

Respect in Neo-Republicanism: A Good Too Rich or Too Thin?

Abstract

The article critically examines the neo-Republican conception of respect put forward by Philip Pettit in *Robust Demands of the Good (RDG)*. The paper argues that Pettit's treatment of respect as a rich good in *RDG* is too thin in some ways, but too rich in others. There are four critical claims to support this argument. First, that (a) both invading the domain of basic liberties, and failing to protect and resource the capacity to exercise choice, constitute individually sufficient conditions for disrespectful treatment, and (b) that the protection and resourcing of basic liberties are both relevant domains over which an appropriate disposition is also necessary for the provision of the rich good of respect. Second, that it is unnecessary and undesirable to rely on local conventions to provide a specification of the treatment that the status of respect requires. Third, that providing respect as a rich good in conditions of reasonable pluralism implies treating minorities in a disrespectful way. Fourth, that the role given to law in supporting the provision of the rich good of respect leads to a difficult dilemma for Pettit: either the full enjoyment of respect is not possible in nearby worlds, or it is only possible in ideal conditions that are far from nearby worlds.

Ismene: We twain shall perish, if, against the law, we brave our sovereign's edict and his power. For this we need remember, we were born women as such, not made to strive with men. And next, that they who reign surpass in strength, and we must bow to this, and worse than this. I, then, entreating those that dwell below, to judge me leniently, as forced to yield, will hearken to our rulers. Over-zeal in act or word but little wisdom shows. (Antigone, Sophocles)

When ignorance reigns in society and disorder in the minds of men, laws are multiplied, legislation is expected to do everything, and each fresh law being a fresh miscalculation, men are continually led to demand from it what can proceed only from themselves, from their own education and their own morality. (Dalloy in Kropotkin, *Law and Authority: An Anarchist Essay*)

Introduction

Respect has a prominent role in the way we think about others and ourselves. But its nature and role in contemporary political theory remain unclear. John Rawls says that his theory is an attempt to provide a more determinate interpretation of 'respect for persons' and that it constitutes the moral foundation on which his theory of justice is built (Rawls 1999a, p. 513). But Rawls also says that 'self-respect' is a psychological attitude, the preservation of which is a fundamental interest for everyone or as he puts it 'perhaps the most important primary good' (Rawls 1999b, p. 348). In that sense, Rawls's treatment of respect has two aspects. On the one hand, respect is a fundamental moral *disposition* that requires from us to treat others in ways that convey their equal moral status as beings capable of rational autonomy. On the other hand, respect is a *good* that we enjoy when others act in ways that confirm our equal

moral status. This dualistic conception of respect goes to the heart of debates between deontologists and consequentialists on the nature and role of respect in both political and moral theory (Benn 1988; Downie and Telfer 1969). Deontologists argue that respect for persons is first and foremost grounded in a particular moral disposition for which there is little room in consequentialist approaches that seek to ground normative principles on maximising some notion of the good (Dillon 1995, 1997). It is hard to see, they add, why a consequentialist would recommend us to act so as to maintain such a respectful disposition towards a person when not acting from it would maximise the good. Consequentialism cannot be trusted as a moral theory, they conclude, precisely because it has such repugnant moral implications. It requires we sacrifice a person's equal moral standing for the sake of maximising the good.

The work of Philip Pettit attempts to provide a neo-Republican answer to this deontological challenge by providing a consequentialist grounding for duties to respect persons. In *Robust Demands of the Good* he argues that there is a class of goods that are robustly demanding or rich. In that respect, this more recent work builds on Pettit's earlier writings on Republican freedom as a modally demanding good, and extends that treatment to a set of goods that are said to be 'distinctively robust'. These goods include, among others, respect, attachment (love) and virtue (Pettit 2015, p. 74). Expanding the definition makes room in Republican theory for concepts such as respect and virtue, as critics called Pettit to do.¹ However, Pettit incorporates them as goods that his theory can bring about, rather than as fundamental principles of his theory.

This article focuses on respect as a rich good and critically examines its conceptual adequacy. Pettit argues that respect is a rich *good* that requires robust non-interference with basic liberties and a particular *disposition* on the part of citizens; it also requires that the law plays a key role in identifying, determining and securing the demands of respect according to local conventions, so that it can be enjoyed by all members of society. This article makes four arguments that challenge the adequacy of this conception of respect. In two of these arguments (in '[Respect as a Richer Good](#)' and in '[Disagreement and \(Dis\)respect](#)' below) it is shown that some intuitive cases of disrespect are not classified as involving disrespect by Pettit's account, whereas the other two arguments support the claim that his treatment of respect is in some aspects modally

¹ For these criticisms see e.g. Larmore (2003).

under-demanding, and in others modally over-demanding (in ‘[Determining the Domain of Respect](#)’ and in ‘[Respect as an Aspirational Ideal](#)’, respectively). Therefore, the article concludes, Pettit’s conception of respect is both too thin and too rich.

In the second section of this paper I discuss how Pettit’s conception of respect fits within his Republican theory and in the third section I provide an anatomy of respect as a rich good. These two first sections provide the background against which the four subsequent sections lay out the four criticisms of Pettit’s account of respect.

The Role of Respect in Republican Theory

In this section I examine the role and nature of Pettit’s neo-Republican conception of respect. This is important for the discussion in the following four sections, where I demonstrate that Pettit’s conception of respect is incomplete in some important ways.

