

# A Republican Law of Peoples

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**ABSTRACT:** Assuming that states will remain a permanent feature of our world, what is the ideal that we should hold out for the international order? An attractive proposal is that those peoples that are already organized under non-dominating, representative states should pursue a twin goal: first, arrange things so that they each enjoy the republican ideal of freedom as non-domination in relation to one another and to other multi-national and international agencies; and second, do everything possible and productive to facilitate the representation of less fortunate peoples in non-dominating states and to incorporate them in a non-dominating international order. This republican ideal stands midway between a utopian ideal of cosmopolitan justice and a sceptical ideal of non-intervention. The article explores its attractions and the broad institutional measures that it would support.

**KEY WORDS:** *domination, freedom, peoples, republicanism, states*

## Preliminaries

### States as they are

This essay is concerned with identifying the international arrangements that we ought to recommend as means for coordinating and organizing the behavior of national states, as they currently exist. Taking states as they are, in a variation on Rousseau's principle,<sup>1</sup> I ask about the international order – the world – as it might be. There is room for a profitable discussion, of course, as to whether there ought to be national states of the kind with which we are familiar, or whether such states ought to have their existing territories or powers. But that is not the sort of discussion that I shall be pursuing here. For good or ill, I shall assume that there is unlikely to be a sea-change in the configuration of national regimes and ask only about how those regimes ought to be internationally ordered.

I make assumptions, not just about the existence of national states, but also about the ways in which they differ from one another; it would be extraordinary

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if recommendations about international arrangements did not vary with varying assumptions in these regards. I shall assume, as will be clear later, that states come in very different demographic and territorial profiles, and have very different powers; this is in keeping with the actual state of world affairs. And, perhaps more contentiously, though also in keeping with world affairs, I shall assume that they vary enormously in how they relate to their peoples.

Specifically, I shall assume that states divide on two relevant dimensions, one related to the measure in which they operate effectively, the other to the measure in which they represent their peoples properly. The first distinction marks the divide between effective states that have the capacity to provide for basic services to their populations and ineffective states that lack this capacity. Signs that a state is ineffective in the intended sense will be civil war, unchecked famine, continuing genocide, a class of warlords, and general lawlessness.

The second distinction divides effective states into those that are fit to speak for their people as a whole and those that are not; I shall describe this as a distinction between representative and non-representative states. A state will be fit to speak for its people, roughly speaking, to the extent that it gives them the institutional resources – say, of election, contestation and accountability – that will enable them to exercise control, though perhaps only at a general level, over what it says and does. A state will be unfit to speak for its people to the extent that, though it is effective enough to be able to provide such resources for its people, it does not do so, or at least not in an inclusive and even-handed way. States that are fit to speak for their people may fail contingently to do so, being captured on some issues by special interests, but they will remain representative insofar as the people retain the means of exposing such failures and correcting them. States that are unfit to speak for their people will fail more widely and more deeply, denying their members the means required for such interrogation and invigilation.<sup>2</sup>

Applying the distinction between representative and non-representative states – and to a lesser extent the distinction between effective and ineffective states – is bound to raise tricky issues but I shall abstract from these here.<sup>3</sup> The argument that follows presupposes that the distinctions can be made and will go through, I think, under various accounts of how exactly they should be made. My own way of making the distinctions, for the record, is to apply the very republican theory of non-domination that, as we shall see, I use in the argument. The effective, representative state will be effective in protecting members against private domination and will be representative in doing this in an undominating way: that is, roughly, in such a way that its behavior towards its members is governed by terms that they democratically impose.

However they are interpreted, the distinctions mark real differences between states and those divides are crucial for the question as to what international arrangements should be put in place. If a state is ineffective, or effective but non-representative, then serving that entity will not be a concern for the international order; the only concern will be with serving the members. But if a state is effective

and representative of its people, then things will be very different. Such a state will look after its own members, by the assumption built into its characterization, and it would be objectionably intrusive of other agents in the international order to assume responsibility for those individuals. The concern here will rather be with accommodating the state appropriately, and thereby accommodating the people that it represents.

Assuming that we have identified effective, representative states, the primary or initial problem in international normative theory is to identify the basis on which we should assess the different dispensations under which those states might operate and relate to one another. The international order is an order created and sustained by effective states and if it is to be an order that commands approval, it had better not be one that is adjusted to the demands of non-representative states – or at least not to demands that reflect their non-representative character. Hence the focus on representative regimes.

The second problem that arises in normative international theory is how the international order – the arrangements established among representative states – can and should deal with the problems suffered by the members of ineffective and non-representative regimes. These problems will include human rights abuses, as practiced by such states – or not prevented by them – as well as problems related to the poverty and insecurity that may occur under both dispensations. I shall assume that, while there may be abuses of human rights and shortfalls of human welfare in representative states, there will normally be effective legal and political means of contestation and correction available within those countries themselves; thus, in normal circumstances, they will not constitute issues that the international order has to address.

The sequencing of issues into primary and secondary problems is broadly in the spirit of John Rawls's work on the law of peoples,<sup>4</sup> though he tends to make it a matter of stipulation, not something for which argument is needed.<sup>5</sup> In this article I shall be mainly concerned with the primary problem and will turn to the problem raised by ineffective and non-representative regimes only in the final section.

### **The World as it might be**

There are two ideals that often figure in assessment of international arrangements amongst representative states. At one extreme, there is the very minimal ideal under which those states should enjoy non-interference in their internal affairs, where this will require the absence of military intervention and subversive infiltration but also perhaps the absence of economic pressure, cultural manipulation, and the like. At the other extreme, there is the rather richer ideal under which representative states, and indeed states more generally, ought to arrange for the enjoyment of distributive justice across their peoples; on this cosmopolitan picture, justice has the same relevance in the international as in the national

scene, although for contingent institutional reasons it may not make the same demands.<sup>6</sup>

I want to argue that a much more attractive ideal is a regime in which effective, representative states avoid domination – whether by another state, or by a non-state body – and seek to enable other states to be effective and representative too. This is an attractive ideal, as we shall see, because it is required for the protection of individuals within those states against domination. The ideal is richer than that of non-interference, yet not so utopian as the cosmopolitan ideal of justice. It supports the Rawlsian proposal that representative states ought to live in mutual respect but it focuses attention, unlike Rawls himself, on the pre-conditions that must be fulfilled to make such a regime of respect possible.<sup>7</sup>

Nondomination is equated with freedom within the long republican tradition and so the argument I sketch in this article can be cast as the development of a republican or neo-republican perspective on international normative theory.<sup>8</sup> It takes a rather different line from other republican approaches, however, because of starting from states as they are, and because of sequencing the issues discussed in a broadly Rawlsian way. Other republican approaches tend to look, more radically, at how individuals can be better served by transformations in the international order.<sup>9</sup> The approach taken here is not necessarily inconsistent with the lines argued in those other treatments; it shares a common insistence on the importance of nondomination and differs mainly in the questions it addresses.<sup>10</sup>

The article is in six further sections. I look first at the nature of domination and then at its disvalue, in particular its disvalue for a representative state. In the following two sections, I consider the sources of international domination and rehearse the sorts of remedies that might help to alleviate it. Next, I look at the advantages of highlighting the ideal of nondomination in this context rather than the thinner ideal of non-interference or the richer ideal of cosmopolitan justice. And then finally I comment very briefly on the issues raised by ineffective and non-representative states.

