

Being Under the Power of Others

Abstract: At the core of the recent revival and development of the republican tradition and of Kant's political philosophy is a suggestive thesis: that certain ways of being under the power of others are objectionable as such. However, if we understand the objection as Kantians and republicans understand it, then to live under a state is to be objectionably under the power of others. I suggest, instead, that the objection is better understood as an objection to being under the power of a superior person, and that it is rooted in a wider concern for social equality. To live under a state, at least if it is a democracy of the right kind, need not be to live objectionably under the power of others, so understood. The broader moral is that we need to guard against conflating a concern for nonsubordination—a concern, as it were, to “have no master”—with other forms of freedom. I close with another illustration of this moral, drawn from Rousseau.

Keywords: republicanism, Kantian political philosophy, domination, social equality, democracy, Rousseau

At the core of the recent revival and development of the “republican” (or “neo-Roman”) tradition—by Pettit (1997, 2012, 2014), Skinner (1998, 2002, 2008), Lovett (2010), among many others—and of Kant's political philosophy—by Ripstein (2009), Stilz (2009), Pallikkathayil (2010, 2017), among others—is a highly suggestive, but elusive thesis. This *Kantian-Republican Thesis*, as I will call it, holds that certain ways of *being under the power of others* are objectionable as such. Stressing the word “others,” this is to say that we have an objection to being under the power of other wills. Being at the “mercy” of natural forces or one's own will is not troubling in the same way. Stressing the word “power,” this means that we have an objection

however the power is actually exercised. Paradigms of the kindly slave master, the husband who keeps his wife in a gilded cage, the aristocrat given to noblesse oblige, the colonial administrator who bears the “white man’s burden” are all meant to tap an anxiety about being under the power of others, even when that power can be predicted to be benevolently exercised.

There may be something to the Kantian-Republican Thesis. But if there is something to it, I believe that Kantians and republicans misunderstand what that something is. One indication of this, as I argue in sections 2–3, is that if we accept their *Domination Interpretation* of the Thesis, then we are driven to the conclusion that to live under a state is to be objectionably under the power of others. In particular, although it is sometimes suggested that a democracy of the right kind might free us from being objectionably under the power of others, this is not so, on the *Domination Interpretation*. In sections 4–5, I suggest an alternative, less ambitious interpretation of the Thesis, which is more defensible, or, at any rate, better supported by many of the considerations thought to tell in favor of the Thesis. On this *Subordination Interpretation*, the objection is, specifically, to being under the power of a superior, and it is rooted in a wider concern to stand in relations of social equality, or nonsubordination, with others. On the *Subordination Interpretation*, it is not a foregone conclusion that to live under a state is to be objectionably under the power of others. In principle at least, to live under the right sort of democratic state might not be to be objectionably under the power of others, whether in their official or private capacity. The right sort of democratic state would be, roughly, one whose decisions, procedurally, individuals had equal opportunity to influence and, substantively, upheld relations of equality among individuals. The broader moral, I suggest, is that we need to guard against conflating a concern for nonsubordination—a concern, as it were, to “have no master”—with other forms of freedom. I conclude, in section 6, with another illustration of this moral: a

conflation in Rousseau's *Social Contract* of two ideals of democracy, stemming from a conflation of nonsubordination and freedom understood as a kind of positive self-rule.

1. The Domination Interpretation

I introduced the phrase “being under the power of others” as a neutral label for the target of the objection, whatever it is, that is elicited by paradigms like that of the kindly slave master. But this target can be understood in different ways.

For Pettit, 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. Although this formulation can serve as a rough model, not every advocate of the Kantian-Republican Thesis will sign on to it as it stands. Less substantively, Kantians may favor the label “dependence” to “domination.” More substantively, they may argue that what matters is not interference in choice, but instead the (nonconsensual) use or destruction of Y's body or property. And they may argue that what matters is not that the will is “arbitrary” with respect to Y, but instead that it is “private” or “unilateral.” So I will address a formulation that tries to remain neutral on these substantive differences. This *Domination Interpretation* holds that the objection to being under the power of others is an objection to domination, where X dominates Y (let us now say) when X is a will with the power to *invade* Y, which will is “alien” with respect to Y and either (i) “arbitrary” with respect to Y, or (ii) “private” or “unilateral.” To “invade” Y is either (i) to interfere in Y's choice or (ii) to use or destroy Y's body or property without Y's consent. While the Domination Interpretation may still not catch every branching version of the Kantian-Republican Thesis, it channels the main current.

It is crucial to distinguish being under the power of others, on the Domination Interpretation (or indeed on any other interpretation), from what might be called *predictable non-invasion*. One enjoys predictable non-invasion just when one can predict that others will not, in fact, invade (however one chooses from among some sufficiently broad range of options).

In one way, our concern about predictable non-invasion may be like our concern about being under the power of others. It too may be a concern, specifically, about how other wills relate to us. We are concerned about predictable non-invasion, presumably, because we are concerned about invasion. And our concern about invasion may well be, at least in part, a concern specifically about our relations to other wills, rather than about some independent harm that might just as well have been brought about by natural forces or our own imprudence. Ripstein's (2009: 22) examples of harmless trespass suggest this. Suppose I break into your house, while you are away, and sleep in your bed, without leaving any physical traces. Your concern is not about some independent harm that you suffer. My trespass is harmless. Nor is your concern about your mere loss of control over what happens to your property. Had a gust of wind blown your door open, rustled your sheets, and then a countervailing wind undone the effects of the first, you would have had no concern at all. Nor had you done the same yourself in your sleep. Your concern may be, specifically, about a loss of control over what another will does to your property.

