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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 the basic 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.³ 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, maintaining 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.⁴

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

³ Kolodny (2023) thinks of subordination as the normatively fundamental problem in a range of common complaints that he considers at length in his book. While domination may be a problem that is suited for organizing the efforts of the state—this, because a concern for reducing domination will lead the state to deal with a plausible range of social complaints—it may not be the normatively fundamental problem in some of those cases; if the state aims to reduce domination it will have to combat poverty, for example, but what is fundamentally objectionable about poverty need not be that it facilitates domination.

⁴ 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).

explore the corresponding ‘vertical’ question about what the ideals would require of the state in relations with its citizens.

1. Domination and subordination

Domination

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.⁵

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.⁶ 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 a worker 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 interfering power, the boss 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 boss'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.

By this account you will be unfree in a choice to the extent that your ability to choose as you wish is not secure against the wishes of others as to how you should choose;

⁵ 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).

⁶ 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.

it is not agentially secure, as we might say. But despite being insecure in that agential sense, it may still be relatively secure in a probabilistic sense; this will be so to the extent that it is very unlikely that the dominator—say, the boss in our example—will actually turn hostile and interfere in the choice. The agential insecurity will be bad, regardless of the degree of probabilistic insecurity, but it will surely count as worse with any increase in that degree.

So much for what interference and domination mean in relation to a particular choice. What will it be for the domination of a choice to contribute to the domination of a person—the domination of the chooser, not just the choice—and to count as decisively objectionable?

Answering the question 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 your place of residence, accessing material resources, entering contractual relations, and the like. To be a free person in the republican tradition you must enjoy an adequate degree of security against any other's power of interference in such choices and you must enjoy it equally; let it be unequal and it will cease to be adequate, exposing you to the power of the more secure. 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.⁷ 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 plausible system of law will enable subjects to

⁷ This account of compossibility is close to a line adopted in (Rawls 1987), although articulated differently.

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 offender (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 epochs and within any epoch across societies. According to 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, they will be enabled thereby to relate to one another as equals, eschewing such fear or deference.⁸

As law will be required to specify the basic liberties, so it will be required to defend them by providing such security. But laws that do not reflect or elicit social norms are unlikely to be effective in this role, since they are less likely to command wide allegiance. Still, 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.⁹ In many cases,

⁸ 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).

⁹ Thus, I see no basis for Kolodny’s (2023, 285) claim that ‘the underlying concern is insulation from encroachment’.

especially ones where the stakes are relatively low—the interferer will not stand to benefit, nor the victim to suffer, in a significant measure—the protective force of social norms, and the pressure of the economy of esteem that underlies norms, may be manifestly enough to inhibit the more powerful from using certain powers of interference against others.¹⁰

Subordination

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 outrun subjection to a power of interference on the part of another. A second turns on the essential nature of the connection between subordination and the status of the subordinate, which marks a contrast with the case of domination, as we shall see. And the third involves the condition that subordination is required to satisfy if it is to be decisively objectionable: in terminology that Kolodny (2023, 95) suggests, more rather than less of ‘a bad’; this is the counterpart of the condition that domination has to satisfy if it is decisively objectionable, affecting a chooser and not just a choice: namely, that it should affect the person’s basic liberties.

The first point of difference, very briefly, is that being subject to the power of another agent is not the only way of being subordinated; we may take this power, despite some qualifications on Kolodny’s (2023, 91) part, to converge with the republican idea of being subject to another’s power of interference. There are broadly two other modes of subordination possible (Kolodny 2023, 91-3). Someone may be subordinated in virtue of having less power in comparison with their fellows over how third parties in the society behave. Or they may be subordinated in virtue of enduring less regard or status than others, without good reason for the difference; this will mean having a lower 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 cultural power, as we may say.¹¹

¹⁰ For a view of how social norms of the protective kind might emerge, and might materialize in laws on the pattern envisaged by Herbert Hart (1961), see (Pettit 2023, Ch 1).

¹¹ I pass over the fact that for Kolodny (2023, 94), the ‘greater power’ relevant to subordination—certainly in the case of interfering power—may be ‘real or believed (p94). I do this partly for reasons of simplicity of

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; he casts this as authority in a *de facto* sense. His main reason for making the distinction is that authority in his sense involves a distinctively wide and effective form of power. We may abstract here from that observation, however, taking subordination to fall into three categories: being under the interfering power of another; having less comparative power than others; or enjoying less cultural power in the society.