## **The Nature of Domination**

Before looking at domination in an international context it will be useful to provide a more general account of what domination involves. For purposes of this article I will characterize it as a relationship in which one party enjoys a degree of alien control over another.<sup>11</sup> Alien control, as we will see, involves what I have elsewhere described as a power of arbitrary interference.<sup>12</sup>

The idea of control is itself fairly straightforward. A will exercise control over B's choice just insofar as the following is true.<sup>13</sup> First, A has desires, however implicit and however likely to change, over how B chooses in general or on specific occasions. Second, A is moved by such desires to seek a certain pattern in B's choices. And, third, A makes a desired difference. Making a difference means making things assume a shape such that, absent defiance or counter-suggestibility,

the probability of B's taking the desired pattern is raised;<sup>14</sup> more specifically, it is raised beyond the level it would have had in A's absence.<sup>15</sup> The extent to which A's presence and activity increases the probability of B's acting according to the desired pattern, assuming B is not counter-suggestible, will be a measure of the degree of A's control over that pattern.

This definition of control makes no distinction between alien and non-alien control. A's control over B's choice will be alien if it involves making the assumptions presupposed by the choice untrue or leading B to think they are untrue. Let a choice on B's part be characterized by the options x, y, and z, where B assumes, and assumes rightly, of each: I can do that. A will exercise alien control over B's choice insofar as A undermines the truth and/or the endorsability of one of those can-do assumptions. A may covertly or overtly remove one of the options, say by obstruction; covertly or overtly change the character of one of the options – in effect, replace it – as in punishment or coercion; mislead B about the number or character of the options available, as in deception or the bluff threat; or manipulatively undermine B's capacity to make a reasoned choice, as in exploiting individual or common weaknesses, affective and cognitive.

Strategies like intentional obstruction, coercion, deception, and manipulation are often described in a single word as means of interference.<sup>16</sup> The presence of such interference, as we shall see in a moment, does not entail alien control – it may be checked by the interferee – but it certainly represents a means whereby such control can be imposed. But interference is not the only means of alien control. A second method is represented by invigilation, as I shall call it. A invigilates B's choice if A keeps an eye on how B is disposed to choose and stands by, ready to interfere if – and only if – B happens to make a choice contrary to A's taste. Even if B chooses as A wants and so avoids interference, it remains the case that A exercises control over the choice. Guarding against the possibility that B chooses otherwise, A raises the probability – defiance aside – that B will choose to A's taste; and A does this, indeed, even if B remains unaware of the invigilation. The control that A exercises in such a case is alien. The invigilation will mean that each option, x, that B faces is replaced by x-provided-A-allows-it. If B manages to choose and enact x, B will do so only *cum permissu*, with the permission or by the leave of A.

Nor are interference and invigilation the only means of alien control. A third method might be described as inhibition or intimidation. This occurs when B is led by A to think, rightly or wrongly, that A has invigilatory control over the choice and adapts by censoring the choice of an offensive option or by seeking to sweeten A and change A's tastes. A will exercise a degree of control over B's choice, since it will become more likely that B chooses to A's taste, albeit to A's changed taste in the case of ingratiation. And the control exercised by A will be alien in character. If A intimidates B in this way without actually having the power to interfere, then A undermines B's can-do assumptions. And if A intimidates B on a non-deceptive basis, then A will have induced B to remove the offensive option

or will have forced B to replace that option with a counterpart in which it has to be accompanied by placating A.

So much for standard measures of alien control. A will exercise non-alien control over B insofar as A can raise the probability that B will choose in a desired pattern, but without undermining the truth or endorsability of any can-do assumption. Such non-alien control may materialize in either of two ways. One form I describe as reasoned or deliberative control, the other as checked or non-arbitrary control.

Reasoned control occurs when A reasons with B about what to do, giving B further insight or information about a choice. Such reasoning may affect the probability of B's taking one or another option but it will not jeopardize the truth or endorsability of any of B's can-do assumptions, given that the insight or information is communicated on a take-it-or-leave-it basis. The information provided may include the information associated with an offer: namely, that A would prefer B to take such and such an option and would be prepared to offer a refusable reward for B's taking it; at least this will be so with the non-mesmerizing reward that does not exploit a weakness and undermine B's capacity for reasoned choice. Such an offer will not take away any of B's options, though it will make clear that, apart from the existing options, x, y, and z, there is a further option, say x-plus, which involves doing x and accepting the reward.<sup>17</sup>

The second form of non-alien control is not reasoned but rather checked or non-arbitrary. In this case A actually interferes with B, usually by obstructing or coercing choices. But the interference A practices is carried out with B's permission. B invites the interference, as Ulysses invited his sailors to tie him up, or at least welcomes the interference. And, crucially, B is aware of being able to stop or inhibit the interference at any point, so that the can-do assumptions remain true and accessible, and the control exercised by A is non-alien. In real-world circumstances B may only approximate that condition, say through being able to call off the interference within a brief period of deciding against it or through having a reliable deputy or proxy who can call it off in the event of such a change of mind. But to the extent that B approximates the condition, the interference that A practices will be non-alien; it will be subject ultimately to B's check and consent.

## **The Disvalue of Domination**

A relationship of domination, then, will exist between two parties, A and B, just to the extent – this is clearly a matter of degree – that A has alien control over certain of B's choices. The resources at their command mean that, to whatever degree, A exercises a degree of alien control over those choices. Whether on the basis of intentional interference, invigilation or intimidation – or a mix of those strategies – they ensure that A makes it more probable, defiance apart, that B will choose to A's taste.

But what is so bad about domination, as the republican tradition has always

argued it is bad? What is so good about the status of the free person: the person who is protected against the domination of others in those basic liberties that all can simultaneously exercise and enjoy?<sup>18</sup>

The question is readily answered in the case of individual human beings. What marks us off as a species is that we are each able to make our choices, and indeed to form our beliefs, in a reason-sensitive way; and even more strikingly, that we are each able to reason with one another, establishing channels of mutual control that leaves us each with that individual, reasoned power of choice. Domination sidelines or undermines that relationship of mutual respect. If you exercise alien control over me then you straightforwardly give up on exercising only a reason-sensitive form of influence, resorting to interference, invigilation, or intimidation.<sup>19</sup>

Let us agree, as I think most of us will, that domination is an evil for individual human beings, restricting the extent to which they can relate to one another as persons in the common space of reason: restricting the extent, in effect, to which they can live in a relationship of mutual respect.<sup>20</sup> But why should the lesson carry over to the agents that human beings construct when they incorporate? Why should it carry over, in particular, to the representative states that they create? Why should it be bad that those entities endure domination, and good that they escape it?

This question is plausible, since a natural view is that what happens at the institutional level does not matter unless it makes a difference at the level of individual human beings – or perhaps, though we can put aside this possibility, at the level of other animals. Most people embrace a normative individualism, as we may say. This would hold that there can be no difference in the value of two institutional arrangements unless there is a difference in the value for individual human beings of those arrangements.<sup>21</sup> This normative individualism means that there will be no difference of value between an arrangement under which a corporate agent is dominated and an arrangement under which it is not, unless there is a difference of value in the impact on individual human beings. And so there is a sharp question as to why the domination of corporate entities, in particular states, should matter.

My response is to say that the domination of corporate agencies will matter insofar as those agencies are organizations whereby individual human beings combine to act together. If the things that the members do as a corporate entity are subject to the alien control of another agent or agency, then those members are themselves subject to alien control. The control imposed may be justified, of course, since it may have other effects, including effects on the nondomination of further parties, which more than compensate. But the control will still be a *pro tanto* evil.

