

Notebook

Republican political theory and Spanish social democracy

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When Spain's Socialist party (PSOE) came to power in 2004, its first act of government was to present a draft bill forbidding domestic violence in the home, something which had previously been missing from the statute books. The following year a law was passed recognising marriages between couples of the same sex on the same terms as for traditional couples, and allowing gay and lesbians to adopt. More recently, gender equality legislation has come into force designed to ensure the effective equality of the sexes before the law. A minimum representation of forty per cent of both men and women on party candidate lists became mandatory, with corporate boards expected to follow suit by 2010.

In addition to these provisions, in 2005 the government granted amnesty to over 700,000 illegal migrant workers, drawing them into the regular – rather than black – economy, and offering many of them the possibility of full legal recognition.

Taken individually, there is nothing remarkable about these policies or pieces of legislation. Similar provisions and statutes can be found on the books of many European countries and, although Spain faces a number of pressing issues concerning its migrant labour, it is by no means unique in this respect. Taken together, however, and viewed in the light of other actions taken by the PSOE since taking office, these policies have a distinctive theoretical significance. Each of these measures is motivated by a single principle: to reduce the capacity for anyone in society (including members of the government) to 'dominate' others.

The term 'dominate' is used here in a specific sense taken from classical civic-republican thinking – a tradition which includes the ideas of Machiavelli, Harrington, Madison and Tocqueville. Most recently, the political importance of protecting citizens from domination has featured as the central concept in the political philosophy of Philip Pettit, the most prominent contemporary defender of the republican ideal (Pettit, 1997).

From Marxism to republicanism

Prime Minister José Luis Rodríguez Zapatero is explicit about the influence that Pettit's work has had on him and about his own personal commitment to the principle that the role of the government is to prevent the domination of its citizens as far as possible. Zapatero believes that it is important for political parties, particularly those on the left, to frame their policies with reference to an intellectual framework. Following the PSOE's abandonment of Marxism in 1979, and subsequent repositioning as a centre-left party, he regards republicanism as the appropriate theoretical backdrop for the party in the new century. The attraction of Pettit's work, Zapatero says, is found in the clarity and practical utility of the republican programme,

which has the potential to be turned into a political reality (Pettit, 2008, 91–96). Under his leadership, then, the reduction of domination has come to serve as the unifying principle behind the policies adopted by the Socialist party.

It is possible to overstate the importance of republican theory in Zapatero's politics of course. Certainly, the Prime Minister acknowledges a variety of other sources of influence on his thinking as leader, including, for example, Rawls's ideas, which were very important for the PSOE in the 1980s (Pettit, 2008, 93; see also Kennedy, 2008). Moreover, we should not neglect the impact on the party's current policies of longstanding grassroots activism. The urgency behind the gender equality legislation, and the high profile of the issues which lie behind, is primarily the result of intensive campaigning by Spain's feminists over the last thirty years (Threlfall, 2007).

Nevertheless, Zapatero himself testifies to the significance of the impression Pettit's philosophy has made on him both personally and politically and, in 2007, he asked Pettit to produce an assessment of his government's first three years in power from a republican perspective. The results of Pettit's review were published in Spain earlier this year, along with an interview by Pettit of the Prime Minister about his influences, motivation and vision (Pettit, 2008). Since then, and in the lead up to their successful campaign for re-election in 2008, Pettit served on an international advisory committee on policy and strategy for the Socialist Party (*El Mundo*, 13.11.2007).

Theory into practice

Historically, republicans have regarded the foundation of legitimate government to lie in the protection of the citizens from oppression, where oppression was seen as the mark of slavery (Priestley, 1993, 13). Pettit follows this traditional republican line, although he prefers the term domination to oppression. Putting things the other way around, on Pettit's account the central role of the state is to promote what he calls freedom as non-domination. Simply put, what non-domination means is this: that no one may act in such a way as they are not required, as a matter of principle, to take the interests of each individual affected by their actions into account (Pettit, 1997, 51).

