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DEMOCRACY

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Justice: Social and Political

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1. THE ISSUE

Every year, a number of different agencies rank the world's cities in order of livability, taking account of a variety of factors that affect people's living conditions. The factors that bulk largest in the ratings are safety and crime, urban design and environmental quality, public transportation, cultural tolerance, business conditions, medical care, and so on. These elements all belong in the domain of what government can provide or facilitate for people but hardly bear at all on the democratic quality of the government that ensures their delivery. Thus, the rankings treat people as relatively passive beneficiaries of urban amenities and ignore the extent to which they may act as active citizens to maintain control over what government does—the extent to which they may combine to ensure that government operates on terms that they generally endorse.

This imbalance of perspective in the international rankings of cities is intelligible in light of what is allegedly one of the principal aims of the exercise: to provide employers with information on how far employees can claim hardship allowances for job relocation. Foreign employees need not have a personal interest in the basis on which government provision for urban residents is determined, since they are not sufficiently permanent as residents to be able to claim the democratic rights of citizens. Or at least they need not have a personal interest in the mode of government decision-making so long as the prospect of their being treated well remains bright or they retain a ready right of exit in the event of that prospect's fading.

When we think about the different ways in which our society may be organized—the different institutional structures that may be established there—we focus on the rival attractions of competing basic structures in a way that parallels the focus on the rival attractions of the world's cities. But in this exercise it is vitally important that we look at those basic structures from the perspective of active citizens as well as from the perspective of

relatively passive beneficiaries. It would be a serious mistake to enthuse about the way our needs are satisfied under a certain institutional structure—say, a structure in which a benevolent despot looks after our needs—without worrying about how far we are in a position to combine with others to guard against any shift in the will of the powerful, dictating the terms on which government operates.

This observation teaches an important lesson about what we should take into account in thinking about the justice of a basic structure.¹ In determining whether a structure is just we have to think about whether it treats the people who live under it—in particular, adult, able-minded, more or less permanent residents²—as equals in what we take to be relevant respects; if we focused on some other property of the structure we would not be thinking about its justice. Thus, we have to take an impartial viewpoint that is capable of being shared among the adult, able-minded, more or less permanent members of the society, or at least among those who are ready to live on equal terms with others (Pettit 2012; 2014).

The lesson of our observation in the case of livable cities is that in thinking about the justice promised by a basic structure we ought to give consideration to two aspects of the structure: first, the social justice between different individuals and groups that it would establish and, second, the political justice of the relationship that it would set up between those individuals—roughly, the citizenry—and the state or government that implements it. Social justice, as I shall use the phrase, is something that the state provides for its people as the more or less passive beneficiaries of the system. Political justice is something that it delivers for its people in their role as active citizens: that is, as members of the society who ought presumptively to share in setting the terms on which their state acts. In what follows, I shall assume that the citizenry are identified appropriately and that they are the adult, able-minded, more or less permanent residents of the society.

Whether a given state is politically just depends, under a broad conception, on two issues: (i) whether it is just in general that people should have to live under state coercion; and (ii) whether that particular state exercises coercion over its citizens on a just basis.³ Here, I consider political justice only under

¹ I ignore here the issue as to whether justice is properly restricted to the basic structure of a society without attention to the justice exhibited by individuals acting under that structure. For a critique of the restriction, see Cohen (1989).

² Justice imposes special requirements on how those who are not adult, not able-minded, or not permanent residents should be treated but I ignore those in the present context. I am concerned with general issues of domestic justice as distinct from special issues of domestic justice or, indeed, issues of international justice.

³ I consider political justice under a broad conception of what it involves in Pettit (2012; 2014). Under this conception it coincides with what is often described as the legitimacy as distinct from the justice—I would say, the social justice—of the structure; see Simmons (1999).

a narrow conception that sets aside the issue raised by the existence of state power and focuses exclusively on the issue of how that power is exercised. Where social justice depends on the horizontal relationships between the individual citizens of a state, whether individually or in groups, political justice in this sense depends on their vertical relationships to the state that rules over them; it turns on how well the state respects their presumptive claims, collective and individual, to have a say in how it operates. The two ideals are distinct although, as we shall see in the final section, they have close connections with one another.

It would be a mistake in the theory of justice to concentrate on social justice without regard for political, or indeed to pay attention to political justice and neglect social. Yet, many theories of social justice—often cast as theories of justice, period—give little or no attention to the political dimension. And many theories of political justice—in effect, many theories of democracy—ignore issues of social justice.⁴

John Rawls (1971) appears to put both on the table when he argues that apart from guaranteeing standard liberties, and a variant on socio-economic equality, the just basic structure ought to establish certain political liberties such as the liberty to vote and stand for office. But he may downgrade political as distinct from social justice when he goes on to describe these political liberties as “subordinate” to the more standard liberties of speech, association, and the like (233).⁵

Assuming that social and political issues are both important in the theory of justice, I look in this chapter at how they ought to be weighted in relation to one another. It should be clear that, like anyone else’s, your ideal of political justice—say, your rich democratic ideal of political justice—is liable, should it be realized, not to support your ideal of social justice: other people may not combine democratically to support it. And that possibility raises some serious questions.

Should you be prepared to pay a cost in one form of justice for a benefit in the other? And if so, how should the trade-off go? Should you be ready,

⁴ There are exceptions, of course. Thus, Juergen Habermas (1995) has always insisted on their connection as does Rainer Forst (2002), who operates within broadly the same tradition. Charles Beitz (1989) and Thomas Christiano (2008) both focus on the importance of equality in democracy and as a result they also tend to maintain a connection between concerns of social and political justice.

⁵ But while Rawls (1971) suggests that the political liberties are subordinate in an instrumental role, he stresses their intrinsic importance in shaping the character of citizens. And in his later reply to Habermas, Rawls (1995, 163) goes further still in their defense, implying in the terminology of his interlocutor that the political liberties are “co-original and of equal weight” with other basic liberties. I am grateful to Paul Patton and Steven Wall for alerting me to these aspects of Rawls’s position. See too n 9. For a congenial assessment of how far Rawls can take this later line and preserve his theory of justice as fairness, see Wall (2006).

at the limit, to drop all demands of political justice for the realization of social? Or should you be ready to drop all demands of social justice for the realization of political?⁶

I argue that under some fairly standard assumptions there is a powerful case for giving a certain priority to political. The very activity of proposing an ideal or theory of social justice presupposes under those assumptions that there ought to be a politically just, suitably democratic procedure in place in the society targeted. And while the content of an ideal or theory of political justice may require a degree of social justice in the targeted society—we shall see in the conclusion that any plausible theory will require this—the activity of proposing such an ideal is not tied in the same way to a presupposition of social justice.

