

Philip Pettit: I have to say, I feel somewhat ashamed, because I've spent much of my academic life avoiding being administrative decisions. I think I was chair of a department in my late 20s and early 30s in England, and I've seemed to manage- I seem to have managed, since then, to avoid all- well, major administrative tasks.

But let me say, as a republican, I really admire people who do this. On the other hand, I'm reminded, "Those who can, do, those who can't, teach." I- I may be in the latter category when it comes to, I fear, university administration.

Oleg asked me to speak about the general tradition, which I'm going to do just briefly – I've got half an hour, Homi?

Homi Bhabha: Yes, I think. 20 minutes, half an hour, yep.

Philip Pettit: And end with some reflections, then, on how I think universities- how the lesson carries over. I have to say, I haven't really thought about this, other than- before receiving Oleg's invitation, and that's to my shame, in a way, because you'd expect that anyone who's a political philosopher would bring their own ideas to their own context, so to speak. But I did welcome it, because I was aware of this lacuna in my own- in my own thinking, and while I found it really very interesting to have to reflect through to these, and I'll share my thoughts, but you know, I'm really not sure how much they're worth, especially given the context we have here, where people of such distinction and experience, you know, of university administration can- can talk back. So I'm- I am- I am looking at you with- looking you in the eye, but only with a sense of fear and deference on this topic, I have to- I have to admit.

OK, so, the traditional ideal of the republic, I think, involves two crucial ideas, which you find in at least reflections on Rome. Of course, it's highly idealized – Rome, the Roman Republic, was never like that, we know that. And of course everything I say about the Roman Republic or about any later republic, really, down to this century, or the last century, we talk about citizens, but of course those citizens were a restricted class, their role was restricted, essentially, to males, and often, in later republics, to propertied and mainstream males. So we're talking about a- a restricted class. But the idea in neo-republicanism is that that sort of restriction can be relatively easily lifted and the ideas carried over to an inclusive citizenry. I won't say more about that.

But now, in the Roman tradition as I think of it, there were two aspects of life for a citizen in Rome, highlighted in work like Polybius, Cicero, Livy, and so on. And the one aspect was that if you were a *liber* – a free person...and really *liber* and *civus*, "free person" or "free man" and "citizen," were pretty much coterminous, a lot of commentators say – one thing that was for sure was that you were protected by the law. The protection extended, naturally, only to a certain range of liberties – in the later tradition, they'd be called the fundamental liberties. They're choices we think of, like – now, of course this did not apply in Rome in every case, because the notion of a basic liberty is going to be a cultural variable, you know, just as Amartya Sen tells us with the notion of functioning capability, what it is to have the capability of

functioning in one society may be very different from what it is to have it in another. Equally, to have a set of basic liberties in one society may be very different from what it is in another, depending on culture, depending on technology, depending on institutions, so- But in general, they- we can think of them as- liberties are choices such that, at least in principle, it is possible for everyone to exercise them at the same time. So they don't include choices of harming another person; no one ever thought the law would protect you in that, at least if there's an equality of citizens. And equally, of course, they didn't include essentially competitive choices, you know, choices such that one person making it affects the possibility of another person's making it. They are basically compossible choices, or co-exercisable choices, coenjoyable choices...Now I'm not going to say much more about it, it's a-that's a slightly difficult topic, but I think the idea's pretty clear.