Pettit provides us with the following conception of respect:

Respect ... refer(s) to a property on the side of those who give it—their respectfulness, so to speak—or to a property on the side of those who receive respect: the good, as it is normally taken to be, of being respected. The good that I enjoy in being respected is a sort of status or standing in relation to you and others and we can describe it as status respect. (Pettit 2015, p. 75)²

The starting point in his argument is that in order to respect B’s status as a person, A must not interfere with B in important areas of choice. If A interferes, then A treats B as not being worthy of exercising choice according to B’s wishes. This conception of respect is directly linked to the Republican understanding of freedom as robust non-interference. According to this view, for B (or Barack hereafter) to be free, Barack must be free to choose X, Y or Z regardless of whether Barack ever prefers X over Y or Z, and that Barack is able to choose any of these options regardless of how A (or Angela hereafter) wishes that he chooses (Pettit 2014, pp. 59–60). This understanding of freedom seems plausible as it resonates well with the strong intuition that ‘you are your own boss

² For good discussions of respect in the literature see Carter (2011), Darwall (1977) and Eyal (2005) and for a good discussion of Pettit’s work see Lovett (2010, 2016).

in a certain type of choice...only insofar as you are not the subject to the will of another as how you should choose' (Pettit 2016, 6f). Crucially, for Pettit, you remain unfree even if it is extremely unlikely that the other person would deny you permission to choose as you wish (Pettit 2012, 2014, 2016, pp. 6–7). It suffices that the other person has sufficient control over your choices, even if they always opt not to exercise that control over your choices. This is because even in those conditions congenial to your preferences, Pettit argues, your freedom to choose as you wish remains under someone else's control.

From the above, it follows that a concern for Republican freedom requires rendering ineffective the capacity of another to influence your choice according to her will. Achieving that necessitates entrenching your domain of choice against the will of another.³ This could be done via legal means that protect the domain of basic liberties and by resourcing the capacity to exercise those choices. Only when such measures are in place do they give Barack effective control over Angela's interference and safeguards are sufficient to render any invitation to interference from his part non-arbitrary (Pettit 2012, pp. 110–122).⁴ But no legal measures could remove Angela's ill will, if she had any. They could only deter her from acting out of such will. Removing the very will of A to invade the entrenched domain of B's choices requires the absence of ill will on her part. It is therefore easy to see why the willing absence of ill will (as opposed to the legal constraint of ill will) adds an additional layer of robustness to Republican freedom and hence renders its enjoyment more secure. A state of affairs where Barack enjoys not just the robust non-interference secured by legal measures that entrench his capacity to exercise choice but that is also supported by Angela's disposition not to interfere with that domain of choice *due to her respect*, is, for Barack, surely a world where Republican freedom is rendered even more robust. A society where the rich good of respect is enjoyed is one where everyone knows that others program to act out of the appropriate disposition when they refrain from interfering with basic liberties of others. And it is a society where the law provides assurance against the faltering of such a disposition (Pettit 2016, p. 14). Respect, in that sense, is a good that *enhances* the robustness of Republican freedom.⁵

³ By resourcing the ability to exercise choice e.g. by means of a system of social insurance, national health and legal assistance (Pettit 2012, pp. 112–114).

⁴ On the meaning of arbitrary interference compare Pettit (1999, p. 52) with Pettit (2014, p. 58).

⁵ For how such a disposition enhances civic virtue and hence good government see Efthymiou (2017).

Pettit's conception of respect aims to do more than render A's non-interference with B more robust. The enjoyment of the rich good of respect entails not just the absence of ill will from A and hence more likely and more robust the provision of the thin good of non-interference to B. It also entails the provision of a distinct rich good: that of respect. This amounts to an ontological claim. Pettit believes that it is impossible for Angela to act out of the appropriate disposition towards Barack without conferring on him the corresponding rich good of respect as opposed to merely enhanced non-interference (Pettit 2016, p. 14). Unlike the argument in the previous paragraph, where robustness is causally and hence contingently enhanced by the appropriate disposition, here we have a constitutive relationship between the disposition and the good brought about. As Pettit (2016, p. 15, 2015, p. 145) emphatically puts it: 'Just as my antibodies make it the case that I am immune, so the dispositions out of which I act, and the laws under which I and others act, make it the case that you enjoy the robustly demanding goods associated with them'.

Theorising respect in this way ultimately serves an important role in Pettit's Republican theory. It provides Pettit with a reply to those who claim that respect plays an implicit yet foundational role in his theory, as well as to those who point out that this his theory gives a rather peripheral role to civic virtue despite its historically central role in the Republican tradition (see e.g. Larmore 2003, pp. 101–103).⁶ To the first criticism Pettit could now point out that in his theory respect is a good brought about by a distinct and particularly robust version of Republican freedom, rather than its moral foundation. To the second criticism Pettit could respond that his treatment of respect as a rich good is compatible with the emphasis given by Republicans to civic virtue as a guarantor of the rule of law and freedom in a Republican society (Pettit 1999, p. 246; Larmore 2003, p. 116).⁷ Below, I raise four doubts as to whether Pettit's conception of respect achieves what it sets out to do.

⁶ For a Kantian critique of Pettit's Republicanism see Forst (2013).

⁷ It is not clear to me whether acting from an appropriate disposition to provide the rich good of respect is sufficient for a person to be civically virtuous. See also 'Respect as an Aspirational Ideal' for a discussion of the relationship between motivation and respect.

Respect as a Rich Good

Respect and all robustly demanding goods share three structural qualities (Pettit 2015, pp. 1-10). First, they are central to having a good life because ‘there is nothing more important to having a good life than enjoying...the respect of our fellows’ (Pettit 2015, p. 1). Crucially, unlike other goods that satisfy basic needs (like food or shelter), we enjoy them at the hands of others. In that sense they are social goods. Pettit argues that respect, in particular, is a social good because it could not be enjoyed by an individual independently from others. It can only be enjoyed when others are willing to treat us respectfully. As we saw in ‘[The Role of Respect in Republican Theory](#)’, this gives respect an important role within Pettit’s Republican theory.

Second, the enjoyment of every rich good requires the robust provision of a *corresponding thin good*. For example, according to Pettit, the robust provision of the thin good of non-interference with basic liberties is required for the enjoyment of the rich good of respect (2015, pp. 2-3) while the thin good of care is required for the enjoyment of the rich good of love. For instance, for Barack to enjoy the rich good of respect it is necessary that Angela is not interfering with the thin good of his basic liberties (Pettit 2015, p. 76). We may call this condition the ‘domain of respect condition’. As we shall see below in ‘[Respect as a Richer Good](#)’, how this special domain of choice is delineated by Pettit is important for understanding the nature and scope of his conception of respect. It is also relevant to whether or not it is consistent with our intuitions about what we commonly take to be demands of respect.

