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# The Globalized Republican Ideal

**Abstract:** The concept of freedom as non-domination that is associated with neo-republican theory provides a guiding ideal in the global, not just the domestic arena, and does so even on the assumption that there will continue to be many distinct states. It argues for a world in which states do not dominate members of their own people and, considered as a corporate body, no people is dominated by other agencies: not by other states and not, for example, by any international agency or multi-national corporation. This ideal is not only attractive in the abstract, it also supports a concrete range of sensible, if often radical international policies.

**Keywords:** freedom, republicanism, non-domination, global justice

## Introduction

How to apply neo-republican thinking to the international realm?<sup>1</sup> How to take the ideal of freedom as non-domination and use it to identify an image of the global order that might plausibly be considered just?

<sup>1</sup> An up-to-date list of English works in neo-republican thought should include these books: P. Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997); Q. Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998); W. Brugger, *Republican Theory in Political Thought: Virtuous or Virtual* (New York: Macmillan, 1999); L. Halldenius, *Liberty Revisited* (Lund: Bokbox Publications, 2001); I. Honohan, *Civic Republicanism* (London: Routledge, 2002); M. Viroli, *Republicanism* (New York: Hill and Wang, 2002); J. Maynor, *Republicanism in the Modern World* (Cambridge: Polity Press, 2003); F. Lovett, *Justice as Non-domination* (Oxford: Oxford University Press, 2010); J. L. Marti and P. Pettit, *A Political Philosophy in Public Life: Civic Republicanism in Zapatero's Spain* (Princeton: Princeton University Press, 2010); E. MacGilvray, *The Invention of Market Freedom* (Cambridge: Cambridge University Press, 2011); P. Pettit, *On the People's Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2012); A. Gourevitch, *From Slavery to the Cooperative Commonwealth: Labor and Republican Liberty in the Nineteenth Century* (Cambridge, Cambridge University Press, 2014); P. Pettit, *Just Freedom: A Moral Compass for a Complex World* (New York: W.W.Norton and Co., 2014b); these collections of papers: M. van Gelderen and Q. Skinner, *Republicanism: A Shared European Heritage* (Cambridge: Cambridge University Press, 2002); D. Weinstock and C. Nadeau (eds.), *Republicanism: History, Theory and Practice* (London: Frank Cass, 2004); I. Honohan and J. Jennings (eds.), *Republicanism in Theory and Practice* (London: Routledge, 2006); C. Laborde and J. Maynor (eds.), *Republicanism and Political Theory* (Oxford: Blackwell, 2007); S. Besson and J. L. Marti, *Law and Republicanism* (Oxford: Oxford University Press, 2007); A. Niederbeger and P. Schink (eds.), *Republican Democracy: Liberty, Law and Politics* (Edinburgh: Edinburgh University Press, 2012); B. J. Buckinx, J. Trejo-Mathys and T. Waligore (eds.), *Domination and Global Political Justice: Conceptual, Historical, and Institutional Perspectives* (London: Routledge, 2015); and a number of studies that deploy the conception of freedom as non-domination, broadly understood: J. Braithwaite and P. Pettit, *Not Just Deserts: A Republican Theory of Criminal Justice* (Oxford: Oxford University Press, 1990); H. Richardson, *Democratic Autonomy* (New York: Oxford University Press, 2002); S. Slaughter, *Liberty beyond Neo-Liberalism: A Republican Critique of Liberal Government in a Globalising Age* (London: Macmillan Palgrave, 2005); R. Bellamy, *Political Constitutionalism: A Republican Defense of the Constitutionality of Democracy* (Cambridge: Cambridge University Press, 2007); J. Bohman, *Democracy Across Borders: From Demos to Demoi* (Cambridge: MIT Press, 2007); C. Laborde, *Critical Republicanism: The Hijab Controversy and Political Philosophy* (Oxford: Oxford University Press, 2008); S. White and D. Leighton (eds.), *Building a Citizen Society: The Emerging Politics of Republican Democracy* (London: Lawrence and Wishart, 2008); J. Braithwaite, H. Charlesworth and A. Soares, *Networked Governance of Freedom and Tyranny: Peace in East Timor* (Canberra: ANU Press, 2012). For a recent review of work in the tradition see F. Lovett and P. Pettit, 'Neo-Republicanism: A Normative and Institutional Research Program', *Annual Review of Political Science* 12 (2009), 18-29.

This question needs to be addressed against the background of empirical assumptions about the sort of order that is feasible across the globe. Thus it might be addressed on the relaxed assumption that any sort of order is possible, including a stateless order at one extreme, a world state at the other. Or it might be addressed on the stricter assumption that an order of states of the kind with which we are all familiar is more or less bound to continue in existence, although perhaps with some modifications to the boundaries and the powers of different states.

I consider the question here on the basis of this second assumption, because it is hard to see how the world could cease to be organized on a state-bound pattern.<sup>2</sup> Assuming that every state is going to care about the welfare of all or at least some of its members – surely a functional precondition of its survival – it is rarely going to be in the interest of any state to abdicate unilaterally; that would simply be to allow some other state to take over its territory. Thus states are individually locked into the state-bound order that they collectively create. And short of their agreeing to abdicate together in favor of some different order – surely, a highly unlikely scenario – they are bound to maintain the status quo, each asserting a claim to a monopoly of legitimate force in their own territory.

To take this line about the assumptions against which to explore the republican approach is not to deny the interest of considering the approach on the basis of other assumptions too. It may well be that the republican ideal would be better satisfied in a stateless world or under a world state. And it would certainly be interesting to explore the implications of the ideal under such conditions.<sup>3</sup> It's just that that is not what I propose to do here.

What does the republican ideal of freedom as non-domination imply for the international order, under the state-bound assumption? I argue that it supports two related ideals: two ideals that are so related, indeed, that they prove, as we shall see later, to be two aspects of the same ideal. First, human beings should be organized into free peoples – peoples whose members count as suitably undominated – with everyone belonging to at least one such group. And, second, free peoples should constitute corporate bodies that enjoy freedom as non-domination in their relations with one another and with other global bodies.

