

**Power to the People: Agents' Role in and
Responsibility for Domination**

Dr Hannah McHugh

Department of Political Science

University College London

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Abstract

Domination is a kind of power - *social power* - that is, power over other people. Power emanates from a variety of relationships and structures, be they political institutions, economic systems, social lives or personal or professional relationships (to name but a few). The central republican task is to specify the necessary conditions for the realisation of freedom as non-domination. Republicans approach this task by arguing how to render power non-arbitrary. This has tended towards a republican emphasis on political freedom and the public sphere. Republicanism has been said to stand in an uneasy relationship to forms of economic or social domination, which persist often outside of formal political conditions of non-domination. This uneasy relationship arises because of a republican attachment to the understanding of domination as a relationship between agents – as opposed to domination by a structure such as, say, capitalism, racism, or a particular class. This thesis analyses how domination occurs between agents coordinated in structures of crucial importance to our modern lives, including pharmaceutical and financial markets and social media platforms.

Centralising agents has a significant pay-off: it becomes possible to attribute responsibility to specific agents and behaviours, opening up the possibility of transforming domination into non-domination through regulation and social action. This thesis argues for a structurally-sensitive theory of responsibility that regards the agential-social processes which produce and reproduce domination. In particular, I offer an ameliorated approach to practices of blaming and praising in contexts of structural domination. This account offers practical guidance for some of the most challenging cases: such as responsibility for microaggressions, and responsibility in evolving and developing normative contexts.

My hope is that this is a crucial step towards equipping theorists and non-theorists alike with practical philosophical insights as to how to respond to the most pressing cases of present injustice.

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Introduction

Domination, or - in other terms – a capacity for arbitrary interference, is a ‘kind of power, and usually *social power*, that is, power over other people.’¹ We are constantly subjected to power. Power can and does emanate from a variety of relationships and structures, be they our political institutions, our economic systems, our social lives or our personal or professional relationships (to name but a few). The central task of republicanism is to specify the necessary conditions for the realisation of freedom as non-domination, and republicans approach this task by arguing how to render power non-arbitrary. This has tended towards a republican emphasis on political freedom and the public sphere, which has often been said to stand in an uneasy relationship to forms of economic or social domination, which persist often outside of formal political conditions of non-domination.² This uneasy relationship arises because of the republican attachment to the understanding of domination as a relationship between identifiable agents – as opposed to domination by a structure such as, say, capitalism, racism, or by an inevitable class dynamic. In this thesis, I demonstrate that agents are subjected to power constantly. Crucially, agents produce and reproduce structures of power. Understanding structures of power is essential, as dominating power cannot be understood without reference to structures. However, as I shall illustrate through a number of contemporary case studies, these structures can be seen as the product of numerous actions by individuals. In this thesis I argue that this agential focus has a significant pay off as it will

¹ McCammon 2018.

² e.g. Sagar 2019 argues the insufficiency of the Pettitian republican approach to the market. Philipps 2000 and Hirschman 2003 consider the uneasy relationship between republicanism and feminism. Markell 2008 argues that republicanism offers a narrow and insufficient view of power, while McCormick 2011 finds the tradition to be elitist. Urbinati 2012 has critiqued republicanism as anti-democratic for similar reasons rooted in the alleged insufficiency of centralising domination.

become possible to attribute responsibility to specific persons and types of behaviour, opening up the possibility of transforming domination into non-domination through regulation and social action.

There are three main points which my critical republican account will address to achieve the aim of identifying which agents are responsible for the transformation of domination to non-domination. First, it has been contended that the republican tradition must, if it is to prove to be a substantive theory of justice, adequately respond to instances of structural injustice. In such instances, no individual dominating agent seems easily identified. I will show how the dominator can be identified by explaining the role of agents within structural cases of domination. Second, republicanism must respond to the objection that a focus on eliminating non-domination cannot address many objectionable injustices that *prima facie* cannot be reduced to instances of domination.³ I consider whether an account based in freedom as non-domination can provide a complete theory of social justice by taking on a number of ‘hard’ cases - from markets to microaggressions - and arguing for an agential yet structurally sensitive republicanism that can address this objection. Finally, a plausible account of social justice must incorporate an account of how justice can be realised. I shall contend that agents connected in relationships of domination have a responsibility to disrupt and transform these relationships so as to realise the republican goal of freedom as non-domination.

³ For instance, Krause 2013 argues that injustices such as widespread prejudice, including systemic racism or sexism, generates significant obstacles to individuals’ free agency but that neo-republicanism fails to explain why these obstacles reduce freedom.

Methodologically, I adopt a critical republican approach to normative political theory.⁴ I offer an agential account of structural and systemic domination which extends the republican paradigm to deal with the complex and diffuse cases of domination of most relevance to our modern lives. Cécile Laborde and James Bohman have argued that republicanism's emphasis on institutionalised practices that realise non-domination can be re-interpreted as a methodological demand in terms of a practice-oriented critical theory.⁵ Taking up this approach, I will develop a distinct view of market relations, as well as a distinct view of political responsibility. I will offer a normative basis for potential regulatory solutions for the instantiation of freedom as non-domination. A distinctive aspect of my work is that it relies upon a mix of stylised and real-world examples. This allows for a critical consideration of the actual situations which bear upon our enjoyment of freedom as non-domination.

1: Structure of the thesis

1.1: Rescuing the Dominator

My argument seeks to rescue the role of agents in cases of structural domination. In chapter 1, I set out the account of domination upon which I rely in this thesis. I argue for an agential account of domination that is structurally sensitive. The account is structurally sensitive in that I defend an account of domination as arbitrary social power, and define social power as being rooted in agential action and inaction.

A standard definition of domination holds that: 'One agent dominates another if and only if they have a certain power over that other, in particular a power of interference on an arbitrary

⁴This follows the methodology adopted by Laborde 2010.

⁵ Laborde, 2008 and Bohman 2012.

basis'.⁶ In this classic definition, it is clear that where a master subjects her servant to her arbitrary will and power, the agents concerned stand in relations of domination. This agent-relative view is at the core of the republican paradigm and from this assertion flows the republican theory of freedom as non-domination. However, domination rarely takes place dyadically between agents without support from structural background conditions, be they peripheral-agents, institutions, norms, practices, ideologies or other socio-economic factors. No reference to such factors is contained in this definition. Some, when considering such cases, have abandoned any reference to agents in their notion of domination, suggesting for instance that an ideology can dominate. This type of structural view aligns with sociological theories that emphasise structural injustices such as oppression.⁷ However, it is in conflict with a core tenet of Pettit-style republicanism; whereby a dominating agent is a necessary condition of domination. This thesis seeks to rescue the dominator. Moreover, I do so in a way that accommodates the complex interaction between agents and structures in producing domination. This allows for a conception of domination that is sensitive to structural factors yet does not lose the core elements of the paradigmatic case on which traditional neo-republicanism is based: the relationship between master and slave. I defend the view that domination is always triadic; between dominator, dominated and peripheral agents. This triadic relationship results in a structural environment which is both the consequence and framework of their interaction.⁸ This analysis of how social power is manifested will allow me in future

⁶ Pettit, 1997, 52.

⁷ For Young, domination refers to the institutional conditions that undermine the agent's capacity for self-determination. Domination is for Young a social condition characterised by the systemic and pervasive exercise of power, which limits individuals' freedom, agency, and opportunities. According to Young, domination involves the hierarchical structuring of social relations that grant certain individuals or groups more power, resources, and control over others (Young & Allen, 2011).

⁸ This aligns my conception with emerging literature on structural domination, including Gädeke (2020).

chapters to centralise the social norms and practices that shape our interactions. For instance, I do this by analysing the role of microaggressions in cases of structural domination and injustice.

The definition of domination that I rely upon will be argued for and ultimately specified as follows. A power relationship is dominating if and only if:

- 1) An agent, group agent or coordinated set of agents A
- 2) has the capacity to participate in shaping the option sets of agents B,
- 3) in conditions of dependency and asymmetry
- 4) and this capacity is robustly, structurally constituted,
- 5) and not controlled in a general and reciprocal way by B.

1:2 Applying the structural account: domination and the market

The emphasis on the master and slave dialectic has led republicans to largely focus on more intuitive structural examples of domination, given the relative ease with which these cases can be made analogous to the paradigm. For example, much of the discussion has centred on matters such as workplace democracy, a basic income or market competition and therefore also concern cases where there is a clearly established relationship between dominator and dominated.⁹ A structurally sensitive conception of domination allows for the examination of complex and diffuse cases, which have been comparatively under-theorised in the republican literature. The reason for this neglect lies in such cases being ill-suited to purely agential forms

⁹ Workplace democracy: Anderson, 2015; Gourevitch, 2013, a basic income: Lovett, 2009, Pettit 2007 or market competition: Taylor, 2013, 2019.

of domination, on the one hand, and not easily attributable to structural accounts where whole classes of persons are deemed to be dominating or dominated, on the other.

In chapter 2, I set out how republicans have approached the market and argue that a focus on dyadic and class-based relationships in economic life does not sufficiently regard the domination that frequently occurs as a result of structural forces. While power disparities between agents are of central concern to Pettit, his market analysis does not provide republicans with an adequate starting point to address such problems. Pettit distinguishes natural factors from social factors that may inhibit our action. Pettit sees natural factors as permissible within a socially just system, while social factors may be inimical to freedom. Pettit specifies that natural factors are those which cause us to lack the resources required for freedom in a particular choice (vitiation), while social factors limit the way in which we might use those resources (invasion)¹⁰. Pettit analogises the market to a natural factor which vitiates our choices. For Pettit, so long as there is no discrete, intentional agent, there can be no such thing as structural domination in the market economy.

In contrast to Pettit's position that the market is akin to a natural force, I argue for an account which incorporates the capacity of diffusely connected dominators, enabled by structural power. In doing so, I show how agents can be placed in positions of dominator and/or

¹⁰ Pettit defends the claim that whilst the vitiation of a choice denies us a precondition for enjoying freedom of choice, 'to suffer invasion is to be denied the very condition by which freedom is identified: to be thwarted in making the choice according to your will'¹⁰. In order to elucidate the intuitive motivations for this distinction, Pettit compares the reaction we might have in two comparable instances. Where our car is damaged by a hailstorm, we may suffer negative emotions such as disappointment and regret. However, in the event that our car is vandalised we will experience such emotions differently. Invasive hindrances are said to cause us to 'burn with resentment and indignation'. Pettit, 2012, 13, 43, 48.

dominated by the structure of the market. There is a risk that if the market is seen as natural or impersonal, the possibility of reform through human agency will evaporate. I also contrast my account with existing structural approaches, such as that of Alexander Gourevitch. While Gourevitch is successful in identifying power relationships in the operation of the market as the problematic element from the republican perspective, I show that it is inaccurate to say that particular agents individually hold an actual capacity to coerce others. I resist adopting an inevitable class-based or status-based conception of domination.¹¹ I instead focus on the coordination of agents in order to be more precise on the location of agential power and the notions of status and social power.

In this thesis, I take a series of cases as departure for analysis. In chapter 3, I will argue that in financial markets – where formally equal status pertains – agents may find themselves dominated. Demonstrating this demands firstly an analysis of the power relationships in structures, and how agents must be connected within those structures. Using the financial market case as an example, I consider what is required in order for any particular agent to have the capacity to interfere arbitrarily as is required by a republican conception of domination. I argue for an extension of the notion of capacity previously not proposed in the republican literature, such that coordinated but not collective actions of certain agents will be captured. This extension better deals with diffuse cases where no agent individually holds such a power. I will also offer a distinct account of how social practices can be sites of coordination that produce domination.

¹¹ For such an account, see Gourevitch, 2012.

My account offers a distinctive view of the market. I chart a middle way between treating the market as a natural force, on the one hand, and objecting to the market structure, or whole classes of dominators within the structure, on the other. In chapter 4, I sketch some of the difficulties republicanism faces when seeking to realise non-domination in the context of globalised markets. I consider existing republican approaches to the realisation of non-domination within a system of states, advocating for a form of intergovernmentalism rooted in national self-determination. Subsequently, I examine the interplay between freedom as non-domination and the global landscape of markets. Within this framework, I consider the challenges and opportunities presented by international markets in the context of non-domination. I contend that achieving the realisation of freedom as non-domination necessitates an ongoing balancing act, which relies on finding a balance between different dimensions in which freedom as non-domination can be advanced. These dimensions are what Miriam Ronzoni has termed different republican desiderata in tension.¹² While Ronzoni has articulated these desiderata with regard to international institutions, I expand upon her argument, illustrating how a similar balancing is necessary in the realm of market regulation and structuring. To conclude, I outline how the insights gleaned from my argument have the potential to serve as the normative underpinning for international market regulation and structuring, ultimately ensuring the governance of arbitrary agential power within the framework of republican ideals.

¹² Ronzoni, 2017.

1.3: A republican account fit for contemporary life

Once I have argued for a distinctive republican approach to the market and sketched some potential regulatory solutions to problems of domination therein, I turn to a further case of modern domination. I continue to demonstrate how contemporary instances of arbitrary power challenge traditional agential republicanism. In chapter 5, I turn to consider social media and argue that the structure of social media platforms presents a new and sui generis form of structural domination. Moreover, I demonstrate how a structurally sensitive agential republican account will have advantages over liberal approaches to contemporary power structures.

I argue that social media platforms facilitate a capacity for arbitrary interference from a variety of third-party agents. Platforms create a possibility for agents to dominate, and indeed are monetised precisely because of this potential. Platforms create a dependency in users, and their customers use this to manipulate those users. The impacts have been huge. Along with the rise in social media we have also seen steep rises in mental ill-health, hateful speech and political polarisation.¹³ I argue for a republican conceptualisation of the injustices associated with social media and their algorithmic mechanisms which will tend to methods of regulation that theorists working under the liberal framework are less able to justify. Political theory of social media has tended to be conducted under the liberal framework. Liberal theorists tend to prioritise individual rights and freedoms, such as freedom of speech and privacy, over collective goods, such as community well-being or democratic participation.¹⁴ This emphasis on individual rights often translates into a reluctance to regulate social media platforms (that

¹³ Braghieri et al, 2022, Levy, 2021.

¹⁴ For instance, approaches which continue from the perspectives of Dworkin, 2013; Berlin 1969.

are seen as private entities) and to limit individuals' expression online.¹⁵ I will argue that a payoff of a structurally sensitive republican account is that it can offer new insights into contemporary power structures such as social media platforms.

1.4: Responsibility for transforming domination

Once my structural account is established, I will turn to the advantage that rescuing agents in the definition of structural domination affords me: that an argument can be put forward for how duties of justice may be discharged. The final three chapters of this thesis centre on responsibility for transforming domination. More precisely, I centralise practices of responsibility such as blaming and praising. In so doing, I argue that practices of responsibility are crucial in the development and entrenchment of social norms. As such, practices of responsibility are important sites of resistance and transformation in conditions of domination. A theory of responsibility for structural domination must take into account the agential social processes which form the background conditions and structures that facilitate domination. This is a motivation behind the thesis. Failing to address the agential roles that form systems which lead to dominating outcomes or responding only with redistributive policies or affording universal modes of anti-power, does not address the problematic interactional interferences associated with complex structures. I take up the task of arguing how responsibility for undermining structural power can be approached in chapters 6, 7 and 8.

In chapter 6, I introduce the emerging challenge to my account: namely, who is responsible to address domination in structural contexts? For republicans, nondomination identifies what is

¹⁵ Brison & Gelber, 2019 is an important collection of liberal approaches to problems of free speech and privacy in the digital age.

morally problematic about cases of complex structural domination and points towards an institutional solution. What though, are the responsibilities of individual agents where institutions are not in place or are failing to meet the standards necessary for freedom as non-domination in cases of structural domination? The structural nature of domination means that the injustice is not to be conceived of as an individual act of wrongdoing by any particular agent(s) or group agent(s). A republican account of responsibility must therefore be power sensitive; it must show that dominators have responsibilities which relate to their role in the production and reproduction of social power. Agents' capacity to dominate is not due to direct action or inaction towards the dominated, but due to participation in a structure which produces positions of relative empowerment or disempowerment. I will argue that this means that agents have a responsibility to transform their status position, not merely to rectify the outcomes of any specific injustice(s).

Existing theories of collective responsibility, in particular Iris Marion Young's 'social connection model', will be examined for compatibility with my account. Young's prominent account of responsibility for structural injustice, I argue, fails to address this structural dimension and risks reaffirming and reproducing domination.¹⁶ Young's social connection model of responsibility demands that agents connected to structural injustice should do what is in their capacity to fight said injustice.¹⁷ However, the account of structural domination outlined above reveals this demand to be insufficient to undermine the positions of relative empowerment and disempowerment that agents find themselves in. Were those agents with a more powerful status to respond to injustice by acting on behalf of the dominated, without

¹⁶ Gädeke, 2021 advances a similar argument.

¹⁷ Young, 2011, 142-151.

subjecting their own position to power scrutiny and transformation, then they would remain in a position to dominate. From a republican perspective, they would simply be acting like a benevolent master.

My revised account of responsibility allows me to respond to an important critique that has been levelled at Young's view. I consider Martha Nussbaum's critique that Young's purely forward-looking conception of responsibility affords a 'moral free pass' to those agents who fail to act, given that no backwards-looking responsibility will attach¹⁸. I argue that Young's account fails to motivate and build capacity in many agents to take up their forward-looking responsibilities as she is insufficiently sensitive to the process of normative change. I make this argument by analysing the emerging and developing nature of a capacity for reason-responsiveness, such as is required for an agent to take-up responsibility. In chapter 6, I argue for a backwards-looking theory of political responsibility, that is sensitive to the most challenging and arguably central cases: those in which new norms are emerging and developing.

In arguing for a transformative and structurally sensitive theory of responsibility for domination, I must address certain difficult questions of great practical relevance. For instance, should one blame agents for their contributions to and role in structural injustices and domination? Am I blameworthy for not becoming vegan given the environmental impact of global meat consumption? Or, should I respond to a gendered microaggression despite the minor nature of the discrete harm, given the context of gender inequality more broadly?