In another way, however, predictable non-invasion differs from being under the power of others. Even if you can predict that others will not in fact invade, and so enjoy predictable non-invasion, they may still have the power to invade, and so you may be under their power. Although they do not actually will invasion, if they were to will invasion, they would invade. And if the only thing that holds them back is their "arbitrary" or "unilateral" will, then, according

to the Domination Interpretation, you are objectionably under their power. You are dominated by them. You stand to them as the slave stands to a benevolent master (Pettit 1997: 24–25; 2012: ch. 1.4; Ripstein 2009: 15, 36, 42–43).

This point is the crux of a simple argument for a claim, advanced by Kantians and republicans, that we need a state. More precisely, *Needed Against Private* holds that any condition that counts as a state of nature is one in which every individual is objectionably under the power of other individuals. Therefore, no matter what the state of nature would be like, we avoid being objectionably under the power of other individuals only if we live under a state. As Kant (1797: §44) famously puts it, the state is necessary “however well disposed and law-abiding human beings might be.”

To set the stage for this argument, consider two reasons why, at least under certain contingent conditions, a just distribution of predictable non-invasion might require the state. One reason is coordination. There are many just distributions of predictable non-invasion. If each individual tries, independently, to realize one of these distributions, each is likely to try to realize a different distribution. For example, I may try to realize a distribution in which I work the land to the east of the creek and you work the land to the west, whereas you may try to realize a distribution in which I work the land to the west of the creek and you work the land to the east. This is likely to result in a worse distribution than if the state were to make some particular scheme salient. I may plow up the field you just planted. Another reason is assurance. I may not be able to predict that you will try to realize even a salient distribution. In order to enjoy a just distribution of predictable non-invasion, each needs to be assured that the state stands ready to prevent others from invading.

Needed Against Private goes further. Even in an ideal state of nature—where there is no problem of coordination—where a single, definite scheme strikes us all as natural—and no problem of assurance—where we know, in the way that we know of good neighbors, that they will not, in fact, invade—we would still need the state. According to the simple argument, this is because, so long as we remain in a state of nature, other individuals retain their power of invasion. Although they do not will invasion, if their wills were to change, they would invade. They dominate us (Pettit 2012: 181–4; Stilz 2009: 56; Pallikkathayil 2017). So we need the state to deprive them of this power.¹

The notion of X having the “power” to invade Y needs to be made more precise. Although the literature says surprisingly little about when X has the power to invade Y, it seems to assume something like the following *Can Do Test*. Imagine that X were to will to invade Y. Hold fixed, to the extent possible, everything else, including all other actual wills, besides X’s.² Then ask whether X invades Y. If so, then X has the power to invade Y, otherwise not.³

¹ Ripstein (2009: 173) however, does not make (or does not read Kant as making) this simple argument for Needed Against Private. Once we have set aside issues of coordination and assurance, he seems to suggest, the only remaining problem concerns the acquisition of property: namely, that in a state of nature, acquisition amounts to one person unilaterally putting others under enforceable obligations. In fact, one wonders whether, despite Ripstein’s invocations of the kindly slave master and the republican tradition, his arguments require that dependence be identified with being under the *power* of a unilateral will to treat one in certain ways. Those arguments might not change much if Ripstein held that one is dependent insofar as one is *actually* treated by a unilateral will in those ways.

² Why keep all other wills fixed? If we don’t hold all other wills fixed, then we can’t hold the existence and character of the state fixed, since the existence and character of the state depend, in complex ways, on human wills. And if we can’t hold the existence and character of the state fixed—in particular, the fact that the state stands ready to prevent each from invading another—then it isn’t clear how we can maintain Suffices Against Private: that if we live under a properly constituted state, then we are not objectionably under the power of other individuals.

³ At times, the literature may suggest a “Can Do With Impunity Test”: if they were to do it, they would be punished. But why should we care whether someone would be punished after the accomplished fact of their invasion, if our concern is being proof from invasion? Of course, the

As Kantians and republicans recognize, *Needed Against Private* provides little or no argument to leave a state of nature unless it is complemented by two other claims. Accordingly, they argue or assume that these claims are also true. *Suffices Against Private* holds that if we live under a properly constituted state, then we avoid being objectionably under the power of private individuals. And *Suffices Against State* holds that if we live under a properly constituted state, then we avoid being objectionably under the power of the state itself. We leave open, for now, what makes a state “properly constituted”: whether it requires, say, the rule of law, a separation of powers, democratic sovereignty, or something else.

2. Can we be free from domination by the state?

For the time being, suppose that *Needed Against Private* and *Suffices Against Private* have been established. The state, and only the state, can deprive other individuals of the power to invade, and so free us from domination by them. All the same, why aren't we then exposed to the state's power of invasion, and so dominated by the state itself? Suppose, by analogy, that you are the slave of the kindly master. Now suppose he acquires a second slave. And suppose that he makes it the case, by threats or barriers that he controls, that neither of you can invade the other—as slave masters, kindly or not, are wont to do. How could that free you from domination by him?

Presumably, a properly constituted state is supposed to be different from this kindly master. That is what *Suffices Against State* claims. But how different? For Kantians, for example, a properly constituted state is a “public” or “omnilateral” will, rather than a “private” or “unilateral” will. Suggestive words, but what exactly do they suggest?