In the following three sections I defend three progressively stronger theses about the priority that political justice ought to enjoy under standard assumptions and then I conclude in section 5 with a brief comment on the theoretical and practical implications. The theses that I defend in the following three sections hold that as theorists of social justice we are committed by assumptions almost all of us share to holding that in any society for which we prescribe a scheme of social justice:

- some politically just process of decision-making ought to be established;
- this process ought to require a form of democratic approval; and
- this process ought to introduce a form of democratic control.⁷

2. SOME POLITICALLY JUST PROCESS OF DECISION-MAKING OUGHT TO BE ESTABLISHED

Few if any contemporary thinkers who take social justice seriously hold by their particular view of justice in the manner in which the protagonists in

⁶ While these issues are often neglected among political philosophers, Laura Valentini (2013) is a notable exception. I find her views broadly congenial and I was stimulated in my own thinking about the issues by a presentation that she made in a seminar at Princeton in a debate with Ryan Davis.

⁷ The argument of the chapter takes us from assumptions we allegedly share as theorists of social justice to commitments that they entail about the importance and, indeed, priority of political justice. The argument skirts issues of feasibility, since it explores a connection between our views of social justice and our views of political rather than directly supporting any particular institutional recommendations. But it raises a related question as to what we ought to think if we judge that the commitments in political justice that we make as theorists of social justice are so demanding as to be unrealizable. The lesson would seem to be that we should give up on some of the starting assumptions about social justice but I do not explore that issue in the chapter.

the European wars of religion held by their different positions. However fully and fervently they believe in their particular vision of social justice, they shrink from maintaining that it ought to be imposed by the coercive state without regard to whether or not others endorse it. And as they shrink from investing their own view of social justice with such a special, preemptory status, of course, so they deny that status to the views of others. They agree in each renouncing any form of crusading vanguardism or sectarianism in favor of an attitude of mutual respect or forbearance.

This disposition of forbearance is unsurprising in view of an assumption, shared by theorists on all sides, about the more or less egalitarian character of justice and about the more or less egalitarian character of their rival theories. It is axiomatic for all, and manifestly axiomatic for all, that a just basic structure must treat citizens as equals in their relations with one another. If the defenders of rival theories are forbearing in their attitudes towards one another, that is because they assume that each of them is seeking an interpretation of what such treatment requires (Dworkin 1978). Thus, there is no suggestion that they would be forbearing in relation to a social theory—it could scarcely be called a theory of justice—that dismissed out of hand, or clearly downgraded, the claims of some.

The disposition of forbearance among theorists of social justice may be grounded in any of a variety of considerations: for example, that anything short of this disposition is a recipe for civil war; that no system of social justice will be stable if it is imposed on people without regard for their attitudes; that under any plausible view of social justice respect for the views of others is itself an essential requirement; that the best scheme of social justice is likely in any case to be a compromise between rival theories; and so on. I assume that for one or a number of such reasons, every contemporary theory of justice presents itself in the forum of public debate as a theory offered for the consideration of others, not as a blueprint to be coercively implemented, regardless of people's attitudes towards it. And I assume that this is as it should be: that the considerations rehearsed do indeed support such a disposition of forbearance.⁸

This disposition of forbearance is certain to be triggered in real-world scenarios. For it is a commonplace that in almost every society ~~that~~ there are likely to be many different views on what social justice requires. Whatever the society you belong to, there are bound to be some laws or some policies that you yourself will take to be socially unjust (Nagel 1987). This is manifestly true in pluralist, multicultural societies today but it is likely to hold in any organized polity. The circumstances of politics, as Jeremy Waldron

⁸ This is to favor the democratic line in resolving Richard Wollheim's (1962) paradox in the theory of democracy.

(1999) argues, are essentially circumstances of disagreement, in particular disagreement on matters of social justice.

The commitment to mutual forbearance among theories of social justice combines with the fact of widespread disagreement about which theory is correct to generate a problem. It implies that from within the perspective of any theory of social justice, there is an issue as to what should transpire in any real-world society where people differ about the best theory. Each theory may endorse the idea that there should be continuing, respectful debate about the different elements on which different views divide. But in the meantime, the society is going to have to put various laws and policies in place, as a matter of practical necessity. So what is to be done over that period—in effect, the indefinite future—according to competing but forbearing theories of social justice?

Those theories may not offer any explicit answer to this question but their general commitment to mutual forbearance supports a specific commitment, given just the possibility of disagreement, to an ideal of political justice. Under this ideal, the society for which rival theories would make different recommendations ought to establish a decision-making process for identifying and implementing suitable compromises between them. In particular, it ought to establish a process that is not tilted in favor of any one side in the debate. True to their shared assumption as theories of social justice, they must all hold that any just political process ought to treat all citizens—all adult, able-minded, more or less permanent residents—as equals; or at least treat as equals those who are willing to live with one another on the same terms, not taking themselves to be special in some way. The compromise regime that such a just process would establish might not answer to the demands of any single theory of social justice, and might not resolve the theoretical differences between theories. But it would resolve those differences for practical purposes—it would accommodate the differences, as I shall say—and would presumably remain open to development in light of further theoretical convergence.⁹

The commitment to the idea that there ought to be a just process of decision-making for accommodating their differences is inescapable for theories of social justice. If the forbearing defenders of different theories were to reject the commitment, then they would have to embrace one of two unpalatable

⁹ John Rawls (2007, 2) might be taken to endorse the line presented here when he writes: “Political philosophy can only mean the tradition of political philosophy; and in a democracy this tradition is always the joint work of writers and of their readers. This work is joint, since it is writers and their readers together who produce and cherish works of political philosophy over time and it is always up to voters to decide whether to embody their ideas in basic institutions.” Thanks to Ben McKean and Larry Udell for drawing my attention to this passage.

alternatives. The first would be to reject any semblance of realism about politics and argue that short of theoretical convergence, there should be no practical accommodation among different views of social justice; the debate should continue indefinitely. The second alternative would amount to rejecting any suggestion of idealism in politics; it would accept that, no just accommodation of differences being possible, each society is entitled to let non-normative forces shape how it goes, indifferent to people's rival views of social justice.