So what the first aspect of being a *civus*, a *liber*, in Rome was that in the range of the basic liberties, and the Romans didn't write much about what they were, but in that range you were protected by the law. In particular, you were protected to the point where you could – in theory, idealized – act as you wished in the exercise of such a choice (let's say where to live, what sort of business to carry on with, who to associate with, who to read, whether or not to stand for office – that really was a relevant thing in Rome – I'm leaving aside many qualifications, as you realize) – but the idea was you were protected in those choices, so you could act as you wished in that range of choices, and you could equally act as you wished not just regardless of what you wanted to do in exercising those choices, but also regardless of what other people wanted you to do in exercising the choices. So there's always recognizing, quite early on, that, for example, if you had a master – a *dominus* – and even if that *dominus* let you act as you wished, pretty well, in a range of choices, maybe because he was – it was always a he! – was gullible, or maybe it was because he was gentle, or maybe it was because he was away a lot of the time, you could act as you wished, pretty well. But you could only act as you wish contingently on the master being happy to let you act as you wish. So Quentin Skinner drew attention very early on to a play of Plautus, in which I think it's *Tranio*, the – I defer to more expert people in the audience – *Tranio* the slave, who walks to the front of the forum and explains (this is later picked up in the Stephen Sondheim musical) explains to the audience that he's actually- he's the one who's actually free, because his master's away, he's very nice, he's very gullible, he can really do what he likes. And he's a figure of fun, because in the Roman way of thinking about *libertas*, or *civitas* – citizenship, freedom – you were not free if you had to depend on the will of somebody else, even if you could act as you wished, even if you weren't interfered with in the range of basic liberties. The fact that you enjoy that leeway conditionally on a master allowing you to enjoy it meant that you weren't free, that's not freedom. Freedom orders now, in this way, it's not opportunity in this way of thinking, it's not the opportunity to act as you wish. *Tranio* had that, you know? Loads of it. It's the security of being able to act as you wish – security against the wishes of other people. You have to be secured.

That's the first aspect of the Roman ideal of freedom as I think of it. But the other was that they were also aware that even if you were *civis* – you were all citizens – with, let's say, an excellent law that did an excellent job – of course, it never did in Rome, nor did it do anywhere else, really...But even if it did a great job of protecting you and giving you this status, this security, if

that law could be changed at the will of another *dominus* – you know, for example, in the later phrase, the benevolent despot – then of course you were dependent on his will, on the will of the despot. You could act as you wished, even regardless of what other citizens wanted you to do, you could act as you wished, but not regardless of what he could do: you know, the boss. Or what an elite could do, if an elite were in charge. And so freedom was equally associated with sharing with other citizens in controlling the very law that protected you individually. So it had a private and a public dimension.

In writing about this originally, I introduced the “non-domination” term, because *dominatio* was the term the Romans used for what a slave, even the slave of a gentle master, was subject to. For freedom, *libertas*, was the absence of *dominatio*, even gentle *dominatio*. And in the private or personal life, vis-à-vis other citizens, but also in the public dimension, vis-à-vis the government you lived under that actually established the law. So freedom- those are the two aspects meant: private non-domination and public non-domination.

Now, as the- as the republican ideas of course – though they remain really- as far as I can see, the trappings of them remain in place through the imperial period, but they basically disappear, to be resurrected in the high Middle Ages and, of course, the Renaissance. And then in passing from northern Italy, cities like Siena, Florence, Venice, to Poland, as in the Republic of the Nobles, to- to Holland, for example, as in the Dutch Republic, and of course to England, in the period of the English Revolution and the English Republic, these ideas begin to spread very widely, so that, you know, as many historians – I’m not a historian; I’m a consumer of history, rather than a producer of history, but I think there are a lot of good producers around, so you know, you can...I’ve benefited from their work. But we’re told in the 18th century, for example, these ideas become sort of second nature, particularly in the American colonies, for example: the idea that the subject of a gentle master is still a subject, he’s dependent on the will of another, even if he’s not actually interfered with. That’s a crucial sort of thought. And the idea that the law that actually protects us should be a law over which we have control. I mean, those ideas are part of a wider parcel- I mean, Eric has made us aware of other strands in the tradition that are at the origin of the American Revolution, for example.

But in this development as I see it, there are three sort of strands to this continuing republicanism. And now, they’re interpreted variously, you know – it’s a sort of template that is played around with. One strand, of course, is an idea of freedom – and we’ve talked enough about that – which has now a personal and a public dimension in all of these thinkers.

A second idea is that in order to give us that private non-domination or public non-domination, you need a certain sort of institution. And they draw – and Oleg has written about that in the background piece very nicely – they draw on- on the idea of the mixed constitution as it has been described in a Greek phrase that- that was used of Rome. Polybius said, “Look, guys, you’ve really hit the jackpot here. You know, you’ve got a terrific constitution, a mixed constitution,” and it’s a sort of trope whereby it’s described as a “mix of monarchy, aristocracy, and democracy” – I’m not inclined, actually, to put a lot of emphasis on the details of that metaphor. Essentially, what Polybius is really celebrating is that power is dispersed in Ancient