2.1. Not a will

fear of punishment may be why they *won't* will to exercise the power of invasion that they nonetheless have, but what they *won't* do seems a matter of predictable non-invasion.

One possibility is that, strictly speaking, the state isn't a will at all. However, the state makes decisions and takes actions in coordinated and structured ways. Why isn't that enough to make the state a will as far as the Domination Interpretation is concerned? Granted, one might argue that while we should be concerned about being under the power of individual wills, we should not be concerned about being under the power of collective wills, such as the state. But this would be a step toward the Subordination Interpretation of section 4.

Pettit (2012: 160–6) pursues, in a different direction, the idea that in being exposed to the state we are not under the power of a will in the relevant sense. He doesn't so much deny that the state is a will. Rather he emphasizes that no will is responsible for the fact that one lives under some state. Pettit is not denying, I take it, that there is some possible pattern of human action that would avoid my being exposed to some state. His point is instead that if any particular state were to try, on its own, to bring about this pattern, it would fail. Another state would simply move in and take over. Thus, each state can honestly say to its citizens: "Nothing we might do would make any difference as to whether you are exposed to some state."

Suppose this is true. It hardly seems to follow that the state doesn't thereby dominate its citizens. Compare taking captives at the fall of Troy. Each can honestly say to Hecuba, "If I don't dominate you, another Achaean will." True, but does it mean that Hecuba wasn't dominated by whoever does take her captive?⁴

2.2. Won't invade except for the right sort of end

⁴ In personal communication, Joseph Moore raises another problem. Pettit seems to be assuming that if I can truly say "Nothing I can do will keep you from being dominated," then I don't dominate you. But this implies that I cannot dominate you involuntarily. And Pettit (2012: 62) suggests that I can dominate you involuntarily.

One might next suggest that a properly constituted state won't invade except for the right sort of end. For Ripstein (2009: 192), a "public" will is one that acts with a "public purpose": that is, in order to achieve a condition of equal independence.

So stated, this answer is uninformative. It defines "public" in terms of "independence"—a public will seeks (a condition of equal) independence—whereas "independence" is itself defined in terms of "public"—independence is exposure only to public wills (but not private wills). By contrast, if a "public purpose" is understood as a condition not of equal independence, but instead of equal predictable non-invasion by any will, public or private, then the suggestion is informative. But then the kindly slave master seems to be acting from a public purpose; he never invades the slaves, except to prevent them from invading one another. Indeed, the same is true of my neighbors in the ideal state of nature. And the same would be true of 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. Yet one would have expected Kantians to count these all as "private" wills.

More generally, any reply of this form—that one is not objectionably under the power of another will so long as that will actually exercises its power for the right ends—seems at odds with one of the defining features of being objectionably under the power of others, which all the relevant parties accept: namely, that it does not depend on how the power is actually exercised.

2.3. Not only won't, but also can't, invade except for the right sort of end

Perhaps, then, a properly constituted state is a will that not only won't, but also can't, invade except for the right sort of end. Pettit (1997: 23, 55) understands an "arbitrary" will as a will that

is not forced, in the exercise of its powers, to pursue a certain end: to track one's interests and ideas.⁵

On the one hand, I doubt that this really captures the concern. Suppose that my neighbor, who has taken it upon himself to act as a state, has a brain defect, such that if he were to try to lock me in his basement for any end other than to improve local police protection, he would die on the spot of an aneurysm. Would that assuage the concern about his taking it upon himself to lock me in his basement for that end?

On the other hand, what forces the state to pursue the right sort of end: that is, prevents it, if it should will invasion for the wrong ends, from so invading? Surely no natural force holds it in check. And yet if the state is held in check by some other will, then why aren't we dominated by that will? Compare a master who controls whether one particularly strong slave will be constrained in his dealings with other slaves. And, as Pettit (2012: 202) observes, I don't avoid domination if I must rely on the military to hold the state in check.

It might be replied that what holds the state in check, even though a will, lacks the power to invade us (for the wrong ends). It might at first seem puzzling how this could be. "Mustn't this checking power have the power to invade? After all, if it should will invasion, then all it needs to do is to lift its check on the state. The state will then invade, acting as its agent or instrument."

However, on the Can Do Test, whether the checking power has the power to invade depends on whether the state it checks actually wills invasion. If the state does not actually will invasion, then the checking power has no power to invade. Let the checking power will

⁵ Although Pettit's account of non-arbitrariness is "substantive," requiring being forced to a certain end, the arguments in the text apply as well to a "procedural" account, such as Lovett's, which requires simply being forced, to whatever end.

invasion. Let it remove its check so as to bring it about. All the same, holding fixed the will of the state not to invade, no invasion will take place.

How might this abstract possibility, of a power to check invasion but not to invade, be realized? Through divided government, with a separation of powers, it might be said. A properly constituted state is one in which each branch can check the actions of the others. Suppose no branch actually wills invasion, but each is disposed to check, and can check, the attempt of any other branch to invade. Then, by our test, no branch has the power to invade.

The difficulty is that even if no branch taken singly has the power to invade, it isn't clear why the composite state, all three branches taken together, lacks the power to invade. It might be said that the composite state itself, while having that power, does not count as a will. But why not, given that it reaches decisions and takes actions through structured and coordinated procedures? The stock analogy to slavery is not encouraging. Compare three siblings who have jointly inherited a slave, on the condition that each has a veto over any invasion of the slave by the others. Would this free the slave from domination? And, on the other hand, do we really want to say that the absence of any separation of powers—say, Westminster-style government, with a parliamentary executive and no judicial review of primary legislation—is, of conceptual necessity, dominating?