These two ideals are relatively utopian, in the sense that the actual world falls far short of realizing them. Having given an account of the ideals in the

2 See too C. Laborde and M. Ranzoni, 'What is a Free State? Republican Internationalism and Globalization', *Political Studies* (Forthcoming).

3 Bohman (2007), J. L. Marti, 'A Global Republic to Prevent Global Domination?' *Diacritica* 24 (2010), 31-72; J. L. Marti, 'Republican Freedom, Nondomination and Global Constitutionalism', in R. Uitz (ed.), *Freedom and its Enemies. The Tragedy of Liberty* (The Hague: Eleven, 2015).

first two sections of the paper, then, I comment briefly on their practical implications in the third. These implications bear on which agencies should act for the realization of the ideals and what obligations they might be required to discharge in pursuing them.

One final comment may be useful before proceeding with the argument. The republican approach belongs to a family of philosophies that take the yardstick of political progress to be, not modally undemanding benefits like pleasure or preference-satisfaction or even distributive equality, but modally demanding benefits like freedom as non-domination. These include freedom as independence,<sup>4</sup> non-subordination<sup>5</sup> and social equality.<sup>6</sup> Where modally undemanding benefits require that things be contingently thus and so, modally demanding benefits require that they be robustly thus and so: that the actual benefit involved – say, non-interference or equal status – should continue to be available even under counterfactual circumstances where others turn indifferent or hostile or whatever.<sup>7</sup>

Expanding on this idea, you do not enjoy freedom as non-domination or independence just by virtue of actually escaping interference; it must also be that you would not suffer interference even if you had wished to act otherwise or others had not wanted you to be able to act on your wishes. And you do not enjoy non-subordination or social equality just by virtue of not actually counting as inferior to others; it must also be the case that you are guaranteed not to count as inferior, no matter how others individually happen to regard you: that is, guaranteed to enjoy non-inferiority robustly over variations in their individual attitudes towards you. A full discussion of the themes of this paper would require an investigation of what each of these robust ideals would support in the international world, not just a discussion of the republican ideal. But space makes it impossible to extend the discussion to those issues.

4 A. Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Cambridge, Mass.: Harvard University Press, 2009); L. Valentini, *Justice in a Globalized World: A Normative Framework* (Oxford: Oxford University Press, 2011).

5 N. Kolodny, 'Rule over None I: What Justifies Democracy?', *Philosophy and Public Affairs* 42 (2014a), 195-229; N. Kolodny, 'Rule over None II: Social Equality and the Justification of Democracy', *Philosophy and Public Affairs* 42 (2014b), 287-336. My assumption that non-subordination is modally demanding may not actually be congenial to Kolodny himself.

6 E. Anderson, 'What is the Point of Equality', *Ethics* 109 (1999), 287-337; S. Scheffler, 'Choice, Circumstance and the Value of Equality', *Politics, Philosophy and Economics* 4 (2005), 5-28. On which side of the divide should we place the functioning capability approach that A. Sen, *Commodities and Capabilities* (Amsterdam: North-Holland, 1985), and M. Nussbaum, *Frontiers of Justice* (Cambridge, Mass: Harvard University Press, 2006) defend? I have argued elsewhere that it is best interpreted – admittedly, however, the interpretation is charitable – as supportive of a robustly demanding good in much the same way as freedom as non-domination; see P. Pettit, 'Capability and Freedom: A Defence of Sen', *Economics and Philosophy* 17 (2001), 1-20. For a recent defense of a related form of robustness, see M. Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge, Mass: Harvard University Press, 2011), p. 165, which is based on A. de-Shalit and J. Wolff, *Disadvantage* (Oxford, Oxford University Press, 2007). I am grateful to Julian Culp for advice on this issue.

7 P. Pettit, *The Robust Demands of the Good: Ethics with Attachment, Virtue and Respect* (Oxford: Oxford University Press, 2015c).

Thus I limit the discussion to the requirements of the republican ideal, not to the demands of those neighboring ideals. And, as already indicated, I limit it also to what the republican ideal requires on my particular understanding of that ideal and under my particular assumptions about feasible conditions. Thus I neglect much of what has been written from within other republican perspectives – see the various contributions in Buckinx, Trejo-Mathys and Waligore (2015) – and speak for myself alone.<sup>8</sup>

## **Human Beings Should be Organized Into Free Peoples**

### ***State and People***

In order to introduce the notion of a free people, we need to be clear about what a people is. And in order to be clear about that we need in turn to have an agreed conception of the state.

The state, as it is conceived in international law, is a corporate entity with a more or less well defined population and territory that claims the right to a monopoly in the exercise of coercion within its boundaries and a right to represent its people without.<sup>9</sup> The state performs in the manner of an agent insofar as it espouses purposes or goals that it more or less reliably pursues and conducts that pursuit under the guidance of more or less reliably formed judgments or beliefs about the circumstances of action.

But the state is not an agent in the fashion of a mute agent such as a simple robot or animal. Like other corporate bodies such as churches and associations and businesses – and like individual human beings – it speaks for itself in the manner of a conversable agent or person. Thus the state does not just leave it to others to interpret its attitudes. It uses words to avow and even pledge its attitudes, inviting others to rely on its living up to those words – that is, to act as the attitudes they convey would require it to act – and exposing itself to complaint and sanction in the event that it fails to do so.<sup>10</sup>

The state supports such avowals and pledges in legislating on the forms of behavior possible and permissible within its boundaries; in entering into arrangements with other international bodies, in particular other states; and in putting forward policies for the realization of certain governmental goals,

8 The paper recasts in a different pattern some of the views presented in P. Pettit, 'Legitimate International Institutions: A Neorepublican Perspective', in J. Tasioulas and S. Besson (eds.), *The Philosophy of International Law* (Oxford: Oxford University Press, 2010); P. Pettit, 'The Republican Law of Peoples: A Restatement', in B. Buckinx, J. Trejo-Mathys and T. Waligore (eds.), *Domination and Global Political Justice: Conceptual, Historical, and Institutional Perspectives* (London: Routledge, 2015b), 37-70, and, at a popular level, in Pettit (2014b), Ch. 6). For a fine defense of a more or less congenial view see Laborde and Ronzoni (Forthcoming).