¹⁸ Nussbaum 2009, 141.

Answering these questions requires first investigating the function and role of reactive attitudes (in particular, those which express blame and praise). Second, I consider whether agents can be held responsible for harms they play only a distant and minor role in causing.

Existing accounts of political responsibility seek to distinguish blame and responsibility, and ultimately argue against the appropriateness of blame in cases of structural injustice and domination. Against this, I argue that reactive attitudes develop our sensitivity to moral and political reasons, and thereby motivate both individual and collective action. Further, removing blame implies a misconstrued disconnectedness between agential actions and structural injustice. My defence of blame builds on my defence of the role of agents in structural domination. In the examinations of structural injustice and domination from Young and in recent republican accounts, some *prima facie* reasons to separate blame and responsibility are offered.¹⁹ Many of the features of the ways agents interact with structural injustice appear to be exemptions or excuses from blameworthiness. For instance, remoteness from harm or minor contributions to injustice. I argue, contrarily, that blame is attributable for failing in a structural responsibility as well as for failures in interpersonal responsibilities arising from power-positioning. My approach eliminates many excuses for action or inaction in structural contexts.

Moral responsibility theorists argue that blame is a central feature of practices of responsibility for structural injustice or domination. Drawing on reason-responsive theories of a Strawsonian

¹⁹ Young, 2011, Gädeke 2021 distinguish liability and responsibility, arguing that only forward-looking responsibility is appropriate in cases of collective political responsibility.

origin and recent signalling theories of blame²⁰, I defend blame as both appropriate and important for its ability to reveal emerging norms, improve uptake of responsibility, undermine dominating sources of power and transform structures. Blame has a role in developing our sensitivities to normative reasons.²¹ Blame is key in the development of our moral and normative reasoning as well as our ability to effect political and personal change such as is required to undermine and transform dominating or unjust sources of power. Rescuing blame is important for its ability to make opaque structures transparent. This is key in cases where new norms are emerging. I offer a distinctive account of how responsibility will vary during the emergence and development of norms.

In demonstrating the important role of blame in transforming structural domination, I place practices of responsibility as central in our social, normative, political and moral relations. I argue for the importance of practices of responsibility in revealing, challenging, and developing emancipatory norms. Having paid close attention to blame, I turn in chapters 7 and 8 to a less explored practice: praise. Moral and political philosophers have focussed largely on when it is or is not appropriate to blame. This is in part because blame is regarded as requiring some special justification, due to its punitive nature and potentially damaging effects. In this thesis, I consider how praise can also have normatively problematic effects and show that it can be oppressive.

²⁰ e.g. Shoemaker & Vargas, 2013.

²¹ e.g. Pettit & McGeer, 2015.

Recently theorists have shown how our practices of blame and praise are not insulated from social and political dynamics.²² Where agents hold each other responsible in accordance with moral or social norms, there is a risk that judgements will be in line with oppressive but widely held norms.

Our social practices will be affected by background oppressive structures, and this could lead agents to (implicitly or explicitly) judge others by standards that align with oppressive expectations, assuming – for instance – that certain groups are more or less blameworthy or praiseworthy given their social position. In light of the account I will set out, it will be clear how this type of action provides power as part of a structure of domination. Praise can contribute to oppression and domination – but importantly – praise can also contribute to alleviating that oppression and domination. Praise can signal emerging or developing normative standards and should not be abandoned. I therefore address two connected questions: what are the conditions of oppressive praise, and what are the conditions of progressive praise? There are pitfalls and promises in praise, which I explore.

Taken together, this thesis will set out an argument for an agential yet structurally sensitive republican account of domination, which pays close attention to the roles and responsibilities of participating agents. My hope is that this is a crucial step towards the goal of disrupting and transforming contemporary forms of domination, and equipping theorists and non-theorists alike with practical philosophical insights as to how one may respond to the most pressing cases of present injustice.

²² Ciuirria 2020 and Holroyd 2021.

Part One

The Role of Agents in Structures of Domination

Chapter 1: Rescuing the dominator

‘One agent dominates another if and only if they have a certain power over that other, in particular a power of interference on an arbitrary basis’.²³ In this oft-cited definition of domination offered by Philip Pettit, the role of agents in domination is central. However, in the case of many social conditions that we might associate with domination, such as racism, sexism or exploitative capitalist economies, one might be tempted to abandon this agential view. Indeed, a number of theorists have done just that and abandoned any reference to agents in their notion of domination. For example, some even suggest that an ideology can dominate. This type of structural view aligns with those sociological theorists, among others, who regard domination as being similar in content to other structural injustices, such as oppression.²⁴ Being precise about the role and interaction of agents and structures in creating conditions of domination is of critical importance, therefore. If domination is to be transformed into non-domination - which republicans maintain is both possible and desirable - an account of domination must specify who or what wields power, and the conditions under which that power becomes dominating.

This chapter seeks to rescue the role of agents, while acknowledging the structural dimensions of domination. The account defended here is structurally sensitive in seeing domination as arbitrary social power. However, it locates social power in agential action and inaction. The reason for doing so is that if domination lacked such an agential character, it could become

²³ Pettit, 1999, 52.

²⁴ For instance, the accounts of Young 2003, Weber 1978, Foucault 1982, and Marx 1867, as variously incorporated by Gourevitch 2013, Thompson 2013, Laborde 2010, Rahman 2017.

comparable to being subjected to bad weather.²⁵ In other words, without an agential story, the hope of attributing responsibility to particular persons for the transformation of domination may evaporate. The arbitrary nature of power, in Pettit's definition above, is importantly linked to agential choice and action. I will seek to maintain this link, by offering a distinctively social conception of dominating power. I will defend an account of social power and, more importantly, of arbitrary social power that can get to grips with the most complex cases of structural domination - such as domination in markets or within oppressive structures.

Critiques of agential republicanism have been made from many perspectives. For instance, sociological conceptions of domination, which follow theorists such as Marx, Weber or Foucault, abandon the role of agents as dominators and object to structures outright. Radical republicans object to structural and systemic power and seek to identify the agents or defined classes of persons who hold power within given structures.²⁶ Radical republicans seek to capture some of the most complex cases of contemporary domination, which are poorly described without reference to systemic and structural elements. One particularly challenging area taken up by radicals is the market. For some, such as Pettit or Frank Lovett, the market is considered a neutral forum, in which agents participate equally. For others, such as Marxists,

²⁵ For instance, Pettit distinguishes the market from the sort of vitiating hindrances that are productive of domination from those which merely invade our option sets, arguing we do not experience 'reactions like resentment and gratitude... towards natural phenomena like the weather or the business cycle'. (Pettit, 2001,13).

²⁶ Radical republican authors have generally focused on two areas of domination to establish their arguments: markets, capitalism and labour on the one hand (see, for example (Gourevitch 2013; Thompson 2013, 2018; Rahman 2017; O'Shea 2020; Muldoon 2022) and social injustices, such as racism and sexism, on the other (e.g. Laborde 2008; Coffee 2015, 2020; Gädeke 2020; Hasan 2021). I place my account within this tradition, however seek to rescue the role of individual agents in domination and do not offer a class-based conception such as that of Gourevitch 2013.

it is a paradigm example of purely structural domination. In this thesis, I consider closely the possibility of domination in markets. In this chapter, I take a specific market example (the pharmaceutical market), in order to criticise both these positions and defend an agential account of how market structures can dominate, and suggest ways they might be reformed so as not to do so.

This chapter proceeds as follows: in Section 1, I offer an example case for analysis and identify the challenges it poses; that of domination within the pharmaceutical market. In Section 2 I preface my account by arguing that the normative wrong of domination is, at core, a status-based harm. I consider how social power leads to domination, so conceived. In Section 3, I consider how agents hold power in conditions of structural injustice. I argue against the idea that structures can dominate (the agential capacity condition). In Section 4 I argue against maintaining that agents must be in a strategic relationship for domination to pertain, and specify that the social power held by agents to frame option sets is a necessary condition (the social relationship condition). In Section 5 I argue for a conception of dependency upon power that will be a necessary condition for domination. I argue against a requirement for common knowledge (the dependency condition). In Section 6 I specify the nature of arbitrariness in relation to social power and domination, arguing for a control-based account (the arbitrariness condition). In Section 7, I return to the example case to demonstrate how my account functions. I conclude by specifying the emerging necessary and sufficient conditions for domination.

1: Contemporary domination: a challenging case for agentialists and structuralists

Dramatic price increases of pharmaceutical products in the US have received much media attention. In 2015, the marketing rights to the drug Daraprim were purchased by Turing Pharmaceuticals, who raised the price of the drug from \$13.50 to \$750.00 per tablet for US consumers. Daraprim is listed on the WHO's List of Essential Medicines as it is used to treat, inter alia, malaria and HIV/AIDS patients. It is easy to imagine how this price hike may directly impact patients with or without insurance who thereby become unable to obtain the product. The deleterious effects on agents who are dependent on these products could take many forms, including physical, psychological, emotional, financial and even reputational damage.

Those who rely on the drug suffer from interference in their choices due to the framing of their option set. Pettit states that interference in a choice can occur in three ways: through removing, replacing or misrepresenting options.²⁷ In this case, the option set for patients is determined by players in the market who determine the pricing of the medicine. The consumers here do not have the option of affordable healthcare and the alternative is untreated illness. Many agents are involved in the structure that links the actions of Turing Pharmaceuticals with those dependent on the drug. For example, there is the role played by the medical researcher in producing the drug and selling it to Turing Pharmaceuticals, and that of the hedge-fund manager who takes pricing decisions. Both parties are aware of the potential

²⁷This is an instance of replacing of an option. If a penalty is attached to the choice between X and Y, this choice becomes X and Y-minus. In this case, the original option set has been removed and so on Pettit's account the option set is interfered with (Pettit, 2012, 56). I argue, beyond this, that the option set is shaped and determined by market players.

end results of their actions for consumers, and both may play a role in increasing prices – the first by increasing their production costs or profit margins, the second by reflecting these increased costs or by increasing Turing’s profits. However, it is difficult to identify which agents’ actions structure the market or, rather, subject consumers to dependency upon the pricing system at play. After all, the ability of Turing Pharmaceuticals to raise prices in this way is also dependent on the power asymmetry created by non-agential factors such as the legal regime, internalised ideologies and the US economic system; all of which become relevant in describing domination. Turing Pharmaceuticals power to raise this price will also be dependent upon the coordination of other market players, who take up similar pricing practices and thereby shape the market.

This case poses five fundamental questions for a theorist seeking to understand whether this case can be regarded as giving rise to domination. The first two questions are fundamental to the nature of domination, while the third, fourth and fifth questions are necessary to substantiate the answers to the first and second questions. First, if this is domination, why is that so? In other words, what is the normative wrong of domination and how does it present in this case? Second, if this is domination, is the customer subject to the dominating use of power by an agent (and in this case, is it Turing Pharmaceuticals qua collective agent, or individual employees and others in the production and marketing process), or to the domination of the structure itself (defined by factors including the institutional and legal regime that permits such market domination and perhaps the prevailing neo-liberal ideology which favours seeking profits). Third, are the agents in this case relevantly connected? It is unclear which agents possess, and in what ways, a power of arbitrary interference over those who require the medicines. The nature of this relationship must be specified. Fourth,

domination is in part defined by a relationship of dependency. In the context of a structure like a market, that involves entry and exit options, it is not *prima facie* clear that there is dependency between the agents who participate in the market. This must be established. Finally, in what sense can the price-raising power of agents be said to be arbitrary? The nature of arbitrariness must be considered.

In the sections that follow I shall take up each of these five questions in turn. I will argue for an agential yet structurally sensitive account of domination that I believe can respond to these five fundamental questions. In the analysis that follows I shall distinguish my account from those of purely agential theorists such as those of Lovett and Pettit, on the one hand, and of sociological and structural theorists such as Iris Marion Young, Michael Thompson, Sabeel Rahman and Alexander Gourevitch, on the other.²⁸ The account I am offering has the critical advantage of being able to show which agents hold power in diffuse structures, and attends to the agential genesis of that power. Structural power, so called, has a basis in social relations and structures. By demonstrating the agential basis of this power, it will become possible to attribute precise responsibilities for its transformation such that non-domination can be secured – a task I take up in the latter part of this thesis. A purely structural account risks failing to get to grips with the nature of dominating power, and will be forced to object to structures (such as capitalist markets) outright. At the same time, a purely agential account risks being insufficiently sensitive to the nature of domination, which always has a structurally entrenched character and cannot be understood without reference to this.

²⁸ Young 2010; Gourevitch 2013; Thompson 2013, 2018; Rahman 2017.

2: Domination: what's the normative wrong?

To recall, the first fundamental question that I have framed as emerging from the Daraprim case is to show why this is a case of domination. I therefore must now set out what I take to be the normative wrong of domination and demonstrate its applicability to the case at hand. I will begin by taking a standard account of domination and I will investigate the normative motivation for that account. I argue that domination is a status-based harm.

Let's begin with a preliminary definition of domination on which all republican theorists agree. An agent is dominated where that agent is subject to the arbitrary power of another. The power can be considered arbitrary where the agent(s) subjected to it does(do) not control that power. Paradigmatic cases of domination include domination of slaves by their masters, subjects of dictatorial and/or authoritarian regimes, and women by men where there are patriarchal institutions. The distinctive normative harm in these cases results from the power of stronger agents to subject weaker agents to their will, and the capacity dominating agents have to exercise this power in an uncontrolled way.²⁹ Slaves, dictatorial subjects and wives lack two crucial elements that would give them the requisite control to render this power non-dominating. Firstly, they lack the interactional power to determine what their master will do (they do not have the standing necessary to demand not to be interfered with). Secondly, they cannot participate in determining the rules which restrict or shape the powers that dominators hold over them. From the perspective of domination, therefore, the normative problem with the power to dominate is not reducible to any particular action by dominators. Certainly, the violence, degradation or punishment that these relationships may facilitate are terrible

²⁹ For example: Pettit, 1997, 55–56; Pettit, 2012, chap. 1; Forst, 2022; McCammon, 2015; Gädeke, 2022.

examples of what becomes possible where domination pertains. However, the republican claim is that there is something unjust about arbitrary power regardless of whether such actions occur.³⁰ Domination is a condition of subjugation, and this condition is wrongful in itself - regardless of whether a master chooses to exercise her resulting power or not.³¹

A dominated agent does not enjoy the standing that they ought to occupy in a society. A dominated agent's moral status as an autonomous agent is violated through being subject to the mastery of another agent.³² This occurs regardless of any particular outcome of, or action taken within, the dominating relationship. Domination is an intrinsic, non-instrumental, wrong. In considering this normative core, Dorothea Gädeke offers a discourse-theoretical conception of normative authority, which builds upon Pettit's conception of discursive rationality.³³ I cannot do justice to the depth and sophistication of her developed account here. However, I endorse her analysis and take it to require that agents must be capable of reasoning about and selecting their own goals and desires in order to enjoy non-dominated status. Agents

³⁰ I begin from the premise that domination refers to the relationship between dominator(s) and the dominated, and not solely the outcome of a particular relationship. Domination should be conceived of as a condition experienced by persons or groups when they are related to other persons or groups in a particular way. By contrast, an outcome-based conception might demand that a benefit be incurred by the dominating agent in a particular case. An outcome dependent understanding cannot capture instances where an agent becomes dependent on the will of a benevolent dominator. Further, this would negate the tradition's ability to tackle the very effects it describes as the motivation for objecting to domination. Republicans are concerned by the way the dominated will adjust many of their actions to minimise domination's ill-effects and the effect this has on their own consciousness. However, merely focussing on these psychological effects of domination might be taken to suggest that therapy is the solution rather than social change.

³¹ e.g. Pettit, 1997, 22, 52–53; Skinner, 2008; Lovett, 2010, 43-47.

³² Pettit, 1997, 87; Gädeke, 2022, 25–30.

³³ Gädeke, 2022, 25–30.

must be treated as having the capacity for practical reason, and this is integral to an agent enjoying respect in line with their moral status as a person. In Pettit's words:

To have the full standing of a person among persons, it is essential that you be able to command their attention and respect: if you like, their authorisation of you as a voice worth hearing and an ear worth addressing.³⁴

Such forms of respect and standing cannot be bestowed in an ad hoc way. For instance, a master who allows her slave to choose what work she would prefer to perform does not (and cannot) afford the slave this standing. Her slave continues to lack the necessary social status - the societal position - to command consultation. In such an instance, it may be initially unclear in what way the master holds a capacity for interference with her slave. Interference will include more than only direct, interactional interference. Interference includes, crucially, the framing of option sets. Indeed, it is the capacity to frame option sets (to set the 'rules of the game') which is central to the republican concern with domination. The dominated do not enjoy the kind of status necessary to participate in the framing of option sets.

The power to determine what an agent will do (at least to some extent) is at the heart of domination. This form of power is constitutive of the paradigm cases I have offered above. Moreover, this form of power is pervasive in many further relationships where agents are denied the kind of standing necessary to enjoy non-domination. Consider how, in the Daraprim case, customers are denied the capacity to determine for themselves whether they can purchase (for a reasonable price) essential medicines. The option set for purchasing

³⁴ Pettit, 2002, 350. See also Pettit, 1997, 91, although here Pettit considers the relationship between domination and social standing through considering how domination will impact on the dominated's relations with others.

essential medicines has been set by the social power of the agents coordinated in the pharmaceutical market, who determine the rules of the game of the market. These 'rules' are entrenched in regulations, practices, norms and laws. Social power then, on this account, refers to the ability or capacity of individuals, groups, or institutions to influence, shape, control, or guide the thoughts, actions, behaviours and decisions of others within a social context. It represents the robust capability to exert authority, sway opinions, set agendas, or affect outcomes in various aspects of society: including politics, economics, culture and interpersonal relationships.