This brings us to another possible answer to the question: Why aren't we dominated by whatever holds the state in check? What holds the state in check, while not a natural force, might not itself be a will. How might this abstract possibility be realized? By the rule of law, it might be said, which is no one's will (Larmore 2003; Ripstein 2009: 9, 191; Stilz 2009: 73; Pettit 1997: ch. 1.V; Lovett 2010: ch. 4.2.3; List 2006). Indeed, I suspect that much of the appeal of

the ideal of the rule of law derives from the thought that the law is impersonal. To be ruled by law, it is said, is not to be ruled by men.

But this suggestion faces two basic problems. The first is that if some people make the law, at least by a coordinated and structured process, then the law would seem to be their will (Sharon 2016). Granted, it is conceivable that the law might be made in such a way that it was no one's will. Law could be made by lottery. Law could be a timeless, received code. Law could be a social convention that arose as organically as a natural language (a kind of limiting case of a certain ideal of the common law) (Pettit 2012: 134–5). Still, it would be odd to suppose that only a regime of law made by no one could save us from domination.

Moreover, even if we imagine a law made by no one, we still face a second problem. How does this law constrain the state, if not by means of something that enforces the law? What if the state—or, if you like, all of the natural persons who occupy offices within the state, exploiting its structure and coordination—were to decide to disregard the law? What, other than a will, might hold the state in check?

Perhaps we can imagine that each natural person, who does not occupy an office within the state, is disposed to resist any attempt by the state to disregard the law. And perhaps this pattern of individual dispositions would not itself involve sufficient structure and coordination to constitute a collective will itself. But the less structure and coordination this pattern has, the less it will be able to hold the state in check. Or, at very least, the less structure and coordination this pattern has, the weaker the state must be for it to hold the state in check. And the weaker the state, the less it will be able to satisfy Suffices Against Private (let alone any other function expected of the modern state).

2.4. Controlled by those subject to it

Putting a new gloss on “arbitrary,” Pettit (2012: 57–8) suggests that a will is arbitrary with respect to one just when it is a will that one does not control. When one controls the invasion, the alien will is acting as one’s servant, rather than as one’s master, and so one is not dominated. Thus, a properly constituted state is a democratic state: a state that we, the people, control (ch. 3.4). More ambitiously, one might go so far as to say that the decisions of a democratic state simply are our own decisions. The will of state is the will of the people, and the will of the people is our will. It doesn’t even matter whether the will of the people is arbitrary. It isn’t alien, and that alone is enough to free us from domination.

However, our question is whether each of us is, as an individual, dominated by the state. And even in the most idealized democracy I do not, *as an individual*, control the state’s invasion. Still less can it be said that the state’s will, even if it just is the people’s will, is my will, *as an individual*. This is clearest in cases in which the people’s will and my will will different things. But it remains true even when they happen to coincide. It remains the case that the people *could* have willed something different from what I willed, that I determined only one and not the other, and so on.

The most that can be said is that in the vanishingly unlikely case of a tie, my vote might be decisive. A tiny chance of decisiveness, however, can’t free one from domination. Suppose a master, as a kind of cruel joke, informs his slave of the following plan. The master will toss a coin. If, but only if, it lands on its edge, the master will treat the slave in accord with his stated preference. How is gaining the franchise any different? If, but only if, the votes of everyone else line up just the right way, one’s vote will determine how the state treats one. If this tiny chance of decisiveness is not enough in the case of the slave, why should it be enough here?

Here one might stress that we must respect everyone's equal claims (Pettit 2012: 168). "Whatever control is given to you must be equally given to everyone else. Granted, you aren't given individual control, but you are given the closest thing compatible with giving the same to everyone."

But, first, this does not address the basic problem: What is being distributed isn't control, and so it offers no relief from domination in the first place. It says, in effect, "Granted, you aren't given relief from domination, but you are given the closest thing to what you would need for relief from domination compatible with giving the same to everyone." Compare a doctor saying: "Granted, this fraction of a tablet won't lessen your symptoms, but it is the closest thing to what would be needed to lessen your symptoms compatible with giving the same to everyone."

Second, let us assume that control is the only way to avoid domination, and that only one, or a few, can enjoy control in any meaningful measure. In that case, we have a scarce, indivisible resource. The appropriate response to equal claims in that case, presumably, is a fair lottery. Thus, the appropriate response to equal claims to control would seem to be not democracy, but instead a lottery for dictatorship.

To be fair, Pettit doesn't say that we, as individuals, control the state. He says that, in a democracy, we have an equal share in the people's control over the state. This is more plausible, but less relevant. If the people controls the state, then perhaps the people is not dominated by the state. And perhaps (as I discuss in section 5) this assuages a kind of vicarious, collective concern that a group (such as the people) to which I belong not be dominated by another group (such as the state). But it doesn't mean that I am not dominated as an individual. It is still the case that

the people, a will that I do not control, controls the state's invasion of me, just as the military, a will that I do not control, might control the state's invasion of me.