9 T. Nagel, 'The Problem of Global Justice', *Philosophy and Public Affairs* 33 (2005), 113-47.

10 C. List and P. Pettit, *Group Agency: The Possibility, Design and Status of Corporate Agents* (Oxford: Oxford University Press, 2011); P. Pettit, 'Group Agents are not Expressive, Pragmatic or Theoretical Fictions', *Erkenntnis* 79 (2014a), 1641-1662.

whether via the variable initiatives of elected authorities or via the standing operations of unelected, relatively independent bodies like the courts, an auditor general's office, a bureau of statistics, a variety of regulatory agencies, and a central bank.<sup>11</sup> When a state speaks for itself via such different voices, of course – when it operates, in effect, under a mixed constitution – it has to have procedures for removing or renegotiating any conflicts of commitment; these may take any of a number of forms.<sup>12</sup> Else, as Hobbes<sup>13</sup> argued, it will represent 'not one person, nor one sovereign, but three persons, and three sovereigns'.

But what now is a people? As I use the term, it is the body of individuals over whom a state exercises coercive, territorial rule and in whose name it claims to speak and act. Those individuals – or at least those who are adult, able-minded and more or less permanently resident – count as the citizens of the state. They may or may not have the common marks associated with a nation or culture or ethnicity; what unites them may just be their being organized under the same state. Thus there can be no people, on the conception I have in mind, without a state. And on the natural way of elaborating on that conception, there can be no state without a people. Wherever there is a state, there is a people for which that state claims to speak and act; and wherever there is a people, there must be a state that makes that claim in its regard. The state that makes such a claim may be the elaborate form of state with which we are familiar but equally, of course, it may be something much more rudimentary like a tribal authority.<sup>14</sup>

The first of the two global republican ideals requires that human beings be all organized as free peoples. Assuming that the earth is ordered in a state-bound manner, human beings are bound to be organized as peoples. What this first ideal of global order dictates is that those peoples should ideally constitute free peoples.

### ***The Notion of Freedom***

On the republican ideal of freedom as non-domination, you are free in making a given choice, whatever that choice may be, to the extent that you are not subject to a power of arbitrary interference on the part of another – you are not dominated – in making it. I will have a power of arbitrary interference in the choice to the extent that I have the ability to interfere intentionally in one of the options without your permission or control; in the limit case, I can interfere at no cost, with no difficulty, and subject to no opposition or obstruction. The interference I have the power to exercise comes itself in different varieties.

11 J. McLean, 'Government to State: Globalization, Regulation, and Governments as Legal Persons', *Indiana Journal of Global Legal Studies* 10 (2004), 173-97.

12 List and Pettit (2011), Ch. 3.

13 T. Hobbes (E. Curley, ed.), *Leviathan* (Indianapolis: Hackett, 1994), Ch. 29.16.

14 H. L. A. Hart, *The Concept of Law* (Oxford: Oxford University Press, 1961).

It may consist in removing an option or replacing an option by a penalized alternative, whether I take those initiatives covertly or overtly. Or it may consist just in misrepresenting the options to you, whether by deceiving you about the options, manipulating your grasp of the options, or making a bluff threat to remove or replace one of them.<sup>15</sup>

The ideal of being a free person is conceptualized in almost every tradition, and certainly within republican circles, as a universal ideal that everyone in a society ought to be able to enjoy at one and the same time. That means that being a free person can only require the enjoyment of freedom – say, freedom as non-domination – in certain choices available to all; for example, it cannot feasibly require the freedom to interfere arbitrarily with others. In the republican tradition, being a free person is conceptualized so that it requires the enjoyment of free choice – indeed the enjoyment of free choice under the protection of the laws – in the sphere of the basic or fundamental liberties.<sup>16</sup>

Consistently with the universality constraint, the basic liberties are required to be a set of choices that are not unnecessarily restricted in extent and that can be simultaneously exercised and enjoyed by everyone in the society: in that sense they are required to be compossible choice-sets.<sup>17</sup> But different systems of law may identify somewhat different sets of basic liberties. One system might allow everyone the freedom to try to gain the upper hand in competitive exchanges, for example – this is implicit in the ideal of market freedom – while another might argue that competition of that kind ought to be severely regulated.<sup>18</sup> By the most common accounts of the basic liberties, however – broadly defensible, as I see it, on republican premises – they ought to include some versions of the liberties of thought and speech, association and religion, occupation and residence, as well as the liberty of enjoying certain rights of ownership and exchange.

How far does someone have to be protected – and, as it may have to be, socially and personally resourced – in the exercise of their basic liberties, in order to count as a free person? A plausible index of the level of protection and resourcing required is the following eyeball test: that the protection should enable the person to be able to look others in the eye – by the strictest local standards – without anyone else’s power of interference giving them

15 Domination, as it is defined here, can exist only between agents, individual or corporate. But to live under structures that facilitate domination by other agents – private or public domination, to anticipate a distinction made later – is to be subject to structural domination (Pettit (2012) and Pettit (2014b)). Relieving agential domination will often argue in the first place for combatting such structural domination.

16 Pettit (2012).

17 H. Steiner, *An Essay on Rights* (Oxford: Blackwell, 1994).

18 In this case the ideal of not unnecessarily restricting the basic liberties is likely to argue for market freedom but the issue is ultimately one for the society as a whole to resolve.

reason for fear or deference. This test fits well with the image of the *liber* — in English, the freeman — celebrated in the long republican tradition from Rome to the Renaissance, and from seventeenth century England to America of the revolutionary period.