To accept either of these views would be to take the theory of social justice to be irrelevant to public life. The first view would restrict normative theorizing about social justice to the seminar room, which is the only location that welcomes continuing, possibly endless debate. The second view would despair of the capacity of normative theorizing to have any impact on the life of a society. To endorse one or the other view would be to deny any practical point to the theory of social justice, insulating normative thinking about politics from the political world. Assuming that theories of social justice can scarcely support this attitude—it would deprive them of any application, after all—I conclude that they must commit to the idea that each society ought to have a just process of decision-making to establish compromises between the rival views that emerge there.

The commitment ascribed here to theories of social justice is existential in character, not substantive. It involves accepting, not that a particular decision-making process should be established in the society for which rival theories make recommendations, but that one or another just decision-making process—maybe this, maybe that—ought to be put in place. For all that we have said so far, theories of social justice may be silent on the form that this process should take; on that matter they will presumably defer to the theory of political justice. But as we shall see in the two following sections, there are other assumptions built into theories of social justice that do put constraints on what form a theory of political justice ought to assume.

This line of argument suggests, then, that all forbearing theories of social justice are committed to thinking that in circumstances of disagreement some just process of decision-making—to be identified, presumably, in the theory of political justice—ought to be introduced to accommodate their differences in advance of whatever theoretical convergence may be expected. Each theory is committed, as we might put it, to the idea that while it is theoretically superior to alternatives, what is practically implemented in the society ought to be decided by a just process of decision-making. Thus, the message in each theory is that notwithstanding its theoretical merits, it ought to be practically implemented only if it is itself selected by a just process of decision-making. The recommendations that the theory makes are provisoed, we might say, on their being implementable in a way that satisfies political justice.

This observation does not establish a straightforward priority for political justice in relation to social justice. For as there are differences among theories of social justice, so there are differences among more elaborate theories of political justice: that is, among theories that identify different, more or less detailed processes of decision-making as just. One theory may recommend a plebiscitarian system of popular voting on every issue, for example; another, a mixed constitutional system of popular decision-making under which power is divided out among separate bodies; another, a system of government that recruits expert elites to different domains of decision-making; another, a mix of such processes, varying between domains of policymaking; and so on. The divergence among such theories of political justice means, assuming forbearance, that according to each theory, what is implemented ought to be determined in a just compromise between alternatives and that it itself ought to be implemented, therefore, only if it is selected by a just process of decision-making. Thus, elaborate theories of political justice have the same provisoed status as theories of social justice.

This need not make for a problem, however, and it need not undermine the priority of political justice. The divergence among elaborate theories of political justice is consistent with the belief that there is some more basic, just process of decision-making that ought to be used to accommodate the differences between them, as it accommodates the differences between theories of social justice. And so they must share with theories of social justice a commitment to the idea that in every society for which they make prescriptions there ought to be a process of basic political justice in place to accommodate differences between them. This process would have to be unambiguously required by political justice or would have to belong to a family of processes any one of which would satisfy political justice.

3. THIS PROCESS OUGHT TO REQUIRE A FORM OF DEMOCRATIC APPROVAL

We have argued that elaborate theories of political justice, and all theories of social justice, are committed under the assumption of mutual forbearance to holding that some just process of decision-making between rival proposals ought to be established in any society for which they make prescriptions. But we have said nothing about the sort of process that they require other than stipulating that, being just, it ought in some intuitive dimension to satisfy the requirement of treating all citizens of the society as equals. In this section and the next I argue that as a matter of fact the theories impose two further constraints on the process: first, that it should

attract a form of democratic approval and, second, that it should introduce a form of democratic control. I shall concentrate for simplicity on the way in which theories of social justice constrain the politically just process to which they are committed but, as occasionally noted, the points to be made apply also to elaborate theories of political justice.

Every theory of social justice, as we have seen, recommends under conditions of disagreement that despite its own theoretical superiority, what is implemented ought to be determined by a just decision-making process: a process for selecting a fair compromise among rival views. It is the forbearance of rival theories that commits them to the need, under conditions of disagreement, for such a just process. But a further feature of theories of social justice implies that this just process should have a particular character: it should be a process that attracts what I describe as democratic approval. The further feature is that every theory of social justice makes recommendations rather than giving directives or commands and, in particular, that it makes public recommendations: that is, recommendations addressed in public to those who are able and entitled, by reasonable criteria, to take part in the political process. I take these parties to be the adult, able-minded, more or less permanent residents who, by our earlier assumption, constitute the citizenry.

When I make a recommendation to you, I do so on the presupposition that you are a fit addressee of the recommendation. You are able to understand what I am doing in making a recommendation; you are able to consider the pros and cons of the recommendation, interrogating me insofar as this is possible or appropriate; and depending on whether you endorse or reject the recommendation, you are able to choose between acting on it or not. Thus, in making a recommendation I ascribe a variety of capacities to you by way of a presupposition. I do this moreover in awareness that that presupposition is manifest to both of us; we are each linguistically competent enough to know what I presuppose, to know that we each know this, and so on. Thus, in making any recommendation I communicate the content of my presupposition to you just as clearly as I would have done had I spelled out the list of capacities I ascribe.

This observation means that when I recommend that you take a certain course of action, X, I communicate two messages: first, the foregrounded, semantic message that you should do X and, second, the backgrounded, pragmatic message that you are someone who can understand, assess, and act on the recommendation. Communicating both messages at once, my speech act amounts to an invitation to you to do X on the basis of the reasons presumptively supporting it; the suggestion is that you are able, entitled, and even perhaps obliged to take that line.

The pragmatic message in a recommendation is not capable of being cancelled. I can hardly say: I recommend that you do X but I do not mean to suggest that you are capable of appreciating what a recommendation is.¹⁰ And so the presence of the pragmatic message puts constraints on the semantic content that the recommendation can carry. I may recommend that you should do X, where I can and do assume—although perhaps mistakenly—that X is within your deliberative control: something that you can do or not do, depending on your assessment of the pros and cons. But I cannot recommend responses that do not fit this constraint. I cannot recommend, for example, that you should blush or fall in love or be intimidated, where it is manifest to all that those responses lie outside your deliberative control.¹¹

The fact that each theory of social justice makes a recommendation or set of recommendations rather than issuing a series of directives or commands carries a clear pragmatic message. It presupposes that an addressee of the theory has the capacity to understand what is recommended, to assess the recommendation on the basis of the pros and cons, and to try to act on it in the event of a positive assessment. And it communicates that presupposition to addressees, implicitly inviting them to exercise the presupposed capacities in relation to the recommended course of action. Whatever the semantic content of the utterance—whatever the response recommended—this pragmatic message is absolutely unambiguous.