An advantage of understanding social power is that it will capture many cases where entrenched power is harder to locate. For instance, consider a society with pervasive racist norms, but a formally equal legal and political system. The option set of black citizens will be shaped by the agents who uphold and perpetuate these norms. Examples may include their ability to gain employment, access equal healthcare, or receive equal recognition for equal work. These norms, while they have an importantly structural character, are upheld by agents and the norms operate to place some agents in a position of power over others. Some may participate in the structure that perpetuates the norms, but have no form of control over them (discursive or otherwise). Powerful agents' interests shape the 'rules of the game' – in these cases, through contributions to the shape of norms, laws, practices and ideologies. Moreover, they can do so in ways that are uncontrolled so far as the dominated, who are subject to them, are concerned.

This understanding of dominating power (as an ability to shape option set(s) in an uncontrolled way) goes beyond Pettit's conception. On Pettit's account, interference relates to the

restriction of an already existing option set. Power for Pettit is the capacity to interfere in defined options sets. The defined option sets, according to Pettit, are to be identified in line with the relevant social context and interference will occur where the set is worsened.³⁵ However, this approach is insufficient. Pettit is left without the conceptual tools to object where background structures then systematically disadvantage some and systematically advantage others. This critique of Pettit's approach fits with the aims and claims of sociological theorists and radical republicans who object outright to the background structures they regard as responsible for injustice in complex cases (such as racism, sexism or exploitative markets). For instance, Rahman objects to domination that is the result of the 'market system itself'³⁶, while Gourevitch objects to the structures that create the 'many masters' and who form a class of capitalist owners of the means of production able to dominate a class of workers who are forced to sell their labour on exploitative terms.³⁷

Understanding domination as a status-based injustice makes it clear that being subject to norms, practices or structures such as the market will be dominating. Moreover, this understanding of the wrong of domination points towards the varying power positions of agents within these norms, practices and structures. However, while I seek, like radicals and sociological theorists, to expand the understanding of dominating power beyond narrowly agential formulations, I argue that they go too far in seeing this power as itself structural or belonging to whole groups or classes.³⁸ There are, in all of these cases, connected, coordinated

³⁵ Pettit, 1997, 53; and Pettit, 2012, 113.

³⁶ Rahman, 2017, 42.

³⁷ Gourevitch, 2013, 604-605.

³⁸ I return to this argument in chapter 3, where I distinguish my account of domination within markets from that of Gourevitch by undertaking an analysis of practices within financial markets to demonstrate our differences.

and identifiable agents who have the standing and status required to participate in shaping the rules of the game. These are the agents who frame the option sets of the dominated. Moreover, these agents set the terms of the very background structures against and within which instances of domination occur.

While sociological and radical republican theorists such as Gourevitch and Rahman see dominating agents as the product of dominating structures, I see the dominating features of these structures as the product of under or un-controlled dominating agents' actions or inactions. If we put these dominated agents under the control of those subject to their power, therefore, these structures would become non-dominating. By taking a more social understanding of power, it becomes clear that certain agents are determining what the background structure (in which agents interact) looks like. Therefore, it is crucial to identify the agents who participate in the genesis of such structural phenomena as norms or market practices. For, non-domination can only be achieved and preserved by undermining their power. This will address the status-based harm which I have argued is central to domination.

3: Structures and agents – where does power lie? (the agential capacity condition)

In this section, I turn to the second fundamental question: do agents or structures dominate? I take on this challenge by setting my account against an existing prominent structural account on the one hand, and prominent agential account on the other. I begin by explicating the account of structural injustice offered by Young. In Young's theoretical framework, domination is an unequal power relation that emanates from structural injustice in institutional contexts or from social processes that undermine the capacity for self-determination of

individuals and populations.³⁹ Young's sociological account is structural in the sense that dominating power emanates from structural sources (such as oppression) rather than the actions or inactions of identifiable agents. I then turn to engage with Lovett and Pettit's agential view, which holds that domination is a relationship between agents who hold and wield direct power over others. I also consider other prominent accounts – such as that of Laborde. I will consider why agentialists have resisted incorporating features of structural injustice into their accounts of domination. Ultimately, I reject the agentialists' reasoning for not incorporating these structural elements. At the end of this section, I take forward my claim that domination occurs where some agents have the required status to participate in the shaping of norms, practices and structures to which others are subject. I distinguish my agential conception of domination from the harm of oppression, which I take to be structural. I therefore sit between the structural and agential accounts.

Young's important and influential notion of structural injustice captures problems of justice that arise from various factors that are 'multiple, largescale, and relatively long-term'.⁴⁰ These factors, which will include institutions, interactions between agents and patterns of behaviour lead to a world in which some agents experience a 'systematic threat of domination or deprivation of the means to develop and exercise their capacities'.⁴¹ Central to Young's analysis, is the claim that this situation is not (necessarily) a result of malign intent or action. In fact, Young argues that varying positions in the social structure arise because agents pursue

³⁹ Young, 2011, 37.

⁴⁰ Young, 2011, 47.

⁴¹ *Ibid.*, 52.

their individual desires and goals without regard, or in many cases without knowledge of, their cumulative side effects.⁴²

Regarding the role of the structural factors identified by Young, Pettit takes an agential view: ‘While a dominating party will always be an agent—it cannot just be a system or network or whatever—it may be a personal or corporate or collective agent’.⁴³ To the extent that Pettit discusses structural domination, he notes that structures such as culture or the economy can support dominating social relationships and certainly advocates their reform. That said, Pettit does not attribute structures with a definition as ‘dominating’ per se.⁴⁴ By contrast, structural theories centralise the non-agential factors and processes that they find are the direct cause of much societal injustice. For example, oppression and exploitation are social phenomena, which involve the collective actions of many agents and also non-agential factors. Ideas of dominating institutions, systems, ideologies or non-agents have long persisted. Thompson gives the example of how an ideology can have dominating effects on one’s self-image and self-worth. He cites workers who will accept a job characterised by meaningless work due to having adopted the values of capitalism which tie self-worth to not being a ‘slacker’.⁴⁵ Krause brings out this critique by offering an example of being told by her mother to take smaller strides with the aim of being perceived as more ‘ladylike’. Highlighting that her mother was acting with no intent to perpetuate an inequality between men and women, Krause directs us to the idea that societal norms dominate.⁴⁶

⁴² Ibid., 52.

⁴³ Pettit, 1999, 52.

⁴⁴ Pettit, 2012, 63.

⁴⁵ Thompson, 2013, 179.

⁴⁶ Krause, 2013, 10.

Against the claim that ideologies or structures can dominate, Lovett argues that without agents domination cannot occur. Lovett offers a thought experiment to advance his claim. He asks that we imagine a state where laws of private property exist such that slavery is lawful. Then, imagining an instance where there are no slaves present in that state, it appears evident that no domination can be said to exist. When slaves are later brought to the territory, we are implored to see that it is not then the institution that dominates, but rather agent(s), reinforced by the structural elements in place.⁴⁷ Krause's analysis then misses its target; the daughter in Krause's example is subject to the negative effect of patriarchal norms, however the norms themselves are not her dominator. The norms may establish the different social positions of women and men, but these positions are occupied by agents and the interaction of dominators, dominated and peripheral agents (or in Lovett's terms 'external agents') is what brings about domination.

My account sits between these perspectives. In order to represent a complete political theory, republicanism must go beyond describing overt two-dimensional forms of asymmetric power and give a fuller explanation of the various subtle and unspoken dimensions of our societal structures and practices.⁴⁸ Agents occupy positions of power, and those positions of power are socially constructed. The norms and laws do not dominate, but entrench the power of the dominators who create those laws through their coordinated action. On an island with institutions of slavery, where no slaves are present, it is true that no agent is dominated. This situation however is different from robust enjoyment of non-domination, this is merely a

⁴⁷ Lovett, 2010, 48-49.

⁴⁸ For example, Haugaard and Pettit, 2017, 27 make this case.

situation is which there is no-domination. Systems of agentially constructed power are in place, and are uncontrolled by those who are subject to it. In this case, the subjected is an empty set. Arbitrary social power, nonetheless, persists and has an importantly agential nature. If non-domination requires the normative ability to check arbitrary interference, then the background conditions that establish the relationship of domination must be addressed to redress the persisting power imbalance.⁴⁹ That is to say, these features are central to an account of republican justice.⁵⁰

Lovett's agential view is distinctive and diverges from that of (for instance) Laborde. Like Lovett and Pettit, Laborde contends that domination is agential however identifies a distinction between the source of power in various relationships of domination. She categorises cases of 'agent-relative' domination, in which arbitrary power is determined by the personal attributes of the stronger agent and 'systemic' cases where arbitrary power is determined by an institutionalised set of rules and norms.⁵¹ In the latter case, the power to dominate arises from the nature of the systemic factors in place. It remains an agential concept, however non-agential factors may be the relevant power criteria of dominating agents. This is consistent with Pettit's view that structural domination is 'precisely what occurs when societal structures have this facilitating effect'.⁵² In the case of Daraprim then, Lovett and Laborde would both contend that the domination takes place interactionally between Turing

⁴⁹ This point is also advanced by Blunt, 2015, 10.

⁵⁰ Allowing for this wider understanding of structural factors' role will enable an advance on Lovett's restrictive definition of how peripheral agents relate to domination. Lovett claims that non-agential factors are not constitutive of the relationship of domination itself, rather contends that it is the interactional relationship between agents that is the source of the power of the dominating agent.

⁵¹ Laborde, 2010, 57.

⁵² Haugaard and Pettit, 2017, 26.

Pharmaceuticals and the consumers. However, on Laborde's account, the power of Turing Pharmaceuticals is structurally constituted by systemic criteria such as regulations surrounding acquisitions, the internalised economic ideology that enabled such actions and roles played by peripheral agents such as pharmaceutical researchers who sell their findings to investment companies. Contrastingly, Lovett's account suggests that such factors are not constitutive of domination but may constitute a separate injustice or be in the background of domination.

This distinction - between where the source of dominating power lies – has important implications for the accounts discussed. Pettit is concerned with the way in which social structures can create vulnerability classes; those 'groups of people who are relatively powerless and are exposed to the arbitrary interference of individuals or bodies in the exercise of their basic liberties'.⁵³ However, without the conceptual tools to identify how agents hold powers to construct the processes and structures which create vulnerability classes, the Pettitian account can only take theorists so far in pursuit of redress. Lovett, who defends an agential account, contends that phenomena such as oppression are so complex that we have little hope of redressing injustice if republicans focus on these concepts: 'Oppression, by contrast [to domination], is much broader. We might describe persons or groups as oppressed whenever their opportunities are reduced or restricted in some significant respect, especially by systematic institutional forces...In my view, the concept of oppression is probably too broad to be of much practical use in theories of moral or political philosophy'.⁵⁴

⁵³ Ibid.

⁵⁴ Lovett, 2010, 122.

Complexities associated with tackling the multifaceted and interacting components of oppression are well noted by theorists who articulate the phenomenon. Marilyn Frye, speaking of oppression implores us to consider the analogy of a birdcage:

If you look very close at just one wire in the cage, you cannot see the other wires. If your conception of what is before you is determined by this myopic focus, you could look at that one wire, up and down the length of it, and be unable to see why a bird would not just fly around the wire any time it wanted to go somewhere' encouraging a macroscopic view of the whole cage, she then highlights that 'it is perfectly obvious, that the bird is surrounded by a network of systematically related barriers, no one of which would be the least hindrance to its flight, but which, by their relations to each other, are as confining as the solid walls of a dungeon.'⁵⁵

Lovett may be correct to determine there is an incredible amount of complexity involved in resolving structural injustices such as oppression, however as Frye elucidates, to understand structural phenomena it is necessary to identify all the relevant wires of the cage. In cases of structural domination the same is true; undermining domination means transforming dominating power, which will require being precise on where it is located and which agents hold this power. I contend that the complex processes which deprive some agents the normative authority I have argued is necessary to enjoy non-domination must be attended to. These processes are central to understanding the nature of arbitrary social power and require redress under a republican conception of justice.

⁵⁵ Frye, 1983, 12.

Indeed, if Lovett finds focussing on wider structural phenomena to be ‘too broad to be of practical use’, then it is curious that he favours an account which does not offer a more precise approach to addressing such factors to the extent that they enable domination. Dominating agents are such because of the power they hold. Once an understanding of the structural nature of this power is centralised, theorists may consider which policies would undermine that power, thereby rendering the dominator’s actions non-arbitrary and addressing directly the relationship and inherent relational problems. Lovett focusses on reducing dependency with blanket policies such as a Universal Basic Income.⁵⁶ This broader focus on reducing dependency does less to place obligations on stronger agents and more to rectify the distributive effects that often follow from domination. Lovett’s approach does not give sufficient regard to the social positions that agents inhabit in such structures nor to what is required to undermine agential power.

Pettit does seek to undermine structural sources of power. Pettit argues that republicans ought to object to even non-intentionally arising practices and structures that impact on our status equality; including for example cultural practices that force women to act deferentially to men. This affects women structurally and is a source of power for dominating agents. For Pettit, this can also include organisational arrangements (whether in employment, religion or public life) that often disadvantage some over others, citing for example accrued benefits in the financial sector compared to others, which involve the culmination of many intention and non-intentional actions.⁵⁷ However, Pettit’s account lacks the conceptual resources to so object, given his strict agential view. I propose then a stronger connection between relations

⁵⁶ Lovett, 2010, 197.

⁵⁷ Haugaard and Pettit, 2017, 26.

of domination and the background structures that enable asymmetries of power than is drawn by Lovett, who treats these wrongs as distinct harms or part of the Rawlsian basic structure.⁵⁸

Republicanism is a crucial lens through which to analyse structural power, given the central concern with uncontrolled and arbitrary power. The concern for domination, I have argued, relates to status and capacity to arbitrarily shape option sets. This is a central feature of structural injustice. To better understand domination's connection with structural injustice, it is useful to consider more closely its interaction with oppression as an example. I use Young's example of Sandy to do so.⁵⁹ Sandy, a single mother, loses her apartment as it is sold to a developer who hopes to produce condominiums. She hopes to find an apartment within a reasonable distance of her place of work, however owing to increasing rental prices she must instead settle for an apartment further away and seek to purchase a car. She applies for a housing subsidy programme but is informed that the waiting list will mean she won't be offered help for at least two years. Unfortunately, she is unable to afford both the car and the rental deposit, leaving her vulnerable to homelessness. This is not an obvious instance of vulnerability to arbitrary interference by any one particular agent, nor is the genesis of Sandy's vulnerability easily attributed to a particular agent or group of agents, rather it is a result of structural oppression. A multiplicity of factors must be examined to fully explicate structural injustice that affect Sandy.

Given the variety of ways in which oppression is used in public and philosophical discourse, representing a plurality of experiences, Young offers an account of the five 'faces of

⁵⁸ Lovett, 2010, 122.

⁵⁹ Young, 2003, 1.

oppression' that reflect the breadth of the concept.⁶⁰ I support Lovett's claim that oppression is a broader concept that can persist without domination. At its heart, oppression could be described as a harm through which persons or groups of persons are systematically and unfairly or unjustly constrained, burdened or reduced by any of several forces. Cudd defines oppression as a process. It is a cycle of harm that subjugates the oppressed to one or more privileged groups. She presents oppression as a fundamentally social phenomenon yet does not deny that the social forces that create oppression work through individual persons.⁶¹ Oppression is a normative concept. It is concerned with our ability to develop ourselves, in contrast to domination which concerns more our capacity to determine ourselves.⁶²

In Sandy's case, she is rendered vulnerable to arbitrary interference in a number of asymmetric relationships in conditions of dependency. Despite having no intention to interfere in the choices available to Sandy, a number of agents are placed into structures of domination. The coordinated actions of agents coordinated by a structure leave Sandy's option set unjustly constrained. An analysis showing where Sandy has fallen into relations of domination identifies more clearly the causal role agents are playing in Sandy's misfortune, and moves us closer to finding restitution for her. For example, the landlord who sells Sandy's flat to a developer has clear economic interests in doing so. The landlord operates in a structure whereby she has no obligation to track Sandy's legitimate interests and where Sandy has no control over the landlord's power. Sandy is dependent on the relationship given that the cost of exit may be homelessness. The landlord holds this power as she is coordinated with other landlords, who

⁶⁰ Young, 2011, 39.

⁶¹ Cudd, 2006, 22.

⁶² Young, 2011, 37.

(against the backdrop of the economic environment) set rental prices. The source of the landlord's power is socially constructed by an oppressive system. Indeed, she may not intend to hold such power. In the case of Sandy, the *source* of the power of those with the capacity to arbitrarily interfere in her choices is found *in the structure*; whether the dominating agents desire this or not. The collective actions of the agents and the non-agential factors (economic forces, legal regime, capitalist or individualist ideologies) become tools of domination. Not only is Sandy rendered below the threshold required for freedom as non-domination by oppression, oppression is the background structure for Sandy's domination. A theory of domination, that identifies where structures rend citizens vulnerable to domination could offer a normative basis for reform said structures and will have much to offer to cases like Sandy's.

Many, if not most, of the agents who participate in the production and reproduction of structural injustices such as oppression do so unintentionally. Oppression is a force that may feel entirely exogenous, it is difficult to target and hard therefore to use as a focus if the aim is relieving Sandy's subjugation. Practical action ought then to centre on how to find the agents who participate in structural injustice, or who dominate, and those therefore who are able to arbitrarily interfere in Sandy's life. This enables focus with clarity on how to redress problematic imbalances of power that operate to disempower Sandy. It is crucial not to overly restrict the types of relationship that are considered dominating. To address the arbitrary interference of an agent or group of agents it is necessary to identify how dominators are enabled. As Laborde identifies, 'in line with sociological accounts of domination such as those of Karl Marx, Max Weber and Michel Foucault, we should direct our focus towards systemic

power structures instead of exclusively to the interpersonal relationships of domination that they authorise'.⁶³

The advantage of an account in which we clearly identify the role of dominators is that redress may then be sought by seeking to transform arbitrary power. This account places focus directly on the social nature of the relationship between dominator and dominated. Redress of domination will not be served by purely redistributive policies that are ill-suited to resolving the underlying power dynamics. Regarding these dynamics seriously will allow investigation into role-specific responsibilities for domination that in turn offer ways to transform power relationships. I turn now to consider these roles more closely. In particular, I will answer as to how agents are and must be connected where domination pertains.

