose processes of decision-making for selecting the winner on any policy question from among the eligible candidates available. The recommended process, which might vary from issue to issue, could be a parliamentary vote, a referral to the courts, the formation of an advisory commission, the resort to a popular referendum, even perhaps the use of a lottery. In any case it would have to be a process that could be viewed as impartial and fair from a variety of perspectives; this is a minimal condition we would expect to see fulfilled and there is considerable evidence that it weighs heavily in democratic polities (Tyler 1997).

If this is right, then the public will rule in a polity insofar as its shared ideas filter out any unacceptable policy candidates and any unacceptable procedures for resolving the issue between acceptable candidates. Government will propose, the public dispose. Or, recognizing how various proposals are likely to go down with the public, government will propose within constraints that reflect the public disposition.

How is the control envisaged here going to be imposed? Elections may help in the measure to which the authorities seek re-election, whether for themselves or their party. For such politicians will have an incentive for presenting their policies as grounded in reasons that all can accept, even if some challenge the weight given to those reasons or the empirical facts assumed in invoking them. And their opponents equally have an incentive to challenge the claims implicit in such a presentation. But elections can be a frail constraint, since the theater of politics allows each side to put an attractive spin on their policies and to mute the effect of opposition challenge in a hurly-burly of accusation and abuse (Pettit 2000a; 2000b).

In order for those in government to be held to account, and kept to the terms on which the public commissions them, it is essential that there be a number of non-electoral as well as electoral checks on government. The non-electoral devices used will be various, reflecting the influences and requirements of the reasons validated in common exchange. They are almost certain to include rule-of-law constraints on how government acts; individual-right constraints on what it does; institutional restrictions such as the separation of powers, accountability measures, and the depoliticization of certain decisions (Pettit 2004); and, perhaps most important, exposure to a power of effective invigilation and contestation on the part of ordinary people and their representatives.

Popular invigilation and contestation of government requires a public that is active in discussion, sustaining, regenerating, and developing the body of received commonplaces on what government should be doing and how government should be acting. But it also requires a public that is active in raising questions and bringing challenges against those in power. This exercise can be supported and channeled by the existence of an effective parliamentary opposition and by the appointment of statutory officers of review such as human rights commissioners and ombudsmen. But it must take root among ordinary people, if it is to have a real impact.

In a complex democracy the popular invigilation and contestation of government will almost certainly have to be promoted via nongovernmental organizations such as environmental and labor groupings, ethnic minority and feminist networks, and movements associated with consumer rights, prisoners' rights, and the like. These specialized, often passionate circles are essential if the people are to mount a sustained, effective surveillance of government. The eighteenth-century Scots writer Adam Ferguson (1767, 167) put the point well when he said that good government cannot be secured by law and constitution

alone; it relies crucially on "the refractory and turbulent zeal" of an engaged people.

A democratic power

Imagine a society, then, in which received commonplaces are imposed on government by these and other measures, and the public effectively keeps the government in check. There are two grounds on which it may be said that the control envisaged is not really the sort of control that we should associate with democracy. But neither is very persuasive.

The first basis of objection may be that it is not really the people who act when contestations of the kind at which we have been gesturing are brought against government. Rather the contesting agents are going to be opposition politicians, statutory officers, and more or less specialized pressure groups. Democracy requires that the people control government, it will be said, and the people will not control government unless the people act.

This objection is premised on a fallacy. Control is not always hands-on control. It may be control that is exercised at arm's length; it may even be control that is exercised by other hands than those of the controller. With a collective entity like the people, as with a commercial corporation or a voluntary association, it is inevitable that many of the things it does are done by the hands of a few, not by the hands of the many. Democracy, as we might put it, does not entail "demopraxis"; popular control does not entail popular action.

If the agents who invigilate and contest government act with the approval and consent of the people, then they can certainly be said to act in the people's name. And those agents clearly do act with popular approval and consent, given that the people endorse the constitutional and other arrangements whereby these individuals and bodies are enabled to bring their challenges. The endorsement of the people can be inferred from the absence of objection to the freedom of speech, association, and information that the exercise presupposes, and to the arrangements whereby challenges are adjudicated in parliament, in the courts and tribunals, in the press, and at the hustings. Not only does no one actually object to those aspects of democratic life, indeed; in most contemporary democracies it would be electoral suicide to do so.

