

Phil 290-1: Political Rule
March 10, 2014

Being Under the Power of Others

Republican/Kantian thesis: There is an objection to certain ways of *being under the power of others*.

- *Interpersonal:* being under the power of *other wills*. Contrast being at the “mercy” of natural forces, or one’s own will.
- *Potential:* *it doesn’t matter how the power is actually exercised*. E.g., kindly slave-master.

Other possible values in the vicinity:

Dustin: Self-determination: that one’s life—or relevant aspects of one’s life (e.g., relationships, religion, career)—are guided by one’s choices.

- Roughly Raz’s notion of “autonomy”?

Joseph: Absence of violence (or the credible threat of violence).

- These may be interpretations of “freedom.”
- But I don’t think they are interpretations of “not being under the power of others” (whether interpreted as “domination,” “dependence” or “social subordination”). This is because they don’t share the, second “potential” feature. Instead, they depend on actual exercises.
 - However, the concern about violence may be, like being under the power of others, essentially interpersonal. This is if the concern is about violence as such, rather than only about its negative effects.
 - Suggested by objections to “harmless trespass” (e.g., nonconsensual surgery).
 - If the absence of violence only matters instrumentally, then to focus on the absence of violence seems fetishistic. Why not care equally about failures to protect others from the ravages of disease, natural disaster, etc.?
- On the one hand, there needn’t be any competition between these values and “not being under the power of others” (whether interpreted as “domination” or...). They might just be distinct concerns. (This is my own view.)
- On the other hand, one might argue that these values, without adding anything about social equality, better explain the relevant phenomena.
 - E.g., Dustin’s suggestion that the problem with the kindly slave master is that he makes all the decisions.
 - But the relevant case is one where the slave master reserves the right to make the decisions, but he lets your decisions stand, because he happens to like you.
 - Dustin says that hierarchy, or disparities of power and authority, in many relationships aren’t problematic, e.g., teachers/students, or managers/workers.
 - Even so, aren’t these cases in which we aren’t self-determining? So wouldn’t this show, by the same reasoning, that we don’t care about self-determination?
 - The reply might be: “But we choose to enter and are free to exit these relationships, so we are self-determining.” But to the extent

that we enjoy freedom of exit, less clear that disparities of power involve social inequality.

- If our concern is self-determination, or freedom from violence, then it is very plausible that the state achieves a better distribution of these values than would otherwise obtain. This was Bentham's point (see Pettit, 149).
- The state can't free us from threats of violence.
 - Can it free us from violence-that-we-can't-avoid-by-choosing-appropriately? Yes, but then so too can organized criminals.
- Perhaps the state can leave us self-determining, at least in all those areas of life that matter.

The Domination Interpretation:

The objection to being under the power of others is an objection to *domination*, where X "dominates" Y just when X is a will with the power to interfere in Y's choices that is "alien" and "arbitrary" with respect to Y.

Distinguish:

- concern about *actual* interference (compare the concern about force/violence for its own sake)
 - interpersonal: a concern about relations to other wills, as opposed to our own will or natural forces.
 - but not potential: not a concern about exposure to the *mere power* to invade.
- concern for *predictable* non-interference
 - One enjoys predictable non-interference when others will not actually interfere, even if one's own will were to change within some given range, and one is in a position to know this
 - compatible with being dominated, since others may still have the power so to interfere, even if one knows that they won't

Does the Domination Interpretation support the Kantian/Republican claims?

(1) *We avoid objectionably being under the power of non-state actors—in particular, other individuals in a state of nature—only if we live under a state.*

Plausibly, we need the state to achieve a just distribution of predictable non-interference, for reasons of coordination and assurance. But claim (1) goes further: even in an ideal state of nature, with no coordination or assurance problem, we would still need the state, to deprive others of the *power* to interfere.

How are we to understand "having the power" to interfere in the Domination Interpretation?

1. *Narrow Test*: Suppose that Y were to will interference with X. But hold fixed, to the extent possible, everything else, including all other *actual* wills. Then ask whether Y actually interferes with X. If so, then Y has the power to interfere with X, otherwise not.
2. *Wide Test*: Consider all the possible worlds in which Y wills interference with X. Is there any such world in which Y interferes with X without cooperation of some other will? If so, then Y has the power to interfere with X, otherwise not.

In any event, on either test, claim (1) seems questionable. Assume in our ideal state of nature:

- Everyone is actually, for his own independent reasons, disposed to protect any individual from interference by any other individual
- Thwartability: that such dispositions, where present, suffice to prevent interference.

According to either test, no one is dominated. If an individual wills to interfere, then holding fixed the wills of others, she cannot. And she needs other wills to agree in order to interfere.

(2) We avoid being objectionably under the power of non-state actors if we live under a properly constituted state.

Of course, one might defend (1) by denying Thwartability. After all, some attempts to interfere or invade will succeed, no matter how vigilant others are. But this then calls (2) into question. After all, even with a state, some attempts to interfere will succeed. So how does the state deprive individuals of the power to interfere with one another?

(3) The (or at least one) Further Objection to the State (an objection that persists even once we grant that the state is achieving the Common Good) is that, in being subject to its decisions, we are objectionably under the power of others, even if we can reliably predict that that power will be exercised well. (4) A properly constituted state avoids this Further Objection, even without consent or acceptability. This because, in being subject to the decisions of a properly constituted state, we are not objectionably under the power of others. (5) Such a state is, among other things, democratic.

Basic problem: Why aren't we still dominated by the state itself?