4: How must agents be related? (the social relationship condition)

Domination is at its core a vulnerability to the power of another. Therefore, it is unsurprising that much of the literature has asserted the need for dominated and dominating agents to be connected in some social way. Although, without careful attention as to how narrowly we define a social relationship, we may find that domination is unable to capture many of the power asymmetries that enable agents to arbitrarily interfere in our lives. In the Daraprim case, this fundamental question is expressed as a difficulty in identifying which agents are dominators and how they are connected to the dominated consumers. Defining the social relationship is therefore key to rescuing domination from the sociological critique. As I defend an agential account of domination, this will require an analysis of how agents must be

⁶³ Laborde, 2010, 57.

connected such that it can be said one has power over the other in the relevant sense. In this section, I will first consider why agential accounts are motivated to ensure that dominating agents can be clearly identified. I then demonstrate why existing agentialists are too narrow in their commitment to agents sitting in a strictly strategic relationship. I argue for the inclusion of relationships that are parametric and predictable. I will then set out my wider account, and defend this against the critique that domination will become ubiquitous under a more expansive conception of agential power.⁶⁴

I have argued that a purely agential definition cannot take republicans as far as they need to go, as many cases of domination are far more complex than the paradigm cases. At the same time, I have argued that understanding precisely the role of agents will be key to transformation of domination and is central to understanding the nature of dominating power. If domination is to be understood as subjection to an arbitrary will, then it must be cast as a relationship between agents. Otherwise, the notion of ‘will’ becomes nonsensical. I take this relational requirement to be a central criterion for domination that persists in the republican literature; that some agent or group of agents has the capacity to exercise arbitrary power over some other agent or group of agents.⁶⁵ In considering which factors are agential, Pettit distinguishes the factors that are not attributable to the imposition of the will of one agent onto another. In particular he distinguishes the factors that cause agents to lack the resources required for freedom in a particular choice (vitiation), or those that limit the way which agents might use those resources (invasion).⁶⁶

⁶⁴ e.g. Kramer, 2008.

⁶⁵ Wartenberg 1990, Pettit 1997, Lovett 2010.

⁶⁶ Pettit, 2012, 13, 48.

While the vitiating of a choice denies agents a precondition for enjoying freedom of choice, ‘to suffer invasion is to be denied the very condition by which freedom is identified: to be thwarted in making the choice according to your will’.⁶⁷ In order to elucidate the intuitive motivations for this distinction, Pettit compares the reaction one might have in two comparable instances. Where an agent’s car is damaged by a hailstorm, she may suffer negative emotions such as disappointment and regret. However, in the event that the car is vandalised she will experience such emotions differently.⁶⁸ Invasive hindrances are said to cause agents to ‘burn with resentment and indignation’.⁶⁹ Therefore, for Pettit, while the vitiating of a choice denies agents a precondition for enjoying freedom of choice, ‘to suffer invasion is to be denied the very condition by which freedom is identified: to be thwarted in making the choice according to your will’.⁷⁰ While the capacity for invasion of a free choice is inimical to freedom, the role of vitiating factors should not be overly reduced. Extensive restrictions on the range of available options may leave agents vulnerable to a greater degree of invasion. This could take the form of the aggregate and unintended consequence of many agents’ actions and/or a structure or pattern that facilitates invasion by some into the choices available to others. I go further in arguing that such structures often emerge as a result of arbitrary social power, and that there is a relationship between those who hold it and those who lack it.

Let’s consider existing understandings of a social relationship. Weber has defined a social relationship as denoting ‘the behaviour of a plurality of actors insofar as, in its meaningful content, the action of each takes into account that of the others and it is oriented in these

⁶⁷ Ibid, 43.

⁶⁸ Ibid, 44.

⁶⁹ Strawson, 1962, 6.

⁷⁰ Pettit, 2012, 43-44.

terms'.⁷¹ Following this, Lovett conceives of a social relationship as one which is 'fully strategic'. A fully strategic situation is one in which 'what two or more persons or groups will each want to do depends in part on what the others are likely to do, and everyone is aware of this fact'. Lovett highlights how whenever an action we want to perform depends in part on what others are likely to do (assuming we intend to act rationally), we are in a strategic situation. Lovett further claims that all relationships of domination must be social in this way.⁷² While Lovett insists on strategic relationships, I will contrarily argue for a conception of domination as a concept that may arise from non-strategic relationships. In particular, I argue that Lovett's exclusion of some parametric or predictable relationships means that he does not capture all relationships that have the potential to be dominating.

Lovett finds that many relations among agents are not in fact social. For Lovett, where individual actions have no significant effect on others these actions do need not be taken into account. Lovett introduces the concept of a parametric relationship:

'In a parametric situation, even if what I want to do is, in a technical sense, dependent on what others do, for the most part I need not take this into account, since the relevant aggregate outcomes of their actions are highly predictable and unaffected by my own decisions. Thus, when I am related to others parametrically, I need not worry how their decisions will strategically interact with my decisions. It follows that many of the economic relations between persons or groups in a fully competitive market would not count as social relationships, so defined.'⁷³

⁷¹ Weber, 1922, 26.

⁷² Lovett, 2010, 34.

⁷³ Lovett, 2010, 35-36.

Lovett here places emphasis on the ability of one agent to impact the purposeful action of another agent in order to say that they are socially related. This leads him to conclude that in many instances where there is no asymmetry between agents, they are not to be considered in a social relationship. Lovett offers the classic example of the ‘tragedy of the commons’ as an instance of relations that are not social. He asks that we:

‘imagine a group of families sharing a common lake. Each family can, with some degree of effort, properly dispose of their waste, or else, with no effort, merely dump it in the lake. In the former case, each family must bear the entire cost of proper disposal themselves; in the latter case, since their waste is dissipated throughout the lake, each family hardly notices its marginal contribution to lake pollution. Every family faces exactly the same trade-offs in favor of dumping’.⁷⁴

The case is not fully strategic because regardless of the actions of others, the individual trade-offs for each family still favour polluting. Their option sets therefore do not need to account for the action of others (they take the action of others as given and they optimise in response), and they are therefore not in a social relationship in Lovett’s terms.

I object that in this analysis, Lovett places undue emphasis on strategic action when determining whether agents are connected in a relationship sufficient that domination could follow. It is true that the agents in this case are unable to act in a strategic manner, given that their purposeful action does not depend on the others they are connected to via usage of the lake. However, the agents are indeed connected. The action each agent takes does impact the

⁷⁴ Lovett, 2010, 35.

remainder of the group, regardless of whether this provides a strategically rational incentive for any one agent to change their course of action. To treat the agents as non-socially connected and to see the tragedy only in terms of its structural absence of strategic reasons to modify behaviour, gives insufficient regard to the fact that the scenario could feasibly be changed by agential action.⁷⁵ Certainly, one can imagine cases where there may be reasons to pursue courses of action that exist outside of our strategic social option set. For example, in combatting climate change one may find that there are such obligations that do not map onto our strategic interactions. I argue that domination may persist in structural cases between agents related parametrically. There are many scenarios in which agents depend upon, and indeed are subject to, power constructed by coordinated but not collective agents. I argue the case of Daraprim is one such case: where customers depend upon coordinate market players for access to essential medicines.

Lovett states that not all relations are social as in some instances ‘our actions have no significant effect on other people’.⁷⁶ Lovett refers here to scenarios where option sets are not altered by any individual agent, although may be shaped by background conditions. Where individual actions do not directly impact options sets of other agents, then no social relationship exists for Lovett. For example, because many other agents would have acted in the same way, making a particular individual’s actions non-impactful. This is to ignore that underlying this there may be significant cumulative effects on the context of option sets due to the actions of many agents. This narrow focus on social power strictly defined means that

⁷⁵ For clarity, I do not maintain that the tragedy of the commons is a case of domination. I only argue against the narrow conception of a social relationship that Lovett implies flows from this case.

⁷⁶ Lovett, 2010, 35.

many instances of interference, which I recognise on my account, must be excluded on the basis that relationships are not strategic.

When thinking of perpetuated ideologies, one could imagine a number of cases in which agents act in a sense that arbitrarily shape option sets, without individually being able to alter particular options. I draw on and extend the example from Krause to explore this possibility.⁷⁷ Jenny lives in a country in which patriarchal norms are ubiquitous. Almost all citizens have internalised this ideology. It so happens, that an acquaintance, Maria, chastises Jenny for her manly gait. Jenny, feeling the pressure to conform, adapts her walking style. Now, given that all citizens would have made the same comment to Jenny due to their universally adopted patriarchal views, it matters not that Maria was the individual who made this intervention. The relevant aggregate actions of all agents mean that Maria is only parametrically related to Jenny; Maria's predictable comments did nothing to establish a strategic relationship as they would not impact Jenny's opportunity set. However, it appears that some kind of domination has occurred. Lovett concedes that actors such as Maria do have something to do with domination. Lovett describes them as comparable to 'bystanders to being punched in the face'.⁷⁸ This appears badly described. Maria is the agent who blows the punch.

Reducing Maria's agency entirely would imply that she attracts no responsibility for her role in this domination. For Lovett, it seems that the ideology may be delivering the punch. This is a surprising scenario, given that Lovett seeks to claim domination only pertains between agents, and excludes such structural instance from scope. Lovett resists diagnosing ideologies as

⁷⁷ Krause, 2013, 10.

⁷⁸ Lovett, 2010, 37.

dominating given his agential emphasis, however appears to rely upon them to explain the injustice in this case. It seems unsatisfactory that the ubiquitous adoption of an ideology, used as a tool for dominating women, should be accepted as part of a background structure to relationships of domination when indeed particular agents enforce the ideology and together interfere arbitrarily with Jenny's power to act in the way she chooses.

Under Lovett's analysis Maria has no social power over Jenny due to their non-strategic relationship (many other agents could have given Jenny the same patriarchal advice). However, I argue that Maria and Jenny occupy positions within a hierarchy. Maria participates in a practice of disseminating patriarchal norms, and coordinates with other agents through this practice. This practice, made up of coordinated (even if not collective) agential actions is a key feature of Jenny's experience of domination. Jenny's option set is being framed in the interests of those who have power over her; i.e. those who benefit from the continuation of non-feminist norms. It will also be true that Maria is also dominated in this imagined society. However, without the acknowledgement that Maria's participatory role is a feature of the social power which produces and reproduces the dominating structure, her actions are seen as beyond redress. Or, put otherwise, there are no conceptual tools available to argue why Maria has a responsibility to disavow the non-feminist norms which she perpetuates.

Maria is a peripheral agent, who lends support to the production and reproduction of the dominating structure. Indeed, it is likely that to some extent, that most people are peripheral agents of structural injustices, such as domination. Perhaps agents legitimise unjust legal systems by adhering to the law, while knowing of the existence of unjust laws and practices. Most agents are aware of systemic injustices in the process of producing the highstreet brand

clothes and cosmetics that are continually purchased. It may be that agents do not see themselves (at least under an ordinary language conception) as dominating in these instances; but, more likely, may see themselves as participating in dominating structures. I argue that Lovett does not capture the essence of the relationship of peripheral agents in many cases. He casts them in a neutral light by giving strictly defining the nature of dominating relationships.⁷⁹

A further type of relationship excluded by Lovett is those in which one agent acts with sufficient predictability so as not to subjectively impact another agent's opportunity set. While Lovett would concede that it is indeed possible for one person or group to have power over another but, in a sense, for them to not be related to each other strategically; he contends that this becomes a feature of the background structure to their relationship.⁸⁰ Opportunity sets by agents are composed not of actions but of strategies for actions, therefore, one agent cannot impact a strategy if the other agent does not know of the impactful thing that would potentially change their strategy. Lovett offers the example of a bully who seeks to beat up a wimp and a school principal who watches over this. Lovett argues that the bully may not be in a strategic relationship with the principal, and that the principal may in fact form part of the background structure to the relationship:

Suppose the principal adopts the strategy 'only punish bullies when they threaten wimps, and not otherwise.' (Notice that this is a strategy contemplating different actions depending on what happens contingently in the schoolyard.) Further suppose that the principal's adherence to this strategy is robust or reliable in some significant respect—say, because it is common knowledge that she will be fired if she ever abandons this

⁷⁹ In chapter 6 I will argue for the responsibilities held by peripheral agents to transform domination.

⁸⁰ Lovett, 2010, 81.

strategy. In this case, the principal's strategy—her plan for action—will remain the same, regardless of what the bully happens to do. It does not matter, for example, whether the bully is a brownnose or a churl. (Nor, for that matter, does it matter what the wimp does: whether he is liked by the principal or not, and so on). From the bully's point of view, he stands in a nonstrategic relationship with the principal. In effect, the principal represents merely another part of the background structure of the social relationship between the bully and the other students, much as the many citizens acting to predictably uphold the law of property constitute a part of the background structure of the social relationship between master and slave. It follows that it is possible for one person or group to have power over another, and yet in a sense not be engaged in a social relationship with them.⁸¹

Where action is predictable, strategic relationships do not necessarily follow. Predictability can be entrenched, for instance in this case by external constraints on the principal. While this certainty will surely minimise the ability for discretion by the principal, I challenge the idea that such relationships ought to be considered as background structures only on the basis that they are predictable. What if the principal reliably punished bullies who threatened wimps with violent and scarring attacks? The fact that arbitrarily violent punishment is reliably predictable ought not preclude it from the scope of an account of domination. Lovett allows not only for those who are externally constrained to act in a particular way, but also for those who merely do so 'predictably'. This would be satisfactory only if we found domination to exist on the basis that arbitrariness be equated with discretion. It is far more compelling to see that

⁸¹ Lovett, 2010, 81-82.

predictable regimes of domination, even though procedurally non-discretionary, can persist. For example, the predictable domination of women by men according to institutionalised regimes.

The social relationship required for domination to persist then must be broader than the category of those which are fully strategic and should be able to incorporate some relationships that are parametric and/or defined by predictable action. I argue therefore the social relationship condition should be defined as follows: *A and B must be connected in the sense that one agent, group of agents or coordinated group of agents (A) has the capacity to participate in shaping the option sets of agent(s) (B).*

It may be objected at this juncture that this account appears too wide. In the case of Sandy, as I have presented it, it could be that Sandy faces domination not just from one potential landlord who she approaches, but indeed from a suite of potential landlords each offering her the same unfavourable terms. In the case of Krause's mother, it becomes apparent that many unwitting dominators will arise (those who lack intention or the ability to avoid dominating) and many agents have a power-theoretic role which attracts responsibility. Indeed, consistent with this line of criticism, it has been argued that the republican ideal of non-domination is impossible to realise.⁸² Matthew Kramer goes so far as to claim that republicans can, at best, seek to minimise the probability that power will be exercised in a way that interferes with others, as the elimination of arbitrary power is simply not possible.⁸³ Against this charge, I argue – following Gädeke – that when domination is understood as having a constitutional

⁸² Kramer, 2008; Kirby 2016.

⁸³ Kramer, 2008.

structure rooted in the social power agents co-create, it will not be ubiquitous. That is to say, that domination is fundamentally a status-based condition which relates not to merely the capacity for opportunistic interference, but to robust capacity for interference constituted by social power. Such power may be drawn from the laws, social norms, ideologies and/or practices that some agents may participate in producing and reproducing while other agents are subject to them. By contrast, opportunistic power is ‘based on favourable circumstances, and vanishes once these circumstances change’.⁸⁴

By contrast, Lovett and Pettit, with their more narrowly agential view of domination, are vulnerable to Kramer’s charge. For them, dominators can be ‘contingently rather than robustly powerful’ and therefore they incorporate opportunistic power.⁸⁵ As Gädeke highlights, this commitment to opportunistic power would mean that the presence of a potential mugger in a park would render all park goers to be dominated.⁸⁶ Moreover, someone would be dominated merely because a stronger woman with the capacity to overpower them exists in their neighbourhood. To be clear, a mugging or any other form of opportunistic unjustified interference would of course be a wrong, it is just that that wrong is not one of domination. As a status-based condition, defined by a capacity to shape option sets, domination will precede and outlast any particular opportunity to use power. It is best described as having a robust, social, character. By excluding merely opportunistic forms of power, my account is concerned with instances of arbitrary power which deny an agent a deeper symmetry of status.

⁸⁴ Gädeke, 2020, 206.

⁸⁵ Lovett and Pettit, 2018, 375.

⁸⁶ Gädeke, 2020, 205, 213.

5: Dependency and asymmetry (the dependency condition)

Domination is often conceived of as a kind of dependence on arbitrary power.⁸⁷ I have argued in defence of the view that domination reflects an asymmetry of status, and that arbitrary power must have a robust, social character. In light of so arguing, it is clear that on my account domination will only occur in conditions of asymmetric power whereby an agent is unable to exit the relationship. The Daraprim case posed the challenge that in the context of a structure like a market, which involves entry and exit options, it is not *prima facie* clear that there is dependency between the agents who participate in the market. An agent's level of dependency upon a relationship is the sum of the costs of exiting that relationship. In this section, I argue that such costs must include concealed or hidden factors. As such the 'free' market view is obscuring of the real dependency that can exist between agents connected by markets. I begin by rejecting Lovett's alternative account of dependency, which holds that agents cannot be dependent upon non-strategic relationships.⁸⁸ I then argue it is crucial to see how agents, sometimes unknown to the dominated, wield important power which can constrain freedom – for instance in markets, or conditions of sexism or racism.

Lovett is motivated to ensure that only actions which influence the subjective option set of an agent within a social relationship be considered as relevant to determining dependency. This is because agents, for Lovett, take action based upon opportunity sets as they perceive them.⁸⁹ Further, Lovett considers only strategic relationships and action to be the type in which domination can occur. I contend, however, that there are additional factors that should be

⁸⁷ Wartenberg 1990, Pettit 1997, Lovett 2010.

⁸⁸ Lovett, 2010, 32-35.