The second point of difference between domination and subordination is, in a phrase, that whereas domination does not essentially involve a social status, subordination does. 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 give them a low status in their social world: this, in the standard sense of a low socially recognized standing relative to others. Assuming that the person will be aware of their status, then, as the manifestness implies, they will be likely to display the fear or deference for which their domination provides a good reason. But this connection between domination and status is contingent, since someone may be dominated by another, or the members of one subgroup be dominated by the members of another, without this becoming registered as a source of status. Thus, in a society where men had various asymmetrical powers of interference over women, this might be registered in common awareness as a natural fact, not a matter of relative status; that development might have to wait on the emergence of feminist awareness and action (Pettit 2015b, 118-20).

Subordination, by contrast with domination, is essentially a matter of status. Being subordinated, Kolodny (2023, 87) says, means ‘standing in a “relation of inferiority” to another person’, being ‘set beneath them in a social hierarchy’, whether that relation derives from their being under the interfering power of another or having less comparative

presentation, partly because believed power is a form of real power: in Hobbes’s (1994, 10.5) words ‘reputation of power is power’.

or cultural power. He recognizes that one person, Loman, may do less well in the power stakes than another, Hyman, without either thinking of the other explicitly as superior or inferior. And in that 'exotic possibility', he concedes that 'if Loman were to discover the truth—that all this time he has been pushed or bossed around by Hyman—it might come as a nasty surprise' (97). But he thinks of the nasty surprise as a discovery not just that the power asymmetry was in place—not just, to keep the republican focus, that they were under the interfering power of Hyman—but that they were situated beneath them in a social hierarchy. What Loman would discover, in other words, is not a natural fact about their relative power but 'the social fact of the inferiority' (115) relative to Hyman, where Kolodny takes social facts, as he says elsewhere, to 'depend on actual attitudes and dispositions' (135).

This second difference between domination and subordination may seem to be elusive. And it may also seem to be peripheral, since republicans must agree that even if enjoying domination may be fixed just by natural facts about the relative power of agents, enjoying non-domination—enjoying adequate security against domination in virtue of the protection of laws and norms—is bound to be as publicly manifest as the protection itself and to constitute a social status. But however apparently elusive or peripheral, the difference is important for Kolodny (2023, 89), since it offers the salient explanation of three conditions by which he characterizes 'relations of inferiority', distinguishing them from imbalances of power.

The first of these conditions is that they 'involve genuine relations': 'either interactions of some kinds, perhaps across borders, or comembership in a common society'. The second is that there is a hierarchy such that one party 'can be identified as higher in the hierarchy, the other as lower' (90). And the third, the most important of all, is that 'they are relations between individual, natural persons', and in particular not relations between an individual and a collective body.

It is obvious that one agent may have a power of interference over another without a genuine relationship, by virtue of having resources that they keep hidden, perhaps with a view to a later intervention. And equally one party may obviously have a power of interference in another's basic liberties without counting as higher in a pre-existing

hierarchy: they may not belong to that hierarchy, or may rank in other respects as lower in that ordering. Finally, as Kolodny freely admits, a collective body may have a power of interference in someone's basic liberties and yet not rank as superior in any hierarchy. As he says, 'a collective, such as the state, can have greater power over you. But is there a question of the state itself having inferior, superior, or equal status in relation to you? It seems to me a kind of category mistake' (90).

If subordination does not involve enjoying less power—less interfering power, or indeed less comparative or cultural power—then that can only be that the relations of inferiority involved must be a function of social facts, and must consist in having a lower social status. The point is often implicitly supported by Kolodny himself, as when he asks: 'if it doesn't make sense to have equal status with a collective'—even a collective with greater power—what sense does it make to be ranked as superior or inferior' (90). And it is explicitly endorsed when he contrasts 'being subject to alien power or authority, period'—in effect, being dominated—with 'subjection to the power and authority of a superior', where their superiority is established by their status and can be nullified without removing their power (127).

We have identified two striking points on which subordination differs from domination: that it may involve, not just being subject to another's interfering power, but also having less comparative or cultural power than the other; and that it is essentially linked to social status and, consequently, can only materialize in relations 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 constitute domination of a person, not just a choice, and 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 words, 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.