Rome: there are many centers, and the centers in different ways represent different parts of the population. And it is a constitution, meaning it's a rule of law. So there's a rule of law - a rule of law where there are different centers of power - administrative, legislative and judicial, of course. They're all separate, although that's not really the theme that's really emphasized; it's Montesquieu who brings the separation of those functions to the fore as part of the mixed constitution. But what's really important for them is that in each of these areas - legislative, administrative, and judicial - power is really shared. Administrative power is shared, like two consuls and many different offices of that kind. Legislative power is shared - there are, I think, 3 to 4 bodies, and they're all bodies of the total citizenry that can vote on the laws and that have to vote on the laws, but a law can only be proposed by someone in office as an administrator. And the administrators, who later become members of the Senate, are all from the patrician class - so there's also a class aspect to it - but then the plebs and the - who are - who make up most of the poorer people in Rome, are represented by the tribunes, who can actually veto lots of decisions and even laws. So there's an amazing degree of - of - of dispersion of power, and that gets seized upon by the republican tradition. So it's celebrated in all the major writers. It's celebrated, of course, in Machiavelli, who almost passes Polybius in talking about it in the first nine books - the first nine chapters of Book One of the *Discourses on Livy*, and in all the English writers of the 17th century - Harrington, for example, 1650s, celebrating again the idea of the mixed constitution - and of course in the - in the American writers and the defenders of the American scene in Britain. They all celebrate this institution.

But the third theme - so there's freedom, the notion of mixed constitution - the third theme in the tradition, I think, is the notion that in order to preserve the republic, to preserve this mixed constitution, to ensure the freedom of its citizens, you have to have what I call - I mean, it's a contemporary phrase, but it picks up, I think, many of these ideas - you have to have a contestatory citizenry: citizens who are willing to contest for something. Now, of course, within the system in Rome, and in many of the later/ledgers, citizens could obviously vote on the laws, and they could vote on election to office - so in - both true in Rome - that's a sort of collective contestation. But very importantly, right back in Rome too, was the idea that there had to be other forms of contestation. I mean, Machiavelli, of course, really celebrates this when he talks about the - the "riotous plebs," you know, in the - as being essential to preserving the freedom of Rome - that you have people willing to demonstrate, to create tumult, and so on. And there were rights in Rome, like *provocatio*, you know, whereby you could appeal to the assembly if you felt that your neck of the woods - people in your area - were - were getting a raw deal. Now that tradition, also, that we need contestatory citizenry, you know - the price of - although as an Irishman (I am Irish by background, though we didn't mention that - so we share an experience of colonialism, and it's deep in me - deep in the blood). An Irish writer first said - John Philpart Curran in the 18th century, coined roughly the phrase that Jefferson took up that "The price of liberty is eternal vigilance," and that's really the contestatory aspect.

Now these ideas get resurrected in neo-republicanism, with the notion of - well, social justice is going to consist in everyone being adequately protected by law, and protected by measures, like the possibility of unionizing, the possibility of divorce, within different sectors of society that are essential to that protection. The idea is that you enjoy social justice insofar as there

really is an adequate basis of protection of that kind, which will include welfare measures; judicial security – that you can get legal assistance, actually in the constitution, if not- if not sometimes more on the breach than on the observance; medical security, I would say; social security – all of these are essential if you're going to have the status of a citizen in a society like ours, and that's a centerpiece in the neorepublican way of thinking. But the other aspect of neorepublican thinking is that you equally have to have public non-domination, which means you have to certainly have to have an electoral democracy, but in the tradition with the mixed constitution, the contestatory citizenry themes, that has to be much more than, well, what Madison called an "elective despotism." Right? It's got to be the case that you can keep tabs on those in government, and that you can, you know, actively contest proposals and laws and so on, pushing back against what may be being proposed by government, so that you get that second- a sort of pincer movement. You get the electoral control, but you equally get the other pincer, you know, you get the other mode of control of government via a contestatory citizenry, whether in the media, in the streets, in the courts, but also, of course, via authorities who represent the people in different ways, including – well, we don't have it in this country, an effective one, anyway – an electoral commission, you know, that determines electoral boundaries, you know, that actually is in almost every advanced democracy apart from ours, which is such a- a shame, really, on us. Let's hope the Supreme Court in its next month, you know, sees the light on that issue, or finds its way through the Constitution to an obvious sort of result. Or, you know, statutory auditors, statutory- people like Muller, you know, conditions investigator. It's really important, you know, that we have these independent checks. That's all part of the tradition.