This principle is designed to hold together two thoughts. In the first place, every citizen best knows his or her own interests. No one should be able to interfere in another person's life without having to respect the ideas and opinions – or as Pettit often puts it, to 'track the interests' – of the person suffering that interference. This idea is familiar as the 'harm principle' of standard liberal theory (Mill, 1974). So, for example, in the case of domestic abuse, it is the victims themselves, usually wives or children who must decide what is in their interests, rather than their husbands or the political elite.

Not all a person's interests, however, are to count when it comes to identifying where there is domination, but only what Pettit calls their 'relevant' interests (1997, 55). It is this second thought underpinning the republican ideal which sets it apart from liberalism. If all the personal interests of the citizens were to be taken into account, there would inevitably be clashes between conflicting sets of interests. For this reason, Pettit restricts the interests which must be tracked to 'those presumptively salient interests that we have in common with others as members of the governed group – as citizens – not the idiosyncratic interests that may divide us' (2005, 198). In other words, the interests that others must track are not just any interests we may happen to have, but those interests we share with all other citizens as members of the same community, namely our common interests or the common good.

Although it is the people themselves that determine what their common interests are, through an active civil society and deliberative democratic means, importantly, Pettit believes that there is an objective 'fact of the matter' as to what those interests are (1997,

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56–57). What this means is that the facts about our common interests can, in principle, be determined through public deliberation without the need for appealing to controversial ideological or moral values. Once our common interests have been identified then, the argument goes, laws can be devised to ensure that these interests are protected. The business of the state, according to Pettit, is just this: that the state is ‘forced to track all and only the common, recognisable interests of the citizenry’ (1997, 290). So long as the processes by which the common interest is identified are open and transparent, and there is adequate provision for any perceived errors to be challenged and corrected, then Pettit’s ideas represent a practical method of conducting politics which is likely to have broad appeal across the electorate.

The chief (and perhaps only) interest that all citizens share, Pettit says, is the interest they have in not being dominated. Domination comes from two sources: other citizens (which Pettit calls *dominium*) and the state (*imperium*). In his report to Zapatero, Pettit assesses the PSOE’s policies according to both of these categories (2008, 30–66).

The measures I outlined above are all protections against the first kind, *dominium*. In each of these cases, the government’s aim is to uphold the rights of historically marginalised and oppressed groups, even where this may be politically risky in challenging entrenched cultural attitudes and generating social opposition. The Prime Minister recognises how extensive patterns of domination within society can be. Referring to the subordinate position of women in Spanish society, for example, he regrets the pervasive manner in which there has been a domination of ‘one half of the human race over the other’ (*Washington Post*, 6.10.2006). Consequently the countermeasures to domination must be equally wide-ranging. This has led to the introduction of several new provisions designed to grant women parity with men in Spanish society. In addition to the laws against domestic abuse discussed above, requirements have been introduced for the equal sharing of household tasks, fair conditions of employment and the availability of childcare facilities.

The idea that citizens require adequate resources, including financial means, in order to live independent lives is integral to the concept of freedom as non-domination. With this in mind, the government has also raised the minimum wage (to 600 per month) and increased the job-security of temporary and part-time workers. The state pension and disability allowances have also been raised and provision has been made for those with disabilities to pay their carers. Financial independence for disadvantaged citizens is seen as a matter of right rather than the result of charity.

As a counter to *imperium*, the national radio and television service, RTVE, was restructured in 2004 to create an independent public service broadcaster, thus reducing the potential for the government to control the media coverage and criticism it receives. Although the degree to which broadcasting has genuinely become independent is questioned in some quarters (*Financial Times*, 14.08.2004), this is in principle, at least, an impeccably republican policy. Legislation has also been introduced to increase the openness and accountability of government, and to devolve more political power from Madrid to the regional governments. This latter aspect has been highly controversial, but, again, from a republican perspective it is consistent with the aim of promoting non-domination.

Non-domination and the common good

In contrast to the liberalism of Rawls, for example, Pettit’s republicanism is not said to be a normative political ideal. Freedom as non-domination is not itself a theory of justice, so much as a reflection of the interests that citizens actually share. Indeed, Pettit regards his philosophy as ‘entirely unmoralized’ (1997, 54). The advantage of this, he believes, is that

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republican policies can be formulated *solely on the basis of the facts* about our shared interests. This avoids, Pettit maintains, the need to take positions on divisive and controversial moral, ideological or theoretical issues. So, whereas institutions such as the Church oppose same-sex marriages for religious reasons, Pettit believes that politically the matter can be settled by considering the facts. If he is right about this then his republican philosophy would be very attractive indeed.