It is noteworthy, though Kolodny does not make the point, that the presence of these tempering factors means, intuitively, that while one person may seem to subordinate another in a particular act or relationship or context—in a tempered exchange—what occurs does not amount to subordination, period: subordination of the person as such. The observation underlines the analogy with domination. As subordination does not amount to subordination of a person when it is restricted in this way, so domination does not amount to domination of a person when it does not affect their basic liberties. Neither is 'a bad', or each is 'less of a bad', when it is subject to such a restriction.

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 social status. 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 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 cultural 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, as Kolodny emphasizes, in two broad implications for the policies that ought to be pursued by the state. While agreeing with him that the ideals have those different policy implications, however, I resist his account of the implications supported by the ideal of non-domination (Kolodny 2023, Ch28.3).

The first policy divergence highlighted by Kolodny is 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 dismissively as 'possibilism'. The second divergence he emphasizes is 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 resources sufficient to give them a power of interfering with your basic liberties, so that 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 as already noted, 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 that will naturally concern you 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—that you are probabilistically insecure, as we put it earlier—but only in the second case is there also a power-based cause for concern: a concern about your agential insecurity. The probabilistic concern is broader and will differ in its significance for policy insofar as on its own it might support measures that would exacerbate the agential insecurity of the less powerful; thus,

it might argue for rewarding the powerful for not interfering with others or for encouraging the powerless to fawn and toady and keep the powerful happy.¹²

Kolodny argues that whereas those who prize non-domination worry about possibilities, those who hail non-subordination attend 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 resources enough to have a power of interference in your basic liberties. But still an actual-world contrast remains in place between domination and subordination. You may suffer domination without actually having a lower social status than the dominator: this, most obviously, when you are subject to a power of interference on the part of a collective body. But you cannot suffer subordination without such an actual

¹² For a discussion of that issue, see (Pettit 2008), responding to (Goodin and Jackson 2007).

loss in social status, since it consists in living beneath the dominator in an established social hierarchy.

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’.¹³

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. Among the collective agents that may dominate someone, having a will to impose on them, he rightly counts the state: ‘the state makes decisions and takes actions in coordinated and structured ways’, he says, and that is ‘enough to make the state a will’ (p.279). But while the state and other collective bodies may dominate people, it is important for Kolodny, as we have seen, that no such body can subordinate them. 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.

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

¹³ 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).

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 grounded as follows. Take a number of agents each with a will that might turn against you in interference—each can will to encroach, as Kolodny puts it—but none of whom can interfere on their own, for want of resources. And now suppose that they could together interfere, if they each turned hostile; suppose indeed that they do each turn hostile. Does that mean on its own that the group they constitute actually dominates you: that they have a collective power of interfering in your basic liberties? Does it mean this even if members are not aware of one another’s hostility and lack a plan for acting together so as to interfere with you? The question, as Kolodny (2023, 285) frames it is this: ‘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’ to that question, he says, ‘seems quite plausibly to be yes’. But for reasons related to the discussion of possibilism, the answer is surely, 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 resources needed for collective interference—but were not aware of having them.¹⁴ No agent, individual or collective, can be said to have a power of interference just because they have the resources needed to interfere; they may have a material power of interference, so to speak, but if they do not know that they have that material power, they will not have a power of interference, period.¹⁵

¹⁴ 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.

¹⁵ 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

Two kinds of collective agent

Before leaving discussion of this second implication, it is worth noting that while Kolodny acknowledges the reality of collective agents, and the fact that they may be ascribed collective wills, he says nothing on what such agency requires and does not register any significant divide among collective agents. It will be useful to say a little on this topic here, as doing so will buttress the point made against Kolodny's ubiquity claim and, even more important, will prove relevant in the final section.

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 that environment; control in this context must be generally reliable but need not always be successful. This characterization, though absolutely standard, allows us to make a non-standard distinction between two important kinds of agent. 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 then 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.

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.

In both cases of collective action, 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 must be manifest to all that each member will play their part in that plan just insofar as they expect that others will also play their parts, and that some will get things going by acting on that expectation.¹⁶

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.¹⁷ 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 an interfering 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 an interfering 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.

On this account of collective agency, no group can perform as an agent without plans, whether a plan that they construct in response in relevant scenarios or a plan that they bring ready-made to those scenarios. That plan will guide members of the group in the pursuit of a goal insofar as the goal is manifestly embraced by all and the plan manifestly promises to enable them to realize that goal together.

¹⁶ 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).

¹⁷ 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 and hence that restriction in this discussion.