The second ground on which the control described may be said to be undemocratic is that it does not empower the right sort of state or attitude on the part of the people. Democracy is often said to empower and enact the will of the people taken collectively – whatever that is – or the preferences or judgments of the people, taken one by one. And

that goes with thinking that when an agent controls a process, the control is guided by the agent's will, or preference, or judgment. But public invigilation and contestation is not guided by any such state of the popular mind. It empowers the common reasons that have currency amongst the public. That is all. And that, it may be said, is not enough; it does not give us a title to speak of the public as exercising control.

Talk of control would not be legitimate, it is true, if common reasons were empowered without awareness on the part of the people, or without their acquiescence. Suppose that another agent decided to act for the satisfaction of my preferences and this was not something I knew or wanted. Would that give me control? Well, it might be said to give control to my preferences. But it would not really give me control; it would not put me, considered as an agent, in charge. The same lesson will carry with the common reasons of the people. Were those reasons empowered without the awareness or acquiescence of the people then that would not give control to the people, considered an agent or set of agents. It would not put them in charge.

This is no problem, however, for the line taken here. The dispensation I have described puts factors in play that provide each with evidence; first, that common presuppositions can be invoked against government; second, that this is evident to each; third, that it is evident to each that this is evident to each; and so on. In short, the dispensation ensures that it will be a matter of shared awareness that common, presupposed reasons have such standing in public life (Lewis 1969). And if this empowerment is a matter of common awareness, then it is also a matter of common acquiescence. The members of democratic publics don't display any inclination to complain about the empowerment, although they are in a position where they could contest it with some hope of success.

An attractive power

The sort of control that a public has over democratic decision-making, at least in the ideal scenario, can be compared with the control that individual agents enjoy when their values are duly empowered in their decisions. Akratic agents will act intentionally insofar as they act in a rational manner on rationally formed attitudes. But they will only enjoy self-control, as we say, if the actions they take are required to conform to the values that they reflectively endorse; they must not act on attitudes that may be spontaneously formed but run counter to those values. Similarly we can say that a people will only enjoy a corresponding sort of control if the actions taken in their name by government are

required to conform to the common reasons or values that they endorse in the course of arguing and even disagreeing among themselves.

When I as an individual agent monitor my attitudinal formation – say, the formation of beliefs, desires, and intentions – for its conformity to various values, I put constraints on what can emerge from that process, but I do not determine the outcome in detail. I try to ensure that whatever belief I form on any issue, it is a belief that is formed in the light of all the evidence. Or I try to ensure that whatever intention I form in some decision, it is an intention that reflects the demands of one or another person. But I do not ensure that I will form the belief that p or the intention to X. That I form that belief or intention is due to the attitude-forming process, and while I put important constraints on that process – those that reflects my values – I do not dictate what in particular it is going to produce. In view of the self-regulation I can say that I intended to form a belief or intention that was consistent with such and such values. But I cannot say that I intended to form the belief that p or the intention to X.

The situation is more or less exactly parallel with the control of the public. The electoral and non-electoral regime of popular control that we have been describing puts important constraints, reflective of publicly shared presuppositions, on what the governmental process produces. At least that is the ideal. But even in the ideal it does not determine the outcome of that process in any detail. The constraints imposed allow us to say that the public controls for what the government does, by analogy with the sense in which my evaluative self-regulation controls for what I come to believe, desire, and intend. But what the public controls for is the respect for the public commonplaces of reasoning, not for the detailed form that respectful policies assume.

There can be little doubt about the attraction of such public control of government. The public is taken to include the whole population, or at the very least the whole, more or less permanent, more or less competent adult population. Such an inclusive form of rule would ensure that everyone is treated equally, given the participatory principles that have to be endorsed in any open, public discussion. And it would ensure that everyone is treated in a manner that accords with ideas that all find so acceptable they take them for granted; they are the presuppositions or pre-judgments on which normal argument proceeds. This prospect cannot fail to appeal.