Unfortunately, Pettit is unconvincing on this point. It is inevitable that people, even reasonable people, will to continue to disagree vigorously about matters that seem to be in the common good. Where this happens, the citizens will be faced with the problem of both identifying and ranking the norms that are to count towards deciding upon the common good. Pettit believes that freedom as non-domination will always come out as the highest priority, although empirically of course this remains to be demonstrated. However, even if we accept for the moment that citizens will prefer non-domination, there is still the problem of agreeing upon which cases count as dominating ones. Pettit accepts that domination is culturally sensitive and that the criteria by which it is understood will vary according to the particular values of the society in question. The social and cultural diversity that characterises most European countries will make this identification exercise exceptionally complex, and perhaps even futile (Bellamy, 2008, 169-70).

We can illustrate the difficulties in identifying 'a fact of the matter' about what is in the common interests by considering the situation faced by the migrant workers given amnesty by Zapatero's government. If the rationale for this policy was justice, then granting vulnerable people on the margins of society civil rights would be a straightforward response. However, on Pettit's account, the rationale is said to be whatever is in the common interest. Although there is a clear benefit to the many individual migrants brought under the protection of the law, what must be established is that this is also in the common interest. This is no easy matter to decide.

In favour of regularising the status of the migrant workers, one might point to the undoubted economic benefits they have brought to Spain as a whole. Tax revenues have increased, the looming pensions crisis has been postponed, the declining birth rate has been halted and the economy has been stimulated, boosting the growth in GDP (*The Economist*, 12.10.2006). These benefits, however, are felt by some to have come at a cost. As in many European countries, there is a public perception that the national character has been eroded and that newcomers are received on preferential terms at the expense of those who have paid taxes all their lives in Spain. Although only a small percentage of the immigrant population in Spain arrived illegally, immigrants as a whole account for almost ten percent of the population, a percentage which has risen fourfold in six years leading to claims that this has placed an unsustainable burden on local services.

Whether these claims are true or whether these perceptions are justified is not for us to decide here. What it does highlight, however, is the difficulty in applying the single principle of non-domination to the complicated matter of defining the common good. In this particular case, the benefit to one part of the population in not being dominated may be in tension with another important feature of historic republicanism, namely the feeling of solidarity and the civic bond between citizens which instils in them the desire and commitment to uphold the laws and values of the republic itself (Viroli, 2002). It is by no means obvious that the tension between these inconsistent demands can be eased solely by reference to the facts about the situation.

Conclusion

The intellectual relationship between Zapatero and Pettit has shown itself to be a close one. Insiders bear witness to Pettit's influence on the Prime Minister, and in the run up to the 2008

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Spanish general election, Pettit admitted to 'barracking for Zapatero' (*El Mundo*, 22.01.2008 and *Princeton Weekly Bulletin*, 14.01.2008).

The attraction of republican ideas for a young government intent on reform, and in need of an ideological framework within which to carry through their changes, are many. The central notion of freedom as non-domination is easy to understand, answers to a recognisable interest that citizens all share and yields transparent practical results that those in power can be held accountable to deliver. Nevertheless, in posing as a political tool which is value-neutral and which deals only with the facts of the matter about where there is domination or a common interest, the republican principle promises too much. The thought that a political principle might be able to reconcile the subjective personal interests of the individual with the objective requirements of the rule of law working for the common good is a seductive one, but it is also elusive.

Although the PSOE have introduced some admirable legislation, no doubt inspired by republican principles, the more successful laws have been those on which the issues are fairly straightforward – such as those against domestic violence – and where there is broad moral support from the electorate. As the situations faced by the government become murkier and more morally complex, as in the case of managing immigration or restructuring the relationship between Spain's regions, so it is less likely that the single ideal of freedom as non-domination will be able to provide such clear-cut guidance on policy.

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