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**Conducted by
Sophia Moreau and Liam Murphy**

**Speaker: Philip Pettit, Princeton University
Paper: Domination and Subordination**



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Domination and Subordination

Philip Pettit

Introduction

Domination has been widely invoked as a master complaint in politics by those who cite and celebrate its central role in the long tradition of political thought that goes back to the ancient Roman republic. The Romans used the word *dominatio* for the relationship that made a *servus* or slave dependent on the will of their *dominus* or master. They thought of that dependency as the exemplary form of civic loss and contrasted it with the independency of the *liber* or free person.¹ As they saw it, such independency or *libertas* enabled a person, ideally, to choose according to their own wishes—to choose with legal impunity and protection—in a standard range of choices, regardless of the wishes of others as to what they should do. The slave epitomized the total lack of such legally secured independency or freedom; and this, no matter how much latitude their master chose to give them. In contemporary developments of Roman thought, any deficit in such independency—any degree of domination—is taken to reduce the level of a person's freedom in some measure.

Niko Kolodny (2023, 280) has recently challenged the role that neo-republicans—if you like, neo-Roman republicans—have given freedom as independency or non-domination in thinking about what the law and the state ought to do for its citizens, and how it ought to relate to them.² While being sympathetic in many ways to the republican approach, even claiming to have been inspired by it (p.87), he argues that in thinking normatively about the state, we ought to indict a related civic evil, which he describes as

¹ Hence the title of Quentin Skinner's (2025) *Freedom as Independence*. I prefer to link freedom with 'independency', in particular independency on the will of another, as 'independence' suggests independence of all contingencies: in other words, self-sufficiency. Skinner emphasizes rightly that this notion of freedom was not the property of republicans only. If I retain the term, that is because the notion was prominently espoused in connection, not just with republican Rome, but with early modern figures in the republican Italian cities and in republican Holland and England, for example, and with leaders of the eighteenth century republican revolutions in America, France and indeed Ireland.

² He tends to place Kantians, especially Kantians as interpreted by Arthur Ripstein (2009), in the same camp as republicans but I do not address Kantian claims here. For a recent account of Kantian republicanism, as we might call it, see (Widmer 2026).

subordination or inferiority, and ought to embrace the ideal of non-subordination in place of non-domination. He holds that enjoying that ideal entails enjoying freedom in a similar sense: avoiding ‘rule by a will other than one’s own’ (p.7), ‘having no other individual as master’ (p.404). But because he does not think that the entailment runs in the other direction too—he does not think that it amounts to an equivalence—he speaks of the ideal of non-subordination without linking it closely with the notion of freedom.

Abstracting in the same way from the linkage with freedom, I propose to look in this paper at the common and contrasting features of domination and subordination. I take domination as it is construed by republicans, and subordination as it is understood by Kolodny himself. The comparison is meant to be fair to both sides though I do reject some misrepresentations of domination in Kolodny’s book, which reflects my alignment with the neo-republican approach: the republican research program, as Frank Lovett and I have called it (2009). Inevitably, of course, it is my own particular reading of the republican program that I defend but I think that the core elements in that reading are to be found across the broad range of thinkers who identify, however loosely, with the approach.³

The paper is in four sections. In the first, I start with an account of domination and then characterize subordination as a counterpart that differs from domination in three distinctive ways. In the second section I look at the common concerns that motivate the corresponding ideals and identify two differences in their broad implications for the sorts of institutions we ought to favor. In the third section I look more narrowly at what the two ideals would require the state to do for its citizens, guarding them against ‘horizontal’ domination or subordination at one another’s hands. And then in the fourth section I explore the corresponding ‘vertical’ question about what the ideals would require of the state in relations with its citizens.

1. Domination and subordination

Domination

³ I hesitate to list all relevant figures here. The recent *Handbook of Republicanism* (Lovett and Sellers 2024) offers a useful overview of the tradition in the past and present and contains articles, including one of my own, with copious references to current work. In what follows the books on which I mainly draw are *Republicanism* (1997), *On the People’s Terms* (2012), and *Just Freedom* (2014).

As Kolodny sets up the contrast between domination and subordination, they are ills that affect individual, natural persons; at any rate they are ills that matter only insofar as natural persons are the victims. I go along with this. If the domination of collective rather than individual agents matters, I am happy to assume that that is because of its impact on the individuals within a collective. And while domination may be characterized as something that affects choices as well as choosers, there is no reason to reject the prioritization of persons. The focus in traditional republican thinking, after all, was always on the free or undominated person—the *liber*, in Roman usage—rather than the free, undominated choice (Skinner 1998; Pettit 2007).

What it means for a person to be dominated, however, is best explained by starting from the domination they may suffer in this or that choice. Let a choice be characterized by the set of options it involves, say X, Y and Z, where these are mutually exclusive, jointly exhaustive possibilities that are up to the agent, as we say: they are ways things may be that the person can realize or not, depending on their wishes. Sometimes, of course, a given option like X can be realized in different forms, X₁ or X₂, as when the freedom to speak on some topic may be exercised in a letter or an email to a newspaper. X₁ and X₂ will not count as different options in such a case, however, insofar as none of the properties that distinguish them matter to the agent or count conventionally as mattering; the agent will not care about whether they rely on the mail service or the internet in articulating their point of view (Broome 1991; Pettit 1991).

In order to understand how a choice might be dominated, we need to introduce the more basic idea of interference. Another agent, individual or collective, will interfere with a person's choice between X, Y and Z, so I shall assume, insofar as they remove an option from the choice, replace it by a different option, misrepresent it to the person, or credibly threaten, where that is feasible, to do one of those things. Removing an option may involve the exercise of force or the resort to something like agenda-setting. Replacing an option may involve ensuring that choosing it will raise the probability of a consequence that matters to the agent: typically, the probability of a certain cost or penalty. And

misrepresenting the option may involve deceiving the agent or manipulating their perception or understanding of the option.⁴

If this is what interference in a choice amounts to, what is required for a choice to be dominated? A person will suffer domination in making a choice between X, Y and Z insofar as there is another agent with the power to interfere at will, or more or less at will, in that choice: another agent, as it was traditionally put, with an arbitrary or relatively arbitrary power of interference.⁵ The person may be allowed by that dominating presence to choose whatever option they wish without any interference. But they will be able to do so only if that agent or agency is willing for them to enjoy the choice: only, in effect, if they have permission to choose as they wish.

Suppose the person is employed by someone who has the power to fire them, should they speak out in a certain way, whether for or against the government. Despite that dominating power, the employer may actually allow them at election time to speak as they wish, refraining from interference. But when the person benefits from that indulgence and speaks as they wish, they will do so in dependence on the will of the employer; it is the employer's will that is going to be ultimately in charge. They may enjoy latitude of speech in the presence of such indulgence but by republican lights they will not enjoy what properly counts as liberty—they will not enjoy freedom as non-domination—in making the choice.

So much for what interference and domination mean in relation to a particular choice. What will it be for the domination of a choice, which may always be *pro tanto* bad,

⁴ This line on interference ought to be acceptable, if not completely congenial, for Kolodny. He argues—usually by way of discounting its importance—that interference ‘collapses either into invasion of body or property or into leaving someone’s choice situation worse than they are entitled to’ (Kolodny 2023, 273). And that line is not very different from ours. The view of interference defended here is supported broadly by Isaiah Berlin (1969) and rejected by two prominent groups of contemporary thinkers: those who think that only prevention—only the removal of an option—counts as interference (Carter 1999; Kramer 2003) and those who hold that interference need not be conducted knowingly by an agent (Van Parijs 1995).

⁵ It is important to distinguish the arbitrary power of interference, where ‘arbitrary’ has the descriptive meaning of ‘unchecked’ or something of that kind—writers use various terms—from the power of arbitrary interference, where ‘arbitrary’ is presumably meant to have an evaluative connotation. Those who do not make the distinction tend to take the republican definition of freedom, wrongly, to be value-laden.

to be indubitably objectionable? What will it be, to resort to the traditional republican idea, for it to constitute the domination of a person, a chooser as well as a choice?

Answering the question, however, requires us first to introduce another category that bulks large in the tradition: that of the fundamental or basic liberties. These are the choices in any society that are intuitively important for flourishing there. Examples from our own society might be choices related to managing your own affairs, communicating or otherwise associating with others, moving place of residence, accessing material resources, entering contractual relations, and the like. To be a free person in the republican tradition is to enjoy equality with other citizens in the exercise of such choices: to enjoy an adequate, equal degree of security against another's power of interference in making them. Thus, Cicero (1998, 21) could write of the *libertas* of Roman citizens: 'Nothing can be sweeter than liberty. Yet if it isn't equal throughout, it isn't liberty at all'.