⁸⁹ *Ibid.*

considered relevant when determining dependency. Conceiving of only strategic relationships as necessary for domination leaves important cases beyond the reach of Lovett's account.

In non-fully strategic relationships there is no common awareness of the influence one agent has over another's option set. Lovett excludes partially strategic relationships as insufficient to find that there is a social relationship between agents. Lovett defines partially strategic relationships as those in which only one agent (or group of agents) must anticipate the purposeful action of another in deciding what to do, but not vice versa. This may include where one group is aware of the strategic nature of a situation and until the other group also become aware, they may behave as if the situation was not strategic.⁹⁰ For Lovett, 'what determines dependency is the cost of exit from the subjective point of view of the person or the group in question'.⁹¹ Lovett is specifically concerned with strategic relationships in which each agent's actions depend upon those of the other as described by reference to their rational decisions taken within defined opportunity sets. However, this narrow approach fails to account for all of the relevant objective facts given the subjective emphasis.

Opportunity sets are the complete range of purposeful action practically available at a given time to a given member of a strategic relationship. Agents will always decide what to do within some finite range of feasible options that they subjectively perceive are available to them. Natural and social endowments and the organisational features of society will form the background to our opportunity sets. For Lovett, these sorts of organizational features correspond to what Rawls calls the 'basic structure of society'; which constitutes the relatively

⁹⁰ Ibid, 34.

⁹¹ Ibid, 40.

stable background conditions or expectations against which the members of a given society live out their lives.⁹² While agents do determine opportunity sets according to subjective experience, I contend that there are further features of social power that impact true dependency. Consider for instance, concealed options: there may be unknown agents who wield power over someone. Alternatively, an agent may hold false beliefs due to deception or being otherwise misled by other agents. Of course, this will not change an agent's pursued course of action, or subjective opportunity set, but it does leave said agent subject to a relationship(s) of mastery.

Consider an example of a polluting company that brings about significant climate impacts; the extent of which are undetermined. There is potential for the pollution to render the home of a particular tribe uninhabitable. If the tribe who risk devastation to their local environment do not know of the polluter's existence, the tribe is unaware of its dependency (which is established by the lack of exit options) on the polluting company. This could be considered analogous to the slave who is entitled to do whatever she pleases due to her benevolent master. The tribe would not suffer the internal effects of domination traditionally described due to their lack of awareness of their dominator. They cannot act strategically in the situation (planning for the potential invasive effects of pollution). The tribe clearly are vulnerable to the arbitrary interference of the polluters. It appears unsatisfactory that this is not seen as domination but for the fact that the tribe do not know their dominators exist and the dominators do not know the exact victims of their unfettered use of power. Once the negative effects of the polluter's industry come into being, all parties will become aware of the

⁹² Ibid, 122.

relationship they were engaged in. However, there will never have been a moment at which the agents were fully strategically related.

Lovett, in explaining why our subjective option set is important, states that ‘persons bound with golden fetters are as much at the mercy of their masters as persons bound with iron. The former might be better off in other respects, to be sure, but the republican aim is not to assess a person's overall level of well-being: it is only to assess the degree to which he or she experiences domination specifically.’ It seems unusual then, that although not concerned by ‘well-being’ or those who enjoy the ability to do as they please due to a benevolent master, Lovett allows for the objective ability of arbitrary interference in partially strategic relationships to be considered non-dominating on the basis that agents do not experience the negative internal effects of domination.

While negative internal effects have often been identified by republicans in order to demonstrate the normative wrong of subjection to power, they are crucially not a necessary criterion. The benevolent master renders her slave unfree due to the effect of her greater power on the consciousness of the weaker agent.⁹³ It is true that in these partially strategic instances it is not possible to contend that such internal effects occur, given the lack of awareness of the relationship. However, defending the need for persisting internal effects would exclude from

⁹³ Pettit has argued that domination, except in cases of intentional manipulation or deceit, involves awareness of control on the part of the powerful and the awareness of vulnerability on the part of the powerless. Common knowledge of the dynamic will mean that ‘the powerless are not going to be able to look the powerful in the eye, conscious as each will be of the other's consciousness-of this asymmetry’ (Pettit, 1996, 584). It appears that Pettit has moved away from this insistence, as in later work he does not reiterate a commitment to common knowledge when considering awareness (Pettit, 2012, 171).

scope cases where more powerful agents manipulate weaker agents based on their epistemic constraints (as I will claim in chapter 5 occurs in the context of social media platform facilitated domination). Whether the tribe is aware that it is about to be interfered with or not, it surely suffers a kind of social interference. Republicans are concerned by those who have the capacity to interfere in our lives; not solely by the exercise of a power. There is therefore normative reason to adopt the wider definition of dependency I am advocating for. Domination between the polluter and unidentified agents is clear, yet if we take a Weberian view of social relationships as a basis for domination, the fact of being in a systemic situation enables such dominators to evade being captured by the theory.

It does not matter on my account that the polluting company is unaware of the exact impact of the polluter's actions. The stronger agent is acting arbitrarily by imposing its will on the tribe without being under an obligation to track the legitimate interests of weaker agents nor being controlled by those subject to the company's power. Stronger agents who take actions with invasive externalities attract some duty not to arbitrarily invade in the lives of weaker agents; this may require an obligation to sometimes unknown but reasonably foreseeable dependent agents. Moreover, those agents who occupy positions of power even in circumstances that those affected are unknown to them will have responsibility to transform their positions.⁹⁴ This insight is crucial in considering how domination occurs in markets as well as cases such as racism and sexism.

⁹⁴ I discuss this in greater detail in chapter 6. I also take up complex market cases to demonstrate that entry and exit options alone are insufficient to achieve non-domination where dependency is structurally constituted.

6: What makes power arbitrary? (the arbitrariness condition)

I now turn to the final fundamental question. I have argued for an account of how agential domination occurs between agents in structures. I must now demonstrate when such power is arbitrary and therefore illegitimate. On the traditional republican account, power is arbitrary when it can be exercised by one agent, over another, ‘just as their own whim or judgement leads them.’⁹⁵ There are varying ways in which republicans understand the nature of this arbitrariness. Arnold and Harris have grouped these understandings into three definitions. These they term proceduralism, interest substantivism and control substantivism.⁹⁶ In this section, I will briefly consider these accounts, and argue in favour of a version of control substantivism.

On the proceduralist account, which Lovett defends, the enemy of non-arbitrariness is discretionary power. For Lovett, power is arbitrary where it is unconstrained by stable and effective rules that are the common knowledge of the agents who wield and are subjected to that power.⁹⁷ Clear and reliable rules will reduce uncertainty and allows agents to act strategically within the parameters of non-discretionary power. However, as I have argued, there are instances of social power which influence the shape of agents’ option sets in social life. Lovett indeed concedes that this conception of arbitrariness would permit a racist regime

⁹⁵ Pettit, 1997 57. This view also aligns with the accounts of domination offered by in Lovett 2010, chap. 4; Forst 2013; McCammon 2015; and Gädeke 2020.

⁹⁶ Arnold and Harris, 2017.

⁹⁷ Lovett, 2010, chap. 4.

– provided it is reliably enforced – to be considered as non-dominating.⁹⁸ Lovett seeks to eradicate uncertainty in the context of power relationships. This does not, however, get to grips with the status-based concern of domination. Where an agent has no or only an insecure power to determine the rules that apply to them, nor to participate in justificatory practices of those rules, then they will not enjoy the sort of status I have argued is necessary for non-domination. The proceduralist account then, in contexts of (for instance) oppression, only entrenches dominating power. Moreover, if Lovett’s aim is to reduce uncertainty, I expect his account will fail to achieve his aim. In a pervasively racist and sexist society, even where rules are enforced rigorously, many agents will need to continually question how they present themselves to powerful agents. This is precisely the sort of uncertainty that republicans warn will arise in conditions of domination.

An alternative approach, for which Arnold and Harris argue in support, is the interest substantivist account. On this view, arbitrary power is constrained by a requirement to track the objective interests of those subject to it.⁹⁹ Determining the relevant interests of those subject to power is a crucial challenge, left unanswered by Arnold and Harris. They argue that this is an important next step for republicans – to develop such an account.¹⁰⁰ Developing an account of interests will, I argue, be subject to the same criticisms and concerns that have been levied against Rousseau’s notion of the general will. For instance, Isaiah Berlin raised concerns about vagueness while John Stuart Mill has criticised the potential for suppression of

⁹⁸ Ibid, 115–17.

⁹⁹ Arnold and Harris, 2017.

¹⁰⁰ Arnold and Harris, 2017, 67.

dissenting voices and minorities.¹⁰¹ I will not rehearse these well-known concerns here, as I prefer to advocate for a more satisfactory approach - control substantivism.

Turning then to the control account, which is set out by Pettit, power is arbitrary when not under the control of those subject to it.¹⁰² I have argued that in order to enjoy non-domination, an agent must have a capacity for practical reason in the sense that they are to be treated as a ‘voice worth hearing and an ear worth addressing’.¹⁰³ Where an agent enjoys a robust capacity to participate in the determination and justification of rules – as in the ideal democratic setting – then that agent is respected as having the sort of status necessary for non-domination. An agent’s place in society is determined by reference to their ability to participate on these terms. This form of control will imply, in the political setting, that citizens have more than equal formal opportunities to participate (for instance by casting a vote). Citizens will also have access to the necessary requirements for equal influence – for instance there is a requirement for good quality information. These requirements do not imply that political decisions must accord to the views of all citizens (for instance through a system of unanimity). Where these control requirements are met, a political decision will pass what Pettit has termed the ‘tough-luck test’.¹⁰⁴ According to the tough-luck test, where a citizen dislikes a decision, this is compatible with non-domination provided that decision was the result simply of others holding a different view and not the result of unequal powers of influence amongst agents.

¹⁰¹ Pettit, 1997, 177.

¹⁰² Pettit, 1997, 55–56; Pettit, 2012, chap. 1.

¹⁰³ Pettit, 2002, 350.

¹⁰⁴ Pettit, 1997, 177.

In this thesis, I am seeking to investigate the norms and practices which belie political institutions. As I have argued, Pettit's account rests upon an assumption that agents experience domination only where their option sets are potentially interfered with and that those option sets are determined by local contexts.¹⁰⁵ The problem for the control account Pettit presents, is that the considerations which are relied upon by citizens in order to participate in democratic decisions are also subject to the same potential biases as appear in local contexts. Alan Coffee has described this problem as 'two spheres of domination'.¹⁰⁶ Coffee, together with Rainer Forst and Gädeke therefore argue that citizens must also have equal voice in determining whether considerations are valid to be the basis of political decisions.¹⁰⁷ In Forst's terms, citizens must be agents of justification.¹⁰⁸ I follow Forst, and argue that non-dominated agents must therefore be able to participate in a general and reciprocal way in determining the rules that apply to them, and the considerations which are valid in such a determination. This will respect the non-dominated status of agents, and afford powers of justification. I have only sketched here the control account of non-arbitrariness that I adopt. In later chapters, I will consider how the formation social norms and practices may be subjected to comparable forms of justification.

7: Structural domination: a definition fit for complex cases

Having set out the definition of domination that I advocate for, I now show how this leads to a distinctive approach to cases of structural domination as compared the existing more

¹⁰⁵ Pettit, 1997, 53; and Pettit, 2012, 113.

¹⁰⁶ Coffee 2015.

¹⁰⁷ Forst 2013; Coffee 2015; Gädeke 2022.

¹⁰⁸ Forst, 2013, 159.

narrowly agential accounts I have contrasted with. Returning to the case of Daraprim, upon Lovett's account Turing Pharmaceuticals would be in a partially strategic relationship with the end consumer of Daraprim until such time as it purchased the patent rights to the drug. This is so as it appears to be a case of a non-ideal market due to the presence of only a few large firms with incredibly market power, and demand for the drug being inelastic when considered from the perspective of supply and demand. Therefore, there is no parametric relationship. Turing Pharmaceuticals ahead of purchasing the patent rights was aware of the existence of consumers and the strategic nature of their actions within the market. The consumers, on the other hand, lack such knowledge. Lovett cannot argue that Turing Pharmaceuticals, before such time as they have purchased and hiked the price of the drug are in a relationship of domination. By contrast, sociological accounts of domination may find that the domination occurs as a result of the institutional and legal regime that permits such market domination and perhaps the prevailing neo-liberal ideology which favours seeking profits.

On my account, Turing Pharmaceuticals dominated ahead of the time of purchase, as they had vested in them the capacity to arbitrarily interfere with weaker agents, and the source of this power was drawn from the background structure to their relationship. This indicates towards more invasive market regulation than perhaps existing republican accounts would favour. This would involve placing obligations directly onto stronger agents such that they no longer have the capacity to act arbitrarily, even those in diffuse and complex relationships with consumers. This is a focus directly on the relationship between dominator and dominated, and involves an analysis of the structural source of power of the dominator.

Lovett contends that sociological theories are ‘too broad to be of practical use’, he is also unable to tightly address these problematic structural cases using his account of domination; he must offer broad responses that appear to address the distributive outcomes of domination rather than the interactional problem it poses. For example, a Universal Basic Income - such as Lovett supports - may increase the anti-power of agents, however it is imprecise in addressing the underlying factors which lead to the problematic disparities of power that underlie domination and prohibiting stronger agents from acting with disregard for the interests of those dependent upon them. An advantage of my account is that it paves the way for a framework that can determine what would be required for agents to act non-arbitrarily in instances where domination may arise, and therefore respects the relational quality of republicanism. My account is less apologist for a system marked by relational inequalities. Further, this account gives allows republicans to address directly the factors that are of concern to sociological theorists. As I have outlined, these structures act as a source of power and are the result of robust, coordinated agential action. To resolve said structures, it is necessary to identify the type of agential roles played by the actions occupying the social positions that aggregate to these structural forces. Preventing domination may require addressing structural factors which condition the option sets of agents. To establish freedom as non-domination, it is first necessary to identify the agents that reduce our freedom through their actions, and with due sensitivity to the complex structural roles they play.

7: Conclusion

I have argued that domination is a relationship between agents and elaborated the role of structural factors – manifested through agential action - in complex cases of domination. I

have rescued the dominator's role. I have contended that domination always involves a structural dimension. This account avoids treating peripheral agents as merely part of the background structure to structural domination in the way that agential theorists must. This account is a basis for a critical social theory that addresses problematic structural factors while retaining the central role of agents.

I acknowledge the difficulties in breaking down the many wires of the metaphorical birdcage described by Frye.¹⁰⁹ However, I have argued for analysis of such structures from a republican perspective, and I seek to understand how agents participate in the production and reproduction of these wires. Focussing attention in this way shifts focus from merely interactional domination between agents and onto the resolution of domination that takes place in, and is enabled by, complex and diffuse structures.

The definition of domination that I rely upon can now be specified as follows. A power relationship is dominating if and only if:

- 1) An agent, group agent or coordinated set of agents A
- 2) has the capacity to participate in shaping the option sets of agents B,
- 3) in conditions of dependency and asymmetry
- 4) and this capacity is robustly, structurally constituted,
- 5) and not controlled in a general and reciprocal way by B.

¹⁰⁹ Frye, 1983, 12.

Chapter 2: Structural domination and the market

I have now set out an account of structural domination, and so I turn to consider how such an account advances the republican tradition. The republican emphasis on political freedom and the public sphere has led some to express concern that the tradition is ill-suited to capture social or economic injustices which persist regardless of formal conditions of non-domination.¹¹⁰ In reality, most individuals spend most of their time working in private organisations. Moreover, these same organisations shape much of our non-working life – most notably through the market. With regard to the workplace, republicans have tended to argue that to render employment and managerial practices non-dominating requires not only state regulation of business organisations but also workplace democracy.¹¹¹ What about the operation of markets, though? There has been debate over how far they can even be characterised as dominating – and if so, what kinds of regulation might be appropriate. In this chapter, I sketch existing republican approaches to the market, before fully elaborating my own account in Chapters 3 and 4, and arguing that a structural understanding is necessary to get to grips with the domination at play.

Republican domination is a ‘kind of power, and usually *social power*, that is, power over other people’.¹¹² This social character of domination lies behind Pettit’s distinction between natural and vitiating invasions of our freedom.¹¹³ The former could relate to the impact of a flood that

¹¹⁰ Philipps, 2000; Hirschman, 2003.

¹¹¹ e.g. Anderson 2015.

¹¹² McCammon, 2018.

¹¹³ Pettit distinguishes the market from the sort of vitiating hindrances that are productive of domination from those which merely invade our option sets, arguing we do not experience "reactions like resentment and gratitude... towards natural phenomena like the weather or the business cycle". (Pettit 2001: 13). Pettit objects to the dominating potential of highly inegalitarian market outcomes, but favours the market as a way of reducing

blocks an agent from passing down a street, while the latter could describe a group of agents that block access to the road for particular users. The latter, as a use of social power, is said to amount to domination. This distinction affords republicanism a distinctively political edge, being concerned with the relationships between agents. At the same time, this prompts an important question: what is social power?

This question underlies a rift between republican theorists that has received recent attention, and which I considered in Chapter 1. I now integrate this rift into an analysis and critique of how republicans have approached theorising the market. On the one hand, there are those who find that domination should be conceived as a relationship between identifiable agents (A is dominated iff identifiable agent B has a power of arbitrary interference over A). On the other hand, some recent theorists have argued that domination is best conceived of as involving a structural dimension (for instance, A is dominated iff B has a structurally constituted power of arbitrary interference over A). Conceptions of structural domination are not new. They are familiar in theories such as Marxism, feminism and critical race theory. What is distinctively republican, is the attachment to identifiable agents rather than, say, a particular class. As indicated, this attachment has promising implications for a theory of freedom and justice. Not only does the tradition retain a political edge, but also a social notion of power tied to identifiable agents suggests that power may be made non-arbitrary by addressing relationships within existing frameworks; rather than rejecting a structure (like capitalism) outright. There are also important implications for the resultant duties of justice. For the republican tradition, determining who will bear responsibility for domination, and what is

dependency of agents. He finds that the resulting restrictions on individual freedom are not the result of a distinct will but 'the cumulative, unintended effect of people's mutual adjustments'. (Pettit 2006: 139).

required to achieve non-domination, is (at least in ideal terms) *prima facie* clear. No agent should have the arbitrary power of interference over another. However, taking on cases that challenge the agential notion of domination reveals the challenge that structural republicans seek to address. The market is one such central case where an understanding of social power becomes key.