Now that tradition of neorepublicanism with the notion of social justice, then, and- and of political justice, right, or political legitimacy, contrasts very nicely with neoliberalism on the one hand – for which freedom has nothing to do, really, with security; it's all got to do with opportunity, opportunity, opportunity...And so the market, you know, becomes the natural sort of space in which you look for freedom, and the state, because the state always constrains you by laws, is put in second place. The neorepublican tradition, as I think of it, certainly emphasizes that the market is very important – it's part- that's where you exercise a whole range of basic liberties – but the market has to be contained by the state, and we don't have freedom, except under law. That's actually a crucial contrast. In the neoliberal way of thinking – I say neoliberal because liberal in this country can mean- you know, they're all my friends, you know? They're...Whereas liberal in- even in Quentin's usage in [*Liberty*] *Before Liberalism*, he really means classical liberalism, you know, and- and in the European usage, it all means more classical neoliberalism than such left liberalism, say, as John Rawls might be taken to represent. But in the neoliberal way of thinking, it's opportunity that matters, and law basically deprives you of opportunity. Now it's a two-edged sword, because it may give you more opportunities than it denies you; it may actually more stop interference than it actually implements, or perpetrates. But it's a mixed- it's a two-edged sword.

In the republican way of thinking, of course law's got to be watched, because you have to avoid public domination, right, and the lawmakers, but you depend on the law for being free. You depend on the law for, first of all, personal freedom – for the security it requires – and you

depend on the law, essentially the constitution, for having public freedom – that is to say, the contestatory sort of power that’s essential to democracy. Neoliberalism has very little to say about public justice. Hence, I think, many neoliberals have no problem with China. You know, you get lots of- lots of social freedoms, so to speak, opportunity – it’s not a democracy, but actually from the very early days of classical liberalism – say, Paley, certainly generating that notion of freedom, and Bentham. Paley, for example, is quite explicit in 1785, in a book that was on the Cambridge syllabus for a hundred years, down to 1925...William Paley says, for example, “When you think of liberty this way, a new way” – as he’s conscious of it being a new way, Jeremy Bentham claimed he had invented it in 1776, but Paley says, for example, it’s pretty clear even a despotism could give you more freedom than the “purest democracy,” as he puts it. Because of course, if a despot’s in charge, he could have a very good law in place – very few laws, but they’re more protective – which means that you’ve lots of opportunity. And it doesn’t matter in this way of thinking, of course, that there’s a benevolent despot at the top, because freedom just requires opportunity, and even if it’s a lucky, fortunate opportunity – there’s no security – it’s still freedom, in this way of thinking.

OK, I’m taking too long on this, because I wanted to stick to the half an hour, so how does this all carry over to the university? Well...I think of there being two tests. For social justice, the eyeball test that Homi mentioned: a good test of whether the people enjoy it, whether they’re adequately protected, is they can look others in the eye without reason for fear or deference. A good test, I think, also, of whether they’re sufficiently sharing in power over the law, over government is what I think of as the tough love test, which basically is the test of: when laws are unwelcome to you – and of course, we all suffer unwelcome laws or decisions, like the prison may be built in your backyard, you know? – you don’t have to feel resentment. If you thought there was a will at work that isn’t listening to you, you know, that doesn’t represent people fairly, then of course you’d feel resentment, you know: they’re at it again, you know, they’re at- punishing those in our corner of society. But if you think the society really is operating under shared control – now we have to say more about that, but I’m not going to – then the idea would be that you may feel- you may lament the law that are introduced, or the decisions, but you don’t have to resent them, because they’re not an alien power or will in your life.

Now, move to the university. In universities, obviously, you want those involved to enjoy personal liberty, and to enjoy a degree of public liberty as well. I’m not going to talk much about the public case – it may come up in discussion.

What liberties are associated particularly with belonging to university? Well, we’ve got to put in some assumptions in the background. So I’m assuming – I have this at the bottom of page 2 – that the task of the university is to foster research and training; the pursuit, the retention, and the inculcation of understanding and knowledge, both received and novel. I think we’ll all share in that. And I assume – a second assumption – that in order to fruitfully promote that end, a university has to allow for people to be able to focus where they will in their work, for example, but only on condition that the ideas they come up with, the proposals they put forward, are

subject to test by peer standards of others in the university. Otherwise you won't have any test for it.