If basic liberties are to be available for all, then they must be legally specified in a way that satisfies a condition, broadly, of compossibility. They must be choices of such a character that one person's enjoyment of a basic liberty within any category is consistent with others enjoying that choice at the same time, and indeed consistent also with their enjoying any choice in another category of basic liberty.⁶ Constitutional and statutory law may help to specify the basic liberties at a relatively abstract level but plausibly the case law generated by judicial interpretation will be needed, and needed on an ongoing basis, to make their specification effective. Every system of law will enable subjects to know what they may do with legal impunity, with legal protection and, as in private law, with the possibility of legal recourse against an alleged defender (Goldberg 2005–06; Bradley 2025). The republican idea is that citizens will be secured adequately and equally in the basic liberties, if the choices that they enjoy with adequate impunity and protection, and with adequate opportunity for recourse against offenses, include the choices that count as basic liberties.

Depending on technology and culture, the basic liberties requiring security in this sense may differ across epoch and within any epoch across societies. According to

⁶ This account of compossibility is close to a line adopted in (Rawls 1987), although articulated differently.

Valentina Arena (2012, 49) they included ‘the range of choices that were deemed necessary within Roman society to guarantee its citizens the enjoyment of a free life’. Those choices would have been very different, of course, from the choices necessary in the same way for life in any contemporary society.

It makes sense for republicans to require that each citizen in the society should enjoy an adequate degree of security, equally with others, in the exercise of their basic liberties. But what would make a degree of security adequate? An approach that fits well with the tradition, and that I have defended elsewhere, holds that the security provided should enable each to look others in the eye—to relate to them as an equal—without any good reason, based on their power of interference, for fear or deference. The idea is that to the extent that people enjoy an adequate degree of security under law, they will be enabled thereby to relate to one another as equals, eschewing that sort of fear or deference; if they come aware of their security, which may or may not happen, they will have no motivating reason for fear or deference.⁷

People may be able to relate to one another as equals, satisfying the eyeball test, despite not having an absolute degree of legal insulation against others.⁸ There may be no need for insulation against forms of interference, for example, that impose relatively trivial penalties. And in the case of other forms of interference, the force of social norms, or the pressure of the economy of esteem that underlines norms, or just the prospect of being slighted or ostracized in certain ways, may be manifestly enough to keep the more powerful—say, the richer—from using certain powers of interference against others. The law will be essential for defining the basic liberties, then, but it need not be necessary in every case for defending them.

Subordination

⁷ This makes for a connection with the relational egalitarianism that has been championed by Elizabeth Anderson (1999) and Sam Scheffler (2005). Republicanism holds that the members of a society ought to enjoy equality—they ought to equally enjoy adequate security against domination—in their relationship as citizens. See also (Cass 2023).

⁸ Thus, I see no basis for Kolodny’s (2023, 285) claim that ‘the underlying concern is insulation from encroachment’.

There are three striking ways in which the ill of subordination, and the ideal of non-subordination, contrast with their republican counterparts. One involves the range of ways in which a person may be subordinated, which go beyond subjection to a power of interference on the part of another. A second turns on the connection between subordination and the subjective thoughts and feelings of the parties involved, which is very different from the contingent connection registered in the eyeball test. And the third involves the condition that subordination is required to satisfy if it is to be indubitably objectionable: in terminology that Kolodny (2023, 95) suggests, more rather than less of ‘a bad’; this is very different from the requirement, invoked by republicans, that domination is indubitably objectionable just when it breaches someone’s basic liberties and amounts to domination of the person.

The first point of difference, very briefly, is that one person may be subordinated not just in virtue of being subject to the power of another agent—in the republican view, subject to their power of interference—but also for other reasons (Kolodny 2023, 91-3). They may have less power in comparison with their fellows, in independent domains: say, in determining how third parties in the society behave. Or they may, for no good reason, enjoy less regard or status than others, and hence a lesser capacity to elicit ‘certain kinds of favorable responses from others, in some group to which they both belong, such as, among other things, respect, courtesy, and a willingness to serve interests’: they may have less status power, as we may say.

Kolodny distinguishes between power and authority, which he equates with a form of power that is grounded in the habits of participants and routinized in the relationship between them; this, as he says, is authority in a *de facto* sense. We may abstract here from this complexity, however, taking subordination to fall into three categories: being under the dominating power of another; having less comparative power than others; or enjoying less status power in the society.

The second point of difference between domination and subordination is, in a phrase, that whereas domination may or may not have a subjective character, subordination is essentially subjective. The fact that a person is dominated is likely to be manifest to all—a matter of common awareness—as the domination becomes evident to

each, evidently evident to each, and so on (Lewis 1969). And it is likely in that event to motivate the fear or deference for which it provides a good reason. But the connection between domination and subjective recognition and response is contingent, since someone may be dominated without having any awareness of the fact and without recoiling emotively from it. Thus, someone who learns only after the fact that they were subject in a certain period to another's power of interference in their basic liberties, will recognize that unbeknownst to them they were adversely situated at that time: they did not enjoy full freedom as non-domination (Pettit 2015b, 118-20).⁹

The fact that domination is only contingently subjective means that the dominated party need not recognize or have feelings about their dependence on another's will. But domination must have a subjective character on the side of the dominating as distinct from the dominated party, since that agent must be aware of their material power of interference if they are to dominate. If someone did not know that they had the material resources for interfering in another's basic liberty that in itself would mean that strictly they were unable to interfere: they would have a material power of interfering but not a power of interference, period.

By contrast with domination, subordination in Kolodny's (2023, 93-94) characterization is essentially subjective. Suppose that someone actually has greater dominating or comparative or status power than another. That power will not involve subordination unless it is subjectively registered, so that the subjective element is necessary for subordination. But for Kolodny it is also sufficient, for he thinks that subordination will materialize in the presence of 'real or believed greater power' (p94). In what follows we will concentrate on the case where there is real power. This is partly for

⁹ The contingency of the connection shows up also in other ways. The free, undominated person may be fearful or deferential towards another without having a good reason for those attitudes, say because of excess timidity. Or they may have good reason for being fearful or deferential that derives, not from any power of interference on the part of another, but from a wish to win the other's affection or patronage. Or indeed the unfree person may not be fearful or deferential despite having good reason for those attitudes, due to their courage and defiance. None of that is relevant. What the test requires is that the free person not have good reason to relate to another in fear or deference because of the other's power of interference in their basic liberties.

reasons of simplicity, partly because believed power is a form of real power: in Hobbes's (1994, 10.5) words 'reputation of power is power'.

Thus, we may take it, that one person is subordinated to another, ranking as their inferior, just insofar they subjectively register the greater dominating or comparative or status power of the other. This subjective response may materialize, we are told, in any of three ways, or in any combination of those ways (Kolodny 2023, 93-94). A first is that the stronger agent exercises that power, presumably in a way that the weaker registers. A second is that the stronger endorse the asymmetry with the weaker, welcoming it and perhaps making use of it in a way that also registers with the weaker. And a third is that the weaker party submits to that power, feeling or displaying fear of its employment or indeed gratitude for its non-employment.

The need for an element of subjectivity means that a stronger party may presumably undo their subordination of a weaker—this, by contrast with their domination—by refusing to exercise or endorse their power, and equally that the weaker party may undo the subordination by refusing to submit. Without commenting on that feature, Kolodny (2023, 89) highlights three other, broadly related consequences. One is that subordination can only appear among agents who interact with one another in 'genuine relationships'. Another is that subordination introduces a ranking in which 'one party can be identified as higher in the hierarchy, the other as lower'. And yet another is that the parties to the relationships must be 'individual, natural persons'; this is partly explained by the second point, so he says, on the grounds that it would be 'a kind of category mistake' (p.90) to think that an individual could be ranked as inferior to a collective body.

Kolodny acknowledges that domination or something close to domination may be objectionable, equating such heteronomy, as he also calls it, with 'being subject to alien power' (p.127; see too 285). But he holds that being subordinated is more saliently and more intuitively objectionable, on the grounds that every natural person has 'a claim against standing in a "relation of inferiority" to another person: against being subordinated to another or set beneath them in a social hierarchy' (p.87). Our distaste for this

subordination, he suggests, derives from ‘the natural-historical legacy of pecking order in other social animals, almost irrevocably transformed by symbol and self-consciousness’.

We have identified two striking points on which subordination differs from domination: that it may involve, not just being subject to another’s dominating power, but also having less comparative or status power than the other; and that it is essentially subjective in certain ways and, consequently, can only materialize in interactions among natural, individual persons. The third point of difference introduces a constraint that subordination must satisfy if it is to count on reflection as truly objectionable; this corresponds with the constraint that domination must satisfy if it is to be truly objectionable: viz., that it should jeopardize the basic liberties of the person affected.

The constraint that subordination must satisfy if it is to be objectionable is, in Kolodny’s word, that it should not be tempered. ‘What constitute objectionable relations of inferiority’, he says, ‘are not asymmetries of power and authority and disparities of unmerited regard but rather such asymmetries and disparities when untempered’ (Kolodny 2023, 98). Just as domination is not a bad, or not so grievous a bad, when it leaves people’s basic liberties in place so, according to Kolodny, ‘asymmetries and disparities are not a bad, or less of a bad’, when ‘tempering factors are present’ (p.98).

The relevant asymmetries and disparities will be tempered insofar as they are only episodic in character, for example, or are limited in the contexts where they apply or the restrictions they impose. And equally they will be tempered insofar as they are readily escapable, appear under egalitarian regulations or presuppose a deeper egalitarian relationship between the parties (Kolodny 2023, 98-101). Each of these factors, it is said, marks a contrast with caste and bondage, which Kolodny takes to be the extreme and unquestioned exemplars of subordination.