These observations will prove relevant in the final section when we shall use it for two purposes. One, to argue that separating out the agencies of government—the legislative, judicial and executive officers of the state—may block government from acting as a single, plan-making agent and dominating its people. And two, that giving the people only a plan-taking form of agency may block it from victimizing any individual citizen while still having a power to check the state. But the observations are also relevant to the argument of this section. They support the claim that the fact that certain agents might form an agency capable of interfering with an individual does not mean that the group currently has a power of interference and dominates that individual. Such a group would lack a plan of the kind required to make it into any sort of agent, plan-making or plan-taking, and be actually unable to dominate anyone.

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 into existence. We turn now from such broad differences between the policy implications of the ideals to differences between them on what the state should do and on what it should be.

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 interfering 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.¹⁸

On the view of the state assumed in republican thought, a primary requirement is that it should introduce laws—we may take these to reflect or elicit supporting norms—that reduce the asymmetries of power that allow such domination and defend the basic liberties that they serve also to define. Criminal and tort and contract law are going to be essential in general but so clearly are bodies of law that apply in contexts of structural 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 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

¹⁸ This contingent possibility is illustrated in an opportunistic crime like mugging. For a different view of that case, see (Gädeke 2019).

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. For it is noteworthy that the state is called on here to redress 'untempered asymmetries of power and authority': that is, forms of power that can give rise to a status hierarchy, placing some people below others. And that call on the state parallels the republican demand, at least insofar as asymmetries of interfering power are concerned.

But there is one aspect of what the state is called upon to do that is designed to guard against horizontal subordination as such, even if it also has the potential to guard against horizontal domination. This is, as Kolodny (2023, 126) puts it, that the state ought to treat citizens in an even-handed way and not subject any to 'relations of inferiority to other individuals'. The state ought to show equal consideration for all, we are told, helping to ensure that 'those subject to the state stand in at least one relationship of equality to one another, namely that of equal citizenship'. Such a relationship would go some way towards undoing the relative powerlessness of some citizens, of course, but the important point in the claim is that it would also help to guard against inferiority in the social hierarchy of status.

Apart from this difference between the projects of combatting horizontal subordination and horizontal domination, there is a further, perhaps even deeper source of difference to register. Kolodny (2023, 93-94) thinks that certain exercises of power—say, for salience, exercises of an interfering power—will normally involve the subordination of the victim: if they materialize within a social hierarchy, after all, they will affirm and display the superior standing of the agent. But he holds that at least in situations where that is so, the mere possession of the power will 'make for inferiority only when there is endorsement

of or submission to asymmetries of power' (274). And that in turn suggests that if someone who dominates another in virtue of having such an unexercised power declines to endorse it—declines to relish it, for example, exploit it or flaunt it (93-94)—then there will be no subordination. Moreover, it suggests that if the victim refuses to submit to such an asymmetry of power—refuses to show fear or deference, for example, or to fawn and toady (94)—then equally there can be no subordination.

Kolodny may think that these observations apply only in some situations, or apply only to the subordination of one individual relative to another, not to their subordination in the society at large. But still, taken at face value, they have a remarkable consequence. They imply that even if law is helpful in reducing horizontal subordination, it may not always be necessary. The solution to many problems of subordination may be moral in character rather than political.

Assume there are many cases where subordination requires the advantaged agent to exercise or endorse their power, or at least requires the disadvantaged to submit. That means that one or other of those agents may be able to remove or reduce the subordination by their voluntary efforts. The advantaged agent can refuse to exercise or endorse their power, thereby relieving the disadvantaged. And the disadvantaged agent can refuse to submit to their power, say by assuming an attitude of indifference or defiance, and thereby relieve themselves. Insofar as subordination is a bad, then, we should expect the morally informed and virtuous to take such steps. This lesson will also carry, we may assume, for relations where the difference is one of comparative or cultural power rather than interfering power. If individuals can act to undo the relevant relations of inferiority, it follows that morality would call on them, perhaps even oblige them, to act for its reduction or elimination.

This final feature marks a deep difference between what our two ideals support. The law plays 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 against the interfering power of others. And so in the absence of law, say in a state of nature, domination would 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’.