Furthermore, for someone to enjoy the rich good of respect, it is necessary that one agent provides another with the thin good of non-interference robustly. That is, even if agent A or agent B or the circumstances somewhat changed. For example, for Barack to enjoy respect as a robust good, Angela must not interfere with Barack’s preferred choice with regard to the exercise of his basic liberties (e.g. say with his choice to reside in Chicago, exercising his basic liberty of freedom of movement) but also not interfere with Barack’s choice regardless of where Barack chooses to reside (e.g. Chicago *or* Dallas) and regardless of where Angela prefers Barack to reside (e.g. say Dallas over Chicago). We may call this second condition the ‘modality condition’. As we shall see in ‘[Determining the Domain of Respect](#)’ and in ‘[Respect as an Aspirational Ideal](#)’, the modality condition is important

for identifying the baseline against which we assess the robust provision of respect in both actual and nearby worlds, and for determining its weight versus other goods and desiderata. It is, therefore, this property of robustness that must guide our judgments about whether the standards of respect identified by Pettit's theory for particular cases are modally demanding or *undemanding*.

The third idea is that the enjoyment of rich goods is linked to particular actions that deliver those goods in a distinctive way. The claim is that the enjoyment of a rich good depends on an action that takes the form of a disposition that triggers the production of an act. The focus here is on a single factor that would lead an agent **A** to robustly provide the thin good of non-interference with basic liberties to another agent **B** across relevant possibilities; that is *modest* variations on actual circumstances (Pettit 2015, p. 91). Pettit calls this factor the 'executor' of respect's demands, and in line with his overall conception of robust goods he believes it to be a disposition with a particular profile. It is the disposition to display restraint as such, and not a profile with a self-interested disposition that prudentially shows restraint to avoid penalties that may be attached to interference with another's agent's basic liberties (Pettit 2015, p. 92). We may call this third condition the 'motivation condition'. As we shall see in '[Disagreement and \(Dis\)respect](#)', Pettit's emphasis on the modest nature of this third condition raises questions with regard to its compatibility with the requirements of respect in a pluralistic society, and suggests that treating respect as a rich good in such conditions is overly demanding on its citizens.

Respect is different to other rich goods in two ways. First, in the case of goods like love or honesty, it is up to Angela to decide whether to maintain or withhold the relevant disposition to give care or truth-telling to Barack. These goods are like gifts that Angela is free to bestow (or not) and Barack must be grateful if Angela opts to maintain such a disposition towards him. But then again, according to Pettit, if Barack depends on Angela's goodwill for the ability to enjoy non-interference in his basic liberties, then he does not enjoy non-interference with sufficient robustness to have her respect (Pettit 2015, pp. 94–95). Therefore, in the case of respect, the disposition that ensures Angela's non-interference with Barack's basic liberties must not be discretionary—in the sense of being sensitive to the shape of her will—as in the case of other rich goods like love or honesty. It must be constrained by a legal

framework so that it could be maintained even in the case where, notwithstanding social norms, her unconstrained will would take her in another direction (Pettit 2015, p. 95). Law can play that role as long as it does not become *indispensable* in that motivating role (Pettit 2015, pp. 96, 103). And in order to serve that motivating and yet constrained role it must be supported and supplemented by social norms (Pettit 2015, p. 106). In ‘[Respect as an Aspirational Ideal](#)’ I show that giving law this role is difficult to square with the motivation condition.

Second, the exact meaning of respectful treatment, unlike that of love or honesty ‘must have a society-wide definition (although it may vary across societies) if it is to allow us to specify an egalitarian ideal of equal respect for all members of that society...in order to be possible in principle for everyone in a society to enjoy respect equally at the hands of everyone else’ (Pettit 2015, p. 77). To do so, ‘we need to be able to rely on local conventions to provide a specification of the treatment that the status of respect requires’ as ‘respectful treatment involves not frustrating the choices that local conventions give anyone the right to exercise according to their own wishes’ (Pettit 2015, p. 77). Law is to play a crucial role here too. It is ‘needed to *identify*...the basic liberties in which respect requires non-interference’ (Pettit 2015, p. 97). In ‘[Determining the Domain of Respect](#)’ I turn to this aspect of Pettit’s conception of respect and argue that a greater degree of determinacy is both feasible and desirable without giving the law that master role.

The structure of the argument is as follows. In ‘[Respect as a Richer Good](#)’ I examine and question whether the robust provision of non-interference with the thin good of basic liberties is the only candidate for helping us understand what respect is about. In ‘[Determining the Domain of Respect](#)’ I question the pivotal role Pettit gives to the law for the identification of basic liberties in local social conventions, and in ‘[Disagreement and \(Dis\)respect](#)’ I challenge the consistency of that role with the enjoyment of respect. The section titled ‘[Respect as an Aspirational Ideal](#)’ turns to whether restraint, as an action supported by an appropriate disposition, could be supported by the force of law without it undermining the enjoyment of respect as a rich good. ‘[Respect as a Rich Good Versus Respect as a Disposition](#)’ suggests an alternative account of respect to Pettit’s whereas ‘[Conclusion](#)’ sums up the argument.

Respect as a Richer Good

There are reasons to be skeptical about the adequacy of Pettit's conception of respect. It is unclear in Pettit's work how exactly respectfulness and being respected are linked to the resourcing of the capacity to exercise one's basic liberties, and more importantly whether the lack of such resourcing constitutes a form of disrespectful treatment. What complicates the picture further is the distinction that Pettit draws between invasive and vitiating hindrances. In 'On People's Terms', he claims that a hindrance 'may take the form either of vitiation by impersonal factors or of invasion by another agent or agency' (2015, p. 69). A person is free to exercise a choice if she has enough personal, natural or social resources to make up for any vitiation of choice, and if she has enough safeguards against being subject to the will of another to protect her against invasion of choice (Pettit 2012, 2014).