Domination may well have compensating effects in the case of a corporate agent that serves only the interest of a few of its members, with other members being forced to join up for reasons of pressure or for want of a better alternative; controlling the corporate entity may mean promoting the non-domination of such

other members. And domination may have parallel, compensating effects in the case of a corporate agent that serves the interests of some or all of its members but does very badly – say, in domination terms – with outsiders. But the domination of a corporate agent is less likely to have compensating effects if it acts with the authorization of members and if it is relatively benign in its dealings with other agents or agencies.

I shall assume here that the representative state will act with the required authorization of its members. The assumption means that there will always be a plausible case against imposing alien control on a representative state. It will mean imposing such control on the individuals in whose name and interest it acts, putting the operations of the state beyond their effective influence. The domination of a representative state is bad or evil as such and it will not generally be justifiable in virtue of compensating effects on members. If it is ever justifiable, that will be because it is necessary in order to guard against that state's imposing alien control on other parties or generating harms of some distinct sort.

According to standard republican doctrine, individuals are meant to enjoy freedom as non-domination in virtue of being protected against the domination of others by an undominating state. What we now see is that this actually leaves something out. For those individuals will not be fully free if their state is dominated by other states. A full statement of the requirements for individual freedom, under a constitutional arrangement, should read: the free individual is protected against the domination of others by the undominating and undominated state. It is the requirement that the state be undominated that explains why the domination of suitable states is *pro tanto* bad.

## Sources of Domination

There are three sorts of bodies that might plausibly exercise alien control over a representative state in the international community: first, and most prominently, other states; second, non-domestic, private bodies that compare in resources to many states, such as corporations, churches, terrorist movements, even powerful individuals; and third, non-domestic, public bodies that are often created by states, such as the United Nations, the World Bank, the International Monetary Fund, the European Union, or the North Atlantic Treaty Organization.

There are many means whereby a stronger state, A, itself representative or non-representative, might exercise alien control over a representative state, B, on the basis of active interference. Military intervention is one vivid possibility, the infiltration of secret agents another, the bribing or blackmail of officials a third. There is also a possibility of resort to economic pressure, as in threatening to dump goods on the world market in competition with B's products, to sell off holdings in B's currency, thereby depreciating it, or to freeze B's holdings in banks that are under A's control. Relatedly, there is a possibility of A's exploiting B, through taking advantage of its dependency on A for access to some necessity



– say, an important energy source or water supply – in order to ensure that B does not trade with a competitor and/or in order to drive a hard bargain with B: one, intuitively, that denies B what might have been presumed to be an accessible option.<sup>22</sup> And of course there is a possibility of using diplomatic pressure by creating bad publicity for B, triggering problems with its allies and trading partners, and working to deny it influence in world bodies. Depending on the sort of extra strength that A has in relation to B, it may adopt any or all of these measures in an attempt to force B's hand in some way.

But A may also exercise alien control over B without resorting actively to such measures, on the basis of invigilation or intimidation. Even if B is unaware that A can resort to interference, should B's behavior not be pleasing, A can exercise invigilatory control over B. A can allow B to follow its head but keep open the possibility of interfering where that proves necessary to get B to behave congenially. And if B is aware of this possibility, or is misled into positing it, A can rely on B's second-guessing its wishes and adjusting its behavior to A's taste. A need do nothing to ensure that B complies with its wishes; just the fact that those wishes are more or less manifest or apparent will ensure that B falls in line. This is the most powerful form of alien control, requiring nothing of A and allowing B to pretend to its independence, as it may wish to do for a variety of reasons. A show of independence may have the incidental effect of avoiding domestic contestation or international condemnation, so that the regime of invigilatory or inhibitory control will be reinforced in a way in which a regime of active interference would not be.

Among the private, international agencies that compare in resources with states, multinational corporations are the outstanding examples, even if they are less colorful than church bodies or terrorist networks. The means whereby they may interfere with a representative state are various. Having established itself as a source of employment, a corporation may threaten to move offshore or out of area. This will constitute a serious economic problem for smaller countries and, even in larger countries, it may create a problem for a local community and thereby a problem for a government that depends on the electoral support of that community. Again, having established itself as a local corporate citizen, a corporation may exercise alien control over a state by being able to contribute to the campaign financing of politicians and so by having the capacity to threaten uncollaborative politicians with financing electoral opposition. Or it may exercise powerful influence of an alien kind by being able to lobby government and politicians from a position of power where it can launch negative publicity campaigns against government or create endless legal hassles for the implementation of government policy.

As with the alien control that an outside state can practice, this sort of control may be exercised without active interference, on the basis of invigilation and/or intimidation. The powerful corporation may never need to make a threat of moving elsewhere or of financing an opposition or of supporting negative pub-

licity in order to control the government of a representative state. It will already enjoy control just insofar as the state is disposed to go along with its wishes, say because of wanting to court the corporation's goodwill. As in the first case, this is the most powerful sort of alien control. It may enable the corporation to secure a favorable tax rate, easy regulatory conditions, or an easing of environmental standards without the corporation being exposed to a danger of whistle-blowing. It will not require even the legally available flexing of corporate muscle, let alone the resort to illegal modes of influence.

Finally, representative states may be subject to the alien control of public, international bodies as well as to control by other states or by corporations. Although such bodies are set up under a treaty involving a number of states, or established by an existing international organization, there is no guarantee that they will deal with an individual state on a basis that leaves its presumptively available options intact. Such a body can deny the state a benefit that it makes available to comparable others, thereby changing the previously available option of competing on equal terms with those comparators. The penalty, to take an example from the world of finance, may be the loss of access to a source of funding, the increase of interest rates on loans, or a decline in its rating as a credit-worthy entity.

This control by international agencies may be enjoyed, not just on the basis of interference, but by means invigilation or intimidation. Control will not require any initiatives on the part of the agency other than that of being there in a stand-by, invigilatory, and perhaps inhibitory role. And since such control may have an effect as silent as gravity, at least outside the corridors of government power, it can escape the problems of triggering local challenge or international criticism. Of course the control exercised by such an agency may well be justified by the effects it promises to have, say, in orienting a country towards better economic policies and motivating politicians to resist short-term electoral pressures. And it may be rendered non-alien if the politicians, representing the people, welcome it and can call it off if they care to do so: say, if they care to take all the diplomatic measures that would be sufficient to achieve this effect. The point now is to draw attention to the sources of alien control on a country, however, not to argue about possible justifications for such control or about how the control might be transformed into a non-alien form.

## **Remedies for Domination**

What are the safeguards that we might think of seeking against the domination of representative states? I shall consider this question in relation to the domination of states by states, not their domination by other bodies, and at the end of the discussion turn to the question raised by such other forms of domination. I will look first at some negative lessons and then at some more positive implications.

## Negative Lessons

The first, negative lesson is that it would be foolish to rely on what we might describe as the benevolent-despot solution. This would consist, most plausibly, in allowing a single state to assume the role of a world police officer, trusting it to prevent domination among other states and not to dominate those states itself. This is a non-starter, because a hegemonic state of that kind would be the most unconstrained source of domination, however benevolent its intentions. It would have total control of an alien kind over other states, being able to interfere at any point in order to steer them along congenial paths. It would hardly ever have to resort to such interference, of course, since in the scenario envisaged other states would have every reason to try to keep it sweet, adjusting their plans and initiatives to its taste. Not even needing to interfere in pursuit of its interests, it would attain the most perfect form of power imaginable.