- Narrow Test: If the state wills to interfere, then holding fixed the wills of others, it can.
- Wide Test: The state doesn't need any wills to agree with it to act.

Reply 1: Being under the power of a properly constituted state is not being under the power of a "will" in the relevant sense

Pettit: *no will* is responsible for *the fact that* you might live in some state. If any particular state were to try unilaterally to bring about this pattern, it would fail. Another state would simply move in and take over.

- But why aren't we still dominated by whichever state we do live under? Compare captives at the fall of Troy.
- *Joseph*: Suppose my ability to say: "Nothing I can do will keep you from being dominated" implies that I don't dominate you. If I dominate you involuntarily, then I can say this. But if I can say this, then I don't dominate you involuntarily. So I can't dominate you involuntarily. But Pettit insists that I can. (Terrific point. May I steal it?)

Reply 2: The state brings about, or aims to bring about, the right end

But the right end can be achieved by:

- the kindly slave master
- my neighbors in the ideal state of nature
- my neighbor who takes it upon himself to improve local police protection, threatening to lock me in his basement if I don't contribute to his scheme, and doing so when I refuse

In any event, can't account for a *Further Objection* to the State.

Reply 3: A properly constituted state is a will that not only won't, but also can't, interfere except for the right sort of end.

- Suppose my neighbor would die on the spot if he tried to interfere with me for the wrong end. Does that vitiate the concern?
- What prevents the state from interfering for the wrong end? The military? Then why aren't we dominated by that will?
- *Ben*: Suppose country U is democratic, but country R stands ready to intervene. (See a paper by Nic Southwood, "Democracy as a Modally Demanding Value," *Nous*.) It seems that U, or its individual citizens, are dominated. Is U, or its individual citizens, somehow even worse off by way of domination if R sets up a dictator? If so, how would Pettit explain this?

Reply 4: A properly constituted state is controlled by those subject to it

Even in a democracy we do not, as individuals, control the state's interference. The most that can be said is that in the vanishingly unlikely case of a tie, my vote might be decisive. But that doesn't free me from domination. Suppose the master will toss a coin and if, but only if, it lands on its edge, the master will treat the slave in accord with his stated preference.

Appealing to equal claims to non-domination doesn't help:

- Equal shares of the People's control don't provide non-domination
- Equal claims to an indivisible good generally respected by a lottery. So a lottery for rule.

If the *People* controls the state, then perhaps the *People* is not dominated by the state. But it doesn't mean that I am not dominated as an individual.

The Subordination Interpretation

The concern about being under the power of others is a concern about social inferiority.

- *inferiority* to another individual. Contrast domination: exposure to another will, which need not be that of a *superior*, but may be of an equal, inferior, or neither.
- inferiority to another *individual*. Contrast domination: exposure to another will, which need not be the will of an *individual*, but may be the will of a collective.

Seems to fit Pettit's discussion *better* than domination, as he defines it.

1. *General descriptions*: "The idea that citizens could enjoy this equal standing in their society, and not have to hang on the benevolence of their betters, became the signature theme in the long and powerful tradition of republican thought" (OPT 2).
2. *Rhetoric*: "domination," "mastery," "servitude," "subjection," "despotism." Literal use is for recognized forms of social hierarchy.
3. *Paradigms*: the priest and the seminarian (R viii), the moneylender and the debtor (OPT 2), the clerk and the welfare dependent (R 5, OPT 7), the worker and the manager (OPT 2), the teacher and the pupil (OPT 1), the warden and the inmate (R57).
4. *Test*: of non-domination—that one can "look others in the eye," "walk tall," "not have to bow or scrape, toady or kowtow, fawn or flatter" (OPT 3, 82)—is not obviously a test of *immunity* to the power of others, but instead a test of *equal standing with* others.

What difference does this re-interpretation make? Living under the state, one cannot avoid being *exposed* to another *will*. What's less clear that one must be *subordinated* to another *individual*.

This supports claims (3)–(5): that democracy, even without consent or acceptability, might answer at least one Further Objection to the State, which persists even if the state achieves the right ends. The Further Objection is that in virtue of being subjected to the state's decisions, we are under the power of others: now understood as standing in a relation of inferiority to other individuals. And democracy has at least some promise of answering *this* objection. If we have equal opportunity to influence its decisions or the delegation of them, then we are not subordinated to any other person *merely in virtue of being subjected* to its decisions.

Also supports (2). Presumably, a properly constituted state would be one that would strive to avoid social inequality among its citizens.

But may not support (1). Perhaps there can be social equality without a state.

Doubts about the Subordination Interpretation

Doesn't capture a concern about others having the power, even if never exercised, to interfere or invade. The mere fact that someone is your social equal doesn't mean that he lacks that power.

- Should we be concerned, so long as we carefully control for confounding factors? No prospect of interference, nor even willingness held in check.

Doesn't capture a concern about being exposed to a *superior collective*.

- Should we be concerned, so long as we carefully control for confounding factors? No prospect of interference, nor even willingness held in check. Moreover, one enjoys equal influence over the collective. (Otherwise, we can explain the concern as one of exposure to the superior power of each of those other individuals.)
- Mysterious: If exposure to another *will* isn't a problem, why is exposure to a *superior will* a problem? It's clear why exposure to a superior will *of another individual* is a problem. We have an intelligible and legitimate claim to equality with individuals. But why is exposure to a superior *collective* a problem? There's no issue of equal status with collectives as such.
- Compatible with a vicarious concern about a collective to which an individual belongs being subordinated to an alien collective, with which *it* has a claim of equality.