But the recommendation or set of recommendations made by any theory of social justice is quite distinctive in character, since it is offered in public to all the citizens of any society that falls within its purview; this society may or may not be the theorist's own. If a theory were to avow the aim of offering advice only to an administrative elite, as Renaissance political tracts offered advice only to princes, then by current standards it would undermine its own credentials and fail to count as a theory of justice proper

¹⁰ On the difference between pragmatic messages that can be cancelled and those that cannot, see Jackson (1987).

¹¹ On the assumption that it is manifest that you cannot deliberately control blushing or falling in love or being intimidated, such a recommendation would involve a pragmatic inconsistency, as it is called: an inconsistency between the pragmatic and semantic message of the utterance. The paradigm of such an inconsistency, due to G. E. Moore, is “p but I don't believe it”. This utterance communicates pragmatically that I hold by the belief that p but communicates semantically that I do not believe that p. There is no inconsistency in its being true that p and that I do not believe it, as there is no inconsistency in my recommending that you X and its being impossible for you to X. But there is an inconsistency in my implicitly communicating that I believe that p while claiming explicitly that I do not believe it, as there is an inconsistency in my implicitly communicating that you can deliberately control X-ing when it is manifest to all that X-ing lies beyond your control.

(Habermas 1971). Indeed it would even run into conflict with the medieval principle according to which what affects all ought to be debated and approved by all: *Quod omnes tanget ab omnibus tractari et approbari debet* (Congar 1958).

The publicity of the recommendation offered impacts on the pragmatic message of the theory and means that it communicates a very specific form of invitation to addressees. Each theory communicates the message that all the citizens it addresses can appreciate and try to act on the sort of recommendation that it puts before them. And because it is offered as a public or manifest matter—that is, in such a way that each knows that each is addressed, each knows that each knows this, and so on—it communicates the message that they can appreciate and try to act on it jointly. Thus each theory communicates the message that it is within the competence of the public or citizenry as a whole to collectively assess and act on the recommendations made: to establish the institutional means whereby those recommendations can be considered and, if approved, implemented. It amounts, in effect, to an invitation to the citizenry to get together and determine a shared view of the proposal offered.

We saw earlier that each theory of social justice is committed to the idea that under the conditions of disagreement that obtain in every society, there ought to be a just decision-making process in place for establishing a compromise between competing views. Once we recognize the pragmatic message that each theory communicates in virtue of making public recommendations to all the citizens of a relevant society, we can see that this commitment to the need for a just decision-making process has a more determinate character than registered earlier. It amounts to a commitment to the need for a just decision-making process in which each citizen, each member of the public, is invited to participate in a deliberative manner.

By this account, then, the commitment made in a theory of social justice is that each society ought not only to put in place a just process for accommodating differences between competing theories but that it ought to put in place a process that all the members of the society are ready to accept. This requirement strengthens the earlier requirement that the process for accommodating differences should be just. The requirement it puts in place—that all **are** ready, presumably with good reason, to accept the process—entails that it is just, as the earlier claim maintained, but not the other way around.

The requirement introduced may seem to be excessively demanding, however, suggesting as it does that citizens in every society should address the issue of what process to establish in a single deliberative episode, should consider the various candidates for the role of overall process, and should

unanimously support one or another candidate. But that suggestion is misleading in two respects.

First, the requirement is not that there should be some single process that all accept for every policy area. It need only be that for each area of social-justice policy there should be some process accepted by all, where that process—and even the personnel operating the process—may differ between areas. The processing required may be distributed, in other words, not centralized.¹² And second, the requirement is not that in any area people in general, or the personnel they authorize, should actively consider the alternative processes available and opt for a single candidate. It will be sufficient that some salient candidate emerges in that area and that everyone is prepared, without any special pressure, to acquiesce in following it. The acceptance that agents give to the process, in other words, may be virtual rather than active: it may consist in their failing to object to a particular proposal that they are able to object to, not in their actively seeking and selecting the proposal they positively prefer.

Suppose the society faces issues of social justice in three policy areas: border protection, crime prevention, and travel routes. The requirement is not necessarily that there should be one single process in place to resolve every issue in all three areas. It will be enough that in each area—or on each issue in each area—people go along with a particular process, perhaps with different agents running the process in each case; in that sense their processing of decisions is distributive rather than centralized. But equally the requirement is not necessarily that in each area or on each issue people should actively consider all available processes and converge on one. It will be enough if a salient candidate emerges and commands virtual acceptance. No one objects to the process, even when they are in a position to do so: even when they can exercise a veto without any special cost to themselves.¹³

A salient candidate may emerge with someone's making a proposal to follow a particular process—say, majority voting—and with no one's objecting to that process. Or it may emerge with someone's making a substantive

¹² The distributive character of the system, as envisaged here, allows for distribution in two dimensions: first, in the processes employed in different domains of decision-making and, second, in the agents—the representatives of the people, as it is natural to say—who operate those processes.

¹³ Any veto will deny the person exercising it access to a shared process—and presumptively a shared benefit—as it will deny this to others too. I think of that cost as general rather than special. While it may induce someone to settle for less than what they consider best, it is very different from the special cost associated, for example, with being bullied not to cast a veto or ostracized as a result of doing so. I assume that if the shared benefit of the arrangement is sufficient to get people to accept a process, then that process must promise to serve them reasonably well. I set aside the problems that strategic game-playing might raise.

policy proposal—say, to have a wall built around the border, to have a militia guard against crime, to impose a tax for building roads—and with no one's objecting to that policy. In this case, the process endorsed is one under which any policy is to be favored that someone proposes—someone special, perhaps, or anyone in the group—and no one rejects.¹⁴

This argument establishes a strong connection between endorsing a theory of social justice and being committed to something approximating democratic procedure, albeit a procedure that may be distributed rather than centralized, and may involve virtual rather than active acceptance. The sort of connection made is close to that which Amartya Sen (2009, 326) registers when he notices, on epistemic grounds, that if making recommendations of social justice appeals to people in their capacity to deliberate or reason, then it presupposes that decisions about justice ought to be formed and implemented democratically. “If the demands of justice can only be assessed with the help of public reasoning, and if public reasoning is constitutively related to the idea of democracy, then there is an intimate connection between justice and democracy, with shared discursive features.”