### ***The Basic Notion of a Free People***

Assume that the citizens of a state do relatively well in the enjoyment of a plausible set of basic liberties that the law defines. What, then, is required if they are to count as a free people: a body of free individuals?

That the members of a society enjoy a suitable level of protection and resourcing under the law means that they do not suffer domination at one another's hands, or at the hands of various associations or businesses that they may construct; they have a level of private non-domination that enables them to look one another in the eye without reason for fear or deference. But the members of the society might enjoy this private non-domination under the rule of a benevolent colonial government, or a benevolent local elite, or indeed a benevolent despot. And in that case, plausibly, they would be subject to public domination. They would live under a state that provided quite well for them in their relations with one another but that had a power of arbitrary interference in their individual lives. In this hypothetical scenario, the state does actually serve them well as a state — as a source of private, protective law — but it is not under any pressure to continue to do so. For all the constraints imposed by nature, or by people in concert, it can choose to serve some or all citizens very badly indeed; its serving them well is due to its being of a good will, not due to its will being constrained to provide such a service.<sup>19</sup>

This observation points us towards a plausible account of what it is for a people to be free. The citizens of a state will count as free just to the extent that they each avoid public domination by their state. And even a state that does very well in guarding against private domination will dominate its members publicly to the extent that it operates according to an alien will: to the extent that it can interfere with them individually according to its own will, without cost or difficulty, opposition or obstruction. Those uninvolved in government — and in the colonial extreme, none of them may be involved — will be subject to an arbitrary power that rules over them.

What is required if citizens are to avoid public domination and constitute

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<sup>19</sup> The distinction between private and public domination raises the question as to how they should be ranked: the question, in effect, as to the relative importance of achieving private non-domination (social justice, as it might be taken) and public non-domination (political justice or legitimacy). On this issue see P. Pettit, 'The Asymmetry of Good and Evil', in M. Timmons (ed.), *Oxford Studies in Normative Ethics* 5 (Oxford: Oxford University Press, 2015a), 15-37.

a free people? It cannot be necessary that the state should act in a way that conforms to the will of each citizen, since individuals may disagree about what the state should do. Yet it cannot be sufficient that the state act only in a way that conforms to the will of the majority amongst them. This would be acceptable only in the vanishingly unlikely event that there were no more or less fixed minorities, say of an ethnic or religious kind, for whom a majoritarian state would represent an alien will.

The condition necessary for the freedom of a people has to be, not that the state acts in a way that conforms to the will of each, but that it acts in a way that conforms to terms that everyone acquiesces in imposing on the state. Or if not everyone, at least everyone who accepts that they are not special. Let someone reject this condition in their own case, denying the moral equality of citizens, and there is no plausible normative ground on which they might claim a share in control of the state. Henceforth I shall assume that citizens all accept this constraint of moral equality.

People will agree about the terms to be imposed on the state insofar as their rival arguments about state policy presuppose converging reference points or standards. Such common standards – say, of equality or prosperity, freedom of speech and association, rule of law or popular election – are likely to materialize over the long haul of debate and compromise. Or at least they are likely to do so under the assumption that no ideology is going to survive a culture in which argument and debate is the order of the day. People will impose their terms on the state insofar as they force those in authority to disavow standard-incompatible policies – let any government agency promote such policies and it will face opposition and dismissal – and to rely only on standard-compatible processes in choosing between rival policies that conform to the standards.

We cannot hope to look here at how this sort of condition might be institutionally realized; see Pettit (2012) and Pettit (2014b) for the sketch of a model. But without exploring those possibilities, we are in a position to see that the condition envisaged is likely to prove sufficient as well as necessary for countering public domination and making a people free. Were the state to operate under the dispensation envisaged – a rule of common standards, we might call it – then the authorities within the state might enjoy a certain degree of discretion. But they would enjoy such discretion only within the limits imposed by the people they govern. They would not have a power of interfering arbitrarily in people's lives, only a power of interfering under popularly imposed constraints: that is, of interfering on the people's terms.

### ***A Test for the Freedom of a People***

But would the limitation imposed thereby be enough to ensure public non-domination? It would be enough, plausibly, if it satisfied an index – the tough-luck test – that pairs nicely with the eyeball test mentioned earlier. Citizens are most likely to have reason to see the state as a dominating presence in their life when it introduces a law or policy that favors others in a competition of interests or that goes against their views as to the laws or policies that are for the common good. Perhaps it involves a law that reduces the chance of immigration by family members elsewhere, or a form of taxation that affects their particular business, or a policy that would lead to the construction of a prison in their particular neighborhood. A good index of the state's not dominating its citizens, then, will be the absence of any reason for them to think of the initiative in such a case as the product of a hostile or indifferent or partial will. They can reasonably think of the setback, in the way they might think of a natural catastrophe, as just tough luck. They can see it as the product of a system that operates, not under the direction of a particular will, but according to terms that all the citizenry agree in imposing on government.

Returning to the main line of thought, then, the first element in the republican ideal of global order is that the human beings on earth should be organized as free peoples or, equivalently, that they should live under the rule of states that avoid public domination: that is, under forms of government that satisfy the tough-luck test for being properly controlled by their own members or citizens. Without going into detail on how it might be institutionally implemented, it should be clear that this is a high ideal; that we may have to live for the foreseeable future in a world that falls far short of achieving it; and that in the interim we may have to settle for a certain threshold of approximation as a goal at which to aim. Even the best states in existence fail in some measure to establish the sort of popular control envisaged.

That observation raises the question of what then are the practical implications of the ideal. But before turning to that issue we need to look first at the second republican ideal of global order.