Note also that it is not clear why I need to have an equal share in the people's control in order to avoid vicarious collective domination by the state. Is the thought that unless I have an equal share, I do not belong to the people? But, first, this isn't intuitively obvious. Members of a colonized people might take their people not to be dominated when the colonizer is thrown off, even if they do not have an equal share in control over their people. Not all anti-colonial movements are democratic. Second, it seems to imply that I avoid vicarious domination even if I don't have an equal share. For if I don't have an equal share, then I don't belong to the group. And if I don't belong to the dominated group, then I am not vicariously dominated.

3. Does the state minimize domination?

To sum up: It is hard to see how we can sustain Suffices Against State, on the Domination Interpretation. To live under a state (or at least a state whose decisions are made by someone, or a state that is strong enough to Suffice Against Private) is to be objectionably under its power, at least as far as the Domination Interpretation is concerned.

An adherent of Domination Interpretation might concede the point. There is no way to avoid domination. The aim is to minimize domination. And the state is part of best minimizing strategy. This is because the state, and only the state, frees us from domination by other individuals, as Suffices Against Private and Needed Against Private claim. I doubt that this aim of minimization will appeal to some Kantians, for whom a miss is as good as a mile in normative matters. And some republicans also appear to hold out the possibility of a state that would free us from domination, as opposed to merely lower our net unfreedom (Pettit 2009: 40).

In any event, are Needed Against Private and Suffices Against Private true, on the Domination Interpretation? Needed Against Private, at least when understood as a necessary truth about any state of nature, is not true. There are contingent conditions under which the state would not be needed to deprive individuals of the power to invade one another. Suppose that in our ideal state of nature, everyone is, for his own independent, idiosyncratic reasons and without prior agreement, disposed to protect any individual from invasion by any other individual. Would any individual then have the power to invade any other? According to the Can Do Test, this comes to the question: If any single individual were to will to invade another, would he succeed, holding fixed the wills of others? The answer seems to depend entirely on contingent physical or technological conditions.

Next consider Suffices Against Private. Does a properly constituted state deprive individuals of the power to invade one another? As things are, the state does not deprive me of the power, for instance, to trespass on my neighbor's yard. Of course, I won't do so, because, as she knows, I respect her rights, and I'm reflexively obedient to the (relevant part of the) law. All the same, if I were so to will, I could do it with ease. So, as far as the Can Do Test is concerned, I retain the power. We can imagine contingent technological or physical conditions in which the state might deprive me of this power. The state might be able, for example, to fit me with a bracelet that would incapacitate me should I so much as will invasion. And we might insist that, in order to count as "properly constituted," a state would have to implement such a scheme of incapacitation. We might thus vindicate Suffices Against Private, but only by ratcheting up what a "properly constituted" state requires.

In any event, Kantians and republicans might reply that they need defend nothing as unqualified as Needed Against Private or Suffices Against Private. What matters, they might

say, is that in the most likely contingent conditions, the introduction of a state roughly like the better ones known to us would reduce, if not eliminate, our domination by other individuals. That is enough for the case that the state minimizes domination.

However, this suggestion, that the state minimizes domination, still faces two deeper questions. First, as we have observed, the state doesn't deprive me of the power to invade my neighbor. If I were to will to climb over her fence, nothing would stop me. Is the state failing in some important respect, which it should be at pains to minimize? Not if our ordinary judgments are any guide. My neighbor does not feel dominated by me, in any ordinary sense of the term, because of my mere physical capacity (as though my pulled muscle is her liberation). Nor would she, I suspect, without a great deal of philosophical priming.

Second, it's not clear how this minimization of domination, even as a conceptual matter, is to be understood, or why the state should be assumed to minimize domination. Crucially, how are we to trade off being subject to the numerous, less powerful wills of individuals against being subject to the single, vastly more powerful will of the state? Granted, to turn Locke's famous metaphor (1698: §93) to a different purpose, we are much *less likely* to be treated badly under a single lion of the right kind, than surrounded by many polecats. But is it better or worse to be exposed to a single *merely counterfactual* lion or several *merely counterfactual* polecats? How are we even to think about it? It isn't just simply that we lack a settled theory, but moreover that we lack particular judgments to guide its construction.

4. The Subordination Interpretation

Perhaps, though, the Domination Interpretation was a false start. Pursuing this conjecture, I explore a different interpretation of the Kantian-Republican Thesis. On this *Subordination Interpretation*, the Thesis is animated by a concern about being on the losing end of an

asymmetry of power with another person. And this concern is, in turn, part of a broader anxiety about standing in relations of social inferiority, or subordination, to other individuals, with whom we have a claim of equality.

I take it that we intuitively grasp the notion of relations of social inferiority: that, in virtue of how a society is structured, some can be “below” and others “above” in a sense that is immediately familiar, even if its analysis is elusive. We recognize the paradigms. We know that slave is in some sense “below” master, that Brahmin is “above” Untouchable, and so on. Relations of social inferiority and superiority are the analogue, transformed by language and self-consciousness, of “pecking order” in other social animals.