But the connection to democracy that the argument supports falls short of a commitment to full democratic control. All that is strictly required is that the process involved should attract the approval or acquiescence of each, not that it be a continuing process in which each maintains a presence and an influence. Thus, for all that is strictly required by the argument, the members of the society might opt in one or another area of policy, or even in all areas, for irrevocably investing decision-making power in a continuing dynasty or party, or in an agency that is selected at regular intervals on some non-democratic basis: say, on the basis of virtue and expertise. They might hold, rightly or wrongly, that such an arrangement promises a good prospect for identifying compromises between different theories of social justice.

It may seem implausible that a theory of social justice should treat its addressees as capable of jointly considering and acting on its recommendations, or on the compromise recommendations extracted from a bunch of

¹⁴ This virtual mode in which a group endorses a process is logically prior to any active mode of endorsing it: say, the way members endorse a process when they vote unanimously in favor. Even if members vote unanimously in favor of a process, this will carry weight only insofar as they virtually endorse the unanimitarian process itself. And if they seek to endorse that unanimitarian process in some independent voting procedure, then any support they provide will carry weight only because of the virtual acceptance of that procedure. The lesson is that there is no collective endorsement of any proposal, including the proposal to follow a certain process, without the purely virtual endorsement of some process of endorsement. It parallels the lesson that Lewis Carroll (1895) taught us in the case of reasoning: that there is no way in which an individual can derive conclusions from premises without the purely virtual endorsement of some principle or rule of inference.

competing theories, yet accept that they are entitled to alienate this power to an independent body. It was this sort of implausibility that led Rousseau (1997, I.4) in writing *The Social Contract* to rail against the idea, championed by earlier thinkers like Bodin, Grotius, and Hobbes, that a self-governing people might irrevocably decide to give themselves over to the power of an individual sovereign. “To say that a man gives himself gratuitously, is to say what is absurd and inconceivable; such an act is null and illegitimate, from the mere fact that he who does it is out of his mind. To say the same of a whole people is to suppose a people of madmen; and madness creates no right.”

Rousseauian rhetoric aside, however, there is no strict reason why the commitment embodied in theorizing about social justice—in supporting public recommendations about how a society ought to organize itself—should not allow the citizens addressed in the theory to opt for outsourcing the capacity on a permanent basis. Hence, I think the most that the argument of this section can establish is a commitment on the part of theories of social justice to the need for a ~~once-or~~ always process of decision-making that is approved by each, not to the need for an ongoing process in which each retains a certain presence and influence.

The line argued here about theories of social justice applies also to elaborate theories of political justice: theories that seek to lay down detailed processes of decision-making, ranking different possible structures against each other. Being forbearing theories, as we have seen, these resemble theories of social justice in committing to the idea that there ought to be some basic, just process of decision-making established in any society for accommodating differences between rival theories. And being put forward as public theories, manifestly addressed to all the citizens of any society on which they bear, they must also resemble theories of social justice in presupposing that whatever process of decision-making is put in place, it ought to be one that attracts the approval or acquiescence of each.

4. THIS PROCESS OUGHT TO INTRODUCE A FORM OF DEMOCRATIC CONTROL

The forbearing character of theories of social justice—and elaborate theories of political justice—argues for their commitment to the idea that in any society there ought to be a just process for accommodating differences between rival views. And the pragmatic character of those theories—their character as theories that make recommendations rather than giving directives—argues for their assuming that whatever process of decision-making is established, it ought to attract democratic approval or acquiescence. But there is a third

feature shared by these theories and it supports an argument for the further specification of the process of decision-making that is to accommodate differences between them. This feature consists in the fact that they are all theories of justice and that justice is a robustly or modally demanding good (Pettit 2015).

The goods or values that are regularly invoked in normative theory vary in the strength of the requirements they impose. I do not mean that they make more or less exacting demands on our incentives and efforts, though they certainly do vary in that way. I have in mind a variation in how far they make demands, not just that things should be actually thus and so, but also that they should be thus and so in counterfactual or modal scenarios: that they should remain thus and so, for example, in scenarios where things change in one or another respect.

Take a value like pleasure or success. To realize either of these goods in your own life, all that is required is that actually you come to enjoy pleasure or actually you manage to achieve success. Even if you realize that good quite fortuitously—even if you would have failed in the event of things being different in the slightest degree—that does not matter. Pleasure is pleasure and success is success, no matter how contingent its realization; indeed, it may be all the sweeter for being snatched in the luckiest of strokes from the jaws of chance. And this is true, not just with achieving pleasure or success in your own life, but also with achieving it on behalf of others or on behalf of a group. If we can succeed in identifying a new antibiotic, powerful against currently resistant strains of bacteria, none of us is going to worry about the fact that it was sheer chance that led to the discovery.

But things are different with other values. Take the value of freedom, even as conceived in the work of an orthodox thinker like Isaiah Berlin. He argues that in order to enjoy freedom in a choice between certain options, say X and Y, it must not only be the case that you are not interfered with in taking the option you prefer, X; it must also be the case that had you preferred Y then you would not have suffered interference with that option either (Berlin 1969; Pettit 2011). The argument is that if it is enough for freedom of choice that you get what you prefer then, absurdly, you could make yourself free in a choice where you are currently frustrated by adapting your preferences so that you come to want what you can get rather than getting what you want. Confined to prison, and wanting to live in the outside world, you could get to be free by thinking about the benefits of prison life—regular meals, a roof over your head, and so on—and getting your preferences to shift appropriately.

Freedom, by this argument, is robustly demanding insofar as it requires that if you are free in a choice between certain options like living inside or outside prison then those options must each be open doors. You must be

able to choose according to your actual wishes and it must be the case that had your wishes been otherwise you would also have been able to choose according to those wishes; you must enjoy non-interference in either event. But this conception of freedom is not the only one that makes it into a robustly demanding good. A more traditional construal holds that freedom is robustly demanding in another measure also.

On this traditional reading, freedom in a choice requires that your being able to choose according to your wishes, regardless of what you wish, should not be dependent on anyone else allowing you that license. If you were dependent on the goodwill of another for being able to choose according to your own will, then the other's will would be in ultimate charge, not your will; and in that sense you would be unfree (Pettit 2014).¹⁵ In order to enjoy a properly free choice, the options must not only be open doors; there must be no doorkeeper on whom you depend for leaving them open. You must be able to choose as you wish, not only regardless of what you want to choose, but also regardless of what others want you to choose or be able to choose.