The law is not needed in the same way, however, for the reduction or elimination of subordination among people. It will not be necessary in any cases like those envisaged, where subordination may be countered instead by the moral efforts of individuals. But still, of course, the law may be of enormous help. If it can reduce or remove the interfering power, the comparative power or the cultural 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 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 in relation to Torvald, if not to the society at large, that he is entirely goodwilled towards her, perhaps even regretting the interfering 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 it has focused on the danger of horizontal. But the problem of vertical subordination is

just as salient as that of vertical domination. Each is a problem of justice: in this case, political or democratic justice.

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 vertical issue, 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. And despite being a collective body, the state may still subordinate you for, we are told, ‘the state 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.

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 of 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 alien power or 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? According to Kolodny (2023, 125-26), they will cease to have that character, and cease to subordinate citizens, if they meet certain disciplining conditions that he calls 'secondary tempering factors'. 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.

We saw earlier that on Kolodny's account of subordination, there are cases where someone may have superior power over another—for him, this may be interfering power, comparative power or cultural power—without subordinating the other. They will not subordinate them insofar as they do not exercise that power or do not endorse the asymmetry of power they enjoy. 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 the exercise of power will not subordinate those

subject to it, provided the officials satisfy disciplining conditions like 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 superiors.

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 that binds them. 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 morally 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 may be able to undo or diminish subordination by adopting an appropriate stance, as we have seen, it would likely be enough to combat subordination 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 the power of superiors.

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 other political philosophers in the broadly liberal tradition. 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.²¹ 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. Ordinary citizens act on occasion in the name of the state as when they vote in constitutional referendums, serve on juries, or participate in the military. But mainly the state acts through its government: the agents and agencies that act at different levels in making, implementing and applying laws. And it is the government in that relatively wide sense that threatens citizens most saliently, having the power to enact and enforce laws that interfere in the basic liberties of individuals.

If the citizenry are to constrain the state and do so in a way that protects individuals against its power of interference, the first requirement is that there should be a constitutional framework—even if written, this will also encompass informal expectations— that renders the government controllable and, in particular, controllable by

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)

²¹ For simplicity I do not give any attention to the lottocratic arrangements supported, for example, in (Guerrero 2025).

its people. The framework will have to identify the extent and the equality of its people, the different branches of government, the role of each branch and the basis for appointment to any.

If it is to be effective in making government controllable, the constitution must divide up government power competitively between and often within those branches, introducing a network of checks and balances; it must be a mixed constitution, as in the ideal celebrated since the time of the ancient Roman republic (Machiavelli 1997, Chs 2-8; Polybius 2010, Bk 6). The effect of such a division of power will be to stop government uniting across different branches and becoming a plan-making agent with the ability to interfere at will in the basic liberties of its citizens.²²

Equally, if the constitution is to be effective, it will impose rule-of-law constraints on government. These will require it to keep laws suitably universal in their formulation, to maintain their relative stability over time, to ensure as far as possible that they are interpreted uniformly across different agencies and, at the same time, 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). And as complements to such constraints, it should ideally impose on government disciplines—secondary tempering factors—like those that Kolodny lists, requiring the authorities to justify their decisions on impersonal grounds, to submit themselves to the laws they make for the society, to accept their accountability to others, and so on.

Finally, if the constitution is to make government susceptible to popular control, it must meet a condition that no one can guarantee but that may evolve or at least strengthen with the survival and continuing success of the system. This is that the constitutional constraints should come to be grounded in habits of mind, conventions of discourse and norms of behavior that make certain government abuses so shameful—so disparaged in the economy of esteem (Brennan and Pettit 2004)—that they are more or less unthinkable.

²² Consistently with the government as a whole not being such an agent, the state may still count as an agent of a higher order; see (Pettit 2023, Ch 4).

It needs to be the case that dishonesty, deception and corruption are so exposed to ridicule or outrage that they are anathemized in public life.

How might the people act in ways allowed or even enjoined by a constitution so as to control the government it makes controllable, guarding citizens against abuse? They will have to guard individuals against being forced within the state's jurisdiction, or stopped from leaving it.²³ They will have to guard them against being singled out and victimized by government: being subjected to discriminatory rule rather than a rule of law. And, beyond ensuring that the law does not allow government to fence citizens within the jurisdiction, or to discriminate against them, the people will have to seek some control over the general pattern of law that the government imposes; it will have to curtail the discretion of government on that front.