The observation about the benevolent-despot solution may seem unnecessary, since it is almost unthinkable that other states would ever willingly grant a single state, or even a set of states, that sort of recognition. But it is worth recalling that 19th-century liberals appear to have been quite complacent about the imperial role that they thought their national states could play.<sup>23</sup> And it is worth remembering that under the George W. Bush administration, the government of the United States often came close to putting itself forward in such a role. It presented itself as a country of entirely benevolent intentions, interested only in furthering democracy and human rights, but while emphasizing the need for cooperation with allies, suggested that it was committed to maintaining military superiority and invulnerability.<sup>24</sup> The attitude was forthrightly endorsed in a 2000 document from a neo-conservative group that was closely associated with the government. 'At present the United States faces no global rival. America's grand strategy should aim to preserve and extend this advantageous position as far into the future as possible.'<sup>25</sup> This self-conception and self-presentation is entirely hostile to the prospect of reducing domination among representative states.

The most obvious alternative to the benevolent-state solution would set up an international regime, on the model of the domestic state, with a constitutional sort of authority over member states. In the domestic context the republican state naturally presents itself as the solution to problems of private domination by some members of the society over others. This state would guard against the problem of *dominium* or private power by establishing a rule of *imperium* or public power. It would empower the weak and restrain the strong, thereby reducing private domination, and unlike the benevolent despot it would not be itself a source of public domination, as it would be subject to the check of an equal citizenry and so exercise only non-arbitrary interference and non-alien control. The checks envisaged in the tradition involve election to and rotation in office, the separation of powers, the rule of law, exposure to public invigilation, and a raft of other devices. Might an international regime of some kind play an analogous, constitutional part?

A world state might serve in the role envisaged, at least in principle, but nothing even approaching such a state is feasible in current circumstances and, given the diversity and distrust between cultures, it is doubtful if such a state ever could be successfully established. But what about relying on international, state-supported bodies like the United Nations, and a regime of public international law,<sup>26</sup> in order to provide the nondominating restraints that might block the domination of states by other states? Could the networks of authorities and officials that currently determine so much of what happens in the world order<sup>27</sup> ever assume the power, deriving from a checked and non-alien form of control, that would effectively reduce such domination? Could they ever impose a rule of international law and convention – a global, quasi-constitutional arrangement – that would substantially reduce the prospect of domination by states of states?

There are two questions here. One is whether such networked control over states can be non-alien. And the other is whether it could ever exercise the sort of power that would restrain state–state domination. I am relatively optimistic on the first question, believing that there are many factors whereby the control exercised by international agencies and their officials can be rendered non-arbitrary, despite the democratic deficits on which critics have seized.<sup>28</sup> States normally appoint to the crucial positions on these bodies; appointments come with specific, restricted briefs; there are usually high bars of accountability to cross; global civic movements – non-governmental organizations – often exercise a significant degree of oversight; and decisions are routinely subject to objection and review by the states affected. The control enjoyed by the relevant authorities and bodies, then, is often more circumscribed than the control exercised by domestic, democratic governments; and certainly it is capable of being made so. Were election the only means of keeping tabs on those in power, of course, we would have good reason to worry about these figures. But the states and peoples of the world can control international agencies quite effectively without popular election to the membership of those agencies.

While these bodies might be relatively accountable and non-arbitrary, however, I do not think that in themselves they represent a solution for our problem. Even buttressed by a recognized body of public international law, they will not have the resources to provide for the effective policing of state–state domination. National states come in enormously different sizes, and with greatly different degrees of strength. It would be utopian to expect the more powerful to allow others an equal stake in the control of such bodies and, even if they allowed this, to let such bodies exercise any intrusive degree of jurisdiction over their behavior. A regional body like the European Union may achieve a high degree of discipline in relation to member states – and even here the effect on larger states is limited – but there is no prospect of such discipline being imposed by the United Nations or, in their more insulated domains, by the World Trade Organization, the World Bank, the International Criminal Court, or even the World Health Organization.

An example makes the point quite powerfully. In 1986 the International Court

of Justice found in favor of Nicaragua, and against the United States, in arguing that customary international law made it an offence for the US to have supported guerrillas against the Nicaraguan government and to have mined Nicaraguan ports. The United States responded by rejecting the idea that the court had jurisdiction in this case; indeed it had anticipated that result and temporarily withdrawn from the jurisdiction of the court. The US Ambassador to the United Nations described the court at the time as a 'semi-legal, semi-judicial, semi-political body, which nations sometimes accept and sometimes don't'.

The contingent difficulty with securing effective regulation by international agencies is compounded by one of a more conceptual and inescapable character. The forms whereby more powerful states can control less powerful states are so various that no form of central regulation, and certainly not the sort that is associated with currently existing bodies, could effectively prevent state-state domination. It might illegalize and inhibit intervention or infiltration by one state in the affairs of another but how could it inhibit the sort of control exercised on the basis of greater economic power, wider diplomatic clout, or the enjoyment of some strategic advantage? There are many forms of domination between individuals that the domestic state cannot regulate, deriving from cultural or psychological resources, but these are secondary to the forms of domination it can restrain. In the international sphere, the forms of state-state domination that would escape the policing of any central authority include the most important forms of domination that are possible outside of conditions of war.

### **Positive Lessons**

But while the international bodies do not promise much in the way of central regulation, they may be important in another, indirect connection. Such agencies naturally generate discussion in different quarters about how things should be organized globally; their very existence will give extra point to such discussion, whether in international forums, in more informal meetings between governments and civic movements, or in the world media. And even though such discussion will never lead to consensus, it can establish a currency of considerations that all sides recognize as relevant to global organization. Those considerations emerge as the terms in which the different sides succeed in arguing – as distinct from coming to blows – even as they weight those terms differently or allow them to lead in different directions as a result of different empirical assumptions. They constitute common reasons such that anyone who learns his or her way around in the circles of debate on international issues will recognize them as the considerations to bring forward in support of any policy position. They will count as relevant in policy debates and they will be recognized as such in common or mutual awareness: each party will acknowledge their pertinence, recognize that everyone acknowledges it, recognize that everyone recognizes that everyone acknowledges it, and so on.<sup>29</sup>

those reasons as the terms of debate and exchange between countries is of importance in making it possible for countries to relate to one another in a reasoned manner, seeking a non-alien influence on one another's positions and holding out the possibility of an unforced, cooperative solution to many problems. The availability of that mode of regulating inter-state matters, together with the existence of the forums that international agencies provide, can ensure that there is an onus of justification on states that resort to other alien modes of influence, particularly when such other initiatives – in particular, outright wars – prove as costly as they often do. It can make reasoned deliberation on the basis of commonly recognized reasons – and the resolution of differences on the basis of procedures supported by those reasons – into the default option in the mutual accommodation of states.

Is it excessively optimistic to expect that forums of inter-state deliberation and exchange should achieve this default status? I do not think so, if only because of the disesteem that will attach to any state, other things being equal, if it spurns such ways of dealing with others.<sup>30</sup> This disesteem may materialize within a state itself, as members find it a matter of shame that the state that acts in their name should not be willing to relate to others in the space of reasons. Or it may materialize in the international community, as unwilling states and their spokespersons find themselves subject to ignominy and ostracism.

Providing for inter-state deliberation will not ensure in itself against domination; deliberation in the presence of a manifest asymmetry of power may only cover up a deeper game of intimidation by the strong. But the possibility of such deliberation is still significant. It creates a base for determining the common liberties that states should each be able to enjoy, as a matter of international law and understanding, protected against the alien control of others; these might be cast as basic international liberties, on a par with the basic liberties that we want to secure for citizens.<sup>31</sup> And the possibility of deliberation on the basis of commonly acceptable reasons should establish a culture in which international law can strengthen and serve as a discipline for inhibiting potential dominators and for protecting states from one another.