Public ideas might vary from place to place, of course, and they might evolve in various ways over time. But at no particular time and place could people seriously complain about being treated in a way that conforms to ideas that are so deeply endorsed in their own milieu. The

reformers and zealots who come to reject some deep presuppositions of their society will rail at the restrictions imposed on them, of course, and at the failure of others to heed their protests and arguments. But I do not think that this should give us pause.

Reformers must concede that it is legitimate, pending the day when they cease to be outliers, for government to be forced to conform to the society's assumptions. And zealots can scarcely command a serious hearing. It is not the case that they acknowledge the claims of a public, as the reformers do, arguing that that public should question some of its presuppositions. They reject the claims of the public altogether, insisting that regardless of how far people disagree, all should still conform – all should be made to conform – to the ideas that they or their particular sect cherish.

Connections

Both Habermas and Rawls gesture at the importance of the public having the sort of control over government that I have been charting. Habermas sees the best hope for democracy in communicative connections between "the parliamentary bodies and the informal networks of the public sphere." He thinks that these processes of communication, anonymous or "subjectless," hold out the prospect for controlling political judgment and decision in a rational way. Under their influence, he says, "more or less rational opinion- and will-formation can take place" (Habermas 1994: 8).

Rawls expresses himself rather differently but to a similar, broad effect. In his earlier work he represents a well-ordered society as one that is controlled by a publicly endorsed conception of justice, but this shifts somewhat as his position develops. He comes to see his conception of justice as articulating the demands of the ideas accepted in the constitutional and cultural tradition of his own, liberal society. These ideas have the status there, he says, of public reasons: they bear on judgments about public matters; they are publicly or commonly recognized as reasons that serve in debate about such matters; and they are not tied to any sectarian doctrine: they are truly reasons of the public (Rawls 1993: 213). And so Rawls is able to recast the well-ordered society, not as a society governed by a publicly endorsed conception of justice but, more concretely, as a society where such public reasons – the building blocks of a conception of justice – rule.

Rawls thinks that public reasons will rule under a regime where the authorities are required to justify their policies in public terms, and citizens are positioned to challenge those justifications. He insists that

the authorities should always deliberate and defend themselves in the currency of public reasons, prescribing that: "judges, legislators, chief executives, and other government officials, as well as candidates for public office, act from and follow the idea of public reason." And he assumes that those very public reasons will figure in the interrogation to which citizens submit the organization and behavior of government, as they debate "constitutional essentials and matters of basic justice," elaborating the public conception of justice that should rule in their lives (Rawls 1999: 55–6).

But the idea of the empowered public has other connections besides those with Habermas and Rawls. It can also be seen as a contemporary interpretation of the classical republican idea that government should always be conducted for the safety of the people and, more concretely, for the common good, the public interest. Rawls (1999: 71) himself notices the connection when he identifies the regime of pubic reasons as one member of a family of doctrines that he describes as common good conceptions of justice.

Republicans put a premium on freedom as non-domination and, recognizing that government is essential for protecting people against private domination, focus on how to ensure that it is not itself a source of public domination (Pettit 1997; Skinner 1998). Government will have to interfere in people's lives and affairs, if it is to do its job; it will have to impose taxation, coercive laws, and penal sanctions. The central idea in the tradition is that if it is forced to track the public interest when it perpetrates this interference – if in that sense its interference is non-arbitrary – then government will not be dominating; it will not have the aspect of a *dominus* or master in relation to people but rather the aspect of their servant.

The role that the common good or the public interest plays in traditional republican doctrine can be plausibly assigned to the body of public commonplaces that we have been discussing here. Those commonplaces will pick out a certain pattern of policy and process as one by which government should be constrained. That pattern represents something in the interest of people as members of the public and in their interest, moreover, by their own lights. It makes a lot of sense to equate this with the common good and to represent it as the target that republicans should want government to track.

This construal may actually be quite faithful to the idea of the common good that historical republicans took for granted. They thought of the common good as something that was good for citizens as citizens in just the manner of this idea; they did not equate it, for example, with whatever happened to lie in the overlap between people's private

interests. And in the smaller, simpler societies for which they wrote, they almost certainly took it for granted that the common good was always the common good according to common lights, not the common good according to lights inaccessible to ordinary people. As in the approach taken here, their common good was not something in the name of which government could claim to be acting paternalistically – acting in people's real but unrecognized interest. The common good was assumed to be readily perceptible and, in the normal case, actually perceived.