2. Common sources, contrasting implications

Commonalities in motivation

Our discussion so far suggests that we should regard domination and subordination as distinct complaints, each focused on a distinct way in which people may do badly in their relations with one another. Kolodny’s (2023, 5) view, however, is that they draw on similar

concerns and that republicans—and indeed Kantians—are ‘fellow travelers’ in that respect. But although they are fellow travelers, he holds, republicans are less faithful to the intuitions that the different approaches ‘are trying to articulate’; on his view, ‘claims against inferiority offer the better interpretation’.

Thus, to take one example, Kolodny (2023, 275) castigates republicans for misinterpreting ‘the rhetoric that is used to characterize the objectionable relation the two sides target: “domination,” “mastery,” “servitude,” “subjection,” and “despotism”’. ‘As a matter of etymology and common usage’, he says, ‘these don’t mean “being exposed to another will”. They mean something more specific, involving subordination to another person’. I think that this is quite wrong. The notion of the *dominus* or the master or the despot picks out that individual as someone who enjoys a certain power over others, as the notion of someone suffering servitude or subjection picks out someone at the mercy of such power. And they do so both as a matter of etymology and of common usage.

In virtue of having power over someone, of course, the master or despot is likely to rank higher in ‘recognized forms of social hierarchy’, as Kolodny (2023, 275) puts it: this, presumably, insofar as the power is a matter of common awareness. But the more prominent complaint of those subjected by them, or in servitude to them, will surely be that they are vulnerable to the power of such figures, not just that once their lack of power is public, they will rank as inferior to them. The republican approach highlights that power complaint, and has done so over a long history. It is hard to see why the examples listed, which are highlighted in the tradition, should persuade us that the concern is primarily with inferiority rather than power, let alone that the concern is independent of whether or not the inferiority derives from subjection to another’s power rather than from their not enjoying the same comparative or status power.

We may concede that Kolodny is right in claiming that the same concerns, and the same paradigms—at the extreme, as he says, those of bondage and caste—motivate both complaints and ideals. But the idea that republicans misconstrue those guiding worries and that he construes them aright is unwarranted. The more modest and persuasive response is surely that while the two approaches draw on the same examples to motivate their approaches, they end up identifying two quite different ideals, each with its own attractions

and perhaps its own points of weakness. ‘Lots of things are wrong with the paradigm cases of slavery and caste’, as Jake Zuehl (2024, 581) notes; but ‘their wrongness is heavily overdetermined’. That being so, it should be no surprise that they can be taken by one side to motivate a concern about domination, and by the other a concern about subordination.

Differences in policy implications

But however far the ideals of non-domination and non-subordination are motivated by common concerns, they differ enormously in their broad implications for the policies that ought to be pursued by the state. Kolodny sees these contrasting implications as ground for rejecting the appeal of non-domination and preferring the ideal that he advances, as we shall see in the final sections. While acknowledging that the ideals have quite different policy implications, however, I resist his account of those implications on the republican side (Kolodny 2023, Ch28.3).

Kolodny highlights two implications on which the approaches differ. He suggests, first, that whereas non-subordination is an ideal that requires institutions to ensure that things are actually thus and so, non-domination requires them also to ensure that certain possibilities obtain. There is some truth in this but not under Kolodny’s account of the republican view, which he describes as ‘possibilism’. And he argues, second, that whereas non-subordination requires that a person not rank as inferior to any other person, non-domination requires that they not be subject to the will of any other agent, personal or collective: republicans embrace ‘will universality’. Again, I think that this is correct but reject Kolodny’s view that the republican position makes domination universal in the objectionable sense of being ubiquitous and inescapable.

Contrasts in policy implications: the possibility issue

By the account presented earlier, you may be dominated by another agent in virtue of something about that agent that need not be reflected in anything they actually do or communicate. Specifically, you may be dominated by them just in virtue of the fact that did their will turn in that direction, they could interfere in the exercise of one or another of your basic liberties; and this, even if you are not aware that that is so. As Kolodny (2023, 274) puts this implication of domination, ascribing it to a range of authors: ‘Once the will

can encroach on you, you are dominated, no matter how the alien will might be disposed to restrain itself'. He thinks that this directs us to a big difference between domination and subordination: that the first may materialize just in virtue of how things could possibly be whereas the second requires only that things be actually thus and so.

There is undoubtedly a special connection between domination and possibility. If you are concerned about the power that another has over you, then you are focused on the fact that should their will take against you—should that possibility be realized—they would interfere. But this is just to focus on an actual feature of the agent that shows up in that possibility: namely, that they have a power of interfering with your basic liberties; whether they interfere or not depends on their will. You have every reason to worry about that power and about your vulnerability to its exercise. And you will have cause to worry, even if you think it unlikely that their will should turn hostile, though you will presumably worry more as that likelihood increases.

But now to a crucial distinction. When you are dominated, there is an agent constituted in such a way, and related to you in such a way, that it is *possible for* them to interfere in some of your basic liberties, depending on what they will. But this is a different condition from that which obtains when it is *possible that* some agent might come to have that power over you. The possible-for capacity exemplifies actual domination, and does so independently of how likely the dominating agent is to exercise that capacity. By contrast, the possible-that scenario holds out only the possibility of domination: the possibility that a currently absent, dominating agent should come to be present in your life, or that an agent that is present now should gain the resources needed to become dominating. That such a possibility obtains does not mean that you are actually dominated, only that you might be dominated, a possibility will naturally concern you but only in the degree to which it is probable.

Another way of marking the difference between the possible-for and the possible-that cases is this. In each case there is a possibility that you will suffer interference and that should be of concern just to the extent that it is probable. But in the possible-for case, and only in that case, there is a distinct ground for concern: that you are under the actual power of another agent. In both cases there is a probability-based cause for concern but only in

the second case is there also a power-based cause for concern: a concern that remains in place regardless of the degree of probability that it will be exercised.

Kolodny argues that whereas those who prize non-domination worry about possibilities, those who hail non-subordination attend only to actualities. But when he describes the focus of republicans on possibility—a focus that leads him to deride them as ‘possibilists’—he overlooks this distinction between the agential possibility-for and the abstract possibility-that. Thus, he says that the republican concern about another’s dominating you is just that ‘there is some counterfactual world in which he doesn’t treat you well’: that it is a concern ‘about being so much as exposed to the possibility’ (Kolodny 2023, 287). By contrast with republicans, he suggests, those focused on subordination are concerned about ‘what happens right here, in the actual world, not about what might have happened in some counterfactual world’.

There is an enormous difference, however, between its being *possible for* another to interfere in your basic liberties and its being *possible that* there might be another who had this capacity. Being subjected to the power of another means being exposed, as in the first scenario, to a capacity on their part to treat you badly and not just, as in the second, to the abstract possibility that things might turn out badly. Kolodny himself comes close to recognizing this distinction when he acknowledges in a different context that in virtue of the very meaning of power, my having power ‘over you is a matter of more than simply what I actually do to you but also of what I can do to you’ (p.286). If that is the case, there is nothing surprising, nothing dubiously possibilist, about the fact that we should find actual subjection to the power of another—in effect, actual domination—objectionable in itself.

These observations mean that like subordination, domination involves a fact about the actual world: that another has power over you. But there is still an actual-world contrast, of course, between domination and subordination. You may suffer domination without being actually aware of it, and without actually thinking of it as a grievance. But you cannot suffer subordination without such actual, subjective states. Focusing still on the power-over case, subordination does not consist just in being subject to the actual power of another: having to live in its presence. It means your also subjectively registering, and no

doubt recoiling from, the other's actual exercise or endorsement of their power, or your own submissiveness to that power.

Contrasts in policy implications: the universality issue

A second striking difference between the implications of domination and subordination consists in the fact, as Kolodny (2023, 274) puts it, that while people can only be subordinated to other superior individuals, they may be dominated by a larger range of agents: 'there is no restriction on the sort of will that can dominate'. A dominating will may be the will of an inferior, necessarily non-subordinating individual person, for example. Or to take a case nearer our concerns, it may be 'the will of a collective or artificial person, with which comparisons of equality or inferiority make little sense'.¹⁰

It is the possibility that the dominating will may be a collective that leads Kolodny to think that domination, on the republican account, is ubiquitous and inescapable. The state might be thought to promise protection against any form of domination but he assumes in common with republicans that the state itself is a collective agent with a will of its own. As he says, 'the state makes decisions and takes actions in coordinated and structured ways', and that is 'enough to make the state a will' (p.279). Thus, he is happy to register that the state viewed as a collective body may dominate people; this is significant, as we shall see in the final section.

While the state and other collective bodies may dominate people, however, it is important for Kolodny that no such body can subordinate them. As we noted, he treats it as 'a kind of category mistake' to think that a collective body might relate to an individual person as superior to inferior. We can agree with his claim on that matter and agree therefore that the ideals of non-domination and non-subordination have different implications for what we should expect our institutions to achieve. The difference in this case turns on the fact that because collectives can have a will, the republican ideal motivates a concern that is not shared by those who champion non-subordination.