Let states accept a regime of common reasons and they will be able to endorse international law as a set of regulations that can be seen from within as a law that they share in common with others. This can raise international law from a set of convenient standards, binding only when they are convenient, to a system of norms that each state views, and takes others to view, as a base for legitimate expectations. It can give each state what H. L. A. Hart<sup>32</sup> takes to be an essential, internal perspective on that law.

We have been focused on state–state domination and I have been arguing that, while no simple solution is on offer, there are grounds for limited enthusiasm about recourse to international agencies. The enthusiasm is warranted insofar as these agencies can avoid arbitrariness and are likely to serve an important function in promoting a currency of common global reasons and fostering a reasoned relationship as the default option for states. The limitation is warranted, because

the agencies may be unable to provide the sort of power needed to protect against domination. More powerful states may have too much influence to be capable of being fully restrained by international agencies. And some forms of domination, associated with economic power and diplomatic clout, are bound to elude the control of such an agency.

Where to turn for extra remedies against the domination of states? The only recourse is a possibility that some see as distinctively republican in its origins.<sup>33</sup> States that are so weak in any dimension that they are subject to the domination of others can unite in common cause in order to give themselves the required muscle to resist the power of the stronger. Consider the military, economic, or diplomatic domain. No matter how great the power of one country, A, in relation to another, B, that power will be nullified in the event that B manages to secure a credible alliance with enough other countries against A. The point is as old as the adage that there is strength in numbers. And it is borne out in recent international experience, as the forums that allow the weak to band together – and banding together will involve the usual free-rider difficulties – have begun to prove a thorn in the side of more powerful states.<sup>34</sup> Those states have responded by trying to shift forum when things are not going to their taste, or by trying to opt out of multilateral discussions in favor of bilateral, one-by-one arrangements with the other states.<sup>35</sup> But it is unlikely that such stratagems will prove successful over the long haul, as weaker countries become aware of how they are used.

It is customary to the point of seeming fatuous to emphasize the importance of deliberation but the perspective provided by the ideal of nondomination does more than that: it also makes clear that in a world of grossly unequal power, deliberation is not going to be enough; it will have to be matched by the groupings that enable the weak to deliberate from a position of strength. States will relate to one another in a truly deliberative mode, eschewing all resort to alien control, only in the measure that they respect one another. And states will respect one another only in the measure that they command one another's respect; they each have enough power to leave others no choice but to respect them.

This brief overview of possible remedies for state–state domination suggests, then, that the best hope may lie in a dispensation with two aspects. On the one hand a set of international agencies and forums by means of which states can work out their problems and relations in a space of more or less common reasons and by resort to procedures for resolving intractable difficulties that such reasons support. And on the other a set of linkages whereby states that are weaker in some dimension and are thereby exposed to domination – including the sort of domination that can hide in a deliberative guise – may band together to nullify the advantages of the strong. Each aspect of the package recommended involves multilateral action: on the one side, the 'totilateral' organization of all states behind international agencies and, on the other, the 'plurilateral' organization of different subgroups of states into blocs that can effectively compete with their stronger rivals. The scenario sketched does not put an analogue of the domestic

state in place in the international order but it does have aspects of a constitutional or quasi-constitutional arrangement for reducing domination.

The two dimensions to the solution proposed are each of vital importance and, just to emphasize this importance, I make one further observation. In the world as it is now every state is liable to be indirectly and adversely affected by what in an earlier period would have been innocent initiatives on the part of others. These may involve subsidizing domestic business, creating artificial barriers to imports, fostering the use of scarce fuels, failing to curb carbon emissions, allowing the use of certain herbicides, or not regulating the medical or agricultural use of antibiotics. It is only by means of international debate, grounded in the acceptance of certain common reasons, that states can hope to establish where, as in such cases, they may be harming one another and where the limits should naturally be set to the freedom as nondomination they may claim; it is only by such means that states can identify a domain of international basic liberties that they can each simultaneously enjoy. But international debate will not be able to enforce against stronger states the limits it may in this way identify. And at that point the organization of other states against the relatively strong is bound to be of the utmost importance. That organization is going to be indispensable for giving effect to the lessons forthcoming in debate.

### **Other Sources of Domination**

States may be dominated, not just by other states, but also by non-state bodies. The most obvious candidates are multinational corporations and other private but international bodies. These raise very much the same sorts of problems for individual states that are raised by other stronger states. The problems may be put in useful perspective by the existence of international agencies and by the culture of common reasons – and ultimately the culture of public international law – that such agencies can nurture. But they will be substantially resolvable, it seems to me, only to the extent that states, in particular weaker states, can join in common cause against corporations and other such bodies. In dealing with states that are isolated from one another, the powerful corporations may be able to dictate lower levels of corporation tax, or lesser environmental restrictions, or indeed a reduced concern for human rights; they may be able to force those states into a race towards lower standards.<sup>36</sup> But they will not be able to do this with states that effectively unite in order to face the threat.

What, finally, of the domination that is possible at the hands of international agencies? I have already addressed this issue in passing. International agencies do not represent a threat on a par with the dangers from other states and from private bodies like corporations, despite the many outcries about the democratic deficit that those agencies display. Their membership is normally subject to the vetting of affected states, their operations are typically exposed to demanding measures of review and accountability, and their decisions are often conditional



on the approval of other bodies. Would that domestic states generally performed under comparable restraints. There may still be dangers of domination associated with international agencies, of course, but only a perverted sense of priority would suggest that they are the principal problems in the area.

## **The Benefits of Highlighting Domination**

Even these quick observations suggest that a republican or neo-republican criterion for assessing international arrangements between representative states is a very attractive one. The non-interference criterion would identify a small cluster of evils that ought to be removed or reduced by an appropriate international order: specifically, the evils associated with active intervention or infiltration by other states and perhaps with economic or diplomatic bullying. The ideal of non-domination would agree that those initiatives represent a failure of international order but would be much more radical in identifying a range of other failures as well. It would indict, not just active intervention and infiltration, but the control and domination that comes with effective invigilatory and inhibitory power.

The republican ideal would join with the Rawlsian approach in hailing the possibility of representative states relating to one under a regime of common reasons, treating one another with the respect that is universally recognized as an ideal in the relations between persons.<sup>37</sup> But it would break with that approach in emphasizing that, in order for such a dispensation to come into being, in order for a deliberative mode of exchange to be genuinely deliberative and respectful, there are pre-conditions of equalized power that must first be realized amongst those states. A state that has a power of interference in the affairs of another – and so an invigilatory and inhibitory power – will enjoy control over that other that no deliberative motions, and no protestations of goodwill, can expel. In order for the ideal of mutual respect to be reliably and credibly honored, so the lesson goes, the representative states that figure in the matrix of international relationships must be powerful enough to command respect from each other: to force one another to display respect.

But if the ideal of nondomination raises the bar that an international order ought to pass, it still cannot be cast as a utopian and unrealistic ideal. In this respect it scores much better than the ideal often canvassed as a rival to that of non-intervention: the ideal of global distributive justice, understood on cosmopolitan lines. This ideal is utopian in the sense that states, in particular the richer representative states, would have to be saintly – in effect, they would have to be controlled by saintly peoples – in order to provide robustly for the satisfaction of the ideal. The world in which states operated like that would be a more perfect world than ours but psychological and institutional realities make it into a scenario we can hardly rely on being able to attain.