In Kolodny (2014), I try to analyze what relations of social inferiority are, in general terms (which do not define them either in terms of specifically political or specifically non-political relations). Here I merely report some conclusions, in order to contrast social inferiority with domination. On the one hand, social inferiority turns out to be broader than domination. It consists in asymmetries not only in the power to invade, but also in asymmetries of power of other kinds. It also consists in asymmetries of de facto authority, understood as the ability to issue commands that are, for whatever reason, generally complied with, and asymmetries of consideration, understood as being favored by certain attitudes and forms of treatment, such as respect and courtesy.⁶

On the other hand, and more importantly for present purposes, social inferiority turns out to be narrower than domination, in two respects. First, social inferiority is a matter of *inferiority* to another individual. By contrast, domination is a matter of exposure to another will, which

⁶ The Subordination Interpretation thus explains why racial discrimination is so often listed alongside republican paradigms of domination. All are forms of social inequality. As Lovett (2010: ch. 4) observes, some accounts of domination cannot explain this, since racial discrimination need not involve power that is arbitrary in the relevant sense.

need not be that of a superior, but may be of an equal, inferior, or none of the above (Pettit 1997: 52).⁷ Second, social inferiority is a matter of inferiority to another *individual*. By contrast, domination is a matter of exposure to another will, which need not be the will of an individual, but may be the will of a collective (Pettit 1997: 52). And, as I return to in section 5, the first point explains the second. Our claims to equality are with individuals, not collectives.

When one re-reads republican and Kantian discussions with this notion of social inferiority in mind, one finds that social inferiority often fits them at least as well as, if not better than, domination. For one thing, Pettit's (2012) general descriptions of non-domination frequently are just descriptions of social equality: "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" (2, see also 11).

Consider, next, the rhetoric that is used to characterize being under the power of another: "domination," "mastery," "servitude," "subjection," "despotism." As a matter of etymology and common usage, these don't mean "being exposed to another will." They mean something more specific, which involves a relation of inferiority or subordination to another person. That is, we understand what "domination," "mastery," "despotism," and so forth, are, in the first instance, by reference to recognized forms of social hierarchy.

Consider, next, the paradigms that are used to elicit concern about being under the power of another. These are not cases of merely being exposed to the power of another will, but instead of being subordinated to a superior person in an established social structure. In addition to the paradigms listed at the outset, witness Pettit's (1997: viii, 5, 57; 2012: 1, 2, 7) examples: the

⁷ Indeed, this feature of the Domination Interpretation is required for the simple argument for Needed Against Private sketched in section 1. Lovett, however, builds into his official definition of domination that there be an imbalance of power. His view thus resembles the position described in section 5.

priest and the seminarian, the creditor and the debtor, the clerk and the welfare dependent, the manager and the worker, the teacher and the pupil, the warden and the inmate.

Granted, we are eventually presented with an instance of mutual domination among equals: our neighbors in the state of nature. But this is an extension, into a new context, of concepts that we are expected to grasp first from recognized forms of social hierarchy. After all, when Ripstein (2009) seeks to tap anxiety about dependence, or when he introduces independence as a “*compelling* normative” idea, he glosses it as “to be one’s own master” (4), understood as: “to have no *other* master,” “that no person be the master of another” (36). And this is unsurprising. To audiences not primed in the right way, “Let us have no masters” is a rousing political slogan. “Let us have no peaceful and benevolent co-equal neighbors” is not.

Next, Pettit’s (2012: 8, 82) test of non-domination—that one can “walk tall amongst others and look any in the eye,” “not have to bow or scrape, toady or kowtow, fawn or flatter”—is not obviously a test of immunity to the power of others, but instead a test of equal standing with others. Think of boxers eyeing one another before a bout.

What difference does this re-interpretation make? Again, living under the state, one cannot avoid being exposed to another will. However, it’s less clear that one must be subordinated to another individual. Granted, the state’s decisions exercise great power over our lives, and not simply in terms of invasion. But, at least in principle, we can imagine democratic arrangements, in which each person has equal opportunity to influence the state’s decisions or the delegation of making them. Perhaps each person has equal and positive opportunity. Or perhaps each person has equal opportunity, because no one has opportunity, because decisions are made by no one, as suggested in section 2.3. In either case, as I argue in Kolodny (2014), we would not be subordinated to any other individual merely in virtue of being subjected to the

state's decisions (although of course we might be subordinated to other individuals in other ways). There would be no other person, qua citizen, of whom I could say: "Because he has greater opportunity than I have to influence what the state does, in being subjected to its decisions, I am subordinated to him." Of course, much more needs to be said. For a start, see Kolodny (2014).

Recall from section 2.4 that as far as domination is concerned there is no difference between the coin-flipping master and an extension of the franchise. In both cases, one's degree of exposure to an uncontrolled alien will is exactly the same. But as far social equality is concerned, there is—as intuitively there seems to be—a significant difference. As the slave of a master, one does not stand in relations of social equality, whereas as a citizen with as much say as any other citizen, one may yet do so. One might add that insofar as domination is concerned, being a dictator is categorically better than having equal opportunity to influence, since being a dictator frees one from domination. By contrast, insofar as social equality is concerned, being a dictator is clearly worse, since it closes off any relations of social equality with others.

This Subordination Interpretation thus gives Suffices Against State a new lease on life. The concern about being objectionably under the power of the state is now interpreted as a concern that, merely in virtue of being subjected to the state's decisions, we are put in relations of inferiority to other individuals. Imagine a "democratic" state, in the sense of one which realized "political equality": whose decisions, or the delegation of whose decisions, each of us has equal opportunity to influence. Then we are not subordinated to any other person merely in virtue of being subjected to its decisions. Granted, certain state decisions may still, in virtue of their *content*, put us into, or fail to lift us out of, relations of subordination to other individuals. But the mere fact that we are subjected to state decisions, *as such*, does not do this.