The reduction of the role of agency in the analysis of structural processes has arguably been most impactful in relation to the economy. Pettit's understanding of the market as 'akin to a natural force' is consistent with classic metaphors such as Adam Smith's invisible hand or Mandeville's fable of the bees.¹¹⁴ Conversely, republican accounts that focus on structures as inherently dominating demand radical changes to markets that may undermine their functioning.¹¹⁵ Pettit and Lovett take an unequivocal view that structures can never dominate. On Pettit's account '[t]he dominating party will always be an agent – it cannot just be a system, or network, or whatever'.¹¹⁶ Similarly, Lovett contends it 'is not possible for structures as such to dominate persons'.¹¹⁷ Nevertheless, both do concede that structural arrangements can lend power to dominators such that the domination becomes actual. For instance, such structural empowerment could be said to enable a factory manager to hold arbitrary power over a worker.

Recent debates regarding the adequacy of the agential understanding of republican domination focus on more challenging instances of potential market domination. To take a contemporary

¹¹⁴ Smith 1981, Mandeville 1970.

¹¹⁵ For instance, Gourevitch's Marxian account objects outright to financial markets' provision of essential goods (Gourevitch 2012: 141).

¹¹⁶ Pettit, 1997, 52.

¹¹⁷ Lovett, 2010, 47.

example, one could imagine a scenario in which fluctuations in the financial market, caused by excessive risk-shifting by brokers and investors across the globe, leads to the collapse of credit markets. The risk-taking agents will not have acted intentionally to bring about such a collapse. Recall, though, how republican freedom as non-domination implies that regardless of whether a particular agent is benevolent or benign, that agent cannot justifiably hold arbitrary power over another. What is in question, therefore, is whether these agents possess an arbitrary power over those who were subject to the market outcomes that resulted from their actions. In this example, there is no one identifiable agent or group agent whose actions could cause arbitrary interference with those reliant on credit markets (such as mortgage holders or those dependent on financing). The fluctuations in the market occur because many different agents react to market incentives. Arguably, though, these markets systematically favour those who can protect themselves from risk over those who are subject to it. Critics of an agential account of domination claim that its adherents must see this systemic imbalance between lenders and borrowers as comparable to a form of natural invasion rather than as a vitiating invasion. Indeed, this aligns with Pettit's claim that we must 'ride the tiger' of the market.¹¹⁸

Pettit has to remain committed to this 'natural' understanding of the market because on his account no one agent can be said to have a capacity for arbitrary interference if that capacity is not readily exercisable. That is, the capacity must be actual and not virtual. It cannot depend on some legitimating circumstance, nor can it depend on the concerted action of others for it to become actual.¹¹⁹ This leads to conclusions that at first blush may appear surprising. This understanding of agential capacity means that individual agents, with individual powers, can

¹¹⁸ Pettit, 2011.

¹¹⁹ Pettit, 1996, 580.

be considered dominating. For instance, a particularly strong man in a park of women would always render them vulnerable to assault and therefore dominates. This conclusion would weaken the critical and political edge of republicanism, by widening the concept to such an extent that domination appears ubiquitous.¹²⁰ At the same time, Pettit's account appears unable to grapple with contemporary market outcomes that depend on the coordinated actions of agents who are systematically empowered, while others are disempowered. A critic might argue that the agential accounts capture cases that appear beyond the scope of a theory of freedom and justice, while being unable to tackle those of most contemporary concern. I now turn to consider whether a more structural account could offer new insights on such cases and provide more promising republican solutions.

Tackling this question of intergenerational domination, Gädeke argues that a conception that does not sufficiently regard the structural dimension of domination will collapse into an interference-based view and lose touch with what is distinctive about republicanism. Gädeke distinguishes between episodic and structural forms of power. This distinction refines the notion of social power that underlies domination. On this account, the strong man in the park would not dominate but would hold an episodic capacity for interference. What is key in understanding domination, is that it relates to a deeper asymmetry of power. Women are dominated not because they are exposed to male power, but because they lack anti-power.¹²¹ Republicanism has never objected to power as such; but rather to *arbitrary* power. In a legal and political system where women possess a robust recourse to the means to challenge male violence, the man's power is controlled and contested, thereby diminishing his capacity to

¹²⁰ Richardson, 2005, 219.

¹²¹ Gädeke, 2020, 206.

wield it in arbitrary ways. The systemic element is dissolved. Domination is best conceived of as characterised by structurally constituted capacities to interfere arbitrarily. Gädeke highlights how such capacities form the central cases, and that consequently we should see domination as triadic: between dominator, dominated and the peripheral agents resulting in a structural environment which is both the consequence and framework of their interaction. Structural phenomena, whereby relations of domination are constituted, include social structures involving norms and practices that shape our social interactions.¹²²

With this structural understanding of social power in mind, and returning to the market case, we can consider whether republicanism does indeed offer an important lens through which to understand market dynamics. Where entrenched and structural power becomes focal, republicanism seems a promising avenue to pursue in understanding any underlying injustice in these cases. In order to demonstrate this potential, a key question must first be answered: who in such markets holds a power of arbitrary interference? As set out, agents – who do not act collectively – must coordinate in particular ways in order to bring about market outcomes. The role of agents could be understood by looking more closely at the powers different agents have as regards the structure they find themselves in.

Take, for example, the pharmaceutical market considered in Chapter 1. Agents who speculate on the potential price of drugs will have the power to enter and exit the market at their pleasure or whim. Consumers will in a sense also have the power to enter or exit the market, however the incentives for doing so will be very different. Investors will respond to incentives to create

¹²² Ibid.

maximum profits. In our existing market structure, incentives to produce good quality, low-cost drugs which are of the most benefit to global consumers are held most firmly by consumers and most weakly by the ultimate investors in pharmaceutical markets. Investor decisions will shape the market in fundamental ways. For instance, they will shape not only which drugs are produced but also which drugs researchers seek to produce, given that the researchers also have incentives to produce marketable and successful treatments that will ultimately reach patients. These decisions will influence to a large extent the availability and ultimate cost of drugs to a consumer. Consumers have very little power to decide which drugs they can or cannot purchase in the market. The agents with the most power (investors) are systematically favoured, while agents with the least power (consumers) may be systematically disfavoured. No one investor is likely to be seeking to disempower consumers, or to render important drugs unaffordable or unavailable. However, the structural arrangements permit them to act in coordinated ways that create this outcome.

The capacity of investors is not actual in Pettit's sense: no one investor can shape this market, it is dependent upon a systematic set of pricing practices. Yet, a structural understanding of republicanism rooted in the notion of status - who has capacity to shape the 'rules of the game' - will reveal a normatively problematic asymmetry between consumers and investors. Such a conception will have to move away from understanding dominating capacity as purely inter-agential and as independently exercisable. However, such a conception can retain its agential edge where the agents with power to participate in the practices that shape the structure are identifiable, even if they are not acting as a collective. It may be too demanding to insist that each agent must independently hold dominating power in the narrowly agential sense. This understanding of agents holding power, albeit in a coordinated and not individual sense, does

align with core republican notions. Take Pettit's claim that a dominator ought to be understood as one who frames the option set available to the dominated; comparable to a doorkeeper, who could close any door she chooses.¹²³ Or Pettit's claim that, in a non-dominating world, agents will have the ability to command respect as 'a voice worth hearing and an ear worth addressing'.¹²⁴ On this structural conception, markets could be regulated to attend to these power imbalances by affording those presently subject to them the anti-power necessary to resist those dominating them, albeit as a well-positioned group rather than individually, through its operations. For instance, where mortgages are packaged into securitised assets, a representative body of mortgage-holders could be afforded a power of veto over risk portfolio decisions of the banks and investment firms that own the securitised products. This would reorient the incentives of the decision-makers away from only satisfying shareholders and give a direct power to the mortgage holders subject to the outcomes of investor risk-taking.

One may at this point wonder: what would be the benefit of retaining the republican attachment to agents at all? Why not go for a fully structural understanding of the market and argue for its complete rejection. Indeed, some republicans who align more closely with the Marxian tradition have advanced such arguments. Gourevitch's structural approach suggests that domination arises in credit-based markets through a class of borrowers being coerced into labour for the benefit of repaying a class of lenders.¹²⁵ Gourevitch objects to the provision of essential goods through financial markets, precisely because of the class-based domination he finds it will produce (this would surely include pharmaceutical products and mortgages).

¹²³ Pettit, 1997, 68-69.

¹²⁴ Pettit, 2002, 350.

¹²⁵ Gourevitch, 2012, 141.

However, this view misses how the key issue with modern capitalism lies in its being possible to hold a coordinated capacity for uncontrolled interference in the absence of differences in formal status. Existing structural approaches focus on the outcomes of the financial system or of debt provision but fail to take into consideration how power dynamics bely status equalities. It could still be perfectly possible to allow for such markets to persist and to continue to produce profit for some agents, while also extinguishing the arbitrariness of the power relationship by improving the antipower of consumers.

Gourevitch's structural approach suggests that domination persists in credit-based markets as a class of borrowers are coerced into labour for the benefit of repaying a class of lenders (ibid). It could be said that this notion of coercion does not get to grips with the fact that all agents in the structure respond to incentives, rather than seeking purposefully to exploit others for personal gain. Moreover, identifying classes of persons may be more challenging than is suggested. A mortgage holder, subject to the fluctuations of the market, may at the same time have a pension invested in global pharmaceutical markets. Such an individual's social power and social disempowerment cannot be neatly described by categories such as class or formal legal and political status. However, an approach that seeks to modify the dynamics of markets and that attends directly to the social power that is afforded by the structural entrenchment of certain practices, could reveal and address where agents are subjected to arbitrary power (and so are dominated). My approach is permissive of a market relationship between lenders and borrowers, provided certain conditions pertain.

It is acknowledged by agential and structural theorists of domination alike that structures facilitate interpersonal domination. What is at stake is whether individual agents are to be held

as dominators. In other words, how must agents be structurally empowered or disempowered for it to be possible to say that domination persists? Republicanism has historically sought to address this question by identifying normatively problematic differences in legal and political status (e.g. serfs as compared with feudal lords, or factory owners as compared with proletarians). In contemporary economies, divorcing formal notions of legal and political status from understandings of entrenched structural power will be an important advance in understanding current diffuse cases of domination. Such power will be domination where coordinated practices, that shape structures which render some subject and others empowered, are structurally enabled and entrenched. This careful navigation between the relationships between agents and structures may allow republicans to get to grips with the cases of most concern and instantiate important market reforms that are conducive to freedom as non-domination. The protection and realisation of vertical nondomination concerns primarily the organisation and legitimacy of the state. By contrast, tackling horizontal nondomination forms part of the responsibilities of such a non-dominating state. For, while it concerns relationships between citizens, it may require such a non-dominating state to intervene in structural arrangements that are conducive to this form of domination (as can occur in markets). Regulation of markets is, therefore, an important republican state responsibility.

In the next chapter, I will take on an example from the financial market to tackle head on the challenge of specifying how agents dominate in structures.

Chapter 3: Financial markets - how agents dominate in structures

The 2008 financial crisis changed the world. Amidst chaos and turbulence, debt providers and products collapsed and, as a result, millions of people suffered the loss of their jobs, their savings, and even their homes. More than a decade of lasting economic damage began to unfold. Immediately, the greed and incompetence of ‘fat cat bankers’ was decried¹²⁶. There was a popular perception that millions had been subjected to the will of a reckless elite. Yet, with very few financial market players facing criminal sanction, that reckless elite escaped significant personal accountability.¹²⁷ Why, though, were citizens able to accept the financial turmoil which took away their homes and livelihoods without holding individuals accountable? I suggest one reason for this was that a structural account of the nature of financial markets permeated common consciousness. Simply put, some see financial markets as a structural force that is not compelled by any agent’s voluntary will, which implies that no one was personally responsible for its crash. Who should one side with? With those who see the failure of the 2008 financial markets as the fault of a reckless elite who subjected others to their risk-taking behaviour? Or with those who see the failing as resulting from a systemic risk for which no identifiable agent is responsible? This dispute is mirrored in the debate between agential and structural republican theorists as to how best to conceptualise modern economic domination.¹²⁸ This article argues that resolving this latter debate offers a way of addressing

¹²⁶ For instance, Daily Mail, 2008: <https://www.dailymail.co.uk/news/article-1077120/Greed-fuelled-crash-How-city-fat-cats-took-home-17bn-bonuses--banks-crumbled.html>.

¹²⁷ The Financial Times investigated that 47 criminal prosecutions were made globally <https://ig.ft.com/jailed-bankers/>.

¹²⁸ e.g. Pettit, 2011, Gourevitch 2012.

the former dispute and identifying who or what is responsible for financial market injustices. It also provides a way of setting out how markets can be made compatible with the demands of freedom in the future. I argue that agents, coordinated by their ability to participate in markets practices, to which others are subject, dominate. Affording subjected agents control over or participation in these market shaping practices will undermine domination.

Republicans have differed over how far markets can generate injustice. On one hand, agential Pettitian republicanism regards the market as comparable to a natural phenomenon, akin to the weather.¹²⁹ From this perspective, financial market domination cannot be adequately described as purely agential as no one player or group of players are able alone to shape or crash a market.¹³⁰ On the other hand, ‘structural’ republican accounts - including recent Marxian inspired accounts addressing the difficulties of establishing republican freedom within capitalist societies object outright to financialization as creating a dominant and dominated class.¹³¹ Such accounts go too far both by reducing the role of individual agents and disregarding the (at least formally) equal status between financial players and debt holders.

¹²⁹ Pettit distinguishes the market from the sort of vitiating hindrances that are productive of domination from those which merely invade our option sets, arguing we do not experience "reactions like resentment and gratitude... towards natural phenomena like the weather or the business cycle". (Pettit, 2001,13). Pettit objects to the dominating potential of highly inegalitarian market outcomes, but favours the market as a way of reducing dependency of agents. He finds that the resulting restrictions on individual freedom are not the result of a distinct will but ‘the cumulative, unintended effect of people’s mutual adjustments’. (Pettit, 2006, 139).

¹³⁰ Consider for instance systemic risk, which involves a risk to a financial system as a whole and is not dependent upon the actions or inactions of any particular player, rather the cumulative result of the action of many players’ actions taken together (James, 2017, 240).

¹³¹ Various accounts have addressed the potential for domination in the market by analysing it as a class-based structure or by advocating for economic redistribution or for strong collective bargaining powers or even for workplace democracy (e.g. Anderson, 2015; Casassas & de Wispelaere, 2015; Gourevitch, 2015; Klein, 2017;

I suggest that both camps misunderstand the role of social practices. I propose an account that identifies how agents engaged in a social practice, such as lenders in financial markets, may possess a coordinated capacity to interfere and so dominate. These agents do so without having any individual capacity to dominate and without acting as a collective in the manner supposed by structural accounts of a capitalist class. Coordinated agents act within incentive structures, and I argue that these incentives ought to be the target of reform. While the financial market is one example of where social practices may be conducive to domination, this insight will extend to other practices to which agents are subjected.

This account takes the pre-2008 securitisation markets (the ‘pre-2008 market’) as an illustrative example of how domination may appear in modern capitalist arrangements. On first reading, it may not be clear that the normative issue raised by the financial crisis was one of domination. This sort of case seems to lack a clear relationship of servility and identifying which agent(s) held the power to arbitrarily interfere in particular opportunity sets is difficult. Yet, this paper argues that domination does appear in such cases. The financial market renders vague and perhaps even invisible the agents involved in its operation, and conceals the relationships they find themselves in. However, borrowers may find themselves sat within a hierarchical structure, in which their option sets are entirely dependent upon the action of lenders who wield arbitrary power to determine the shape and direction of the market.

White, 2011). I consider these accounts to be unified by their structural analyses that do not consider as their focal point the coordination of individual agents as a result of market incentives.

Unlike existing accounts, I do not only offer ex-post solutions for the inegalitarian outcomes of market structures¹³², nor object outright to the provision of essential goods by financial markets.¹³³ Instead, this account addresses directly the social processes and relationships which lead to such outcomes. This exercise is important, as it provides a basis for market regulation that can protect homeowners and borrowers by preventing domination and making financial markets compatible with republican freedom.

The chapter proceeds as follows. Section 1 addresses how domination can appear within financial markets, regardless of formal equality of status between the citizens participating in it. I set out three core ills of domination and show their applicability to the pre-2008 case. To do so, each must be conceptualised in ways that differ from the traditional master-slave paradigm. Section 2 sets out an account of how agents can coordinate to produce a social practice to which other agents are subject, and argues that this is sufficient to establish domination.¹³⁴ This requires extending the existing notions of capacity to interfere arbitrarily.¹³⁵ Section 3 sets out this account's implications for market regulation.

1: How might domination appear in financial markets?

I take as a focus the relationship between lenders and borrowers in the pre-2008 market whose homes were foreclosed on, or who chose to abandon their mortgages because of the falling

¹³² Anderson, 2015, Pettit, 2006.

¹³³ Gourevitch, 2012, 141.

¹³⁴ Following Haslanger, I take a social practice to be a site of socially organised agency which produce, distribute and organise resources. They may or may not be explicitly coordinated.

¹³⁵ On Pettit's account, we must be able to pick out an individual or group agent who wields arbitrary power over another in order to describe the latter as dominated. I argue for an expanded notion of 'capacity to arbitrarily interfere' that include cases where the coordinated but not the collective actions of co-dominators, who fall short of a group agent, may amount to such a capacity.

value of their property as against the rising cost of their mortgage.¹³⁶ This relationship is particularly salient, as it incorporates agents at two different ends of the market structure, who -I will argue- sat in a relationship of domination, despite difficulties each had in identifying the other.