### **Free Peoples Should Enjoy Freedom as Non-Domination**

#### ***The People as an Agent, Externally Free***

We saw earlier that every state must count as an agent, indeed as an agent of a conversable kind that presents its actions as answerable to its words. If a state is subject to the control of its citizens, however, then the actions of its official authorities – those, for example, in the executive, legislature or judiciary – can be ascribed, not just to the state, but to the body of the people as a whole. The

state, in John Rawls's<sup>20</sup> words will be 'the political organization of the people'. Thus we the citizens of a state can think of the laws it introduces, the treaties it enters or the policies it pursues as laws, treaties and policies that we the people endorse. We the people will count as an agent on the basis that the entity that speaks and acts for us – the state – is itself an agent and relates to us, the people, as to a principal.

Once we recognize that a free people is an agent, however, we can see that even if it is publicly un-dominated from within – even if its members control the state under which they live – it may still be dominated from without. It may be subject to a power of arbitrary interference on the part of other global agents. Those agents may be stronger states or transnational churches, terrorist networks or multinational corporations, or indeed the sorts of bodies, such as the World Bank, the IMF or the World Trade Organization, that are set up by international treaty.<sup>21</sup> Any body of that type will have a power of arbitrary interference in the decisions of a free people – in effect, the decisions of the state that speaks and acts for that people – to the extent that it has the ability to remove various options otherwise available in those decisions, or replace them by penalized alternatives, whether in a covert or overt manner; or, indeed, to the extent that it can deceive or manipulate that people in the exercise of those decisions, or expose it to credible, bluff threats.

The forms that interference might take in the decisions of a people or state are various. Another state might intervene militarily to remove or penalize certain of the available options. Or it might intervene economically to impose sanctions that dramatically alter the character of one or more of the options involved, as when the option of annexing a certain territory gets to be the option of annexing-that-territory-and-paying-the-economic-cost. Or it might threaten to make it difficult for that state to secure entry or acceptance in important international forums or agreements in the event of its not taking a certain option in one of those decisions.

The possibilities of domination in the decisions of a people are not limited, of course, to the powers of another state or group of states. A transnational church might threaten to expose some members of that people to a feared, religious form of sanction – some variety of excommunication or interdiction or fatwah – unless the people go along with its wishes. A military network might expose it to threats of terror unless it agrees to satisfy certain demands. A multinational corporation might let it be understood that if the people or their state does not reduce corporation tax, or weaken environmental regulations, or remove certain

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20 J. Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999), p. 26.

21 Laborde and Ronzoni (Forthcoming).

workplace regulations, it will relocate to another country and cause problems of unemployment. Or an international agency might threaten to withhold certain important forms of recognition or assistance unless the people or state agrees to take one of the options endorsed by that agency.

### ***The Sovereign Liberties***

We saw earlier that an individual does not suffer domination as a person, and does not fail to count as a free person – a *liber*, in the Roman sense – just because of being inhibited from performing certain actions: say, actions injurious to others. What freedom as a person requires is, first, that the individual should not suffer domination in a suitable set of publicly identified basic liberties – choices that each can exercise and enjoy at the same time as others – and, second, that the individual should enjoy the protection and, if necessary, the resourcing of the law in the exercise of those choices. The possibilities otherwise open to others of interfering in someone's exercise of the basic liberties must be subjected to such costs and difficulties, by virtue of public laws and associated norms, that the person can look others in the eye without reason for fear or deference. The power of interference at the disposal of others must be reduced sufficiently, by local standards, for them to be able to enjoy that sort of equal status in dealing with any others.

This observation teaches us an important lesson about what is going to be required for a free people to enjoy a free status in the society of peoples: to be free, not just in relation to its own state, but also in relation to alien powers. The individual person is one amongst many persons and can only expect to be able to avoid domination by other individuals in choices where all members of the society can be enabled to avoid it. And in the same way a people is one amongst many peoples and can only expect to be able to avoid domination by other bodies in choices where all peoples can be enabled to avoid it. The parallel suggests that as a person is free in the society of others just insofar as they enjoy protection and perhaps resourcing in the exercise of a common set of choices – the basic liberties – so a people will be free in the society of peoples just insofar as it enjoys protection and perhaps resourcing in the exercise of a common set of choices: in choices that we may describe, for want of a better term, as its sovereign liberties.

The basic liberties defined by any system of law are going to be confined, as we saw, to liberties of acting in ways that do not directly harm others or adversely affect them in an indirect manner. The sovereign liberties that a free people may hope to exercise without external domination will naturally have to be limited in the same way. They will not include the liberties of interfering with other

peoples in a military, economic or diplomatic manner, except perhaps by way of retaliation for previous offences; more on this in the next section. And of course they will not include liberties of one-sidedly exploiting global goods – natural resources such as fishing stocks, for example – or of one-sidedly contributing to global bads like harmful climate-change or the rise of bacteria that are resistant to antibiotics.<sup>22</sup>

The freedom of the individual person, understood on republican lines, is only possible on the basis of a system of law that serves to define the basic liberties for a society and to provide appropriate protection and resourcing for the person's exercise of their basic liberties. The freedom of the free people – in particular, its external freedom in relation to other bodies, including other peoples – is only possible, so we can now see, on the basis of an international order that serves two purposes. It helps to define the sovereign liberties relevant for each state; these may emerge only over the long haul of debate and compromise. And it helps to protect and perhaps resource individual peoples so that they can exercise and enjoy their sovereign liberties.<sup>23</sup> That order might emerge on the basis of the ability of states to organize internationally in determining and policing the order appropriate and to organize individually or in concert with other similarly positioned states to defend their rights under that order.

The sovereign liberties of peoples or states were given a radical interpretation in the wake of the seventeenth-century Westphalian treaties that established the international order that obtained more or less into the twentieth century. Under those treaties peoples – or rather their princes – were entitled to act more or less as they wished within their own boundaries or in territories and seas designated as international. Clearly the sovereign liberties that any people – ideally any free people – can expect to be granted under a contemporary international order are bound to be much more limited than that. The manifest unsustainability of various forms of activity by states – or by bodies like corporations over which states can gain control – means that it is imperative to establish clear limits on what each state can expect to be able to do or to license without facing international resistance or sanction. A major task in international political theory, then, is to work out the range of sovereign liberties – the domain of sovereign control – that ought to be accorded to free peoples in their dealings with one another and with other globally powerful bodies.<sup>24</sup>

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22 The first neo-republican ideal requires that neither will they include the liberty of oppressing their own peoples in any manner.