Now, a proponent of the Domination Interpretation might reply that if *we* have equal opportunity to influence the state's decisions, then the state's decisions are no longer the decisions of an *alien* will, but rather *our own* will. Thus, we are not dominated by the state. But this is just to revive (the more ambitious version of) the thought that set the unhappy dialectic of section 2.4 in motion. A will that we have equal and positive opportunity to influence may be *our* will, but it can't be said to be *my* will. Again, what can be said, and what matters for the Subordination Interpretation, is that it is *no more* the will of *any other individual*. Thus, in being subjected to it, I am not subordinated to any other individual. Furthermore, this can be true of decision procedures that can't be said to be *our* will *at all*. Procedures, such as lottery, that give us equal opportunity to influence by giving us equally *zero* opportunity can't be said to be our will, let alone my will. Nevertheless, such procedures can be said to be no more the will of any other individual than my own, which is what matters for nonsubordination.

If a "properly constituted" state is not only one whose decisions are reached by a process that gives everyone equal opportunity for influence, but also one whose decisions have a content that guards against subordinating some individuals to other individuals, then Subordination Interpretation supports not only Suffices Against State, but also Suffices Against Private. A state that prevented some citizens from descending into relations of inferiority to others—a "democratic" state in the sense of one that ensured that private persons comprised a "society of equals"—would be a state that freed us from being under the power of other private individuals, as the Subordination Interpretation understands that phrase.

One might worry, however, that so long as some individuals have greater "natural" power, it remains true, no matter what institutions we imagine, that if they were to will to

exercise this greater “natural” power, to determine what the law was or to defy it, they would be successful. So no institution can free us from being under the power of others after all.

But this objection assumes that inequalities of power are determined by something like the Can Do Test: by what others would do if they so willed. Why is that the appropriate test, if what we are trying interpret is an ideal of social relations, rather than an ideal of insulation? To be sure, it might be subordinating if one stands in (what we would at least otherwise call) relations of equal power only insofar as others refrain from asserting their greater “natural” power over one as a condescending gift or as something up to their personal discretion. But in order for others’ ceding one equal opportunity to influence to be *not like that*, others don’t have to be literally *incapacitated* from doing otherwise. Perhaps it’s enough that they won’t will otherwise because of their recognition of one’s entitlement to equal standing, or their acceptance of the law as a higher authority: that is, their reflexive obedience, their fear of the consequences, their respect for the Constitution. And we might add, what is already to some extent implied by “recognition” or “acceptance,” that these motivations would weather a range of counterfactual changes in conditions. Granted, if “being under the power of others” is a matter of personal security, then we might expect it to be constituted solely by what others (actually or counterfactually) do, not why they do it. But if “being under the power of others” is a matter of interpersonal relationships, then we should expect it, like enmity and friendship, to be partly constituted by what moves others.

Finally, like the Domination Interpretation, the Subordination Interpretation does not support Needed Against Private in its exceptionless form. In principle, there could be nonsubordination in a state of nature—at least a state of nature of two, with no question of combinations of power. Indeed, I suspect that much of the appeal of a Lockean state of nature

owes to its image of an idyll of equality, in which no man is ruled by any other. However, in many contingent conditions, in which asymmetries of power obtain and tend to accumulate, the state will be needed to free us from being objectionably under the power of other individuals.

5. Doubts about the Subordination Interpretation

But very this admission, that an egalitarian state of nature could be without subordination, might prompt an objection. The Subordination Interpretation simply doesn't capture the intuitive concern about being under the power of others with which we began. For although the egalitarian state of nature is without subordination, it still provokes the same concern. And this is because, as the Domination Interpretation reflects, each of our pair of equals is still exposed to the other's power of invasion.

I can only reply that we should question whether it does provoke the same concern. We are to imagine that it is common knowledge between them that neither will ever invade. We are to imagine that it is common knowledge that this is because each recognizes the moral claims of the other, so that there is no suppressed ill will to resent. And we are to imagine that there are no asymmetries of power, or anything else, on which relations of superiority and inferiority might be based. Once these confounding factors are set aside, I no longer see a problem that a political philosophy needs to solve. Recall my neighbor's equanimity, in section 3, about my bare physical ability to trespass.

Others might object that the Subordination Interpretation doesn't capture a concern about being exposed to a superior collective. This view grants, with the Subordination Interpretation, that the objection to being under the power of others is an objection to inferiority. But it denies that this inferiority needs to be to an individual. The objection to being under the power of

others, it says, is just an objection to being exposed to a superior will, whether individual or collective. And even in an ideal democracy one would be exposed to the collective will.

Again, however, it's not clear to me that there is an intuitive concern here, so long as we carefully control for confounding factors. As before, we need to imagine that one knows that the collective never will invade, precisely because it respects one's claims. Moreover, we need to imagine that the collective in question is one over whose decisions one enjoys equal influence. For the Subordination Interpretation can easily account for a concern about being exposed to groups over whose decisions other individuals have greater influence. In being exposed to the power of such groups, one is exposed to the superior power of each of those other individuals: namely, the superior power that they enjoy in virtue of their superior influence over the group.⁸

Moreover, the Subordination Interpretation answers a question that this interpretation leaves 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? Again, there's no issue of equal status with collectives as such. I may have a legitimate claim to be the equal of individuals who have greater influence over collectives, but I don't have an intelligible, let alone legitimate, claim to be the equal of collectives themselves. What would it even mean for me to be the "equal" of Indonesia, say, or the Roman Catholic Church? If I am the "equal" of the City of Albany, the State of California, and the United States, and if equality is transitive, would the city, state, and nation then be equals?