To show how domination defined this case let's consider how three-core ills of domination appeared within the market structure.¹³⁷ While these criteria are not necessary conditions for domination, they are paradigmatic features, central to the republican tradition. These features are:

- (1) A status inequality or asymmetry in social standing that arises from a capacity for arbitrary or uncontrolled interference.
- (2) Uncertainty and the inability to form our own plans.
- (3) A resulting incentive to servility.¹³⁸

The first challenge is that formally a homeowner holds the same legal and political status as all other market participants. This gives the impression that she is not subjected to the arbitrary will of any other agent. Republicans have focussed on paradigmatic cases in which institutions underpinned by law – such as slavery - produce unequal status within a social and legal order and allow for domination. Yet there are further forms of domination which pertain outside of

¹³⁶ A comparable case was reported by NPR: <https://www.npr.org/2016/05/22/479038232/a-decade-out-from-the-mortgage-crisis-former-homeowners-still-grasp-for-stabilit>

¹³⁷ Claassen and Herzog (2019) have shown how a lack of economic agency can render economic structures unjust. The argument advanced here can be held consistently with this line of reasoning, however focuses on how agents coordinated through markets dominate those who are denied such agency as a result of market practices.

¹³⁸ Pettit, 1997, 85-89.

such institutions – for instance related to racial or patriarchal systems – which theorists of non-domination must be concerned to capture even when they do not align with evident asymmetric political, legal, or class-based status positions. In these cases, social norms entrench power asymmetries. The asymmetry in the case of the pre-2008 market however emanated not from some particular norm, nor from formally unequal status. Homeowners were subjected to a market that was shaped by practices they could not participate in.

Having the ability to participate in controlling and influencing the rules to which we are subject is a familiar republican notion¹³⁹. Freedom as non-domination has developed as a relational status-based concept linked to the ideals of political participation and as the absence of mastery. That is, as not being subject to arbitrary power. Power is non-arbitrary when those subject to it have some form of participation in the determination of that power (for instance as a citizen towards a state). In the case at hand, a borrower is subject to power held by those with formally equal status, which is exercised in a coordinated manner between financial market players.¹⁴⁰ This normatively troubling power relationship can be explained in republican terms, even in the absence of some formal power of some agents over others. Citizens with the status of free persons are able to participate in the determination of the rules which apply to them. Homeowners had only the power to participate or not participate in the market. Their interests were disregarded in the practices which shaped the market they were subject to. There was – I will argue – no meaningful control held by homeowners over the risk-taking practices

¹³⁹ Pettit, 2012.

¹⁴⁰ While I acknowledge that ‘coordination’ can be defined in a gametheoretic sense, I do not assume this use of the term. Within a social structure, which consists of interconnected practices, agents coordinate in a milieu. Practices, in the sense I will defend, fall along a spectrum from explicitly coordinated behaviour to regularities in behavioural patterns that result from some shared schema.

that shaped the market. In order to enjoy non-dominated status, agents must be capable of reasoning about and selecting their own goals and desires. Agents must be treated as having the capacity for practical reason, and this is integral to an agent enjoying respect in line with their moral status as a person. In Pettit's words

To have the full standing of a person among persons, it is essential that you be able to command their attention and respect: if you like, their authorisation of you as a voice worth hearing and an ear worth addressing.¹⁴¹

It is not sufficient, if agents are to enjoy non-domination, for this form of respect and standing to be imitated in an ad hoc way. For instance, the master who allows her slave to choose what work she would prefer to perform does not (and cannot) afford the slave standing. The slave continues to lack the necessary social status - the societal position - to command consultation. In such an instance, it may be initially unclear in what way the master holds a capacity for interference with her slave. Interference will include more than only direct, interactional interference. Interference includes, crucially, the framing of option sets. Indeed, it is the capacity to frame option sets (to set the 'rules of the game') which is central to the republican concern with domination.

Given that borrowers do in fact participate in markets, why is there an asymmetry in their ability to shape market rules and direction? At a minimum, they interact with other players by entering markets with the purchase of (for instance) a mortgage. This, though, is only a form of interactional power. Their financial contributions feed the financial system. On a closer

¹⁴¹ Pettit, 2002, 350.

analysis, it appears that mortgage purchasing could be an illusory form of equal participation. For instance, pre-2008, opportunity sets were entirely dependent upon the actions of more powerful agents who determined the rules of operation. In particular, borrowers lacked a key power, which enabled lenders to shape the financial environment: the power to shift risks. Borrowers could not shape or control the risks they were subject to like stronger market players could. While borrowers may have expected to take on some risk, they found themselves subject to market fluctuations determined by the risk-taking behaviour of other agents who were themselves protected.¹⁴² To see this dynamic and appreciate how risk-shifting materialises, it is useful to consider the pre-2008 market construction.

Securitisation markets, broadly speaking, bring together two groups: homeowners and investors. The financial system operates such that those in need of credit are connected with those able to supply it. Financial markets are unlike other markets in meaningful ways. Financial products are traded, and these products relate to, and to an extent determine, the value of real assets as well as the availability and cost of credit for consumers. Securitisation is intended to benefit consumers of financial products through the efficient allocation of credit and the improved liquidity in credit markets. However, it is widely accepted that the misalignment of incentives among participants in the securitisation process has played a major role in the turmoil that's taken place in financial markets¹⁴³. Securitisation is a complicated process that turns cash flows from non-tradable assets into tradable debt instruments. A major

¹⁴² Borrowers may consent to contract to a level of risk. However, this contractual consent cannot be seen as sufficient to extinguish the possibility of domination. Consent has long been seen within the republican tradition as non-vitiating of dominating relationships. Pettit argues that in some instances contracts are an illusory form of consent, for example slave contracts (Pettit, 1996, 585).

¹⁴³ e.g. Bank of England Governor Mark Carney, 2009.

example is the pooling of residential mortgage loans into residential mortgage-backed securities in the pre-crisis period. Borrowers purchased a mortgage from a lender (usually a bank or savings institution), and from this point the securitisation process was initiated. Residential mortgage loans were transformed into part of a residential mortgage-backed security. Securitisation is a complex process involving many agents who continually shift risk by bundling and selling packages of debt in a process which distances market players from debt holders. Players make their decisions based upon the risk-return characteristics of the portfolio.¹⁴⁴

Throughout this process risk is shifted between agents. This raises the question: how was the risk ultimately realised by the borrower when her home lost value? Initially, a lender known to mortgage holder (the Originator) held the risk of loss should the mortgage-holder default. The Originator sold that risk to an Arranger, by placing an estimated value on the mortgage. This value ought to track the actual value of the mortgage, otherwise a speculative bubble emerges (where the prices of assets are inflated beyond what the present value of the future stream of cash flow justifies). In other words, the asset is being traded at a price that exceeds the value that would be attached if an asset and asset class valuation was conducted. The Arranger places the risk into an SPV and insures against it. As SPVs are thinly capitalised limited liability entities, if assets lose their market value, there will be no obligation for the Arranger or investors to plug the losses incurred. Those managing the risk, the Asset Managers, are incentivised by investors. From the investors' perspective, when greater risk is taken, there is a chance of higher reward. Notwithstanding the higher chance of loss, the investor is protected

¹⁴⁴ Paligorova, 2009, 35-36.

from this due to the legal protections and features of the market hierarchy: in the event of a bubble, homeowners will be made to realise this loss when their homes are revalued.¹⁴⁵ This is an asymmetric position.

Shifting risk shapes markets in several ways. In a sense, this is a shaping of ‘the rules of the game’ and borrowers lacked this power. An example of risk-shifting is the packaging of mortgages and other debt into products. By bundling mortgages into a saleable product, risk is placed on the shoulders of some while allowing others to profit from this action. This packaging and repackaging creates a market. Inherent to this process is that some agents are afforded protection and are shielded from losses through the private entities and legal instruments that they create. As financial products are repackaged, and the process proliferates, markets become more layered and complex. This risk-shifting contours markets’ shape and perpetuates the disparities in power. Indeed, the more products that are repackaged, the bigger the risk becomes and often the longer it has been since anyone has investigated the real value of assets (homes of agents) at the end of the chain.

The asymmetric legal protections enjoyed by those closer to the top of this hierarchy could be said to contribute to a moral hazard. As risk-shifting agents enjoy sufficient protections in the case of losses, this in turn may incentivise excess risk taking. This moral hazard could also occur in the instance of assured state bailouts. My argument maintains that the market hierarchy itself is normatively troubling only where it is unchecked and allows for the subjection of some market participants to others. The insulation of risk some agents enjoy,

¹⁴⁵ Ibid.

while others do not, will incentivise behaviours that would be undesirable from the point of those subjected to the market. Undermining existing incentives to act in dominating ways will be crucial. This will involve centralising the incentives of those currently subjected to the practice among market participants.

Economic systems, including credit-based financial markets, are not horizontal relations of exchange: the pre-2008 market has been analysed by economists as a hierarchy in which those at the apex enjoyed far greater protection than those at the periphery.¹⁴⁶ The financial institutions closest to the apex enjoy a range of greater legal protections and economic and political capital, which protected and entrenched their position in the hierarchy. They can manipulate their own survival¹⁴⁷, and have greater power to shape markets while those on the periphery hold significantly less power to contribute to the system's operation. There are fewer exit options available to those on the periphery given these features. For example, contrast the benefit of those whose shares are attached to limited liability through a company structure, with the purchaser of a mortgage who will suffer the repossession of their home in the instance of a run on credit (as was indeed the case). Further, collateral rights allow the secured creditor to enforce against an asset; trust and corporate law delineate pools of claims from competing creditors; legal protections then may insulate payment claims from other rights and obligations arising out of contracts making them fully fungible (or money-like).¹⁴⁸ The costs of highly risky behaviour are often not borne by those who stand to benefit from it (e.g. the private

¹⁴⁶ Pistor, 2017. 187.

¹⁴⁷ For instance, these players can repackage and sell on risk rather than realise it. In a crisis, these agents are better placed to divest and when there is failure, state institutions may be compelled to intervene to uphold financial institutions given the dependence of the wider network of lenders who depend upon them.

¹⁴⁸ Pistor, 2017. 187.

intermediaries and their employees who receive incentive boosting bonuses)¹⁴⁹. The pre-2008 market is an example of how unchecked hierarchies can lead to socialisation of disbenefits and risks amongst those least responsible for losses and with least power to shape the rules of operation.

Various agents in structurally constituted positions of relative power collectively disregarded the interests of weaker agents who had no control over their actions or power. For example, consider the implicit relational quality of standing attributed by agents within the structure in the context of a speculative bubble: the speculation begins with exaggerated expectations of future growth, price appreciation or other events that could cause an increase in asset values. This speculation leads investors to rally around heightened expectations. As buyers cluster around the frenzy, outnumbering sellers, prices exceed beyond their underlying value. Financial markets temporarily become determinants themselves of the asset they are meant to price. They stop being independent or simple mirrors of the real economy, but acquire the power to shape it. The voices heard and ears addressed are those closest to the apex, no longer those who formally own the assets at the periphery. When the bubble pops, investors sell, and the risks are socialised downwards.

To summarise, I have argued that borrowers had no power to influence the shape markets. They were afforded no tools to manipulate their survival within markets, nor to shape the environment. They lacked any kind of meaningful control of the power to which they were

¹⁴⁹ Herzog, 2017, 12.

subject. This meant, despite formally equal status, borrowers found themselves in an asymmetric power position.

Let's turn to the second challenge of uncertainty and the inability to form plans. For most, taking on a mortgage is a seminal moment in life where one seeks to make stable plans for the future. One may be well advised to expect the rates and the value of a home to fluctuate to some extent based on the market and wider economy. However, borrowers did not anticipate the value of their home falling to such an extent that they might consider choosing to abandon their mortgage. Well-intentioned plans were undermined by the uncertain environment shaped by the behaviour of stronger agents, which was not controlled by borrowers nor tracked their legitimate interests.

Given that a borrower could have continued to pay her mortgage, a critic may ask if she truly experienced arbitrary interference in her option set. Pettit specifies that interference 'may involve removing some option or options in those choices, replacing them by penalized alternatives'¹⁵⁰. The replacement of the borrower's original option set, where the option of paying a mortgage in order to purchase a house that represented (at least roughly) the value of that mortgage was replaced by the option of paying for a mortgage which is more than twice the value of the home left her with two hugely sub-optimal options. Either continue to pay a mortgage far more costly than the value of her home, in the harsh economic climate of a financial crisis, or sell the home and accept the consequences of starting anew elsewhere. Borrowers were willing to accept the penalty to their credit-scores that abandoning mortgages

¹⁵⁰ Haugaard and Pettit, 2017, 26.

brought about, and the personal costs associated with losing their home. The fact that many chose to walk away, although it was indeed a choice, does not exclude that their option sets were diminished and determined by reference to those with greater power. This falls short of Pettit's conditions for freedom of choice as requiring 'not just that the doors be open but that there be no door-keeper who has the power of closing a door.'¹⁵¹

Turning now to the third challenge: if a borrower could not identify the particular agent(s) to whom she was subject, how could she experience incentives to servility towards them? The master-slave paradigm fails to capture the borrower's case. Pettit emphasises how the servile will attempt to behave in a way that suits their master in order to regain some sort of control over their plans.¹⁵² Pettit therefore expects that domination will lead to difficulty in making plans within our subjective opportunity set. Clearly, where we know we are subject to the arbitrary will of another, we consider their actions when making our own plans for action. However, as no particular master was manifest to borrowers at the time, they could not modify their behaviour to protect themselves. Borrowers were under the illusion of being their own master, when in fact they were vulnerable to arbitrary interference.

While psychological effects resonate with the paradigmatic cases of master and slave, there are complex cases in which agents appear to be subject to precisely the type of arbitrary interference which does not track their interests nor is controlled by those subject to it, yet such effects do not occur. It is possible that such an illusion is reinforced by an accepted societal ideology: we adopt terminology such as 'homeowner', despite acknowledging that this

¹⁵¹ Pettit, 2012, 66.

¹⁵² Ibid, 86.

reflects a situation in which we own a home only formally and are entirely indebted to financial institutions for that ownership. The false promise of credit markets is to convince consumers they are owners. In fact, there is dependency on the agents who occupy various positions within the market structure and upon whom they depend for financing. Such a situation is comparable to existing cases well addressed by the republican literature, such as women who have internalised patriarchal ideas¹⁵³. It seems then that plans may be entirely undermined by other agents without the described psychological effects ever occurring. That said, certainly once the relationship of subjection to risk was revealed to borrowers after the 2008 crash, there will have been many psychological effects that resonate with the notion of servility. For instance, the fear of mortgage repayments may reinforce servility in the workplace.

Pettit argues that domination, except in cases of intentional manipulation or deceit, involves awareness of control on the part of the powerful and the awareness of vulnerability on the part of the powerless. Common knowledge of the dynamic will mean that ‘the powerless are not going to be able to look the powerful in the eye, conscious as each will be of the other's consciousness-of this asymmetry’.¹⁵⁴ However, this focus on the intersubjective elements of domination seems ill-suited to describing more structurally complex cases. A borrower could not look in the eyes those she was subject to precisely because of the complex structural arrangements which concealed them and their interference from her. The structure of securitisation markets pre-2008 even incentivised activities that perpetuated a lack of regard for others in the structure. The production of complex securities which greatly removed

¹⁵³ e.g. Einspahr, 2010.

¹⁵⁴ Pettit, 1996, 584.

investor from consumer was an inherent part of the system's functioning, masking the dominator.

Incentives to servility, traditionally understood, will refer to the ways in which the dominated will moderate or modify their behaviour in order to please or suit their master. These incentives did appear in the market, however as the relationships borrowers stood in with other agents were concealed by the complex structural arrangements financialization had introduced – they appeared in more insidious ways. Borrowers had incentives to behave in ways that suited stronger players. Borrowers were incentivised by an ideological structure to participate in the market. Borrowers expected to 'play by the rules' in order to become a homeowner, albeit with some potential fluctuations in value to their homes, but with the rough expectation that the market would sustain a mortgage that would track the value of their assets. Unlike some purchasers, many did not take on mortgages they could ill-afford nor did they seek to take advantage of suspiciously available credit. Most did not see themselves as taking a risk of losing their home. Any concerns borrowers did have were assuaged by lenders, who reassured them of the security of the system.

Misalignment of incentives played a significant causal role in the failure of the pre-2008 market and persisted at every stage of the hierarchy. The market was driven by principal-agent relationships; where players were incentivised to match the interests of their principals (such as investors) and not to regard the impact of their actions on peripheral agents. Paligorova has argued that those at the apex of the structure 'had stronger incentives to take tail risks (those that generate a small probability of severe adverse consequences, but offer generous compensation the rest of the time) because their compensation was more sensitive to upside

than to downside returns'.¹⁵⁵ This was exacerbated by a perpetuation of this problem at every level of the structure and reinforced by practices such as linking remuneration and rewards to returns and thereby encouraging excessive risk-taking. Some have described the operation of investors as involving a psychological element that leads to some of the interfering effects of price instability. For instance, market bubbles may occur where news of price increases lead to a 'gambler's excitement' among investors. There is then an incentive for investors, upon realising any disparity in price of the underlying asset and the traded product, to find a 'greater fool' to sell assets onto before discovering they have been overpriced¹⁵⁶. This game of hot potato with a time bomb did not faze most players, as the incentive was to sell on this risk before whoever it was next passed to would become aware of the difference in value between the asset and the securitised product. Based upon this evidence, economists have contended that in considering reform 'the main question is how to restore healthy and sustainable securitization markets by overcoming these agency problems'.¹⁵⁷

Agents at the apex of the hierarchy disregarded the voice of those at the periphery, and moreover this was incentivised. Conversely, mortgage holders had incentives to take on debt and try to suit the desires of those who were shaping the market (in particular, the desire to create larger debt products). This is consistent with Pettit's notion of incentives to servility. Non-domination requires that those in asymmetric relationships are not subjected to arbitrary power in the sense that power is controlled and tracks the legitimate interests of weaker agents. In this case, the structural dynamics ensured the reverse. Incentives looked somewhat different

¹⁵⁵ Paligorova, 2009, 39.