¹⁰ I hold myself that an individual who is inferior in the sense of not generally commanding much power may still dominate you, as when a mugger takes advantage of an ad hoc opportunity to interfere, and of the contingent power that it gives them. For a different interpretation of the republican line on this issue, see (Gädeke 2019).

This difference between the ideals in their policy implications is important, for sure, but Kolodny gives it especial importance on the grounds, as he sees it, that the possibility of collective domination—the ‘will universality’ it involves—makes domination ubiquitous and inescapable. His claim, which presupposes the truth of possibilism, is that if it is possible that different agents—different individual or collective agents—should get together, form a unifying will, and dominate someone, then that possibility means in itself that the person is dominated by the group consisting of those agents. Since there will be a group of that kind, indeed many such groups, to dominate any individual, he argues that domination will be inescapable. ‘Will Universality and Possibilism close off all avenues of escape’ (Kolodny 2023, 277).

Kolodny’s ubiquity claim, echoing earlier work by Thomas Simpson (2017), is supported in what he takes to be the plausible answer to a rhetorical question. “‘If every other will—not simply every other individual citizen of your state, but every other will, corporate or artificial—were to will to encroach on you, would you be encroached on?’” The answer seems quite plausibly to be yes’ (Kolodny 2023, 285).

For reasons related to the discussion of possibilism, however, the answer seems to me to be clearly, no (Lovett and Pettit 2019). That it is *possible-that* other agents might get together and interfere in your basic liberties does not mean that there is an agent such that it is *possible-for* that agent to interfere. It does not mean this, indeed, even if it happens that the agents in question would each be happy to get together and interfere with you—even if in that sense they had the material resources needed for such interference—but were not aware of having them.¹¹ This reflects the earlier observation that an agent must be aware of their material power of interfering with another if they are to have a power of interference, period.¹²

¹¹ The presence of this ill will in each will mean that you are dominated by a group, as Lovett and I (2019) argue, only if each of the agents involved knows, perhaps as a matter of common awareness, that if they assert or exercise a power of interference over you, they will be supported by others. Suppose you enter a café where the customers are hostile racists. That group will dominate you if each knows that should they mock or taunt you, or should they tell you to get out, they would have the backing of others.

¹² Kolodny (2023, 284-86) responds to this argument in two claims. One, that such a lack of awareness would hardly count as an ‘external constraint’, a consideration that I do not take to be relevant. And two, that the presence of the material power is likely to ‘come to light’, a consideration I happily grant, taking it to imply just that there is a likely possibility of domination materializing, not that domination is actually occurring.

Before leaving discussion of this second implication, it is worth mentioning that while Kolodny acknowledges the reality of collective agents, and the fact that they may be ascribed collective wills, he does not register any major differences among such bodies. It may be useful to draw attention, therefore, to one divide among collective agents that will prove relevant in later discussion.

A system will count as an agent, we may assume, insofar as it can control for a certain effect or set of effects—it can realize a goal or set of goals—robustly across certain variations in the environment, being guided by its representations of the environment; control in this context must be generally reliable but need not always be successful. This characterization of an agent, though absolutely standard, allows us to make a non-standard distinction between two important species. One is the system that can control for the realization of a goal robustly across a relatively open set of circumstances, developing a suitable plan of action on the basis of registering what is required in any such scenario for success. And the other is the system that can control for the realization of a goal robustly over only a limited range of circumstances for each of which it has a ready plan of response, registering that this or that plan is appropriate. The first is a plan-making agent, we may say, the second a plan-taking one.

The distinction between these two sorts of agents applies to collective as well as individual agents. The plan-making collective will be the sort of corporate body, formal or informal, that makes a set of judgments in representation of any scenario where an agreed goal requires it to act and that decides what to do—what plan to follow—in pursuing the goal under the guidance of those judgments. The plan-taking collective will be the sort of team, as we might call it, that has plans for each of a limited number of scenarios where an agreed goal is at issue, and acts on the relevant plan under the trigger of registering that the matched scenario has materialized.

In both cases, it will presumably be manifest to all members that there is one or another goal they seek in common, although perhaps with differing degrees of enthusiasm or reluctance, and that it promises to be achieved under the plan adopted. And in both

cases it will be manifest to all that each member will play their part in that plan if—and only if—they expect that others will also play their parts.¹³

For an example of the plan-making collective, think of the local council that acts as seems best in any circumstance for reducing dangers to the public, whether on the roads, in the schools or on the local beach. And for an example of the plan-taking collective, think of the life-savers who are hired by the council to appear each weekend on the beach, equipped with a set of plans covering a limited number of possibilities: that a swimmer has been taken out to sea by a rip, for example, that they are suffering cramp in deep water, or that they are being dragged towards sharp rocks.

Insofar as a collective will can materialize in either of these ways, it may represent a possibility of collective domination.¹⁴ All that is required for domination is that the collective body or team in question can control on the basis of interference for whether someone exercises their basic liberties. The local council would have a dominating power over residents in an area if, formally or informally, it had a power of discriminating against the residents in some quarter or in a certain subgroup. The life-savers would equally have a dominating power over beachgoers if, for example, they had unlimited power to decide who was fit to swim, or at least to swim on their watch.

This completes our discussion of two differences of policy implication that divide the ideals of non-domination and non-subordination. Kolodny and republicans may agree that non-domination gives more importance to possibility than non-subordination, provided the claim is about agential possibility. And they may agree that non-domination recognizes a wider range of challenges than subordination, provided that is because of challenges from actual collective agents, not from non-actual agents that might possibly come to form. We turn now from such broad differences between the policy implications of the ideals to differences between them on what exactly the state should do and on what it should be.

¹³ This brisk characterization encodes some points held in common by the major theorists of collective action: Michael Bratman (2014), Margaret Gilbert (2015) and Raimo Tuomela (2007).

¹⁴ Because of assuming that a will has to operate over an open range of circumstances, I have restricted the notion of a will to the proper agency in earlier work, and denied it to the collective team; see (Lovett and Pettit 2019). I put aside that assumption for purposes of this discussion.

3. What the state should do

What do ideals like non-domination and non-subordination imply for the state? Both Kolodny and republicans distinguish between what they imply for what the state ought to do in regulating the relations between citizens—what horizontal relations they should support among the citizenry—and what they imply for the vertical relations between the state and those citizens (Kolodny 2023, 122). We discuss the horizontal implications in this section, the vertical in the next. The horizontal lessons bear intuitively on the requirements of social justice, the vertical bear on the requirements of political justice or, as it is often put, legitimacy.

The horizontal demands of non-domination

There are many contexts where individual and collective agents can have a relatively unlimited or arbitrary power of interference in the basic liberties of some individuals, however those liberties are specified. Such asymmetries of dominating power may arise between spouses in a family, between employers and employees, between corporations and consumers, between wardens and prisoners, and so on for a range of specific cases. But asymmetries may also arise more contingently, as when an agent happens to have the opportunity and power to inflict harm on others, or to act with negligent indifference to their interests, or to breach the terms of a voluntary contract that they had entered with them.¹⁵

On the view of the state assumed in republican thought, a primary requirement is that it should introduce laws—ideally, laws that reflect or tend to elicit suitable norms and habits—that reduce the asymmetries of power that allow such domination and defend the basic liberties that they must also serve to define. Criminal and tort and contract law are going to be essential in general but so clearly are the sort of law that applies in contexts of cultural vulnerability: for example, family law, employment law, corporate law, and the law governing prisons. In operating such a system of law, the state may help to protect people directly, or enable them to protect themselves, whether in using state institutions to take

¹⁵ This contingent possibility is illustrated in an opportunistic crime like mugging. For a different view of that case, see (Gädeke 2019).

would-be offenders to court, or in resorting to legally permitted options like filing for divorce or organizing a strike.

It is clear why the law will be required to protect people in these ways against domination by others. But protection may not be enough in general to enable people to have security in the enjoyment of their basic liberties. It may also be essential to have welfare laws that resource people when needed so that they have the means of exercising those liberties. Nature may deprive some individuals of the required resources, as in the case of those born with a restricted capacity to earn their living. And culture may deprive them in an equally non-intentional manner, as in the case where a new technology makes people's hard-earned skills redundant. The welfare laws required to deal with such problems, whether redistributive, pre-distributive, or a mixed bag, will make the basic liberties as accessible as possible to the needy and, in addition, help to ensure that others cannot take advantage of their lack of resources: others cannot rely on their plight, for example, to extract contracts under which they are likely to be dominated.

In all of these cases, the injustice—by republican lights, the domination or dependency—that needs to be put right supports a salient complaint. The addressee of the complaint is the state that introduces inadequate laws governing family or employment or corporate power, or the state that is uniquely equipped to rectify the disadvantages stemming from nature or culture but fails to do so. In emphasizing that such domination and injustice—such structural injustice, as it is often called—is a matter for complaint in this way, I support the line taken by Kolodny (p.29) when he says that 'political philosophy is organized around complaints held against agents (whether individual or collective) for an action (or omission)'. But it is important to note that if any plausible injustice is always a matter for complaint, that does not mean that there is always an offender to whom the complaint ought to be addressed in the first place. The only addressee may be a bystander who, like the state, is in a position to put things right.