As it is with freedom, so it is with any form of justice. Take the private justice, first of all, that you may experience in your dealings with me. You do not enjoy justice at my hands if I merely happen, as luck would have it, to satisfy the actual claims that you make on me; I must be disposed to satisfy those claims robustly across variations in my particular inclinations. I can act justly towards you in the absence of such a disposition—I can satisfy your claim in justice—but without that disposition I do not count as a just person in my interaction with you: I do not give you the benefit of justice.

Now consider the justice, social or political, that you may hope to experience in your relations with your community as a whole. As in the other case, you will not enjoy this sort of justice—this public as distinct from private justice—if it is merely good luck that you are given satisfaction of your claims, whatever they are taken to be. But neither will you enjoy this sort of justice if that depends on others in your society being suitably virtuous: that is, being disposed to grant you satisfaction of your public claims, as they may be disposed to grant you satisfaction of your private. It must be that the institutions of the society ensure your claim-satisfaction actually and across the range of possibilities where others happen to turn against you or happen not to have the personal virtue of justice. Public or institutional justice is doubly demanding in the way in which freedom, on traditional construals, is doubly demanding.

¹⁵ This construal is associated, in my view, with the long republican tradition. (See, for example, Pettit 1997; Skinner 1998; Pettit 2012.)

The robustness of the requirements of public justice, social or political, shows up in the idea, in contemporary parlance, that to enjoy justice is to be able to claim just treatment as a matter of right. We as a community do not grant or validate your claim to just treatment as a matter of right merely because we happen not to violate that right in actual circumstances. We must treat you as a rights-holder, being each constrained to treat you justly in a way that does not depend on its answering to our independent inclination or even our personal virtue.

The idea that justice requires the robust satisfaction of relevant claims, not only their fortuitous fulfillment, has a long history. It appears already as a principle of justice in the *Digest of Roman Law*, produced under the Emperor Justinian in the sixth century *bee*: *Justitia est voluntas constans et perpetua jus suum cuique tribuendi*; “Justice is the steady and enduring will to render unto everyone his right” (Watson 1985, I.1.10). This requirement is defended in those very terms by Thomas Aquinas (1958, II-II, Q58, 1) in the thirteenth century. And a variant is upheld by Thomas Hobbes’s (1994, Ch. 15) in the seventeenth, when he comments that a just man is “he that taketh all the care he can that his actions may all be just, an unjust man is he that neglecteth it”. These observations all bear on private justice, of course, but they support the line taken on public justice. A constant and perpetual will on the part of the community to grant your claims would surely require the satisfaction of those claims to be independent of whether or not others are possessed of personal virtue.

The idea that justice is a robustly demanding good has implications for how a system of social justice ought to be legally structured. Your claims in social justice must be robustly satisfied over variations in the dispositions of those who are to satisfy those claims; you would not enjoy justice proper if the satisfaction of your claims turned on whether they happened to feel like satisfying them or happened to be virtuous. If the society is to be structured so that you enjoy social justice, the law must not leave the satisfaction of relevant claims up to the benevolence of others; it must constrain others so that they have little or no choice but to satisfy those claims.

Some of your claims in social justice will be held against other individuals, as in claims against violence, deception, manipulation, harassment, free-riding, and the like, and in these cases the law had better not leave how they treat you up to the discretion of your debtors. Others of your claims in social justice will be held against government officials, as in claims to social protection or insurance in the event of suffering penury, unemployment, ill health, or a variety of such misfortunes. And in these claims too the law should not leave you to the mercy of the counter-clerk or any individual official; as far as possible it should establish rights for you in these areas.

But not only must the law that delivers social justice constrain the individuals or agencies that deal with you directly on these fronts. It must also constrain the lawgivers and policymakers—the officials of the state—in how they choose to frame or apply that law. Suppose that the law were in the hands of a single individual, say a benevolent despot, or subject to the say-so of a particular elite. In that case, whether or not the law protected you or your group—whether or not it constrained how you were treated in general or in particular instances—would still depend on the will of the dictatorial individual or elite, in particular their attitude towards you and your group. And so in this case too you might be lucky enough to be treated justly but you could not be said to enjoy social justice.¹⁶

The lesson here is illustrated by the position of Jews in Nazi Germany prior to the imposition of anti-Semitic measures but at the point where it was clear that the government did not see them as equals with others and was just waiting for an opportunity to deprive them of their rights without excessive diplomatic or judicial risk. In that brief period even Jewish citizens who were treated according to the law by other citizens and by state officials did not have the tenure on their rights that social justice strictly requires. They could not say: this is a more or less just society and we enjoy social justice within it; we enjoy access to relevant benefits on the basis of rights that we hold as firmly as anyone else in the society.

Let us agree on the basis of these considerations that social justice requires the robust satisfaction of relevant claims, whatever they are taken to be; it requires having robustly demanding rights to just treatment. This means that when defenders put forward rival theories of social justice they presuppose, or ought to presuppose, that the approved process of decision-making for adjudicating rival claims should give a robustly demanding status to the compromise claims it ~~support~~. The process should be sufficient to ensure that the citizens of the society can rely on their claims being satisfied across variations both in the dispositions of those who deal with them directly and in the dispositions of those who frame and apply the law.

¹⁶ This observation means that I dissent from the position G. A. Cohen (2008, 269) gestures at when he sets up a contrast between the “fundamental principles of justice” with which the philosopher ought to be concerned and the “rules of social regulation”, which bear on the presumably empirical matter of how they are best implemented in actual circumstances. Justice requires rules of social regulation as an inherent matter, on the account given here, not just as instruments for realizing prescribed patterns. It is those rules or institutions that are going to determine whether or not the patterns that our principles of justice identify are robustly in place. And unless they are robustly in place, the realization of those patterns does not provide justice. In this criticism of Cohen’s view, I join with Charles Larmore (2012), and Jeremy Waldron (2013), though for somewhat different reasons.

What might make a process sufficient to ensure this? There is no abstractly compelling criterion that is likely to provide an answer that holds across contingencies of culture, history, and technology. I shall assume here that a process will be sufficient to ensure the required robustness of claim-satisfaction to the extent that it passes “the eyeball test”: by the most demanding of local standards it enables people, absent timidity, to look others in the eye without reason for fear or deference (Pettit 2012; 2014). It should be clear that Jews in even the early days of Nazi government were not in a position where they could pass this test. The law may have continued to deal with them as equals but it had already ceased to provide them with the security that justice demands.