Now how does that apply? Well, just think of it very generally – think for researchers, well, this sort of freedom means that people ought to be able to choose their area of research or within their discipline to choose the topic, or to choose the thesis they want to defend, the hypothesis, or whatever. But they have to be able to defend that by peer standards before their peers. That's the price, so to speak, of this personal liberty that a researcher would enjoy. Teachers have got to be free, I would say, to – within departmental limits – to choose the courses they teach, the way they teach it, their focus, and so on. But again, they have to be able to defend that amongst their peers – that's the price that you pay. Students have to be able to choose courses, and so on – they have to be given that sort of degree of choice to make up their- their own minds – but again they must be required in the work they do (their dissertation work, their research work, the essay, you know, whatever) again to live up to peer standards. These are really platitudes, aren't they? But they're background to how we should think about what it is to enjoy freedom as non-domination within a university.

Now, I think, this is really sort of still at the motherhood level, isn't it? I mean, in order for a university to thrive under the assumptions I've given, people do have to have these sorts of freedoms, but the freedoms in each case – at the researcher level, faculty level, student level – have to be subject to the check of being testable by others. Now this is important just from the point of view of a university thriving. It's doubly important, of course, given the role of universities in the public life of any polity, you know? Now I'm not going to comment more on that – I think we'd all agree on that. But one question is: how does this sort of boil down in practice? I mean, what are the- the- the lessons that are- that are appearing? Well again, I'm going to debate that or mention- give you just some thoughts on that on the basis of two assumptions. One is that – and it's not true of Harvard, it's not true of Princeton, it's not true of these very fortunate institutions – but one is that a university may have to depend on wider public funding, funding by government, in order to operate. And that's true of most universities across the world. And the second is that every university – and that is true even of Harvard and Princeton – really has to be run by a specialized administration. I think Nan's background paper underlines that quite powerfully.

Now against these assumptions, that raises the question, well, what are the duties and rights of national government vis-à-vis universities? What are the duties and rights of the administration? What are the duties and rights of faculty? Very briefly, in each case: I think government has to have the capacity – it's perfectly entitled, I mean, within a- even an ideal republic, to be able to choose what areas that it funds. You know, to be able, for example – and it goes against my interests to say this – to specialize more in the natural sciences, or the medical sciences, or whatever it might be. That has to be- you have to leave that to government, I mean, under civic control, presumably. But equally, government – that's a sort of right and there are other rights, too, it has – it's obviously gonna have to, from our point of view, given the role and the function of universities, in the promoting of knowledge and so on – it really has to leave decisions at a lower level to exactly who's appointed, exactly what sort of

lines of research are taken, to the universities. That should not be in the hands of government. I mean, now this may seem, like, totally obvious, platitudinous, to those of us who work in a university like this, but even in- even in Germany, it does not go without saying. My colleague Peter Singer was banned from giving a lecture at a university in Germany just ten years ago by order of the minister of the local state. That's not exceptional. I mean, governments do reach in, where they have no business of reaching in, because that really is not going to foster the role of university, foster the- the- the thriving of the society as a whole, given the essential role played by universities. So equally with administration, they've got rights – they should certainly, I mean, the president and- and his or her administration have surely got the right to determine areas of expertise, of emphasis, and so on within the university, and they've clearly got the right to- to push various agenda – I mean that's all- they've obviously got to be subject to – that's the element of public non-domination I wasn't talking about – to answerability within the institution, but they do have those rights. But equally, there's a duty on them, which is to leave it to faculty – departments – to determine exactly what courses are taught, you know, who's appointed, for example. All of these should not be subject to decision-making at- at the top level because peer standards are likely to get, you know, transformed otherwise. And I've seen universities – in my own experience, in Britain and, to a certain extent, Australia – veer closely toward a Nazian regime, you know, as some inspiring leader comes in, with the notion of corporate governance. Of course, corporations are the ultimate in the unmixed constitution, you know? They're not even pure democracies, in most cases. They're run by strong management and shareholder value is what determines, and the management can literally do whatever it likes – and if it's very successful. you know, we all cheer and say "Terrific leader!" and then of course this has been carried over in many cases to the idea of the university. So we should have- But how appalling it seems to me, because it simply is not going to- is not going to advance the purpose of universities as I've described it.