23 M. Ronzoni, 'Two Conceptions of State Sovereignty and their Implications for Global Institutional Design', *Critical Review of International Social and Political Philosophy* 15 (2012), 573-591.

24 Ronzoni (2012).

### ***Gauging and Valuing a People's External Freedom***

These remarks give us a general conception, however abstract, of what is required for an internally free people to have freedom also in its relations to other peoples and other powers. But the observations leave two questions in place. One, what degree of protection do states have to enjoy in the exercise of their sovereign liberties in order for their peoples to count as free? Two, and even more significantly, why does the freedom of peoples matter?

In answer to the first question, the natural response is that as in the other cases, we have to fall back on an intuitive index or test; there is no abstract metric of what counts as a sufficiency of protection or indeed resourcing. The test I suggest here is a straight-talk test. Different peoples enjoy freedom as non-domination in relation to others — and in relation to non-state bodies — to the extent that their representatives can talk straight in dealing with one another. This test is an analogue of the eyeball test used in determining whether people enjoy non-domination in relationship with one another although, admittedly, it is not quite so vivid or persuasive. The requirement is that there should be nothing — or at least nothing that is remediable over the long haul — to block a pattern of straight talking and square dealing among the representatives of different countries. While they may well resort to strategy in seeking to bargain with others, no one is forced to adopt the mealy-mouthed tones of the supplicant and not is entitled to adopt the tones of a master.

The second question raised bears on why the domination of free peoples matters. Why is it important, not just that each people should live under an un-dominating state, but that the corporate body involved — the state and ultimately the people for which it speaks and acts — should not itself be subject to external domination? The question is important because, while it may be obvious why the freedom of an individual matters, it may not be so clear why the freedom of a corporate body or agent should have the same significance.

The freedom of the individual human being is important insofar as it is an aspect of the person's ability to function well as an agent and is, by most lights, something manifestly desirable. If not intrinsically good, it is at least a primary good in John Rawls's<sup>25</sup> sense of the term: a good such that no matter what other goods you value and seek, you are likely to want it as a means to achieving those ends. Freedom as non-domination is essential if an agent is going to be able to pursue their own wishes without having to keep an eye on how far the pursuit will put them out of favor with the powerful.

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25 J. Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971).

The value of an individual's freedom as non-domination, which is hardly open to challenge, is sufficient to explain why the internal freedom of a people matters, as that was introduced in the first section: it would ensure that individual members of the people are not subject to the arbitrary power of the state under which they live. But the value of an individual's freedom as non-domination is also enough to explain why the freedom of a people in relation to external bodies matters as well. Insofar as a people is externally un-free – insofar as the state that represents them is subject to the arbitrary will of other bodies – its internal freedom is going to fail as well.

Suppose the lack of external freedom means that the state is effectively hindered or inhibited from adopting certain sorts of laws or policies or initiatives. It is subject to constraints that it does not itself endorse, unlike the constraints that it may opt into endorsing, as under an international covenant or treaty. To the extent that that it lacks external freedom in this sense, it must also be true that citizens do not effectively control the state. Reflecting the power of outside dominators, the state will not be in the control of citizens alone and to one or another extent it will channel that external power into their lives.

This means that whether or not we think there is disvalue in the domination as such of a corporate body – for the record, I do not think there is – we must recognize that there is disvalue in the domination of a free people: the domination of the state that speaks and acts for them. In order to be free, not only must a people be un-dominated by the state; that state in turn must be un-dominated from without.<sup>26</sup>

### ***The Expanded Notion of a Free People***

The first part of the global republican ideal presupposes a characterization of a free people as a body of citizens none of whom is dominated by the state. But what we can now see is that the second part has the same claim as the first to figure in the definition of a free people. The second does not represent an ideal that a people might or might not enjoy in addition to the first, and yet remain a free people. Rather it identifies an ideal that a people must satisfy, equally with the first, if it is to count as free.<sup>27</sup>

There are two aspects to the freedom of a people, then, and the freedom of the citizens who comprise a people. One of them looks to the constitution of power in the make-up of the state – this is the aspect stressed in the first global

<sup>26</sup> This means that international regulation may be essential for national democracy. On related points see J. Habermas, *The Postnational Constellation* (Cambridge: Polity Press, 2001).

<sup>27</sup> See too Laborde and Ronzoni (Forthcoming).

republican ideal – and the other looks to the constitution of power in the global space within which the state operates. That space is occupied by other states as well as by transnational churches, power networks, commercial corporations and international agencies. No matter how free a people is on the inside – no matter how far individual citizens control their state – a people can only be free insofar as an outside condition is satisfied too. That condition is that the space it inhabits is curved to the requirements of the freedom of the body that its members constitute. The other bodies in that space must be sufficiently restricted by a common international order to let the people enjoy security in the exercise of its sovereign liberties.

### **The Practical Implications of the Globalized Republican Ideal**

#### ***The Addressees of Global Political Theory***

If we endorse the global republican ideal in its two aspects, the next question that arises is what practical initiatives this ideal would support. But initiatives for whom? Any political manifesto as to what ought ideally to be the case constitutes only an aesthetic – a metaphysical wish-list – if it fails to identify a relevant set of agents to whom it recommends the ideal, in particular a set of agents who are positioned to do something about it.

Who then are the agents that global political theory ought to address? Ideally it ought to target agents who can understand the ideals it proposes and are in a position to act on them; they are able to nudge the global order in an appropriate direction, if not actually to transform the way things are. So are there agents with a capacity, on the one hand, to understand and be moved by consideration of the ideal proposed here and, on the other to be able to take steps, however incremental, towards the implementation of that ideal?