For Pettit, I treat you disrespectfully when I fail to show restraint and invade the spheres of choice your basic liberties are meant to protect. But I do not treat you disrespectfully if I fail to suitably resource your capacity to exercise those choices (Pettit 2012, p. 73). I may do you wrong by not suitably facilitating your capacity to exercise choice when resourcing is necessary for you to exercise such capacity, but I do not treat you disrespectfully per se. *Invasion* is the enemy of respect, not lack of suitable resourcing and protection. As Pettit puts it (2015, p. 73): 'A failure to resource or protect is not in itself a way of invading that capacity...if such failure is an offence...it is a distinct offence from invasion'. In what follows I show that linking invasion so tightly to disrespect is counterintuitive and therefore implausible. Disrespectful treatment could have a greater variety of sources, with one of those being inadequate resourcing of the capacity to exercise choice.

This is not to say that Pettit considers resourcing to be entirely irrelevant to respect. He does not deny that resourcing the capacity to exercise choice is instrumentally necessary for respect. He acknowledges that the lack of social support for the capacity to exercise basic liberties, or of social assistance in the form of resourcing that capacity, jeopardizes respect (Pettit 2015, p. 80). By definition this could only be because it undermines robust freedom of choice in the domain of basic liberties that is a precondition for the enjoyment of the rich good of respect. The claim here seems to be that if the capacity to exercise choice is not

sufficiently resourced, this indirectly constitutes a standard threat to respect because it is a vitiating hindrance to freedom of choice. But respect as such cannot be under threat here, as vitiating hindrances are not cases of invasion by other agents. Therefore, the claim seems *ad hoc*. It is devised to rescue Pettit's theory of respect from anomalies it cannot accommodate unrevised.

It is also unclear in RDG whether Pettit would count a similarly motivated refusal, or negligence, to resource the capacity to exercise one's basic liberties as an injury to respect (or even an injury to freedom). There is a deeper difficulty here. When lack of resourcing is willed, and the product of such an ill will, then some individuals or set of individuals deliberately take action (or no action) either to render others dependent on their goodwill, or because they believe that those lacking those capacities do not deserve to exercise choice. To illustrate, suppose that Barack's capacity to exercise his basic liberty to freedom of movement (e.g. by crossing a busy road close to his home) is undermined by old age (or/and disability).⁸ Suppose further that young Angela refuses to resource old Barack's basic liberty, either by not voting for policies that would entrench his freedom institutionally, or by always refusing to help Barack to cross the busy road where such policies are absent.⁹ Intuitively, this seems like a clear case of disrespect. If Angela refuses to resource Barack's capacity to exercise his basic liberties, then this seems like a case where Angela has been disrespectful to Barack and where he has been disrespected by her.

But this creates a problem for Pettit's approach. If willed lack of resourcing constitutes a case of disrespect, it follows that disrespectful treatment does not require invasion of choice only in the domain of basic liberties.¹⁰ This is because the will to leave a vitiating hindrance intact might bring about conditions that permit the domination of some by others. But it does not necessarily involve misrepresenting or removing an option, and therefore does not constitute a case of invasion with the domain of basic liberties (Pettit 2012, pp. 70, 37). Pettit faces a dilemma here. He either has to claim that willing not to remove a vitiating

⁸ The aim of the example is not to judge that particular policy as a policy of resourcing but to illustrate how denying resourcing constitutes a case of disrespect.

⁹ Or in cases where such policies are not implemented or where they could not easily, reliably and robustly reach their target population.

¹⁰ Here I deal with the rather simple and straightforward case of willed lack of resourcing. But willingness on the part of an agent may not constitute a necessary condition for invasion. Pettit is ambivalent on this point (see Pettit 2012, pp. 39, 44).

hindrance to basic liberties is not a case of respect injury, even when the aim of such will is to undermine a person's status and to injure her sense of self-worth, and even to render that person vulnerable to domination or he has to revise his account of respect to accommodate such cases.

What would such revision look like? Either expanding what counts as invasion or, more plausibly, treating such cases of disrespect as distinct from standard cases of invasion. To begin with, it is better to say that willed lack of resourcing constitutes disrespectful treatment by undermining one of the necessary conditions for the enjoyment of the rich good of respect; the other condition being measures aiming to protect everyone's domain of choice in the basic liberties.

The nature of the disposition, or what we called earlier the motivation condition, is also relevant here. If Barack were to have his capacity to exercise choice resourced by Angela only because she feared retaliation from Barack in the event of non-resourcing, then surely Barack does not enjoy Angela's respect in those circumstances. One could argue, by giving Pettit a Cohenite interpretation, that an ethos of respectfulness (as for Cohen an egalitarian ethos) is a necessary condition for a respectful society.¹¹ Such ethos is necessary, not only for enhancing robust noninterference where social institutions fail to reach, but also because the motivating reasons for that practice matter for the nature of the good provided. A society where the provision of the thin good of robust non-interference is enhanced at the expense of the appropriate motivating reasons would not be a respectful one.

The rich good of respect could have then two thin dimensions: adequately resourcing the capacity to exercise choice on the one hand and robust non-interference with basic liberties on the other, with the disposition requirement applying to both. In other words, enjoying the rich good of respect requires both robust protection against invasion of choice and compensation against violation of choice.

Crucially, it also requires providing such protection and compensation with an appropriate disposition.¹²

¹¹ See Cohen (2008, pp. 361–362, pp. 381–386) and for a good discussion of Cohen's dual criticism of Rawls, chapters 5 and 6 of Vrousalis (2015).