This feature means that in criticizing a society for failures to guard against domination, and in calling for those failures to be remedied, we need not think that there is ground for blaming anyone. There will always be a moralistic temptation to turn complaints into indictments. But while there will be many cases where it is appropriate to

identify and indict offenders, it might serve us ill to succumb to that temptation. It is liable to suggest that the job in politics is to censure wrongdoers rather than to understand and reconstruct our institutions.

The horizontal demands of non-subordination

As republicans will want the state to enable citizens to relate to one another without domination—to relate to one another, ideally, in a way that enables them each to pass the eyeball test—so those who castigate subordination will want the state to support relations between citizens in which no one is ranked as the inferior of others in an untempered sense. ‘People’, as Kolodny (2023, 122) puts it, ‘have claims on the state not to cause, and even to prevent or undo, untempered asymmetries in power and authority and untempered, unmerited disparities in regard, constituted by how individuals subject to the state relate to one another. The state should support marital and employment protections. The state should combat caste distinctions. And so on’. When he says ‘and so on’, we may take him to be thinking of the wide range of political complaints that he depicts as complaints about subordination (Kolodny 2023, Chs 12-20).

This observation may seem to suggest that the case for recruiting the state to combat horizontal subordination will parallel the case just sketched for recruiting it to combat domination. But there is an important difference to register.

The laws play an essential role in enabling people to enjoy non-domination in relation to one another, for it offers the only plausible safeguard for citizens in general and a safeguard is certainly required: it will not be enough that those with dominating power happen to be goodwilled. And so in the absence of laws, say in a state of nature, domination will be rife, with some having an asymmetric power of interference in the basic liberties of others. Kolodny (2023, 278) articulates the republican viewpoint accurately when he says that in such a situation it remains the case that ‘we need the state to deprive them of this power’.

But not only are laws going to be necessary for promoting non-domination among the citizenry, they are also going to be sufficient. More specifically, they are going to be sufficient to generate that effect, whether or not they causally elicit a recognition and

appreciation of the effect among citizens. The laws will guard against domination just by being there, inhibiting the powerful, as the antibodies in someone's blood will make someone immune to a certain disease just by being there. They will have that effect because of being constitutive of people's undominated status, as the antibodies will have their effect by constituting the immunity of their bearer.¹⁶

The laws are not needed in the same way, however, for the reduction or elimination of subordination among people. Take the subordination that presupposes the asymmetry of power whereby one person dominates another: this, as distinct from a difference in their comparative or status power. As we have seen, one person, Hyman, will subordinate another, Loman, in such a case just to the extent that not only do they have power over the other, the presence of the power is registered by both or at least by Loman, giving it a subjective resonance.

Loman may register their subordination in one or more of three ways (Kolodny 2023, 93-94). In a first possibility, Hyman may exercise their power in a way that registers with Loman. In a second, Hyman may endorse the existence of that power, again in a way that registers with Loman: 'Hyman (a) welcomes it, (b) deliberately exploits it (such as by accepting placating gifts), (c) desires that Loman submit to it, or (d) desires that others take it as a basis for regarding Hyman more highly than Loman'. And in a third possibility, Loman may submit regardless of what Hyman does: here the belief in Hyman's power 'leads Loman to (a) experience fear, anxiety, or concern about adverse uses of that asymmetric power (or authority); (b) feel grateful or indebted to Hyman for benign use (or nonuse) of that asymmetric power (or authority); or (c) act in ways that, sincerely or insincerely, express or display such emotions'.

The fact that subordination in this case requires the dominating agent's exercise of their power, their endorsement of that power, or the dominated agent's submission, means that short of law entering the scene, either party may act, if only perhaps with difficulty, in a way that promises to expel subordination. If the dominating agent refuses to exercise or endorse their power over the dominated, then that will banish subordination from the

¹⁶ Of course, the laws may be more effective when they are supported by recognition and appreciation on the part of citizens, as when they reflect or elicit social norms.

relationship. And if the dominated agent refuses to submit, say by assuming an attitude of indifference or defiance towards the dominated, then that will have the same equalizing effect.

This lesson will also carry, we may assume, for relations where the difference is one of comparative or status power rather than dominating power. Insofar as individuals can act to undo the relevant relations of subordination, and insofar as subordination is an objectionable evil, it follows that there is ground for calling on them to try to block the emergence of subordination. It will be morally obligatory, certainly morally desirable, that the strong should not exercise their power in relation to another, for example, and that they should do all they can to avoid endorsing the fact that they enjoy such power. And even more surprisingly, it will be morally obligatory or desirable for the weaker party in any such relationship to cultivate and assume an attitude of indifference or defiance towards the stronger.

To the extent to which either party can act in the designated manner it will follow that they may be culpable for failing to do so. Where there may be no one to blame for many situations where domination prevails, as we noted earlier, there are always likely to be parties to indict for the emergence of any subordination. Those subject to a dominating power will be positioned to blame the powerful for exercising or endorsing their power, and thereby subordinating them. And those subject to such a dominating power can only blame themselves if they fail to banish the submissive attitudes that would ensure their subordination.

What does this moralistic line of thought imply for the role of the law in combatting subordination? The law will not strictly be necessary for that task, since subordination may be countered instead by the moral efforts of individuals. And the law will not be sufficient, since for all we have been told, it might not have the causal effect of displacing the beliefs and feelings about hierarchy that are associated with subordination. But still, of course, the law may be of enormous help. If it can reduce or remove the dominating power, the comparative power or the status power presupposed in relationships of subordination, then it can be expected to reduce the incidence of subordination among the citizens of a state.

While Kolodny argues for the good that law and state can do in this respect, still it is worth highlighting the significance of the fact that the law is not strictly necessary or sufficient for combatting subordination. Take the case of the husband who has power over his spouse under the prevailing law or culture, as with Torvald and Nora in Ibsen's play, *A Doll's House*. If subordination is identified as the problem then it will be enough to resolve Nora's problem that Torvald is entirely goodwilled towards her, perhaps even regretting the dominating power that the law gives him. This example suggests many others and marks the depth of the difference between the ideal of non-domination and that of non-subordination. While someone embracing non-subordination may still campaign for a law that reduces openings for subordination, their ideal will make a much weaker case for the role of law than the ideal of non-domination.

4. What the state should be

To rely on law to combat either domination or subordination is to introduce an immediate problem. Authorizing the law to reduce or remove horizontal domination seems to leave open the possibility that the state itself will be a source of vertical domination or subordination. Who, then, is to guard citizens against that guardian? This problem has long been at the center of republican thought, which has focused on the danger of vertical domination—in particular, the danger of the all-powerful monarch or despot—more often than on the danger of horizontal. But the problem of vertical subordination is just as salient as that of vertical domination.

Kolodny (2023, 123) recognizes this when he acknowledges that the state as we know it has enormous power and that 'tempering factors seem to be conspicuously absent in our relations to the state'. Thus, as he notes in spelling out the claim, 'the state is an established social structure'; it 'has extensive reach'; 'there are few limits on what the state can do to us'; 'it's costly and difficult to avoid relations to the state'; and it is 'all but impossible to escape the jurisdiction of some state'.

In comparing the two ideals on the issue of vertical justice, it will be useful to reverse the order followed in earlier sections and to look first at how according to Kolodny

the state might be made non-subordinating and only then at how it might be made non-dominating.

The vertical demands of non-subordination

The state as a corporate body cannot subordinate citizens, since there is no sense in which such a body might be ranked as superior to citizens or citizens ranked as inferior to it. But a problem still looms. This problem derives from the fact ‘that the state wields vastly superior, final and inescapable power and authority over you’, as Kolodny (2023, 60) says; in other words, its effect is not tempered. And despite the fact that the state is a collective body, it may still dominate you, for ‘the state’, we are told, ‘is, when the robes and badges are stripped away, other people’. You may have ‘a complaint against standing in relations of inferiority to those natural persons whose decisions the state’s decisions are’ (p.124). You may be vertically subordinated to those officials, if not to the state in whose name they act.¹⁷

It appears that such subordination may be inescapable because of the state’s hierarchical structure, and the untempered asymmetries of power that it introduces. These imply that subordination will be embedded in ‘relations among the people who decide what the state does, on the one hand, and the people who are subject to those decisions, on the other hand’ (Kolodny 2023, 125). How could those relations ‘not be relations of inferiority’?

In introducing his response to this question, Kolodny draws a contrast between the issue facing those who value non-subordination and those who, like republicans, value non-domination or what he describes in this particular discussion as heteronomy. For those in the non-subordination camp, the problem is how to remedy a problem of subjection ‘to the alien power and authority of a superior individual’ (p.127): the authority someone who is authorized to act in the name of the state. For those in the non-domination or heteronomy camp, the problem rather is how to remedy a problem of subjection to ‘to alien power or

¹⁷ Kolodny also airs the parallel complaint, that you may be horizontally subordinated to any citizens who enjoy more favor than you under the state.

authority, period'; and this, whether that power be 'natural or artificial, individual or collective, or superior, inferior, equal, or none of the above'.