Individual human beings are certainly capable of understanding the appeal of the ideal and, so long as they can coordinate with one another in acting, to help advance its realization. But they can coordinate reliably with one another, and do so over the time required for having a serious impact, only if they form corporate agents that are capable of embracing the ideal and letting it dictate what they seek to achieve. So an important question in global political theory is whether there are already in existence corporate agents that might reasonably be challenged to recognize the ideal described and charged with doing something to implement it.

There are three sorts of corporate body that come to mind immediately in response to this question. A first category are states, a second are the wholly or partly international agencies that states form or authorize for certain roles, and

a third are the non-governmental bodies – some independent, some linked with organizations like churches – that pursue various global purposes.

Are all these bodies constituted in such a way that it makes sense to expect them to be able to heed the demands of the republican ideal? It may seem that many states are not going to be appropriate addressees for our theory, either because they are not suitably controlled by their peoples – they are authoritarian or even oppressive – or because it is patently in their interest to use their superior power against other states. But it is a striking fact that most states claim to speak and act for their own people, and to care about having a world of equally free peoples. This hypocrisy may just be the tribute that vice pays to virtue. But it means that even states that appear to flout the republican ideal in practice can be recruited to discussion of what an ideal of free peoples requires in this or that situation. If they display indifference to the ideal, say out of a wish to secure some particular result, then they will presumably suffer disesteem in the eyes of other states and find that their power of influence over those states – their soft power, as it has been described<sup>28</sup> – is seriously diminished.

As states may be treated as addressees of global political theory, and in particular of the republican ideal sketched here, so the same is true of formal international agencies and of INGOs: international non-governmental organizations. International agencies are generally constructed on the basis of national representation, with some deference to the realities of history and power, as in the fact that only five countries are permanent members of the United Nations Security Council. And being representative of different states and peoples, such agencies are clearly well placed to hear arguments about ideals of global order. The same is even more clearly true of INGOs. These are organized on a voluntary basis to act across different countries for a variety of causes: for the claims of women or prisoners or refugees, or for causes like those of sustainable development or the relief of poverty, medical provision or the resolution of conflict.

The main actors in the global scenario, and the primary addressees, are bound to be states and, in particular, the global or regional or interest-bound networks of states that are organized enough to be agents in their own right. If we can form an idea of the ends they ought to be seeking, and of how they ought to be constrained in pursuit of those ends, we will naturally have a sense of how INGO's, and indeed individual agents, should behave in supporting or complementing that performance.

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28 J. Nye, *Soft Power: The Means to Success in World Politics* (New York: Perseus Books, Public Affairs, 2004).

Is it possible to offer any indication, however abstract, of what republican ideal would counsel in the global arena? We can distinguish the broad ends that it would support into two categories, each with three salient elements. And we can also identify some constraints that it would put on state action in the international domain.

### ***Two Republican Sets of Ends***

The first category of republican ends involves those goals that states and agencies ought to pursue in establishing a non-dominating order within which free peoples can operate as equals. These goals are:

- Identifying a common set of sovereign liberties that each people ought to be able to exercise with impunity, determining the global goods that argue for limitations on those liberties, and establishing an effective system of international law and justice in support of the move.
- Ensuring against the dangers from criminal and terrorist networks and the powers of multinational corporations: these will naturally exploit the desire for foreign investment to encourage states to compete in lowering corporate tax, relaxing workplace regulations and reducing environmental standards.
- Providing for shared initiatives to promote global goods, say in advancing sustainable development, in creating a non-dominating commercial order, in fostering public health, and in guarding against various forms of international free-riding.

While I have presented these three ends as goals in the pursuit of which states can unite on a global basis, it is worth noting that sometimes they may be best promoted by less than fully international bodies: say, by particular states or by organizations of states with a common interest, regional or commercial. Thus it might well be in the interest of states with rich natural resources to combine together to guard against environmental degradation by the multinational mining companies they will often compete to attract. And it may well be essential for states that are weaker in certain ways, say on the economic front, to combine in resistance to stronger states rather than just relying on the protection of fully international bodies; those bodies may be subject to the undue influence of the stronger states.

Apart from the three goals mentioned, there is also a second set of ends that we should require states and their organizations to pursue in light of republican ideals; they involve helping to remedy the problems that less fortunate peoples are liable to confront.

- Resourcing the members of a people whose state fails to provide even for their basic welfare – fails to guard, for example, against famine or pestilence – where this resourcing is directed to getting the state back to par rather than leaving it in a dependent position.
- When collateral costs allow, protecting the citizens of states against public discrimination or oppression by their own state, where this protection is aimed, like international resourcing, at getting the state back to a proper level of functioning.
- Providing for refugees from countries where famine or pestilence, discrimination or oppression, has made it more or less impossible – perhaps by the evidence of the risks endured in flight – for them to stay and lead a normal life.

### ***Three Republican Constraints***

Where the ends in the first category are constitutive of the republican approach, identifying what is required in any possible world for a regime of equally free peoples, the ends in the second are remedial in character and identify what the approach would plausibly require of states and their organizations in a world as imperfect as ours. But the republican approach that supports the pursuit of ends in these two categories also argues that the states and organizations involved should act only under certain operational constraints. These are broadly of three kinds:

- The organizations that states form should seek to elicit common standards that all can recognize – global public reasons – and to restrict themselves to policy objectives and decision-making processes that are consistent with those standards; otherwise they may dominate their own members.
- The states that operate for remedial purposes under the lead of international organizations should do so on a multi-lateral basis, say in providing aid to the needy or relief to the oppressed; a single benefactor state might make the assisted people dependent on its goodwill and effectively dominate them.<sup>29</sup>
- Being disciplined by common standards, international interventions should only be undertaken when they are supported by currently recognized standards, not just by contestable ideals: say, when the cause of widely established human rights calls for intervention<sup>30</sup> and not just the cause of an idealized set of rights.<sup>31</sup>

<sup>29</sup> A. I. Applbaum, 'Forcing a People to be Free', *Philosophy and Public Affairs* 35 (2007), 359-400.