The ideal of nondomination between representative states contrasts with this utopian vision insofar as it is, in economic language, incentive-compatible. Those

states that acknowledge it as a normative target at which to aim in their relationships with others will not have to see it as a target that they would be able to attain if they or their people were more saintly but not as things currently stand; they can see it as a goal that they and other representative states have a variety of reasons to pursue. Under the most cynical accounts of motivations in *Realpolitik*, states and those who act for states are plausibly ascribed an interest in seeing that other international bodies, states and non-states alike, do not hold sway over them, whether in active recourse to intervention and pressure, or in the silent exploitation of the associated power. That interest ought to provide adequate reason for expecting that, if the ideal of nondomination is recognized among representative states, then it ought to assume a motivating role for relevant agents.

This is not to say, of course, that the ideal will be unchallenging and easy to implement. First of all, the ideal will entail costs that states may often be reluctant to bear, as in helping out one of their number against an offender, and in punishing an offender. Second, the stronger states may have an interest, as they surely do, in preventing the weaker from organizing in blocs that would give them suitable standing in international deliberation. And third, the weaker states may face the problem of keeping their members disciplined in face of the free-rider temptation to defect from a bloc stance: say, to win a sweetheart deal from a stronger state by agreeing to laxer terms than were dictated by the bloc, or to attract a multinational corporation to its shores by agreeing to a lower rate of corporation tax than the bloc demanded. Those are real difficulties in the way of achieving a dispensation of international nondomination but they do not constitute obstacles of the kind that might make the ideal seem utopian.

Incentive-compatibility is not the only constraint of feasibility for normative ideals, although it is the only one that is acknowledged in most discussions. Equally important, or important in only a slightly reduced degree, is something that we might describe as discourse-compatibility.<sup>38</sup> A proposal or ideal will fail to be discourse-compatible to the extent that it is not one that can be supported in a deliberative forum by reasons that are accepted on all sides as relevant to the issue. The most egregious examples would present one side in the deliberations as unequal in some significant manner to the other.<sup>39</sup> Consider in this connection the memo by Lawrence Summers, then chief economist to the World Bank, which was leaked in 1991. This made a case for exporting heavy polluting industries to the third world on the ground, roughly, that the anti-pollution preferences of poorer, shorter-lived individuals would not be as strong as those of the richer and longer-lived. The memo caused indignation world-wide, precisely because the proposal was incompatible with the assumptions of equality that underpin deliberation. A Brazilian official wrote in understandable incredulity that the reasoning was 'perfectly logical and totally insane'.<sup>40</sup>

Is the ideal of nondomination between states likely to be discourse-compatible? Might it be internalized in debates between different countries as an ideal that they ought each to embrace and ought to honor in their dealings with one another?

At this point we return to the republican observation that freedom is well conceptualized as requiring nondomination: the absence of relationships in which the agent is controlled in an alien way by others; the presence of resources in virtue of which the agent has the status of an independent subject. The ideal of nondomination amongst states is nothing more or less, then, than an ideal of freedom. In not dominating their own citizens – in representing popularly checked forms of political control – representative states will pass on one count as free states. But in not being dominated by other states or other international bodies – in being subjected, at most, to the checked control of international agencies – they will pass as free states on a second count too.

As an ideal of freedom, the ideal supported here is bound to be discourse-compatible as well as incentive-compatible. Freedom is universally accepted as an ideal that any party may claim for itself, and present as a good for every party to the table, in its deliberations with others. Even when a state enters international arrangements that bind it to a certain regulatory order and that it may find it very difficult to leave freedom as nondomination remains a guiding ideal.<sup>41</sup> The arrangements will not deprive a state of its standing as a free state if they are voluntarily entered and if they give the state an equal stake and status with other states in determining how the arrangements operate: if, in that sense, the state shares to the highest feasible degree in checking the regulatory powers that the arrangements establish.

This observation enables us to see the ideal we have been discussing as truly a republican ideal. It directs us to a dispensation in which representative regimes come to deserve the old name of ‘free state’, not just because of how they treat their members, but also because of how they treat one another. They will count as republics, whether or not they embrace that title, on two counts: both because their publics are in charge on the domestic front, not some elite or faction, and because their publics are allowed to maintain such control by the relations sustained with similar regimes.

## **Ineffective and Non-Representative States**

The issues raised by ineffective and non-representative states are of even more pressing concern than those we have been considering and I would like, in conclusion, to address them briefly. I want to suggest that the republican perspective defended on the earlier front extends quite naturally to this domain as well.

States that are ineffective or non-representative give rise to problems of abuse, poverty, and insecurity that they cannot themselves be expected to put right; they may even be the source of those ills. The ideal of nondomination connects with the problems in its guise as an ideal for individuals rather than for states. The abuse of human rights, and the existence of a power of such abuse, epitomizes domination; it means that those who are subject to such abuse live at the mercy of their actual or potential abusers, and under their effective control. And poverty

and insecurity mean that individuals are fair game for the domination of the more powerful; they would have none of the resources of personal independence that might empower them against predators, and they would lack the resources of an effective culture or law that would provide them with a degree of protection.<sup>42</sup>

Consider those representative states, then, that plan for nondomination amongst themselves, as I have argued they should do, and that help to ensure the nondomination of their citizens. Those states and their peoples will be in a position where they must espouse the ideal of nondomination as a good that any individual or state should cherish. That ideal may not have been conceptualized as such amongst them; they may be anonymous republics – republics in all but name – that implement the demands of nondomination without explicitly recognizing the fact. But nondomination will certainly be available to be conceptualized, and once conceptualized it must command their allegiance. The ideal will be supported by the sorts of common reasons that they acknowledge in discussions of what the state should do for its members and of how the state should relate to other states.

This means that representative states will have commitments that give them normative reason for a concern with rectifying the problems of those who live under ineffective and non-representative states. But will that normative reason mutate into a motivating reason? Will it hold out a goal that we may expect these states to pursue in combination with one another or in independent action? Or will representative states be more likely to turn their backs on the less fortunate and allow the victims of ineffective and non-representative regimes to continue to suffer?

We know that relatively representative states fail to act in many cases where the cause of freedom as nondomination, and almost every humanitarian ideal imaginable, would call for action. The genocides in Rwanda and Darfur are ample testimony to the capacity for callousness that even vociferously idealistic regimes display. But should we despair altogether on this front? Should we think that the chance of giving effect to the demands of nondomination in this domain are no greater, for example, than the chance of giving effect to what is certainly a utopian ideal of cosmopolitan justice?

I do not think so, for reasons that will be familiar to all. Let the publics in representative regimes be made aware of problems in non-representative and ineffective countries and they can create a serious pressure on governments to provide foreign aid, partake in peace-keeping missions, or at the limit – and considerations of nondomination explain why this should be the limit – organize humanitarian intervention.

Apart altogether from electoral pressure, however, there are often reasons for international action on these fronts that the most self-seeking state will register. Ineffective and non-representative states may provide a home ground for terrorist organizations that threaten the best-ordered states; they may contribute massively to problems of world health, incubating diseases that threaten global epidemics;

they may be sources of environmental damage, even global climate change, due to projects of deforestation or the lack of pollution controls; they may become the main providers of dangerous drugs, to be exported illegally to first-world markets; and they may generate waves of illegal immigration into richer countries, threatening the political cultures of those regimes. These and other such problems suggest that it may not be utopian, then, to think that representative regimes will be disposed to act for the relief of the abused and the destitute in such countries.