⁸ So the Subordination Interpretation can explain why the specific examples that Pettit (1997: 53; 2012: 2) cites as examples of domination by groups are objectionable. These are all cases in which, in being exposed to a group over which one has less or no influence than other individuals have, one is exposed to the greater power of each of those individuals.

Furthermore, it is compatible with denying that there is a concern about an individual's exposure to the power of a superior collective, with which that individual has no meaningful claim of equality, that there is a concern about a collective to which an individual belongs being subordinated to an alien collective, with which it has a claim of equality. In addition to our concern not to be subordinated to other individuals, we may also have a kind of vicarious concern that a group to which we belong not be subordinated to another group, with which our group has a claim of equality. This concern may be at the heart of concerns about, on the one hand, colonial annexation and, on the other hand, persistent minorities, which are consistently outvoted. Avoiding individual subordination is not necessary for avoiding this sort of vicarious, collective subordination. As noted at the end of section 2.4, opposition to colonialism doesn't always travel with democracy. Nor is it sufficient. The colonial annexer might grant equal democratic rights to each of the annexed. And, notoriously, even each member of a persistent minority enjoys equal democratic rights with each member of the majority. The objection of each of the annexed or of the minority may be that, although he is not individually subordinated to any other individual, a group to which he belongs is subordinated to another group, which it has a claim of equality. The main challenges for this suggestion are to say, first, what defines the relevant groups and, second, what gives them a claim of equality with one another. What matters for present purposes, however, is that the Subordination Interpretation can accommodate this suggestion. A concern about individual subordination is perfectly compatible with this additional concern about vicarious, collective subordination.

6. Conclusion

I have suggested that the concern about being under the power of others, elicited by paradigms such as the kindly master, is best interpreted as a concern about social inferiority to other

individuals. To keep this interpretation in focus, we need to guard against a temptation to conflation. Social equality is naturally described as a kind of freedom: as having no master. But this may then lead it to be conflated with other, distinct kinds of freedom. Such confluations are tempting, in part, because the limitations of the one notion of freedom can be obscured by substituting, when convenient, the other notion. And it is tempting, in part, because it seems to yield a kind of master value, which could somehow shoulder the whole weight of a political philosophy.

The source of the difficulties with the Domination Interpretation, I submit, is that it conflates social equality with a notion of freedom as, roughly, a personal sphere of negative liberty against others. Of course, such a sphere of negative liberty is important. But it seems perfectly well captured by the notion of predictable non-invasion. And that is something different from social equality. One can have no master, without assurance that others won't invade. And one can have a master, with assurance that no one will invade. Social equality and predictable non-invasion are two distinct values. Joining them under the label of "non-domination" or "independence" only invites equivocation.

Our discussion has also, at several times, touched on another conflation of "having no master" with a distinct conception of freedom: that of positive self-rule. The thought that the democratic will is no more the will of any other individual, and so makes no other individual one's master, was conflated, as we saw, with the thought that the democratic will is one's own will. If the democratic will were one's own will, this would certainly, negatively, free one from the bad of domination, since one would not be exposed to any alien will. But, more than this, it might be thought to realize, positively, a good of self-rule, by making one master of oneself.

Rousseau's *Social Contract* is built on the faultline of this very conflation of nonsubordination with self-rule. On the one hand, Rousseau hopes that rule by the general will will be rule by no other particular individual. Since all have equal influence over the formation of the general will, in being subjected to it, they are not subordinate to any other individual; "each, giving himself to all, gives himself to no one" ("chacun se donnant à tous ne se donne à personne," 1762: Bk. 1, Ch. 6). On the other hand, Rousseau also hopes that rule by the general will will realize positive autonomy or self-rule for each person: understood as "obedience to the law one has prescribed to oneself" (Bk. 1, Ch. 8). Rousseau's climactic phrase "obey only himself" ("n'obéisse... qu'à lui-même," Bk. 1, Ch. 6) is one among many passages that yoke the two aspirations together: the (here literally expressed) aim of not being subordinate to any other person—to obey no one else—with the (here at least implicated) aim of positively ruling oneself—to obey oneself.

But this is to yoke two very different beasts, which shouldn't be expected to pull together. The fact that some decision fails to be yours—and so does not accord one positive autonomy—is still compatible with its succeeding in not being any more someone else's—and so sustaining social equality. Decisions by lottery offer perhaps the clearest examples. Decisions by lottery are not one's own, because they are no one's. But, for that very reason, they are no more the decisions of any other individual. However, the same can be said of decisions by vote, or other procedures, so long as all have equal opportunity to influence the outcome.

I doubt that being subjected to political decisions can count as ruling oneself, in any attractive sense. Unless one is a dictator, the state's decisions are not one's own, as an individual. But, as I have suggested, I'm less pessimistic—as a matter of theory, although not of course of practice—that being subjected to political decisions might count as being ruled over by

no one else. Not freedom as self-rule, but instead freedom from any other's rule over oneself, may be the most we can, even in principle, hope for.

Whether it is something worth hoping for—whether nonsubordination so understood matters—is a further question, which I leave open. Those who were never taken with the Kantian-Republican idea from the start are not likely to be taken with any interpretation of it. And even those who were at first taken with the idea may be disillusioned once they see what it comes to. Perhaps when we distill subordination from the crude of unfreedom, and distinguish subordination from the ills that usually attend it, no residue of any potency is left to trouble us. As so often happens with anxieties, once we name their source, once we dredge it up from the murk and into the light of day, we cease to be under their power.

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