What exactly do theories of social justice mandate, in requiring that the process for accommodating differences between rival theories should provide for the satisfaction of everyone’s assigned claims with a suitable degree of robustness? That the process has been approved by all, as we argued in the second section that it must be, will not guarantee that it meets this requirement. For in allowing that a particular dynasty or party or elite might be put irrevocably in charge of framing or applying the demands of public justice, this act of approval would enable a particular individual or group to act for its own advantage, and to deprive some others of their rights in justice. And were the group in power able to do this, then no matter how benevolent it proved to be, it would not deliver the satisfaction of relevant claims with the robustness required for social justice.

The question of what the process of accommodating different views of justice requires in institutional terms is not one that it is possible to discuss here at appropriate depth or in appropriate detail. But it is hard to see how any process that departed from a basic democratic specification could do the job satisfactorily. The process would have to ensure that absent a right of exit, the citizens of any coercive regime ought each to be able to avail themselves of the only effective alternative for self-protection. They ought to be able to exercise voice in a manner sufficient to guard against the possibility that any one individual or any one subgroup is not treated as equal with others within the local system of social justice. But a process that enabled citizens to exercise their voices in this way, giving them each an equal place in determining or controlling the laws and policies established in the society, would give *kratos* or power to the *demos* or people, and give it with due equality. And it would be hard to deny the title of a democracy to any regime that satisfied this constraint in significant measure, whatever the institutional means chosen for meeting it.

The only basis for questioning the need for democracy in this sense is the thought that the process for accommodating differences between theories of social justice might be taken out of human hands altogether, or at least out of the hands of intentional designers. As a matter of logical possibility, an

impersonal or non-intentional process might establish a compromise scheme of social justice that gave each the same claims against others and gave them on a basis that was robust over shifts in individual inclination or bias. But there is no real-world possibility or prospect of such a robotic process, although variations on the idea have beguiled a number of thinkers. Perhaps it was a fascination with this idea, for example, that explains why Frederic Hayek (1988) looked for a system of decentralized, common law courts—surely a fantasy on stilts—that would generate a bare form of social justice as by an invisible, unintentional hand.

This line of argument leads me to support the third of my progressively stronger theses. Theorists of social justice are not only committed to the idea that there ought to be a process for accommodating differences between rival theories that is just and has democratic approval. As advocates of justice, robustly understood, they are also committed to the claim that the process ought to embody a degree of democratic control, giving people an equal voice in exercising control over how that process goes. This constraint is stronger again than the previous two. A process that gave people something like an equal voice, satisfying this requirement, would have to satisfy the earlier requirements too but not the other way around. It would presumably attract the approval of all—or at least all who are willing to live on equal terms with others—and, treating all as equals in that respect, it would count moreover as just.

As with the argument for the first and second constraints, this argument about the commitment of theories of social justice applies also to elaborate theories of political justice. They too are committed, as we have seen, to the idea that there ought to be a just process for accommodating differences between rival theories and, in particular, a process that attracts everyone's approval. But because they are theories of justice, albeit political rather than social justice, the decision-making process that they require has to involve a mode of framing and imposing law that gives each an equal voice and thereby ensures that the satisfaction of people's claims of political justice is suitably robust.

The reference to theories of political rather than social justice prompts a final observation that bears on the sort of democratic control that theorists of robust social justice must require. If the political process ~~was~~ subject to the say-so of a particular individual or dynasty or elite, as we noticed, then it could certainly not deliver social justice with the required robustness. Such a failure of political robustness would also affect social robustness, even if the governing agency happened to grant people's claims in social justice; it would mean that the satisfaction of those claims was not really robust after all (Pettit 2001). It is worth noting, in conclusion, that a similar lesson bears on the way in which democratic control is structured.

Under a democratic constitution, whatever form it takes, the people as a whole assume the profile of a corporate agency (List and Pettit 2011; Pettit 2012, Ch 5). It is ultimately the corporate people that acts when action is taken under that constitution by one or another representative body or individual, or indeed by individuals acting jointly at the polls. But now suppose that the constitution allowed the electorate to change the constitution itself by a majority vote. That would mean in abstract principle that the electorate could deny equal status, say equal voting rights, to some of the members. And it would mean in general practice that many members of the community—say, a salient, fixed minority—would not be able to look others in the eye without reason for fear or deference. The electorate would relate to individuals as an omnipotent force in the way in which Rousseau allows the sovereign assembly to relate to individual citizens.

It should be clear that a democratic constitution that gave the electorate such power over individuals might fail the eyeball test and not satisfy the robustness requirement on just political process. And so the final implication of our considerations in this fourth section is that not only must theories of social justice, and indeed elaborate theories of political justice, commit to the idea that there ought to be a democratic decision-making process for accommodating differences between those theories. They ought to commit us also to the idea that this process should restrict the power of any single agent, even the electorate as a whole, when that agent acts in the name of the corporate people.¹⁷

With this final lesson spelled out, it ought to be clear that the divide between theories of basic and elaborate political justice, with which I have been working in this chapter, may not be as wide as suggested. As we begin to think about the basic process that ought to be in place, recognizing the robustness that it must display, the elaborate theories of political justice that remain in place as rival and plausible candidates are likely to shrink in number. The basic design specification is very demanding, after all: the process must provide each with an equality of voice sufficient, by the eyeball test, to make the delivery of political justice suitably robust; and so it must be entrenched against the power of any agent or agency, even the electorate, that acts in the name of the people. There are many different ways in which that specification might be institutionally implemented, of course, and the process has to be able to accommodate differences between these elaborated proposals. But the specification is still sufficiently demanding

¹⁷ For an insightful discussion of democracy as a robustly demanding value, see Southwood (2014). Where I invoke the eyeball test here for testing both social and political justice, I invoke the related tough-luck test for checking political justice in Pettit (2012, 2014), restricting the eyeball test to social justice.

to put many ~~candidate~~ theories of political justice off the shortlist of plausible candidates. It holds out the prospect that only a small family of models may be available to exemplify what a basic process of political justice might look like.

5. THEORETICAL AND PRACTICAL IMPLICATIONS

There are two theoretical implications of the argument in this chapter, each underlining a way in which the theory of political justice—in particular, the theory of democracy—has priority over the theory of social justice. The argument means, first, that the theory of political justice has a certain formal priority and, second, that it has a substantive or material priority as well. The formal priority shows up in the fact that the basic theory of political justice—the theory bearing on the process of accommodation that ought by all accounts to be in place—is not provisoed in the way in which theories of social justice, and elaborate theories of political justice, are provisoed. The material priority shows up in the fact that what that theory of political justice requires is likely to involve the satisfaction of conditions often associated with quite demanding theories of social justice.