To stress the availability of these incentives, however, is not to say that the ideal of nondomination is not needed to guide states in the action they take for the relief of the abused and the destitute. Representative states might be moved by the problems just rehearsed to adopt a variety of ad hoc measures that left the peoples of those countries essentially dependent on continuing foreign help or that constrained unresponsive leaders in certain ways without depriving them of power. The ideal of nondomination would suggest that there is going to be no satisfactory solution, short of ineffective and non-representative regimes being replaced by states that are representative in the requisite sense. It identifies the goal that established, representative states should seek to achieve, even as they act out of mixed or impure motives. In the absence of special incentives for such states, the ideal of freedom as nondomination might be empty; but in the absence of such an ideal, those incentives would be blind.<sup>43</sup>

## Notes

1. J.-J. Rousseau (1973) *The Social Contract and Discourses*. London: J. M. Dent & Sons Ltd.
2. The distinction here is going to be hard to draw, as it is always going to be hard to distinguish between entities that have a capacity to do something but fail to do it – they act in the presence of the capacity but fail to manifest it – and entities that don't have that capacity at all. Yet much of our received thought, e.g. on free will and akrasia, is premised on the assumption that we can draw such a distinction.
3. Thus I abstract from the issue of whether decent states, in the sense introduced by Rawls ought to count as representative states. J. Rawls (1999) *The Law of Peoples*. Cambridge, MA: Harvard University Press. For an argument to a negative judgment see B. Neufeld (2005) 'Civic Respect, Political Liberalism, and Non-Liberal Societies', *Politics, Philosophy and Economics* 4: 275–99. Were the sort of theory outlined in this paper to be put into operation in negotiation between states, then the distinctions would be implemented in the course of deciding who should have a place at the table. That exercise would be open to abuse, of course, and would have to be conducted in the presence of acceptable procedures, assuming some could be found, for hearing and judging objections to who is allowed at the table.
4. See Rawls (n. 3), and P. Pettit (2006) 'Rawls's Peoples' in R. Martin and D. Reidy (eds) *Rawls's Law of Peoples: A Realistic Utopia*. Oxford: Blackwell.
5. Geuss puts objections to Rawls's sequencing of issues that I hope my argument may help to meet. See R. Geuss (2005) *Outside Ethics*. Princeton: Princeton University Press.
6. See C. R. Beitz (1979) *Political Theory and International Relations*. Princeton: Princeton University Press. T. Pogge (1993) 'An Egalitarian Law of Peoples', *Philosophy and Public Affairs* 23: 195–224.

7. There are two different ways in which a normative theory might develop, operating from a base like that provided by the value of nondomination. It might take the form of a simple evaluative theory that provides a metric for comparing different conditions: in our case, ranking various forms that the international order might take. Or it might start from an evaluation according to which it is imperative – perhaps for independent reasons, perhaps for reasons of feasibility – that in the relevant domain agents with a certain claim to legitimacy should be the ones to fix how things transpire there. On this approach the first task will be to determine the conditions under which relevant agents enjoy legitimacy and the second will be to address recommendations to those agents. The assumption in this addressive version of normative theory is that in relatively normal conditions any regime of legitimate states is going to be better than any illegitimate regime, even an illegitimate regime in which, as it happens, individuals overall enjoy a higher level of nondomination. In this article I do not resolve the issue as to how a normative theory of international relations should best be developed. As already signaled, however, I give a special role to effective, representative states and don't envisage the possibility that a regime in which they did not have that role – e.g. a regime in which everything was fixed by a benevolent all-powerful state – might be superior. In a companion paper, I discuss the conditions under which the order created by such states should count as a legitimate determinant of international affairs. See P. Pettit (2009) 'Legitimate International Institutions: A Neorepublican Perspective', in S. Besson and J. Tasioulas (eds), *The Philosophy of International Law*. Oxford: Oxford University Press. One argument for an addressive theory might be that the authorization of the agents addressed makes for better consequences overall; this theme will be familiar from indirect consequentialism. A second might be that it is unworldly and infeasible to bypass such agents: this is the theme of those who say e.g. that political philosophers ought to be more respectful of the role of democratic states. See M. Walzer (1981) 'Philosophy and Democracy', *Political Theory* 9: 379–99. Yet a third, nonconsequentialist argument might be that normative theory is not primarily about evaluating conditions of the world; it essentially involves identifying relevant, legitimate agents and prescribing for what they ought to do.
8. See P. Pettit (1997) *Republicanism: A Theory of Freedom and Government*. Oxford: Oxford University Press. Q. Skinner (1998) *Liberty Before Liberalism*. (1998). *Liberty Before Liberalism*. Cambridge: Cambridge University Press. M. Viroli (2002) *Republicanism*. New York: Hill & Wang. J. Maynor (2003) *Republicanism in the Modern World*. Cambridge: Polity Press.
9. L. Quill (2005) *Liberty after Liberalism: Civic Republicanism in a Global Age*. London: Palgrave Macmillan. S. Slaughter *Liberty beyond Neo-Liberalism: A Republican Critique of Liberal Government in a Globalising Age*. London: Macmillan Palgrave. J. Bohman (2007) *Democracy Across Borders: From Demos to Demoi*. Cambridge, MA: MIT Press. In the latter Bohman focuses on the transformation of democracy that can and should be achieved in the international forum and at how this can affect national states. I am very sympathetic to his reworking of various democratic concepts but believe that those of us who work in the frame adopted here can also make use of many of those ideas.
10. For an exploration of the significance of the republican tradition on quite another front see D. H. Deudney (2007) *Bounding Power: Republican Security Theory from the Polis to the Global Village*. Princeton: Princeton University Press. His concern is with ideas about the institutions whereby 'republican security' can be ensured (p. 269):

The tradition of republican security theory begins in classical antiquity, not the modern Enlightenment, and its Enlightenment culminations are in Montesquieu and the American founding, not Kant. Three of the most powerful ideas in contemporary

international Liberalism, democratic peace, commercial peace, and international unions, are the legacies of Enlightenment republican security theory.

11. P. Pettit (2007) 'Republican Liberty: Three Axioms, Four Theorems', in C. Laborde and J. Maynor (eds) *Republicanism and Political Theory*. Oxford: Blackwell.
12. See Pettit (n. 8). and Skinner (n. 8). Two recent books of a broadly republican character have argued that the ideal of non-domination should be given a more normative cast than in either of these works – and, more particularly, that it should be taken to imply that those who are denied alien control are denied that control, at least in part, by coming to recognize normative constraints against the exercise of such power. See H. Richardson (2002) *Democratic Autonomy*. New York: Oxford University Press. Bohman (n. 9). I am sympathetic to the thought that the recognition of normative constraints would give a new dimension to the ideal of non-domination. I believe that that sort of recognition will be present under a legal order that ensures people's non-domination, since any successful legal order will have to be internalized by participants: H. L. A. Hart (1961) *The Concept of Law*. Oxford: Oxford University Press. And I recognize that the idea has roots in tradition. J.-F. Spitz (1995) *La Liberte Politique*. Paris: Presses Universitaires de France. But, still, I am loath to make it a definitional requirement that nondomination should be ensured on such a normative basis.
13. There is a sense in which control can occur without any related desire on the part of the controller: this is the sense in which the weather may control what someone does. But that sense of control is not relevant to freedom in the same manner as control that occurs in the presence of desire.
14. It will make it more probable that B will perform to the desired pattern, of course, in more than the evidential sense of providing extra evidence that B will do so. There will be extra evidence that B will perform to the pattern but that will be due to A's presence, not merely revealed by it. The need for this qualification is ignored in many definitions of what power or control requires, particularly those that invoke the notion of conditional probability in explicating the idea; see e.g. R. Dahl (1957) 'The Concept of Power', *Behavioral Science* 2: 201–15. Notice that A may control for B's x-ing without controlling for that result most effectively – i.e. without maximizing the relevant probability – or without controlling for it most efficiently: i.e. without maximizing A's overall utility.
15. The relevant contrast for determining whether A raises the probability of B's x-ing should be the probability of B's x-ing in the absence of A, not just the probability of B's x-ing in the event of A not taking the action whereby A exercises control. For suppose that B is negatively affected by the fact that A is present in B's life so that no matter what A does, no matter even if A omits to do anything, A's presence reduces the probability that B will x. It would be strange in that case to say that A had control over B in regard to the x-ing. And yet there might be an action available to A such that by taking that action, A would raise the probability of B's x-ing beyond the level it would have had, if A had not taken that action. A has no chance of controlling for the desired pattern in B's behavior in a case like this. Similarly A would have no chance of not controlling for that pattern did it happen that A's presence meant that B was more likely to x, regardless of how A actually acted.
16. Sometimes the word is used to mean obstruction only: i.e. the removal of an option. For approaches that cast freedom as the absence of obstruction and so as the absence of interference in that sense, see H. Steiner (1994) *An Essay on Rights*. Oxford: Blackwell. I. Carter (1999) *A Measure of Freedom*. Oxford: Oxford University Press. M. H. Kramer (2003) *The Quality of Freedom*. Oxford: Oxford University Press.
17. What of the exploitative offer: the offer that drives a hard bargain with someone in