Similarly for faculty. They obviously have got the right, I would say to determine courses within departments, individually to determine exactly what to teach in various areas and so on, to determine what students will have to study. But they've equally got duties, for example, duties to listen to pushback from students in various ways, and- and of course I would say – and this is very interesting, because this is an area where I do think our best US universities do sometimes err – which is when it comes to assessing students. They have got to be able to appeal against assessment, you know? I mean, I've seen in lots of cases graduate students, you know, given a mark on their paper, which will be a very important part of how they fare later, are not really in a position to appeal – there isn't a procedure for appeal. That should be- that should be basic. That's just one small way in which I think we fall- fall away.

Now let me just wind up – I know I realize I'm just on...I've got five minutes, oh, wow.

Homi Bhabha: You can take three minutes.

Philip Pettit: I can relax then!

So I've been trying to give you the basic ideas of the republican tradition: the importance of both this sort of freedom and the mixed constitution and a contestatory citizenry – carrying it over to the university, given the role of universities, it's clear that the different personnel in universities have to have secure exercise of their personal liberties of a special sort, given the role of the university. I haven't emphasized that, but I think it's really important also that there's a degree of participation by all in the life of the university as a whole, so at least there's a possibility of contestation there, so it's not ruled from the top.

But finally let me raise this question: you see lots of complaints about, you know, no discussion of intelligent design in our universities or no discussion of Holocaust denial. I mean, it's just rejected; it doesn't appear anywhere. You know, why aren't they- these people represented, you know? And a wonderful paper I read by Joan Scott – some of you may see it- seen it recently, where she actually cites various attempts across the United States – from politicians, of course – to propose that you should have the same number of conservatives as liberals in a university, you know? Now you should certainly with judgment-independent differences, like of race, of religion, and so on, you should represent- you should go for representing all sides. But judgment-dependent differences, you know, as in climate deniers versus- you know, climate-change deniers versus climate change – it'd be absurd to think you ought to be representing them, because then that's going to absolutely crush the development of opinion.

Still, how do you respond to the fact that we do get cascades of- reputational cascades provides, really, you know: it's "in" to believe in such-and-such and "only an idiot would believe so-and-so" – we all know stories in the history of science about how certain approaches are just simply silenced, you know, and they're laughed at – they're just not given a hearing. How do you deal with that problem? And that's often identified by critics of universities, that they just, you know: they're all liberals, they develop their own liberal- liberals in the American sense. They all develop their own sort of ideas, push their own thinking- Where are all the conservatives, you know? Where are all the neoliberals, even? Well, they're in the economics departments, actually- but... Anyway, where are all the conservatives? And I think that you've got to admit, of course, that sometimes you can get these cascades whereby opinions take over, and there is a sort of orthodoxy. How do you deal with that? Well, the worst possible way of dealing with it, it seems to me, would be by government, or even university administrative decision-making that says, "You've got to appoint someone who is, you know, a climate science denier," or whatever, you know, in order to balance; you've got to appoint someone who is a Holocaust denier, you know, in order to- That's the worst possible way, obviously, because you're going to have people angling for positions, for appointments, you know, by adopting the positions that are unrepresented. You know, you're just not going to get the free feeling.

So what is the best way of dealing with it? Well, the best way of dealing with it is under the discipline that actually operates, which I call the economy of esteem. Within all academic disciplines, it's very important how you stand with your peers. Now, it's true that the peers will often move in a particular direction that becomes the- the orthodoxy of the day, but there's always – under the economy of esteem – there's a motive for people on the wings, so to speak, on the outside, to give a go to the alternative idea, you know? 'Cause if they win out, if they

establish it, then wow! That's a big win. That's very high esteem. You know, you've...So actually, I think the economy of esteem, which is what we operate with – I wish I had time to say more about that – and that is also a very strong theme in the republican tradition, the idea that we depend for controlling our politicians, for controlling one another to the public good as much on- on- on our love of being thought reasonably well of by others as we do on the actual force of the law – or of course the force of the law, the actual discipline of the- of the market. So I think that it's- even that argues very strongly for academic freedom, for the sorts of protections I've talked about, securities within the university, and of the universities vis-à-vis the wider society. But I'd better stop there. Thank you.