Conclusion

There are three aspects or dimensions to democracy, as I suggested in the introduction to this paper. Government must be authorized in popular consent, it must be appointed on the basis of electoral preference, and it must be constrained by the shared expectations of a contestatory public. The third dimension of democracy is the most neglected, and I hope that this essay may help to make a case for its importance. Government has to be controlled by assumptions that pass muster across the full range of a deliberative public. That is the only protection against elective despotism, as Madison called it, and it is the only basis on which to expect that government will be a force for justice.

References

Benhabib, S. 1990. *The Communicative Ethics Controversy*. Cambridge, MA: MIT Press.

Carroll, L. 1895. "What the Tortoise Said to Achilles," *Mind*, **4**: 278–80.

Dewey, J. 1991. *The Public and Its Problems*. Athens, OH: Ohio University Press.

Ferguson, A. 1767. *An Essay on the History of Civil Society*. Edinburgh: Millar and Caddel (reprinted New York: Garland, 1971).

Habermas, J. 1984, 1989. *A Theory of Communicative Action*, vols. I and II. Cambridge: Polity Press.

Habermas, J. 1989. *The Structural Transformation of the Public Sphere*. Cambridge, MA: MIT Press.

Habermas, J. 1994. "Three Normative Models of Democracy," *Constellations*, **1**: 1–10.

Hacking, I. 1983. *Representing and Intervening: Introductory Topics in the Philosophy of Natural Science*. Cambridge University Press.

Hansen, M. H. 1991. *The Athenian Democracy in the Age of Demosthenes*. Oxford: Blackwell.

Knights, M. 2005. *Representation and Misrepresentation in Later Stuart Britain: Partisanship and Political Culture*. Oxford University Press.

Lewis, D. 1969. *Convention*. Cambridge, MA: Harvard University Press.

Madison, J., A. Hamilton and J. Jay 1987. *The Federalist Papers*. Harmondsworth: Penguin.

McGeer, V. and P. Pettit 2009. "Judgmental Stickiness, Rhetorical Therapy," in R. Bourke and R. Geuss (eds.) *Political Judgment: Essays in Honor of John Dunn*. Cambridge University Press, 48–73.

Millar, F. 1998. *The Crowd in Rome in the Late Republic*. Ann Arbor: University of Michigan Press.

Pettit, P. 1997. *Republicanism: A Theory of Freedom and Government*. Oxford University Press.

  2000a. "Democracy, Electoral and Contestatory," *Nomos*, **42**: 105–44.

  2000b. "Minority Claims under Two Conceptions of Democracy," in D. Ivison, P. Patton and W. Sanders (eds.) *Political Theory and the Rights of Indigenous Peoples*. Cambridge University Press: 199–215.

  2004. "Depoliticizing Democracy," *Ratio Juris*, **17**: 52–65.

Rawls, J. 1971. *A Theory of Justice*. Oxford University Press.

  1993. *Political Liberalism*. New York: Columbia University Press.

  1999. *The Law of Peoples*. Cambridge, MA: Harvard University Press.

  2001. *Justice as Fairness: A Restatement*. Cambridge, MA: Harvard University Press.

Richardson, H. 2002. *Democratic Autonomy*. New York: Oxford University Press.

Skinner, Q. 1996. *Reason and Rhetoric in the Philosophy of Hobbes*. Cambridge University Press.

Skinner, Q. 1998. *Liberty before Liberalism*. Cambridge University Press.

Taylor, C. 2004. *Modern Social Imaginaries*. Durham, NC: Duke University Press.

Tyler, T. R., R. J. Boeckmann, H. J. Smith and Y. Y. Huo. 1997. *Social Justice in a Diverse Society*. Boulder, CO: Westview Press.

Viroli, M. 2002. *Republicanism*. New York: Hill and Wang.

Waldron, J. 1999. *Law and Disagreement*. Oxford University Press.

Waley, D. 1988. *The Italian City-Republics*, 3rd edn. London: Longman.

Wittgenstein, L. 1958. *Philosophical Investigations*. Oxford: Blackwell.

Young, I. 2000. *Inclusion and Democracy*. Oxford University Press.