¹² This revision of the theory, however, undermines the structural integrity of respect as a rich good; that is the idea that the provision of *one* thin good along with the presence of *one* particular disposition are individually necessary and jointly sufficient conditions for the provision of *one* rich good. Hence, rendering respect consistent with the aforementioned two dimensions violates its structural integrity. It requires doubling the thin good and conceding that the same disposition (i.e. that of respect) could motivate

In sum, one could agree with Pettit (2015, p. 75) that ‘in virtue of what I am— say, an able-minded adult human being—I deserve to be treated in a certain manner’ but deny that this only implies that ‘I deserve to be allowed to make a variety of personal decisions, free of interference from others’ because denying a person the resourcing and protection needed to exercise choice, or providing it out of an inappropriate disposition, could also constitute a direct injury to respect.

Determining the Domain of Respect

As we saw in the introduction and in the previous section, for Pettit respect is a rich good that requires A to provide B robustly with a corresponding thin benefit: noninterference in the basic liberties. In that sense the domain of basic liberties determines the domain of respect. To understand what respect requires, then, we need to account for how the domain of non-interference is determined. In this section I explain how this is accomplished by Pettit, but question whether it is as determinate as it could and should be.

In RDG, and his earlier works, Pettit argues that that domain of choice consists of generic and compossible liberties. Generic in the sense of liberties ‘whose availability is bound to ensure the availability of many more specific instances’ and compossible ‘in the sense that there is no incoherence about the idea that everyone can exercise and enjoy them at the same time that others do’ (Pettit 2015, p. 79). This set of generic and compossible liberties ‘can be identified, plausibly, with those choices that have long been described as the basic...liberties’. These choices include what religion to practice, who to associate with, where to move and settle, what occupation to take, how to spend one’s leisure time and what to do with those things that belong to one (Pettit 2015, p. 79).

In RDG Pettit acknowledges that so determined, the set of basic liberties is not determinate enough to concretely guide our judgments and practice about respect. He gives law a key role in both defining and supporting that domain of choice. The role assigned to law is integral to a key characteristic of respect discussed earlier, that it must be possible in principle for everyone in a society to enjoy respect equally at the hands of everyone else...Whatever treatment that respect is taken to require, it

the provision of two distinct thin goods. These problems, therefore, cannot be easily solved without abandoning the very notion of a rich good. See also ‘[Respect as a Rich Good Versus Respect as a Disposition](#)’ below.

must be defined in the same way across any community, although it may vary between different communities ... We do have to worry about the exact meaning of respectful treatment...because it must have a society-wide definition if it is to allow us to specify an egalitarian ideal of equal respect for all members of that society. We need to be able to rely on local conventions to provide a specification of the treatment that the status of respect requires. (Pettit 2015, pp. 76–77)

Pettit acknowledges that conceptions of basic liberties also vary both across and within communities:

But while this is a universal, structural ideal...cultures may differ in the standards by which they weight reasons of respect against other reasons, so that suitably supported restraint in one culture may not be the same as suitably supported restraint in another. And apart from that, of course, societies and cultures may differ in the basic liberties they actually recognize or are capable, at their best, of recognizing...[S]ome of those who live under such a single substantive ideal may reject it in favour of one or another customized variant. They may take a special view of the basic liberties that the culture, at its best, should recognize. Or of course they may rely on different standards in the weighting of respect against other values. (Pettit 2015, p. 90)

Hence, societies vary across two dimensions: in terms of the weight they give to reasons of respect versus other reasons, and in terms of their willingness and capacity to recognise and entrench basic liberties. The question remains, how to determine the relevant baseline in the face of these two sources of variance (Pettit 2012, pp. 104–105). If we are to give legal conventions such a central role in defining the domain of basic liberties, how can we tell when a society fails to do enough to protect and entrench the basic liberties required for enjoying the rich good of respect? The answer again draws from Pettit's earlier work:

The laws (must) enable me to look others in the eye without reason for fear or deference—or at least without fear or deference that is prompted by the intrusive power of others; they enable me to pass what we might call the eyeball test' (Pettit 2015, p. 96).

In other words, a bundle of basic liberties must be defined by law in such a way so that it becomes sufficient to ensure that by local social and

cultural standards, all fellow citizens of ordinary courage ‘can look others in the eye without reason for the fear or deference that a power of interference might inspire; they can walk tall and assume the public status... of being equal in this regard with the best’ (Pettit 2012, p. 84).

Hence, it is more accurate to say that the role given to law in defining basic liberties is constrained by the eyeball test that determines the level of entrenchment of generic and compossible liberties. But if so, then it is better to say that the law does not identify basic liberties as such, but merely reflects, coordinates and supports whatever bundle of generic and compossible liberties the eyeball test deems sufficient for a given society at a given time. In this and the next section of the paper, I raise two objections to this. I question whether Pettit’s eyeball test does enough to add determinacy to the requirements of respect, and whether any determinacy that it may add is always to be welcomed by those who care about respect.

Let me start from the first objection. Is the eyeball test useful in determining the domain of basic liberties?¹³ It is difficult to see how the eyeball test could meet that standard when it comes to assessing a society’s capacity and willingness to adequately resource respect. Remember that the introduction of the eyeball test adds the determinacy required, by appealing heavily to local standards of respectful treatment that societies ‘actually recognize or are capable, at their best, of recognizing’. However, the eyeball test, we are told, is not to be conducted by using average or popular local standards, but by using the most demanding local criteria that enable people to look one another in the eye (Pettit 2014, pp. 99–101). But what is the baseline by which we identify the most demanding local criteria?

¹³ An example shows what is at stake here normatively speaking. Do citizens of Norway, Sweden, or the Netherlands enjoy more robust protections of their basic liberties, and hence a greater likelihood of enjoying the rich good of respect, than those of Switzerland, Germany or the UK? Did citizens of Sweden enjoy more robust protection in 2012 than 2017 etc.? An approach that can neither make nor inform inter-societal nor intra-societal comparisons of that sort is clearly too indeterminate. To counter such objections, Pettit draws a parallel in his work between his emphasis on justified *variances* in the level of entrenchment of basic liberties and the capability approach and its sensitivity to local standards (Pettit 2012, p. 104). But it is worth noting that the Human Development Index (HDI) (as an index heavily influenced by the capability approach) ranked the U.S. 10th in the world for 2016 whereas Sweden and Finland were 14th and 23rd respectively. The inequality adjusted HDI ranks the U.S. 19th, Sweden 8th and Finland 10th. Pettit’s Republican theory must surely be able to provide us with some guidance as to which of the two HDI indexes is a better proxy for the enjoyment of Republican freedom and its associated rich good of respect. An approach that can neither make nor inform inter-societal nor intra-societal comparisons of that sort is clearly too indeterminate. Pettit’s theory contains resources that are not deployed here (see e.g. his diminishing marginal productivity argument for equality as a means to reducing social domination in Pettit 2012, p. 91). ¹⁴ See also Ismene’s plea to Antigone quoted above.