Kolodny is skeptical about the possibility of resolving the problem of vertical domination, as we shall see later. The only possible way of dealing with it, he suggests, is closed. This would be 'to make the authority no longer alien': to make 'the commands of the authority somehow commands that you give yourself' (p.129). But he thinks that the subordination problem is much less problematic. If the problem is 'subjection to the power and authority of a superior, then there is another solution: to make the power and authority, even if alien, no longer that of a superior'.

How might the power of those who act in the name of the state cease to be the power of a superior? It will cease to have that character, and cease to subordinate citizens, if a range of disciplining conditions—Kolodny dubs them 'secondary tempering factors'—are satisfied (Kolodny 2023, 125-26). These, in brief, are: that asymmetries of power are justified by impersonal reasons; that officials exercise their power only in the service of impersonal reasons; that their acts apply to themselves as well as other citizens; that citizens have an equal opportunity to influence how power is exercised; and that while officials are accountable to other citizens for how they use their power, those other citizens are not accountable in the same way to officials.¹⁸

We saw earlier that on Kolodny's account of subordination, the fact that someone with superior power—for him, this may be dominating power, comparative power or status power—will not subordinate those inferior to them in that respect, if they do not exercise that power or do not endorse the asymmetry involved. Presumably the officials of a state will often have to exercise the power that goes with their office, since otherwise the state might cease to exist. What Kolodny now suggests is that that exercise of power will not subordinate those subject to it, provided the officials satisfy disciplining conditions like

¹⁸ As the satisfaction of such anti-subordination conditions would resolve the issue of vertical domination by state officials so, it is said, two other conditions would resolve the issue of horizontal subordination of other citizens to a group favored by the state. These are that the state should show equal consideration for its citizens and that the role of citizen should significantly constrain the state's treatment of subjects and be enjoyed equally by all.

those listed. In virtue of meeting the conditions, those in office, will continue to subject citizens to their power but their power will not be that of a superior.

While the idea proposed here is plausible, we should notice that the disciplining conditions invoked may be understood in either of two ways. They may be taken as conditions that are forced upon officials, perhaps under a constitution upheld by the citizenry. Or they may be treated as conditions that officials are morally required to satisfy in order to avoid the evil of subordination. They may be treated as positive, institutional constraints imposed by the constitution on officials, or as normative ideals that the officials are moralistically required to meet in their decision-making.

It is not absolutely clear how Kolodny views them.¹⁹ But it is worth noting that since the more powerful in any relationship can undo subordination by adopting an appropriate subjective stance, it would likely be enough to combat subordination, on his account, if officials treated the disciplining conditions as normative ideals for how they should conduct themselves towards other citizens. In following that line, they would restrict their rights of action voluntarily so that what they exercised would no longer count as a subordinating power.

Where does democracy figure in this account of how to counter the subordination of citizens to their rulers? By that account, the state will be democratic insofar as citizens enjoy equal influence over the decisions of its officials. ‘Equal Influence is satisfied’, Kolodny (2023, 137-38) says, ‘insofar as any individual who is subject to superior untempered power and authority has as much opportunity as any other individual for informed, autonomous influence over decisions regarding how that power and authority are exercised’. And, he adds, the rationale is clear. ‘If I have as much opportunity for informed, autonomous influence over a decision how to exercise power and authority as anyone else has, then there’s no one to whom I can point and say that because that

¹⁹ Kolodny’s comments at various points, however, suggest an image of the conditions as normative rather than positive bonds. This is clear in this comment on the condition of equal influence, for example. ‘Equal Influence can rest on the disposition of people’—presumably, an unconstrained disposition—‘to wield whatever greater power and authority they have only in ways that respect Equal Influence’ (p.138).

individual had greater influence, I, in being subjected to that decision, am subordinated to that individual’.

Kolodny spends considerable time developing the notion of equal influence. He argues that it may make substantial, though perhaps infeasible and undesirable demands—say, demands that compromise freedom of expression—as an ideal of equal informal influence; this would require a political culture, and an economic system, that empowered the weak against the strong (Ch 31). But he emphasizes that as a requirement on the formal, institutional procedures of electoral democracy, the best account of what it requires is disappointingly permissive or undemanding.

On that account, ‘I and you have equal influence over an outcome just when my vote and your vote would have equal chances of being decisive over the outcome, assuming that no pattern of other votes is more or less likely than any other pattern’ (p.355). This requirement is undemanding, as he goes on to acknowledge, insofar as the assumption that no pattern of votes is more likely than any other is ‘utterly artificial and unrealistic’. On that assumption, equal influence might be satisfied, as he acknowledges, in a society where the actual pattern of votes systematically deprived those in a persistent minority of much influence or even in a society where gerrymandering was rife.

We need not go further into this idea of democracy, other than noting that Kolodny may not give democracy the same importance as do most other political philosophers. This appears when he illustrates his claim that a state—strictly, the officials of a state—might not subordinate other citizens even if fewer than all of his disciplining conditions were satisfied. ‘Among other things’, he explains in illustration, ‘I leave open the possibility that the distinctively democratic tempering factor of Equal Influence is not required’ (p.144). This is hardly surprising in light of his rather minimal conception of what democratic procedures promise to achieve.

The vertical demands of non-domination

Kolodny (2023, 129) concedes that on the republican approach the problem raised by the state is that as a collective agency it subjects citizens to an ‘alien power or authority’, as he puts it, whether or not they see it as a superior; for him indeed there is no sense in

which they could view a collective body like the state as a superior. He thinks that the problem is irresolvable insofar as it would require you as an individual citizen to be able to transform the commands emanating from the state into ‘commands that you give yourself’.

But however the problem of domination is to be solved, it cannot be by requiring each citizen to effect this magic; citizens will inevitably differ among themselves, after all, about what the state ought to command.²⁰ How, then, might the problem be resolved? Since citizens are all in the same predicament relative to the state, the only resolution must be by arranging things so that together the citizens constrain what the state does and, an independent requirement, do so in a way that protects each suitably against the state’s power. But how might citizens do this? I offer sketchy remarks that are designed merely to keep the possibility live—to show that at least it involves no incoherence—not to substantiate it realistically. And after those remarks I address an objection that Kolodny makes to the republican proposal.

The state inevitably interferes with individual citizens, whether in enacting the laws by which they live, in administering and enforcing those laws, and in determining whether a law has been breached and how an offender should be treated. There are three salient scenarios under which its power of interfering in those ways would be dominating: that is, would exemplify an alien will that might choose, more or less arbitrarily, between interfering or not interfering in a given case and between interfering in this or in that mode. By looking at these in turn, we can get a sense of how the problem of vertical domination might in principle be resolved.

First scenario: the state has the corraling power to force individuals to live within its jurisdiction or to keep them there against their will. Second scenario: the state lacks corraling power but has a discriminatory power to deal with any individual as it will without having to treat like cases alike. Third scenario: the state lacks corraling and discriminatory power but has the discretionary power to choose as it will in determining the laws to impose uniformly on the citizenry.

²⁰ I ignore the manifestly spurious idea, justifiably mocked by Kolodny, that things might be such that each citizen ‘somehow identifies with the state’ (129-30)

The problem of corralling power is fairly readily resolved. It may be the case that early states forced people to live within their borders (Scott 2017) but in a state-bound world, only an invading state can be charged with doing this; it is a matter of historical necessity, and not a sign of any state's power, that everyone has to live under a state.²¹ Of course, a state may still corral its citizens by denying them the right to leave: in effect, by fencing them in. But the citizenry as a whole might curtail that state power by upholding a constitutional or quasi-constitutional restriction against such a law or policy; they might introduce such a restriction in a constitutional founding or referendum, or let it stand without taking any available steps to lift it. Of course other states might prevent or limit the entry of its citizens into their territory but there may be little that the home state can do about that.²²

The problem of discriminatory power is traditionally resolved under a constitutional or quasi-constitutional arrangement, again upheld by the collective people, that imposes constraints on the state of broadly the kind associated with the rule of law. Rule-of-law constraints would require the state to keep its laws suitably universal in their formulation, to maintain their relative stability over time, and to ensure as far as possible that they are interpreted uniformly across different agencies. And it would require it to enable people to know what the laws are, to make coherent sense of the laws, and to follow them as guidelines in their lives (Fuller 1971; Pettit 2023, Ch 2).

These constraints, and others in the same family, would help to guard against the discriminatory power of the state. But it is worth noting that they might be able to do this effectively only under a constitutional requirement, again upheld by the collective people, that divided state authorities into mutually checking centers of power: that ensured at the least, that the judiciary were independent of other branches of government. Such a division of power—such a mixed constitution, as it was known in the long republican tradition—

²¹ Kolodny(2023, 278-79) rightly mocks an earlier, ill-formed attempt on my part to articulate this idea.

²² Does the state dominate others by refusing them entry? Not in a straightforward sense involving the interference or power of interference associated with imposing law. Of course there may grounds in the republican theory of international relations for demanding that capable states should admit certain would-be immigrants. See (Pettit 2015a; Laborde and Ronzoni 2016).

would likely be needed in order to institutionalize rule-of-law constraints and impose them on public authorities.