<sup>30</sup> C. Beitz, *The Idea of Human Rights* (Oxford: Oxford University Press, 2009).

<sup>31</sup> Thus the domestic criterion of political legitimacy that determines when revolution is inappropriate – say, a criterion requiring a certain degree of internal freedom – may be more demanding than the international criterion of legitimacy: that is, the criterion determining when international intervention is inappropriate.

These comments should help to underline the possibility of deriving substantive recommendations on issues of international order from the globalized republican ideal. That is a high ideal insofar as it requires the absence of domination in the global world: specifically, the absence of domination in peoples' exercise of their sovereign liberties. Thus the ideal is much more demanding than one like the Westphalian ideal that would require merely the absence of interference in the sphere of those liberties: this might come about, after all, just by the goodwill of the powerful. But it is an ideal nonetheless that can teach quite concrete institutional lessons for how states should organize and operate, both separately and together, in the international world. And it is an ideal, therefore, that can provide direction for those of us who seek to identify what we or our states may best do, or what the INGO's with which we identify may best do, in seeking a more just global order.

### **Conclusion**

It may be useful in conclusion to draw together the main claims defended, albeit sketchily, in this paper.

1. Neo-republican theory belongs to a family of political philosophies that take the yardstick of political progress to involve a modally demanding good; it targets freedom as non-domination where others target freedom as independence, equality in a social sense, or non-subordination.
2. What does neo-republican theory support as an ideal for the global order, assuming that the world is going to remain state-bound?
3. There are two related ideals: one, human beings should be organized into free, internally un-dominated peoples; and two, free peoples should also enjoy freedom as non-domination in their external relations with one another and with other bodies.
4. The notion of a people is tied up with that of a state. Wherever there is a state there is a people that that state, having the form of an agent, represents; and wherever there is a people there is a state, however rudimentary, that represents it.
5. The main task of a republican state is, first, to identify a set of basic liberties that are not unnecessarily restricted and that are available at the same time to each citizen; and, second, to protect and resource everyone adequately in the exercise of those choices: to ensure that each can pass the eyeball test, being able to look others in the eye without reason for fear or deference.

6. But the state that does this might itself dominate the very individuals it protects and resources: it might involve a benevolent despotism, for example, or an enlightened colonialism. And in that case the people living under the state would not be internally free in the sense of the first neo-republican ideal.
7. A people will be internally free just to the extent that its members are not dominated by their own state: that state is disciplined by cost or difficulty or opposition so that in exercising government it is forced to operate on terms that its citizens agree to impose; it cannot interfere arbitrarily in the lives of its people.
8. In the neo-republican picture assumed here, the internal freedom of a people can be secured just to the extent that the constitution of the state allows for the emergence of common standards and ensures that the policies adopted, and the processes used in adopting policies, are all compatible with those standards.
9. A good test of such internal freedom – the tough-luck test – is that members of the people whose interests or opinions lose out in political decision-making can treat this setback as tough luck, not as evidence of the presence of an arbitrary power in their lives.
10. Turning to the second neo-republican ideal – that of external freedom – it is essential to observe that if the state is an agent, and if its people are internally free, then the people will count as a principal the state serves, and will itself assume the form of an agent: an incorporated group of individuals.
11. The consequence of this is that while being internally free in the sense defined, a people might be externally unfree in a distinct sense: it might be dominated by other states or bodies – say, international agencies or multi-national corporations – being exposed to a power of arbitrary interference on their part.
12. How might a people come to enjoy external freedom on a par with other peoples? As the freedom of a citizen in relation to other citizens presupposes an agreed system for identifying and protecting their basic liberties, the freedom of a people presupposes an agreed system of sovereign liberties.
13. As citizens can enjoy freedom as non-domination only within a system of law imposed by a state, so peoples can enjoy external freedom as non-domination only within an internationally

established system: this must fix the choices that states ought to be able to exercise – their sovereign liberties – beyond a power of interference by other bodies.

14. A good test of external freedom in this sense – the straight-talk test – is that those who represent different states and peoples in international forums and negotiations are able to deal with one another, as a matter of common recognition, in straight talking and square dealing; none must be a supplicant, none may be a master.
15. Why does the external freedom of states and peoples matter? Because the external domination of a state would put limits on how far the citizens of the state could individually enjoy internal freedom; the state could be disciplined and controlled by its citizens only within an area allowed by international constraints.
16. This observation means that the two neo-republican ideals of global order are really two aspects of one and the same ideal. Freedom as non-domination matters, not just in the mutual relations of individuals, but in their relation to the state. And that freedom requires both the internal and external freedom of the people.
17. The neo-republican ideal of global order is very demanding insofar as it requires, not just that states and peoples escape the arbitrary interference of other states and bodies, but also that they be more or less proof against such interference: international and regional arrangements must give them effective standing against arbitrary, external power.
18. But, however demanding, the neo-republican ideal has practical implications for how states and the international agencies formed by states ought to perform, and for how international non-governmental organizations ought to press them to perform.
19. States and their agencies ought to identify and police a common set of sovereign liberties; ensure against dangers they all face, whether from terrorist organizations or multi-national corporations; and provide for shared initiatives to promote global goods or avoid global bads.
20. Again, they ought to help resource peoples whose states fail to provide for their basic welfare, trying to get them back to par;

when collateral costs allow, they ought to protect peoples against oppression by their own states; and they ought to develop agreed, humane measures for dealing with refugee problems.

21. But apart from pursuing such ends, neo-republican theory argues that states and international agencies ought also to satisfy three crucial constraints.
22. The agencies ought to elicit and abide by agreed standards governing policy and process. States ought act for the relief of impoverished or oppressed peoples in the name of those agencies only on a multi-lateral basis that guards against benefactor domination. And states ought to take such action only when established standards, and not just contestable ideals, support it.<sup>32</sup>

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<sup>32</sup> I benefitted enormously in revising an earlier version of the paper from the comments received from the team of editors under the leadership of Laura Valentini.