Pettit is slightly elusive and over-optimistic on this point. It is possible that the result of the eyeball test could directly reflect a maximizing desire for freedom as ‘no misfortune can be more terrifying to one who is accustomed to freedom’ (Kant in Pettit 2014, p. 49). But it is also true that social conventions often also aim to ensure that no such fortune can be more terrifying to one who is accustomed to unfreedom. Local conventions and customs typically reflect consolidated power asymmetries that aim to disable forces of social change and drain any thirst for freedom. They often enjoy the support of local elites and of adapted expectations on the part of the rest of the citizenry. As Amartya Sen puts it: ‘The hopelessly deprived people may lack the courage to desire any radical change and typically tend to adjust their desires and expectations to what little they see as feasible. They train themselves to take pleasure in small mercies’ (Sen 2011, p. 283).¹⁴ It would be, therefore, quite a strike of fortune if the result of the eyeball test adds determinacy without reflecting any such vested interests or any such lack of courage in the absence of a filtering device. Therefore, the eyeball test needs to be more discerning.¹⁴ First, we need it to pick up conditions of partial compliance that reflect the material, technical or informational limitations that a particular type of society faces (Pettit 2012, pp. 36–37, 104).¹⁵ This is necessary for not judging a society by standards it cannot meet. Second, we need to point at cases of non-compliance where citizens are unwilling to opt in and observe the level of entrenchment of basic liberties that minimizes disrespect. The maximum feasible level is to be determined by its capacities, in terms of the material and institutional infrastructure of that society, its ability to pursue a policy without external interference, but not by the inertia or unwillingness of its citizens to aim at the maximum feasible level of basic liberties due to cultural or local conventions. As the local social and cultural conventions are often more prone to preserving than toppling established structures of unfreedom, they need to be distilled from such cases of non-compliance. A method that groups together similar types of societies, in terms of the aforementioned characteristics and constraints, and

¹⁴ See e.g. Hamlin and Stemplowska (2012) for how the use of indifference curves of feasible sets could serve that purpose as well as Eftymiou (2015, forthcoming).

¹⁵ By partial compliance I mean in-compliance due to unfavorable economic conditions that make it difficult for a society to meet the highest possible standards whereas by non-compliance I mean in-compliance under favorable economic conditions that make meeting the highest possible standards for a particular type of society not excessively burdensome (see e.g. Rawls 1999a, p. 5).

compares the level of entrenchment of their basic liberties both statically and dynamically is more likely to identify such cases of non-compliance for a particular type of society than a localized eyeball test, and could serve as a better proxy for assessing the provision of the rich good of respect in a given society.

Disagreement and (Dis)respect

This brings us to the second objection mentioned earlier: there are good reasons to doubt whether more determinacy added by law is always to be welcomed by those who care about respect. To see this, imagine that there is reasonable disagreement in a given society at a given time due to disagreement on ‘standards by which they weight reasons of respect against other reasons’ and not due to non-compliance with the maximum level of Republican freedom their society is capable of observing.¹⁶ Citizens of that society may disagree over which conventions of property and taxation ensure the maximum feasible level of entrenchment of basic liberties or prefer different equilibria or trade-offs of basic liberties. Suppose that society has a vote and A’s conception is inscribed into law. Suppose further that A’s conception of Republican freedom requires a lower level of property taxation than B’s. It is reasonable perhaps in those circumstances to ask B not to interfere with A’s basic liberties, and more specifically with the set level of entrenchment of her property rights. But is it reasonable to require B to act out of a disposition that would render that level of entrenchment even more robust, by eliciting the rich good of respect? In the case of significant variation stemming from reasonable disagreement over the appropriate level of entrenchment of basic rights, using the law not just to enforce but also to support a uniform disposition that secures respect as a rich good, as opposed to merely expecting people to follow the law for prudential or procedural reasons, appears disrespectful towards them. It asks B, and Bs in general, to act against their reasonable convictions. In those circumstances, it seems inappropriate for the law to serve as a fixing point for the dispositions of all citizens.

¹⁶ By reasonable disagreement here I mean disagreements among well-informed and well-intentioned persons (see Rawls and Erin 2001; Rawls 2005) who value basic liberties and their entrenchment rather than disagreements over the weight of basic liberties and their level of entrenchment due to conflicts of interest. The latter I treat as cases of non-compliance to the requirements of respect that do not call for respectful treatment (see previous section). For the relationship between disagreement, non-domination and respect in Pettit’s theory see e.g. Larmore (2003, pp. 115–117).

This does not necessarily entail that **B** cannot enjoy the rich good of respect in those circumstances. It is reasonable to expect **A** and **B** to robustly provide the thin good of non-interference towards one another by being compliant with the law, while also expecting them to be respectful towards members of their favored political and social associations. It is unreasonable from right-of-center **A** to expect leftof-center **B** to act towards her out of a disposition that socially consolidates a conception of freedom that **B** reasonably disagrees with. But it is not unreasonable of **B** and **A** to demand that other **B**s and **A**s are motivated by such a disposition. Provided that these communities of commitment are suitably protected and resourced they could provide the support necessary for the rich good of respect to be enjoyed by all citizens. It is better to say then that respect is something that we enjoy as a result of actions of others at these two different levels. But only at the first level it is something that is owed from everyone to everyone else in the form of robust non-interference with their basic liberties. At the second level it is something that is owed to us by people with whom we share the same comprehensive conception of freedom.