Turning to the formal priority, we know from previous discussions that any forbearing theory of social justice—and any forbearing theory of elaborate political justice—recommends that it be implemented only under the proviso that it is selected by a just, democratically approved, and democratically structured process of decision-making. Put in more everyday terms, this means that when we argue as philosophers about what justice requires in these areas, our position vis-à-vis our audience is that of an advisor of citizens. Whether or not we actually belong to the society, we adopt the perspective of insiders and argue *inter cives*, among citizens, that we the people as a whole, or the government that acts in our name, ought to do this or that. And as we make recommendations in that spirit, we recognize that whether our proposals are to be accepted is up for general determination, not something on which we in particular can issue dictates. We do not claim any privileged, philosophical place in debating with our fellow citizens (Walzer 1981). We expect to command their assent only to the extent that we can reach and move them with our arguments (Marti and Pettit 2010, Ch. 5).

But whereas we put forward proposals in social justice—and in the elaborate reaches of political justice—under a democratic proviso of the kind described, we assume a rather different position in relation to other citizens when we pronounce as philosophers or theorists on matters of basic political justice: in effect, on matters of basic democratic process. Suppose we

hold, to rehearse some themes canvassed earlier, that on our view of basic political justice a society ought to have a decision-making process that meets the following conditions: it is just in treating all as equals; it attracts the approval or acquiescence of everyone; and it gives each an equal voice in determining what the society does. Do we make that proposal under the proviso that it itself is democratically endorsed? I argue not.

Suppose that operating with the sort of process recommended the people reject its use in future cases—however unlikely that may be, given that it is supposed to be suitably robust. Suppose, for example, that it is settled under the process without objection from anyone—even, we may suppose, without objection from women—that henceforth only adult males should have the vote. Do we say that that is fine and that we have no right as philosophers to question the wisdom of the people? Do we say that democracy should be allowed to define democracy, as we allow that it may define various demands of social justice? Surely not. At this level of normative theory, we stand our ground, arguing that a concern for people's rights to decide their fate democratically—a concern in that sense for their collective autonomy—makes it impossible to endorse their democratic, presumptively autonomous decision to set aside democratic rule. Here, the philosophical spade hits bedrock, in Wittgenstein's image. Here, there is solid ground on which political philosophy can build without deference to democratic will.

These considerations should help to explain the sense in which the theory of basic political justice—in effect, the theory of democracy—enjoys a formal priority over the theory of social justice, and indeed over the elaborate theory of political justice. But it is worth noticing also that the theory of democracy, as that has been foreshadowed here, promises to have a certain material priority as well. On the account sketched, it requires people to have equal voices in a process for determining law and policy, and in particular equal voices within a process that robustly delivers satisfaction of the demands of social justice that it licenses. But if a society is to meet this requirement, then it is likely to satisfy a variety of constraints bearing on social justice.

The requirement is unlikely to be satisfied, for example, unless conditions like the following are met. The citizens of the society are sufficiently educated and informed to be able to play a role in democratic decision-making. Public life is sufficiently egalitarian to underwrite the claim that people have equal voices: they are equally positioned to be heard—perhaps via representatives—even if they cannot all be equal in the influence they happen to exercise. The discretion of public representatives, assuming there has to be representation, is constrained enough to ensure that they cannot put their own interests before the interests of the people.



the power of financial and media elites is restricted to the point where they cannot exercise covert influence for their own special interests. And so on.

As we envisage a society where conditions like these are realized then it should be clear that it will have to exemplify a good deal, intuitively, of social justice. The conditions are unlikely to be capable of realization in a society where a decent infrastructure of law or education or commerce is lacking, for example; or where people are not insured against social, medical, and legal misfortunes that can put them in the power of others; or where those in relationships of asymmetrical dependence in the home or workplace or public square are not protected against subordination and subjection; or, of course, where there is only inadequate protection against the harms—typically, the criminalized harms—to which individuals or groups can expose innocent parties.

These observations suggest that the conditions that basic political justice requires to be fulfilled are themselves sufficient to ensure that the society meets many prominent standards of social justice (Habermas 1995; Forst 2002). It will have to have a well-functioning system of education, law, and commerce. It will have to provide for at least a basic form of social insurance against various maladies. It will have to support the vulnerable in relationships of dependence. And it will have to establish a decent system of criminal justice.

These comments bear on the theoretical implications of the argument developed in earlier sections, underlining the dual sense in which political justice enjoys priority over social. But what are the practical implications? What is the upshot for how we should pursue political initiatives and policy recommendations?

The priority of political justice that we mark in theory may seem to argue in practice for refraining from advocacy in the realm of social justice until we have sorted out issues of political justice. But that would be a serious mistake. Politics is mostly driven by divisions on ground-level issues of social justice, as different individuals and groups within the society rail, for example, at the unfairness of opportunities or outcomes in this or that domain of life. The higher-level issues of political justice, bearing as they do on how decisions ought to be reached on ground-level matters, are inevitably more distant from people's motivating concerns and not as readily engaging. Thus, to try to prioritize political justice in the practice of politics would be a hopeless and even worthless enterprise; it would amount to trying to privilege the philosophical seminar over the public forum.

But the priority of political **just** does still teach a number of other important, more or less practical lessons. It means that in putting forward our proposals in social justice—as in most of the interventions we are likely to take as activists within our own society—we should be alert to the process

whereby they are heard and judged in relation to alternatives and not assume that that process will serve us well. It implies that for that or other reasons we should address issues of political justice in their own right, and not just focus on the issues of social justice that are more likely to command popular feeling and to prompt popular mobilization. And it entails, finally, that a good basis for arguing in support of various social policies may be, not just that they are required as a matter of social justice, but that they are even required to ensure that the political process lives up to its democratic aspirations.

All of that said, of course, the philosophical seminar is probably the primary locus of operation for most of the readers of this chapter. And in our philosophical work on issues of politics, itself of potentially practical interest, the chapter does argue for redirecting some of our attention away from the questions about social justice—for example, questions about equality and welfare, domestic and international—that have dominated the discipline in the last half-century or more. There is every reason why we should give equal or even more attention to questions of constitutional and democratic design. To do this would not be to take a dramatically novel turn, of course. It would be to return to the main topics of political argument in the long history of our discipline.¹⁸

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