Rule-of-law constraints would impose limits on how the state can act, in broadly the manner of the disciplining conditions—the secondary tempering factors—hailed by Kolodny, assuming that they are externally imposed on state authorities. Those conditions would require that the power given to the state should be justified by impersonal reasons, say reasons accepted widely in the society; that officials should guide the exercise of that power by such considerations; that citizens should have the opportunity to influence the actions of state authorities; that such actions should affect those authorities themselves as well as other citizens; and that the authorities should have to answer to citizens for how they exercise their power but not the other way around. These conditions belong broadly in the rule-of-law family, and if they were imposed as positive constraints, constitutional or quasi-constitutional—this as distinct from being treated just as normative ideals for officials—then they would surely help to guard citizens against a discriminatory power on the part of the state.

But a state that lacked corralling or discriminatory power might still be able to dominate citizens in virtue of being able, depending on what it wished, to impose this or that uniform pattern of laws without regard to the individual or shared views of the citizenry; it might still enjoy a high degree of arbitrary power over them. How might people act together to restrict this discretionary form of domination and do so in a way that gave suitable protection to each individual?

There are familiar democratic procedures, of course, for constraining state discretion of this kind; these are usually built into constitutional and quasi-constitutional arrangements that ideally have popular support or acceptance. They include the procedures that enable the collective people to exercise selectional control over who is to serve in government, whether that control be electoral, as in voting for legislative representatives, or involve a power of public or legislative surveillance over other appointments. And they include the procedures whereby any individual or group can contest the state, purportedly in the people's name, by contesting the actions of state authorities in the courts, on the media, or in the streets; an individual or group will act in

the people's name to the extent that others, under the constitution, accept that there is no objection to their claiming to act—with success depending on judicial or electoral resolution—in that role.

But how might such a system of popular control over public decision-making protect the individual citizen against the power of the state? More generally, how might the popular system that is designed to counter all forms of state power, corralling, discriminatory or discretionary, serve to protect, not the people as a whole—or not just the people as a whole—but each individual citizen?

The system of popular control will have this effect, I suggest, to the extent that people share with such a degree of equality in such an adequate system of control that the following condition is satisfied. Even those who are unhappy for personal or principled reasons with a state decision—say, prosaically, a public decision to build a prison in their backyard—have good reason to think that it was just tough luck that the decision went against them. The idea is that the system of public decision-making should give those citizens reason to think that it was not necessarily due to the hostility of the authorities—an ill or indifferent will on their part—that the measure was passed: that it was ensured under the proper operation of the system.

This tough-luck test for a system of popular control may be satisfied, even if hostility on the part of the authorities played some role in motivating the measure; it requires only that the proper operation of the system would have produced it even in the absence of that hostility. Equally it may be satisfied, even if those who are unhappy with the measure do not actually think it is satisfied: after all, they may be mistaken in holding that the hostility of the authorities was essential to its appearance. And it may be satisfied, of course, without silencing later efforts by the unhappy to get the measure withdrawn or the efforts by others to persuade them that their unhappiness is unwarranted.

This is not the place to explore institutional matters in any more detail, or to consider the feasibility of designing institutions to meet the tough-luck test. But in conclusion we must consider an objection that Kolodny makes to the very idea that the

collective people might ever be able to protect individuals against vertical domination by the state.

Setting aside an objection

The main objection he brings, drawing on the work of Thomas Simpson (2017), is that if the collective people are given the power of checking the power of the state, controlling its exercise, then they are going to constitute a corporate body, itself unchecked by any other force, that will dominate every individual citizen; it will have a power of interfering in their life as it has a power of interfering in the affairs of the state. As Kolodny (2023, 280) phrases it, the problem is ‘how there could be a checking power on the state that did not at the same time dominate us’: that is, us the ordinary citizenry.²³

This problem arises only if we do not recognize that collective agents come in many forms and, in particular, do not recognize our earlier distinction between plan-making corporate bodies and plan-taking teams. The charge laid by Simpson and Kolodny is that if the people are organized so as to control the state then they must be in a position, should they wish, to plan for interfering in any manner with an individual citizen or with a subgroup among the citizenry. To call on the people as a whole to guard against the state is, on this view, to introduce a body with the same sort of dominating power that it was supposed to check in the state.

The introduction of the collective people does not cause a problem, however, as the people envisaged in our picture and in standard democratic theory are not a corporate body with a plan-making ability but rather a plan-taking team.²⁴ They are not a group with such a means of making shared judgments and decisions that, like the state, they can control for the realization of one or another goal robustly across an open range of circumstances. They are a group, on the contrary, that can control for one or another goal—at the highest level, checking the corraling, discriminatory and discretionary power of

²³ The sort of problem raised has a long history, connecting with a problem registered by Dante (1996, Ch10), Hobbes (1994, 18.4), Rousseau (1997, II.4.3) and Kant (1996, 463), against the idea of having a separate agent or agents with an ability to control the sovereign power of a ruler.

²⁴ While this formulation of the response to the problem is different, the response fits broadly with that which is defended against Simpson in (Lovett and Pettit 2019); see too (Pettit 2023, Ch4).

government—over only the range of circumstances for which they have ready response plans, thanks to constitutional and quasi-constitutional arrangements.

Thus, the people in this picture are a team that can control, if only in some measure, for the shape of the constitution insofar as there is a clause that enables popular constitutional challenge. They are a team that can control for the appointment of legislative representatives insofar as there is a suitable electoral system in operation. And they are a team that can control for the contestation of government insofar as there are laws that allow for freedom of speech and association and for the legal accountability of state authorities. The people as a whole will act for those effects insofar as each acts as required of them under the relevant plan—the requirement may be that they should act appropriately, or at least recognize the democratic right of others to act—and does so on the expectation, recognized as a matter of common awareness, that others will also act as required.

As a team with ready plans of action, and with an agenda limited by those plans, the people is not in a position to interfere more or less at will in the life of an individual citizen and, that being so, the problem raised is bogus. We the collective people can be enabled under a political system to keep tabs and impose bonds on government, controlling for the goal of limiting its power, without thereby gaining the power to pick on a single individual and interfere detrimentally in their basic liberties; no plausible procedures for combatting the state would offer us a joint plan whereby we might control for that effect.²⁵ Drivers are enabled to control collectively for avoiding collisions, following the plan given by the rules of the road, without being able to control collectively for attacking cyclists; there is simply no plan available to them whereby they might do that (Lovett 2022, 136).

²⁵ I argue in *The State* (2023, Ch4) that a people with such democratic plans of action may be able to use them extra-constitutionally to propose and implement a constitutional change, as they were used when the US constitution was introduced in 1787. This extra-constitutional power is not a power that the people actually enjoy but one that they might come to enjoy. Thus, even if it opens up the possibility that the people might persecute some individuals—say, by not protecting that group against the state—that does not entail that the people are actually a dominating force, only that it might possibly become such a force. This is a possibility of concern, of course, but only insofar as it is probable: it does not mean that the people actually have the power of persecuting anyone against whom it takes.

Kolodny (2023, 283) offers one example of how, as he thinks, the people in our picture must have a power over individuals just in virtue of having a power to check how the state treats individuals. He holds that ‘if the checking power should will encroachment, then all it needs to do is lift its check on the state. The state will then encroach, acting as its agent or instrument’. This is a bad argument, for the fact that there is a plan or plans under which the people can check the state—the fact that it can control for how the state is checked—does not mean that there must be a plan under which the people can cease to check it; it does not mean that it can control for whether the state is checked or not. That each can play their part in this or that plan for checking the state on the expectation, manifest to all, that others will play theirs does not mean that there a plan for ceasing to check the state under which each is allotted a part to play, and each can act on the manifest expectation that others will play their parts.²⁶ To think it did mean this would be akin to thinking that the drivers who control collectively for following the rules of the road must be able for that reason to control collectively for ceasing to follow those rules.

Conclusion

The aim of this paper has been to put in perspective the rival approaches to political philosophy associated on the one hand with the republican ideal of non-domination and on the other with Niko Kolodny’s ideal of non-subordination. The thrust of the discussion may be to offer limited support the republican ideal, combatting some of Kolodny’s complaints. But the main goal has been to offer a presentation that allows us to compare the merits of the two ideals.

We saw in the first section that domination and subordination differ in three ways. First, domination involves being under the power of another where subordination may also involve having less comparative power or less status-related power than the other. Second, domination may materialize independently of any subjective resonance in the dominated

²⁶ The fallacy of thinking otherwise is akin to the fallacy present in the argument of the sixteenth-century figure, Étienne La Boétie (1498–1551), that if the people in a despotism sustain the regime in paying their taxes, obeying its laws and recognizing its authority—they will do this as a team, each acting on the manifest expectation that others will act in the same way—they must be able to cease to sustain it. Obviously they won’t be able to cease to sustain it, for there will be no plan under which they might form suitable expectations of one another and act as a team to achieve that effect, undermining the despotism. See (Pettit 2023, Ch 4).

party—any awareness or feeling on their part—but subordination essentially requires the subordinated party, and normally the subordinating, to be aware of the hierarchical character of the relationship and to be emotively responsive to the inferiority or superiority it entails. Third, domination is objectionable only to the extent that it affects the basic liberties of the weaker party and makes some people so insecure on this front that they cannot relate as equals, satisfying the eyeball test; subordination is objectionable, in a parallel qualification, only to the extent that power is not tempered in certain ways: it is not episodic or escapable or limited in context and the like.