a weak bargaining position? That such an offer is acceptable is a sign that the person who is made the offer is already in a vulnerable position where domination is likely to occur. The offer itself will perpetrate a harm if, as is common in such circumstances, it sets up a relationship where further domination is facilitated; if it does not set up such a relationship, then it may better the exploited person's position, though it will hardly reflect well on the character of the exploiter. I am grateful for some discussion of this point with Arudra Burra.

18. P. Pettit (2008) 'The Basic Liberties', in M. Kramer (ed.), *Essays on H.L.A.Hart*. Oxford: Oxford University Press.
19. Is A's alien control of B's choices an evil if B doesn't recognize A's power and never chooses in a way that activates interference and brings the power to awareness? I would say, yes. When I think that the possibility of alien control over my choices is bad, I think that it is bad qua alien control, not necessarily because it would have any other effect; I would not need to cite any other ground for condemning it. But that means that I count such alien control as bad – at least *pro tanto* bad – across a range of possible scenarios in which its effects vary. And those scenarios will include ones in which I remain unaware that it is in place, and happen to choose so as not to trigger active interference. That actual scenario or world will be bad just because the possible world, relative to it, in which I choose otherwise involves interference. Thus, it will be bad despite the fact that a relatively indiscernible world in which interference would not be triggered in the corresponding possible world would not be bad.
20. P. Pettit (2007) 'Joining the Dots', in M. Smith, H. G. Brennan, R. E. Goodin and F. C. Jackson (eds) *Common Minds: Themes from the Philosophy of Philip Pettit*. Oxford: Oxford University Press.
21. C. Kukathas and P. Pettit (1991) *Rawls: A Theory of Justice and its Critics*. Cambridge and Stanford, CA: Polity Press and Stanford University Press.
22. I put it this way to emphasize that the case envisaged is one where, under the contextual presumptions about B's options, A deprives B of one option or imposes a cost on the option that changes its character. A coerces B, therefore, rather than making an offer. See Pettit (n. 8), pp. 53–4.
23. See J. Pitts (2005) *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*. Princeton: Princeton University Press. Also D. Bell (2010, forthcoming) 'Empire and Imperialism', in G. Claey's and G. Stedman Jones (eds.), *The Cambridge History of Nineteenth Century Political Thought*. Cambridge, Cambridge University Press.
24. US Government, National Security Strategy of the United States of America. White House, Washington, DC, <http://www.whitehouse.gov/nsc/nss.html>. See also I. Shapiro (2007) *Containment: Rebuilding a Strategy Against Global Terror*. Princeton: Princeton University Press.
25. T. Donnelly et al., 'Rebuilding America's Defenses: Strategy, Forces and Resources for a New Century', p. i, <http://www.newamericancentury.org/RebuildingAmericasDefenses.pdf>.
26. D. W. Greig (1976) *International Law*, 2nd edn. London: Butterworths.
27. A.-M. Slaughter (2004) *A New World Order*. Princeton: Princeton University Press.
28. P. Pettit (2006) 'Democracy, National and International', *Monist* 89: 302–25, and Pettit (n. 7).
29. John Rawls (n. 3) may often have common reasons in mind when he speaks of public reasons and my ideas have clearly been influenced by his discussion. I prefer to speak of common reasons, emphasizing points that are not made in Rawls and might even be rejected by him: 1) that they are generated as a byproduct of ongoing debate; 2) that they are relevant to such debate, no matter at what site it occurs, private or public, informal or formal; and 3) that in principle 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. The language of common reasons, as used here, may be more in the spirit of Habermas, than Rawls (Moon, J. D. 'Rawls and Habermas on Public Reason'). J. Habermas (1984, 1989) *A Theory of Communicative Action*, vols 1 and 2. Cambridge: Polity Press. J. D. Moon (2003) 'Rawls and Habermas on Public Reason', *Annual Review of Political Science* 6: 257–74. For an extension of the Rawlsian idea to the international forum on global public reason see Joshua Cohen's (2004) 'Minimalism about Human Rights: The Most we can Hope for', *Journal of Political Philosophy* 12: 190–213. I am grateful for a discussion on these matters with Tim Scanlon.
30. See G. Brennan and P. Pettit (2004) *The Economy of Esteem: An Essay on Civil and Political Society*. Oxford: Oxford University Press.
  31. Pettit (n. 18).
  32. Hart (n. 12).
  33. See Deudney (n. 10), pp. 152–4.
  34. There may be more powerful, dominating states within any such league of relatively weaker states, of course. But there may be – though alas there won't necessarily be – a possibility of guarding against this via alliances between the less powerful states in the league.
  35. J. Braithwaite and P. Drahos (2000) *Global Business Regulation*. Cambridge: Cambridge University Press.
  36. See J. Ruggie (2007) *Business and Human Rights: Mapping International Standards of Responsibility and Accountability for Corporate Acts*. New York: UNHR Council.
  37. Rawls (n. 3).
  38. See P. Pettit (2002) *Rules, Reasons, and Norms: Selected Essays*, p. 276. Oxford: Oxford University Press.
  39. The importance of discourse-compatibility appears in the fact that while parties in a bidding process may come to accept common arrangements that give very different levels of advantage to different sides, those arrangements might prove to be unacceptable in a deliberative process where each is restricted to presenting arguments in the currency of common reasons. We might bargain our way to a seven–three division of ten units, where the stronger could credibly stick at the offer of three, but it might be very difficult for us to agree that such a division was supported by commonly accepted reasons.
  40. For the content of the memo and criticism of it, including mention of this response, see <http://www.counterpunch.org/summers.html>.
  41. And its taking those steps may actually improve the freedom as nondomination of its citizens, as when they are protected against the power of their own state by being able to appeal to an international body against it. See Pettit (n. 8), p. 153.
  42. Even if domination was not itself a prospect – in itself a miraculous possibility – such poverty and insecurity would mean that those people were not able to enjoy their freedom as nondomination; it would have little or no value for them, since the choices in which they could exercise it would be extremely limited. Their freedom as nondomination might not be compromised but it would be severely conditioned. See Pettit (n. 8), ch. 2.
  43. My thanks to Barbara Buckinx for discussion on topics related to this article, to Duncan Bell, Samantha Besson, John Maynor and John Tasioulas for comments on an earlier draft and to the very useful discussion at a conference in Cambridge University where it was first presented in May 2007. I also benefited from comments received when it was presented as a lecture at the University of Sydney in July 2009.