The aforementioned objections support two theses about the relationship between the domain of basic liberties and respect as defined by law: a strong and a weak one. The strong thesis sets out the ideal conditions for law's operation in securing respect in conditions of unanimity over its content. The weak thesis questions whether a law that determines the content of respect must be complied with by all in a society where there is reasonable disagreement over the content of the optimal bundle of basic liberties. In the first case, and where the law reflects the optimal bundle of basic liberties for all, **B** must show respect towards **A** because the law, and his disposition, secure the optimal result for the enjoyment of the rich good of respect for both of them. In the second case, and where the law supports a particular bundle of basic liberties, and **A** and **B** have different but equally reasonable preferences over feasible bundles, and law supports **A**'s, **B** must show restraint towards **A** but not be moved by a disposition that renders such law even more robust, as required according to Pettit for **A** to enjoy the rich good of respect. **A** could demand that all other **A**s provide her with the rich good of respect but it is unreasonable for **A** to expect such a disposition from **B**s who reasonably disagree with **A**s. In those conditions **B**s could, if they wish, act from such a disposition towards **A**s but this is

discretionary on their part, as it is for the provision of other rich goods like love or friendship. This explains why respect is a discretionary disposition, under conditions of disagreement, and why it could cease to be discretionary only under ideal circumstances—where the law supports an optimal bundle of basic liberties that as such is reasonably endorsable by all citizens. This brings us to the next point: the uneasy relationship between the law and the disposition required for the provision of the rich good of respect.

Respect as an Aspirational Ideal

For Pettit, the law defines the domain of basic liberties and thereby also the domain of respect; it also assumes a second role in Pettit's treatment of respect as a rich good. It secures the required disposition in a suitably robust manner because law, as Pettit puts it, ensures that **B** does not depend on **A**'s goodwill to enjoy non-interference in basic liberties (2015, p. 96). At the same time, however, we are told that **A** must refrain from interfering in **B**'s basic liberties out of a disposition to display such restraint as such, and not to avoid penalties imposed by law or a loss of social esteem due to social disapproval. I argue that giving this role to law is difficult to square with the requirement that the motive behind such disposition must be moral in nature and not prudential. I show that for Pettit to honor this requirement, one must either drop law and treat respect as discretionary like other rich goods such as friendship,¹⁷ or insist on the role of law for the robust and stable provision of the rich good of respect—but concede that such a good could only be fully enjoyed by all under very ideal circumstances where the law becomes redundant rather than necessary for respect.

Giving the law a central role in motivating non-interference with basic liberties, on the one hand, while maintaining that law must not become indispensable in that motivating role, on the other hand, is a tricky balancing act. For the argument to succeed, Pettit needs to show that the degree of compliance due to the influence of law (and social norms that are also seen by Pettit as external as law to disposition) is very low or zero overall (2015, p. 103). The more the disposition is the product of law (or social norms) the further the rich good of respect moves from our reach, and the more likely it becomes that non-interference is the product of

¹⁷ See also 'Disagreement and (Dis)respect' section.

external constraints rather than the product of an appropriate disposition. If we accept that law is indispensable then we are already far, I think, with regard to the degree of compliance we allow to be secured by such forces as opposed to the appropriate disposition. In other words, if the degree of compliance secured by law is so great so as to be necessary for the provision of the rich good, then the role of the appropriate disposition is rendered marginal or dispensable and even crowded out (2015, pp. 96, 215).

To deflect such criticisms Pettit resorts to the empirical work of Tom Tyler, in a way that is broadly consistent with his earlier work with Brennan and Philip (2004, 2005) in *The Economy of Esteem*. The law must motivate A and B in a way that supports acting out of the appropriate disposition: being respectful. It must also support such behavior in a way that does not crowd out the appropriate disposition, that is by supporting motives that may enhance that particular behavior and by upholding the moral reasons behind it. This is necessary for the argument, as the appropriate disposition is treated by Pettit as constitutive of respect and in that role as a means of enhancing the provision of the thin good of non-interference. Empirical findings, we are told, show that the main reason people do not break the law is not a fear of material penalties, but of the disesteem that the performance of criminal activities carries (2015, p. 104). This evidence shows that conformity to social norms is the main driver behind compliance with the law. Fear of curtailment of basic liberties or material resources only plays a backup function in our motivation and becomes relevant only rarely, and mainly due to weakness of will.

However, the empirical findings provided by Pettit are insufficient to support his claim. Social norms and the social disesteem they produce are not necessarily linked to the required moral motivation that is constitutive of respect. If Angela shows restraint over Barack's domain of basic liberties not because she respects him but as a means to gain the social approval of her friends or compatriots, then she surely is not acting respectfully towards him. What we need to satisfy the 'disposition condition' is evidence that Angela acts out of a concern for Barack as a person capable of choice—as an agent—and not just evidence that Angela is not concerned about the material penalties commonly attached to legal sanctions.

This leads to a difficult dilemma for Pettit: if punitive legal measures, and invigilating social norms, are necessary in all nearby possible worlds to provide social assurance, then respect is not a rich good because such a society surely fails the criterion of appropriate disposition. If law is necessary, only in non-ideal worlds, because of significant non-compliance and weakness of the will problems, then the rich good of respect is simply not feasible in current circumstances or nearby worlds. So, either respect is not a rich good after all, if we follow the first horn of the dilemma, or, if we follow the second horn of the dilemma, it acquires the status of a rich good only in ideal circumstances that are quite remote from our current social predicament.¹⁸

This creates an additional conundrum for Pettit's conception of respect. The role it assigns to legal and social sanctions might necessitate undermining the provision of the rich good of respect, if in present and nearby worlds this is required for increasing and entrenching the provision of the thin good of non-interference for more persons. To ensure that everyone is not subject to the whim of another's will, the window of opportunity for a good will to 'shine through' might have to significantly shrink. Worse still, citizens who are conditioned to such robust legal protections of their basic liberties might see little point in programming to act out of an appropriate disposition. The thin good of non-interference and the rich good of respect in those conditions are clearly not harmoniously aligned but antithetical, and pull in different directions.