There are familiar democratic procedures, of course, for enabling the people to impose guards against government fencing, victimization and discretion. They include the procedures that enable the collective people to exercise voter control over who is to serve in government, as in voting for legislative representatives or executive authorities, and over whether one or another clause in the constitution is to be amended. And they include the procedures whereby any individual or group can volunteer to contest the government by challenging the actions of the authorities in the courts, on the media, or in the streets. In each case, the control is by the demos or people insofar as members can each act as an electoral voter or a contestatory volunteer and are each committed under the constitution to recognize the legitimacy of others acting in such roles; they can have no objection to others claiming to act—with their success depending on judicial or political resolution—in those roles.

But how might such a system of popular control over public decision-making protect the individual citizen against the power of the state? How might it counter all forms

²³ 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).

of state power—fencing, victimizing or discretionary power—and serve to protect each individual citizen and not, or not just, the people as a whole?

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—will 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 a system that empowers and protects them equally with others.

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, believing 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 dominates every individual citizen; as it has the power of interfering in the affairs of the state, so it will have a power of interfering in the basic liberties of any citizen. 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’.²⁴

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 interfering power that it was supposed to check in the state.

The introduction of the collective people does not cause a problem, however, insofar 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.²⁵ They are not a group with such a means of making shared judgments and decisions that 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 fencing, victimizing and discretionary power of 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 certain representatives insofar as there is a suitable electoral system in operation. And they are a team that can control for the contestation of government—including contestations over

²⁴ 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.

²⁵ 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).

non-electoral appointments—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 to act as voter or volunteer and/or to recognize the right of others to act in that role—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-made plans of action, and with an agenda limited by those plans, the people are 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.²⁶ 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).

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 performs. 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 control for checking the state does not mean that there must be a plan under which the people can cease to check it. By our account, they can each play their part in this or that plan for checking the state on the expectation, manifest to all, that others will play

²⁶ 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 concerning possibility, 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.

theirs. But that does not mean that they can each play their part in a plan for ceasing to check the state, for there may not be any such plan available to them with appropriate manifestness.²⁷ 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 discussion may offer limited support for the republican ideal insofar as it rejects 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. The comparison leaves us with a range of questions.

Taking up issues from the first section, is the interfering power associated with domination worse than the comparative or cultural forms of power that are also important for subordination? Is interfering power objectionable qua domination, regardless of whether it is held by an individual or collective agent, or only insofar as it contributes, like comparative and cultural power, to the inferior, subordinated social status of the person affected? Is interfering power decisively bad only when it affects someone's basic liberties, and amounts to the domination of a person? And is being treated as an inferior decisively bad only when it is untempered and amounts to the subordination of a person?

The second section leaves us with two issues that bear on the plausibility of the republican ideal. First, is there a significant difference between its being possible for an agent to interfere with another and its being possible that an agent with such a power of interference might form or appear? And second, does the fact that certain agents might possibly coalesce as a group and come to enjoy a collective power of interfering in

²⁷ The fallacy of thinking otherwise is akin to the fallacy present in the argument of the sixteenth-century figure, Étienne La Boétie (1942), 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).

someone's basic liberties mean that the group actually has that power now and actually dominates that individual? The discussion of those issues also raised another background question. If a group is to have agency and power of any kind, is it essential that it be organized in a plan-making or plan-taking way to have and pursue certain goals?

The third and fourth sections leave us with big questions in the theory of the just state. Is the law essential for establishing horizontal justice between citizens, guarding each against the domination of others? Or are there some cases where individuals may achieve justice by their personal efforts, guarding against subordination in a display of benevolence by the more powerful or defiance by the less?

Moving to the issues in the fourth section, is it enough for vertical justice that those who act in the name of the state, enjoying a superior subordinating status, choose to marginalize that status by subjecting themselves—or perhaps being subjected—to disciplines like that of justifying their actions impersonally, letting their laws apply also to them, and so on? Or is it necessary for the collective people to impose familiar democratic constraints on government, guarding against the domination of individuals? And if that is necessary does it imply that the collective people will enjoy an equally objectionable dominating power over individuals? Or does the fact that the collective people are a plan-taking agency, and are bound to follow democratic procedures, make a difference?

How to resolve questions of this kind? Ultimately, they involve questions of justice, social or political. And so they must be judged against John Rawls's (1971; 1993) test of reflective equilibrium. Which approach offers the best prospect of supporting our considered judgments of justice on issues about what the state should do and what it should be? Which is able, perhaps after some plausible amendments, to achieve an equilibrium with those judgments, or at least with plausibly amended counterparts of the judgments? Or does a third approach do better than either?²⁸

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