In the second section we noted that common concerns and examples may motivate both complaints, as Kolodny suggests, but that there is no reason to think that they provide stronger ground for the complaint about subordination. And we then went on to notice, first, that whereas domination focuses on just the actual power of another in someone's life, subordination focuses also on the actual beliefs and sentiments that go with differences in power; and second, that whereas someone may be dominated collectively, whether by an agency or a team of individuals, they cannot be subordinated to such a body: they can rank as inferior, or indeed superior, only to another individual person. In making the first of these observations we rejected a deeper difference alleged by Kolodny: viz., that domination focuses on abstractly possible dangers rather than actual-world problems. And in making the second, we rejected the idea that someone may be dominated, not just by a group with the relevant sort of power, but also by the mere possibility that other agents might form such a group.

In the third section we looked at what the state should do, according to the rival approaches, in order to eliminate or reduce the horizontal domination or subordination of some citizens by others. The main difference noted was that whereas the law is uniquely capable of guarding against domination, regardless of the attitudes held by the dominating and dominated parties, the presence of suitable attitudes—goodwill on the stronger side, for example, or defiance on the weaker—is capable of countering subordination on its own. These observations mean that law is both necessary and sufficient to cope with horizontal domination but that it is neither necessary nor sufficient to counter horizontal subordination: it is not necessary, since attitudinal means may suffice to do the job on their

own, and it is not sufficient since it will not do the job unless it elicits suitable beliefs and feelings among the parties.

Finally, in the fourth section we explored the different responses of the two approaches to the vertical problem, whether of domination or subordination. The state will not subordinate individual citizens, according to Kolodny, to the extent that those in office respect certain normative requirements, whether or not they are imposed as positive constraints: requirements, for example, that their power be justified by impersonal reasons, that they shape the exercise of that power according to those reasons, and that they give equal influence to ordinary citizens over their decision-making. He associates democracy with the requirement of equal influence but offers an undemanding account of what that requires of democratic procedures and does not take democracy in that sense to be essential for making the state non-subordinating.

In order to guard against being dominated by the state, the people will have to uphold constitutional or quasi-constitutional arrangements that deny it the corraling power of confining citizens within its borders, and deny it the discriminatory power of picking in a hostile way on some citizens: in this case, the arrangements must enable the people to impose rule-of-law constraints on officials. And in order to guard against state domination, the people will have to be constitutionally able to use selectional and contestatory institutions to limit the discretionary power of the state to choose the pattern of laws imposed. The system of popular control envisaged must satisfy the tough-luck test, however: it must be sufficiently constraining and sufficiently egalitarian to provide a reason for those unhappy with a state initiative to think that it was just tough luck, and not necessarily a sign of a hostile will in operation, that the initiative went against their interests or judgments.

Does this make the collective people into a controlling power that might itself dominate individual citizens, as Kolodny holds? No, it does not. The people in the democratic role envisaged constitute a team, not an agency. They are able to control only for effects, in particular effects on the state, that its constitutionally ready-made plans of

action make available. And those plans, of course, do not allow them to act as a team against a particular member of the citizenry.²⁷

References

- Alighieri, D. (1996). Dante: Monarchy. Cambridge, Cambridge University Press.
- Anderson, E. (1999). "What is the Point of Equality." Ethics **109**: 287–337.
- Arena, V. (2012). Libertas and the Practice of Politics in the Late Roman Republic. Cambridge, Cambridge University Press.
- Berlin, I. (1969). Four Essays on Liberty. Oxford, Oxford University Press.
- Bradley, J. C. (2025). "Civil Recourse and the Possibility of Republican Justice." MS New York University School of Law.
- Bratman, M. (2014). Shared Agency: A Planning Theory of Acting Together. Oxford, Oxford University Press.
- Broome, J. (1991). Weighing Goods. Oxford, Blackwell.
- Carter, I. (1999). A Measure of Freedom. Oxford, Oxford University press.
- Cass, D. (2023). "What is the point of non-domination?" Journal of Ethics and Social Philosophy **25**: 80–104.
- Cicero, M. T. (1998). The Republic and The Laws. Oxford, Oxford University Press.
- De la Boétie, E. (1942). Discourse on Voluntary Servitude. New York, Columbia University Press.
- Fuller, L. L. (1971). The Morality of Law. New Haven, Conn., Yale University Press.
- Gädeke, D. (2019). "Does a Mugger Dominate? Episodic Power and the Structural Dimension of Domination." Journal of Political Philosophy **28**: 1–23.
- Gilbert, M. (2015). Joint Commitment: How we Make the Social World. Oxford, Oxford University Press.
- Goldberg, J. (2005–06). "The Constitutional Status of Tort Law: Due Process and the Right to a Law for the Redress of Wrongs." Yale Law Journal **115**: 524–627.
- Hobbes, T. (1994). Leviathan. ed E. Curley. Indianapolis, Hackett.
- Kant, I. (1996). Practical Philosophy. tr M. J. Gregor. Cambridge, Cambridge University Press.
- Kolodny, N. (2023). The Pecking Order: Social Hierarchy as a Philosophical Problem. Cambridge, Mass, Harvard University Press.
- Kramer, M. H. (2003). The Quality of Freedom. Oxford, Oxford University Press.
- Laborde, C. and M. Ronzoni (2016). "What is a Free State? Republican Internationalism and Globalization." Political Studies **64**: 279–96.
- Lewis, D. (1969). Convention. Cambridge, Mass., Harvard University Press.
- Lovett, F. (2022). The Well-ordered Republic. Oxford, Oxford University Press.
- Lovett, F. and P. Pettit (2009). "Neo-Republicanism: A Normative and Institutional Research Program." Annual Review of Political Science **12**: 18–29.
- Lovett, F. and P. Pettit (2019). "Preserving Republican Freedom: A Reply to Simpson." Philosophy and Public Affairs **46**: 363–83.
- Lovett, F. N. and M. N. S. Sellers (2024). Oxford Handbook of Republicanism. Oxford, Oxford University Press.

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- Pettit, P. (1991). Decision Theory and Folk Psychology. Essays in the foundations of Decision Theory. M. Bacharach and S. Hurley. Oxford, Blackwell; reprinted in P. Pettit 2002 Rules, Reasons, and Norms, Oxford, Oxford University Press.
- Pettit, P. (1997). Republicanism: A Theory of Freedom and Government. Oxford, Oxford University Press.
- Pettit, P. (2007). "Free Persons and Free Choices." History of Political Thought **28**: 709–18.
- Pettit, P. (2012). On the People's Terms: A Republican Theory and Model of Democracy. Cambridge, Cambridge University Press.
- Pettit, P. (2014). Just Freedom: A Moral Compass for a Complex World. New York, W.W. Norton and Co.
- Pettit, P. (2015a). The Republican Law of Peoples: A Restatement. Domination and Global Political Justice: Conceptual, Historical, and Institutional Perspectives. B. Buckinx, J. Trejo-Mathys and T. Waligore. London, Routledge: 37–70.
- Pettit, P. (2015b). The Robust Demands of the Good: Ethics with Attachment, Virtue and Respect. Oxford, Oxford University Press.
- Pettit, P. (2023). The State. Princeton, NJ, Princeton University Press.
- Rawls, J. (1987). The Basic Liberties and their Priority. Liberty, equality, and law: Selected Tanner Lectures on Moral Philosophy. S. McMurrin. Salt Lake City, University of Utah Press.
- Ripstein, A. (2009). Force and Freedom: Kant's Legal and Political Philosophy. Cambridge, Mass, Harvard University Press.
- Rousseau, J. J. (1997). The Social Contract and Other Later Political Writings, ed Victor Gourevitch. Cambridge, Cambridge University Press.
- Scheffler, S. (2005). "Choice, Circumstance and the Value of Equality." Politics, Philosophy and Economics **4**: 5–28.
- Scott, J. C. (2017). Against the Grain: A Deep History of the Earliest States. New Haven, Conn, Yale University Press.
- Simpson, T. (2017). "The Impossibility of Republican Freedom." Philosophy and Public Affairs **45**: 27–53.
- Skinner, Q. (1998). Liberty Before Liberalism. Cambridge, Cambridge University Press.
- Skinner, Q. (2025). Freedom as Independence: The Making and Unmaking of a Political Ideal. Cambridge, Cambridge University Press.
- Tuomela, R. (2007). The Philosophy of Sociality: The Shared Point of View. Oxford, Oxford University Press.
- Van Parijs, P. (1995). Real Freedom for All. Oxford, Oxford University Press.
- Widmer, E. T. (2026). Kant's Republic. Cambridge, Cambridge University Press.
- Zuehl, J. (2024). "Kolodny against hierarchy." Philosophy and Public Affairs **52**: 565–95.