Rescuing respect as a robust good from this dilemma, it seems to me, requires making it more transcendental: giving it a more aspirational value that aims to render the law and social norms redundant rather than indispensable. If I am right, then it is an anarchist ethos¹⁹ that must serve as the requisite ideal in Pettit's argument: an ideal that aims to make law redundant or to give it a purely communicative role. In the short term, such an ideal must aim to gradually increase the space for the motivation condition via civic education, and hence the rich good of respect, while

¹⁸ It also possibly reflects a deeper problem with Pettit's consequentialist approach to respect. If neoRepublicans like Pettit think that the reasons for acting respectfully matter constitutively for respect then for reasons of consistency Pettit may need to abandon a thoroughly consequentialist account and embrace a version of Republicanism that allows more room for deontological considerations (see e.g. Forst 2013).

¹⁹ See e.g. Dalloy's quotation above.

acknowledging its partial provision due to the very nature and function of law not as educative but as a punitive and invigilating assurance device.

Respect as a Rich Good Versus Respect as a Disposition

Is there alternative way to think about the relationship between respect and the provision of robust goods? In this section, I would like propose two revisions. The first is to give up on the idea that the provision of a rich good is linked to provision of *one* thin good. Compare:

Pettit's conception of respect as a rich good that states that:

1. If and only if the thin good of robust non-interference with basic liberties is brought about by an appropriate disposition then the rich good of respect is provided.

With the revision I furnished in '[Respect as a Richer Good](#)' section which holds that:

2. If and only if the thin good of robust non-interference *and* the resourcing necessary to entrench non-interference is brought about by an appropriate disposition then the rich good of respect is provided.

Neo-Republicans like Pettit believe (1) because of the emphasis they give to robust non-interference. But if (1) is true then there is nothing disrespectful in a society where adequate *resourcing* is provided solely due to fear or convenience, legal penalties and/or financial rewards; or more broadly merely due to positive and negative conditioning. But this is clearly counterintuitive. A society where people resource one another's capacity to act autonomously only due to fear or convenience is not one where respect reigns or shines through; and it also looks like one where a significant good is missing: that of community or solidarity. This latter point suggests a second revision of the theory. One could start from respect as a foundational moral disposition and treat robust non-interference and adequate resourcing as conditions necessary for moral and political autonomy.²⁰ If we follow this conception then the rich good

²⁰ This is broadly in line with Rawls's view that respect for persons is the foundational value of his theory of justice (Rawls 1999a, b, 2005). 'Respect of persons' for Rawls is not a rich good but implies an even

brought about when A provides B with what is required for moral and political autonomy out of a disposition of respect is that of community or solidarity.²¹ These two revisions, however, come at a price for the original theory. The first requires the revision of a fundamental axiom of the theory (e.g. that every thin good corresponding to one rich good) and the second requires treating respect not as a rich good itself but as a foundational moral disposition that brings about the rich good of community or solidarity via the provision of robust non-interference and the adequate resourcing of basic liberties.²²

Conclusion

This article has critically examined Pettit's treatment of respect as a rich good and found it wanting in four respects. First, the enjoyment of the rich good of respect requires resourcing the capacity to exercise basic liberties with an appropriate disposition, as much as it requires robust non-interference supported by an appropriate disposition. Refusing or neglecting to resource someone's capacity to exercise choice is a standard case of disrespect, because of what it implies for the status of that person as a human being: that she is unworthy of making those basic choices. I argue that respect as a rich good must have two thin dimensions: adequately resourcing the capacity to exercise choice on the one hand, and robust non-interference with basic liberties on the other, with the disposition requirement applying to both.

Second, giving the law a pivotal role in identifying and determining the demands of respect in local conventions is both unnecessary and undesirable. It is unnecessary because one could determine the maximum feasible level of the provision of respect for a particular type of society comparatively, and identify cases where the associated thin good of non-interference is more adequately entrenched and hence the rich good of respect is more likely to be provided or supported. It is undesirable because legal measures that reflect local standards of

deeper commitment to recognizing the inherent worth and dignity of every person. It is an attempt to provide a more determinate interpretation of 'respect for persons' that constitutes the moral foundation on which Rawls's theory of justice is built (Rawls 1999a, p. 513). See also Gosepath (2015).

²¹ This first revision of the theory follows from the criticisms raised in '[Disagreement and \(Dis\)respect](#)' and '[Respect as an Aspirational Ideal](#)' section of the paper.

²² This second revision is in line with the criticisms discussed earlier in the paper (in '[Respect as a Richer Good](#)' and '[Determining the Domain of Respect](#)' sections) that call for a more complex and determinate theory of respect.

respectful treatment are likely to be biased in favour of socially consolidated forms of unfreedom and disrespect. The upshot of this criticism is that Pettit may have to allow for greater determinacy in some aspects of his account of respect, and Republican freedom more generally, and pay more attention to how to distinguish cases of non-compliance from partial compliance with the demands of respect and entrenched non-interference in different types of societies.

Third, supporting respect as a rich good by legal measures in a society characterised by reasonable pluralism is overly demanding on dissenting minorities. It requires them to align their dispositions to laws they reasonably disagree with, and to program so as to act against their reasonable convictions. It is perhaps wiser, I argued, to accept that respect, as a rich good, is discretionary in those conditions and could only be demanded from those civil society associations one adheres and belongs to.

Fourth, the role given to law, by Pettit, leads to a difficult dilemma: either the full enjoyment of respect is not possible in nearby worlds or only possible in ideal conditions that are far from nearby worlds. It was suggested that a possible way out is to recouch respect as an aspirational ideal that could be only partially realized in nearby worlds and to revise the theory in order to make space for respect as a foundational moral disposition that motivates the provision of more than one thin goods as well as more complex rich goods.

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