¹⁵⁶ Kindleberger and Aliber, 2005, 12.

¹⁵⁷ Paligorova, 2009, 43.

from those that appear in the traditional master-slave paradigm as the borrower was not formally servile to any particular master. These incentives have arisen not only due to ideological norms in society, but as a direct result of financial liberalisation and the practices which contour it. The preceding half century of liberalisation has brought us closer to perfectly competitive markets than ever before: more citizens have access to credit than ever.¹⁵⁸ However, this process, which has deepened capital pools simultaneously with increasing sophistication and complexity, has concurrently concentrated power in the hands of those at the apex of the system and enabled them to arbitrarily shape the structure of our collective political and economic life. The market structures meant weaker agents had incentives to pursue credit, with the false promise of greater independence and freedom. Risk was shifted onto their shoulders, and they had no control of it or protection against it.

2: Who had capacity to dominate?

In the context of markets, it is unclear how any agent or group agent alone had a capacity to arbitrarily interfere with borrowers. This key challenge appears in Pettit's exploration of capacity. In answering the question of what it is to have the capacity to interfere arbitrarily, Pettit asks us to 'remember the old joke, "Can you play the piano?" "I don't know, I've never tried." The lesson of that joke is that the capacity to interfere must be an actual capacity: a capacity that is ready to be exercised, and not a capacity that is yet to be fully developed'¹⁵⁹. Pettit provides two conditions for establishing capacity that are designed to show that capacity means agents may 'initiate interference at their own pleasure - at their whim if they are to be dominators'. Firstly, the capacity must be readily exercisable in the sense that it is fully

¹⁵⁸ Preiss, 2018, 15.

¹⁵⁹ Pettit, 1996, 580.

developed (actual, not merely potential) – the ‘at-will condition’.¹⁶⁰ Secondly, the ‘with impunity condition’ requires that capacity is actual and not merely virtual (it requires the cooperation or coordination of others). When the conditions are realised, whether or not to interfere will depend solely on the dominator’s ‘own capricious will’¹⁶¹. The idea is that ‘there is no need for them to wait on the realization of some independent legitimating circumstance, for example, before they can perpetrate interference.’¹⁶²

This interpretation of capacity appears attractive, as it gives primacy to the role of a dominator’s arbitrium and permits structures like the market to become a background structure consistent with enhancing agents’ freedom of choice. However, it leaves Pettit-style republicans unable to conceptualise a borrower’s case as one of domination. Systemic risk destabilised the borrower’s expectations of being able to repay a mortgage tracking the value of her home. Systemic risk is created by the coordinated action of many agents. Consider James’ recent exploration of the nature of systemic risk, which is in conflict with Pettit’s requirements of capacity:

‘A risk of harm is created systematically when and only when:

- (1) a group of agents act in a coordinated way (e.g., in a style of capitalism, or subsystem thereof, such as financial markets);
- (2) in virtue of being so coordinated, the agents’ actions, taken together, suffice to significantly raise the chances that someone or other will suffer serious material injury; and yet

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Pettit, 1996, 580.

(3) no single act or single agent's actions, taken separately, significantly changes the probability that harm will occur. If any one of us opts out, the probability of injury will not be lower: the risks in question will be created by the system all the same.¹⁶³

In such cases, the risk of interference is created by a high number of agents' coordinated but not collective action, where none has the ability to individually or unilaterally cause material risk of interference to the actions of the weaker agent. The agents' actions are coordinated only in the sense that their actions amount to participation in a particular system or practice (in this case the systemic risk-shifting in the pre-2008 market). This does not incorporate any notion of shared agency. However, this ought not mean that we should consider these systemic risks as non-agential. Rather, it demands a structural account of domination showing how diffuse agents coordinate to produce a diffusely held capacity for domination¹⁶⁴. Despite difficulties in finding individual agents to which causing the risk of harm can be attributed, these risks are generated by the cumulative result of individual actions. This effect is neither inevitable nor naturalistic¹⁶⁵. To rescue these diffuse cases of utmost relevant to our modern lives, the notion of capacity must be understood more broadly.

I propose that a coordinated capacity ought to be considered sufficient to establish domination when it is established in the sense now defined. A set of diffuse agents, who fall short of the requirements to establish a group agent, are coordinated in the mode of their actions such that

¹⁶³ James, 2017, 240.

¹⁶⁴ I follow Bratman's 1993 definition of what it is for agents to coordinate in a manner that falls short of joint agency. I take market participants to have shared intention characterised by meshing subplans which serve to coordinate action and planning, as well as structure bargaining between participants.

¹⁶⁵ James, 2017, 257.

the cumulative effect of their individual actions leads to an environment which renders the opportunity set of agents with lesser status dependent upon their actions. This coordination is established when a sufficient number of agents within a structure have begun to act in a particular manner. The following are hallmark features of such a coordinated capacity:

- 1) The individual actions of the coordinated but not necessarily collective agents amount to a social practice.
- 2) The practice is one that some agents can participate in, and other agents are subject to.

When these conditions are met, capacity remains coordinated and domination becomes actual. In order to defend this extension, let's first consider what is meant by social practice. Then, I take on the objection that this extension widens capacity too greatly, making domination ubiquitous. It must further be shown how stronger agents hold a form of arbitrium. Finally, I argue that this extension is successful at retaining the relational nature of republicanism without collapsing into an outcomes-based account.

How then was risk-shifting in the pre-2008 market a social practice? Practices are a site of socially organised agency which produce, distribute and organise resources. Social practices can range between explicitly coordinated behaviour, which may be rule based, to regularities in behavioural patterns that result from shared social schemas or meanings that have been internalised through socialisation. The behaviours of agents may or may not intentionally be

part of a practice.¹⁶⁶ Following Haslanger, practices may be interpreted as in some sense ‘up to us’ and therefore a potential site for social change.¹⁶⁷ This analysis allows the possibility for social change through reforming practices that promote domination, such as pre-2008 risk-shifting.

Not all practices will produce domination. However, practices where not all agents have the option to participate, and to which others are subject, appear to be potential sources of dominating power. Social practices relate to social structures in a variety of ways. A nexus of practices connects in any social structure with important interrelated effects. Consider how a practice of going to church on Sundays may well not be productive of domination, but will have impacts on, *inter alia*, the operating hours of businesses, patterns of consumption, family interactions and the opening of schools. This practice could become a source of power for domination, where some are subject to it. For instance, if non-church attending members of a community were denied forms of social recognition and opportunity. Likewise, the practice of risk-shifting in the financial market has implications for the incentives of agents with and without the power to shift risk, as well as the relationship between borrowers and lenders. Risk-shifting means that lenders did not consider the interests of borrowers who were subject to the outcome of the practice. Rather, lenders were incentivised to move risk and benefit from the opportunity to profit before negative asset revaluations could be conducted. Systems of coordination are not normatively inert and can be based upon regularities that produce better or worse outcomes in the distribution of resources. Further, they may entail

¹⁶⁶ This is the view taken by, for instance, McGeer 2007.

¹⁶⁷ Haslanger, 2018, 232.

relationships that are dominating or non-dominating. Not all practices are legitimate or warranted.

In the pre-2008 market, not every agent involved had to shift risk to be considered a part of that practice¹⁶⁸. Even agents who reacted in ways to circumvent the actions of other risk-shifting agents formed part of the picture. This feature proves crucial. While some agents involved in the practice had a certain coordinated *capacity* to shift risk, others were subject to it. It is this capacity, constituted by their structural position within the practice, that creates the relationship whereby one group of agents dominates another.

A critic may ask at this point, why do practices not render us without agency? If practices are systems of mutual responsiveness, and do not require intentional conformity, in what sense can we say participating agents can be normatively criticised? Or, why were the risk-shifters dominators if they could not avoid their ability to participate in the practice? The answer to this begins with an insight from Haslanger:

‘In effect, social practices and structures create a topography upon which specific causal factors interact to produce probabilistic effects. Cultural scripts and narratives create valleys along which agency easily flows. Although it may be easier to flow in the valley, we have choices between valleys, or to climb the peaks instead.’¹⁶⁹

¹⁶⁸ The boundaries of a practice are difficult to locate. Following Rouse, practices are dynamic patterns of action and inaction in which agents behave in mutually responsive ways including circumventing, punishing or rewarding (Rouse, 2007, 530).

¹⁶⁹ Haslanger, 2018, 232.

Once the practice of risk-shifting was established, all agents with power to engage in that practice were structurally in a relationship with those subject to the risk-shifting. Even agents who did not shift unjustifiably large risks were in a position to contribute to the creation of the rules of the game, given the way in which their behaviour contributed to the practice that framed the market. On the view of domination presented here, it does not matter whether or not these agents wished to dominate. They had the capacity to do so, and this is the normatively troubling feature of the relationship. After all, republicans consider the benevolent master a dominator. The way to end domination is to transform the structural position of dominators so that no such capacity exists. Haslanger notes how dominating agents can do so if they ‘climb the peaks’ and challenge the nature of the practice. For ‘although the paths through social space are collectively constituted, the tools provided to navigate one path can be used to bushwhack new paths.’¹⁷⁰ Remedying principal-agent incentive structures requires market support for their realignment. Given that practices are the result of coordinated agential actions, modifying incentives will be an important way to shape the practices. The topography of a social practice will itself be shaped by the contextual landscape on which it rests. Practices are influenced by the legal, social and moral institutions that underlie them, but are not entirely predictable from their structural framework.

A critic may object at this point, if agents are empowered by their ability to participate in a practice, does this not make domination so wide it is ubiquitous? This is the so-called ‘coalition problem’, which suggests that freedom as non-domination is self-defeating as there is no group of persons with sufficient power to prevent another group interfering with its acting; in

¹⁷⁰ Ibid.

particular as coalitions are always possible¹⁷¹. Equally, if a state was able or under obligation to suppress all capacities, this would conflict with the other fundamental requirement of republican non-domination; that the state does not become a form of imperium. I respond by beginning from recent structural republican accounts that consider the social requirements of domination. I extend the premise argued for by Gädeke, that republicanism ought to be concerned with *robust* capacities to interfere arbitrarily. Gädeke argues for a structurally enabled form of capacity, which excludes purely opportunistic capacities from the scope of domination, focusing on those which express a deeper asymmetry of power. We are vulnerable to many dyadic forms of power. However, domination is best conceived of as characterised by structurally constituted capacities to interfere arbitrarily. Gädeke highlights how such capacities form the central cases, and that consequently we should see domination as triadic: between dominator, dominated and the peripheral agents resulting in a structural environment which is both the consequence and framework of their interaction¹⁷². Structural phenomena, whereby relations of domination are constituted, include social structures involving norms and practices that shape our social interactions.¹⁷³¹⁷⁴

¹⁷¹ Dowding, 2011; Simpson, 2017.

¹⁷² Gädeke, 2019, 9.

¹⁷³ Ibid.

¹⁷⁴ Hallvard Sandven's recent account of systemic domination has also demonstrated that social institutions are sustained by both laws and social norms. On the one hand, Sandven highlights the rule of law, which imposes external constraints on individual action and therefore modifies the incentives that apply to potentially dominating agents. On the other hand, Sandven further considers how social norms, which can be a source of embedded power, are by contrast not enforced by coercion, but through mechanisms of social disapproval. He finds that a systemic account of non-domination will require contextual analyses of operative social norms (Sandven, 2020, 397). This account does not contradict such an analysis, however additionally focuses on the role of social practices. With Sandven, I argue that modifying incentive structures is key in undermining potential domination and therefore argue for a regulatory approach that addresses agents' capacity to participate in social practices productive of domination.

Systemic domination persists when the collective power that types of agents have over others is grounded, not merely in internal, personal dispositions and attitudes, but in external structures and resources, such as legal rules and social norms.¹⁷⁵ Norms can be sources of domination precisely because they are much more than merely a collection of individual wills; they have a systemic character. Norms generate expectations that others will follow the content of the norm.¹⁷⁶ Practices, much like norms, are systems of mutual responsiveness, and do not require intentional conformity. Risk-shifting was a practice, influenced by the legal, social and moral institutions of the time, which formed a part of the systemic framework. Some could participate in the practice, and others were subject to it. The establishment of a practice requires far more than would spontaneous or random teams, and therefore practices are not – I argue – vulnerable to the coalition problem. I argue that domination occurs where agents hold not only robust capacities but also coordinated robust capacities. The pre-2008 case provides an example of an institutionally embedded practice leading to such a capacity. The robust power created by the practice allowed coordinated agents within the market to shape weaker agents' opportunity sets without reference to their interests or subject to their control.

How then, is a capacity coordinated? In the pre-2008 market, risk shifting became systemic. This is a clear example of coordination at scale. The capacity is coordinated in the sense that a multiplicity of agents were able to contribute to the practice, which itself determines or interferes with the opportunity sets of weaker agents. While those with the power to take

¹⁷⁵ Laborde 2010, 54–55.

¹⁷⁶ Bicchieri 2017, 12.

actions such as packaging or repackaging debt products were able to choose at will whether to participate in the practice, no such capacity existed for those merely subject to the outcomes of the practice. Notably, even the agents who attempt to circumvent the domination of the market by purchasing homes outright do not undermine the domination and may also be subject to it where the value of their home becomes affected by market fluctuations which are unduly determined by market shaping practices from which they are excluded. Those who could participate did not have the power to directly interfere in the option set of peripheral agents. However, they had the important asymmetric power to protect themselves – by shifting-risk, and to contribute to the shaping of the normative environment of the structure.

A next arising question: at what point does this coordinated capacity to interfere arbitrarily become such? This happens when a practice has taken on such momentum that it begins to create a dependency by agents who are themselves excluded from participating in the practice. The shifting of risk has set into motion the dynamic that renders some dependent upon the ‘rules of the game’ created through the practice. In a diffuse structure such as the pre-2008 market, the rules governing the game are beyond merely the legal market provisions. A practice can determine the rules of operation and have bearing upon the structural position of those with and without powers to engage in that practice. To be clear, mortgage-holders are participating in the market, but they are not participating in the narrower practice of risk-shifting inherent in securitisation. Dominators are such due to a structurally constituted source of power that they hold over the dominated. The ability to engage in this practice was such a power. This occurs in the absence of any formally differing status between agents, and without an inevitable division in class arising between debtors and lenders, for instance as a result of financialisation tout court.

An objector at this point may have concerns about this extension of the master-slave paradigm: domination is understood as subjection to an arbitrary will, but where is the arbitrium? While no one agent had the power to affect borrowers with their individual actions, their coordinated arbitrium was however a feature of the systemic practice of risk-shifting. The master and slave paradigm was present in an extended sense. The borrower was subject to the arbitrary determination of rules not by any particular master, but by the creation of an environment by coordinated by non-collective agents; agents I term ‘co-dominators’. While it is true that no agent, no matter how close to the apex of the hierarchical structure, has the complete ability to determine or interfere in the option set of those on the periphery, there is still an important way in which they can exercise their will. Such agents have unconstrained will in the sense that they are not controlled by those subject to their actions, nor forced to track their interests. They may or may not engage in the practice at their pleasure. They exercise will with regard to the practice (in particular their choice of whether and how to engage with it), contributing to the way that the practice shapes the normative environment of the system. They together hold a coordinated arbitrium.

It may appear that before any domination arises, a form of injustice must materialise which is not only relational but outcome-based; e.g. the crystallisation of a systemic risk which realises a distributive injustice. However, I contend that this is not so. Co-dominators are such due to their structurally constituted power relationship with the dominated, not due to the materialisation of market failure. The co-dominators are such as a result of the practice they participate in, and the practice determined the normative environment of the structure in which peripheral agents operated. This shaped peripheral agents’ opportunity sets. The

capacity co-dominating agents had to engage in the practice, and therefore to determine the rules of the game, is reflected by a non-capacity of agents like borrowers at the periphery of the structural hierarchy. In this diffuse structural case, we must extend beyond the notion of requiring a direct ability to interfere with agents and see that the coordinated power to contribute to the practice of shaping the system is representative of the status of co-dominator. Agents were responsive to market incentives, and these incentives were unchecked by countervailing regulation. The outcome of this was eventually interference in the form of material injury (market collapse), but primarily the notion is not outcome-based; it is based upon the structural condition where some were subjugated.

Domination, in the form I have defended, refers not to an action but to structurally constituted positions of power and disempowerment. Co-dominators need not engage in extraordinary gambling or risk-taking behaviour in order to dominate. This speaks directly to the paradox of systemic risk-shifting – the idea that it is a problematic practice because of collective action, but no one agent alone makes significant structural changes due to their action or inaction. The role of co-dominator is a structural position, and an extension of the notion of capacity to include coordinated capacities in the way defined enables conceptualisation of this.

The upshot of this, is that no collective agency is required between co-dominators. It is already accepted by republicans that there may be a number of actors who establish and facilitate domination, and are indeed essential to its ability to persist, be they peripheral agents, bystanders, dominators or dominated¹⁷⁷. Where there is domination, a power that provides

¹⁷⁷ e.g. Lovett, 2010, 72.

some agent(s) the capacity to interfere arbitrarily in the opportunity set of another, or to render that opportunity set wholly dependent upon an environment which they do not have a power to determine attaches to certain agents. This capacity is afforded as a result of a structural position, and (in most cases) not as a result of any malign intention. Indeed, many dominators may wish not to be such, however, they are unable individually to relieve themselves from the power asymmetry in which they are bound. The remedy for domination is therefore a transformation of asymmetric hierarchies to ensure power is controlled and tracks the interests of those subject to it. Modifying the incentives of agents such that practices can be reformed in the interests of those subjected to them can achieve this.

3: Conclusions: implications for market regulation

The emphasis of republicans on the master and slave dialectic has led largely to a focus on intuitive structural examples of domination, given the relative ease with which these cases can be made analogous to the paradigm. Much of the discussion has centred on matters such as workplace democracy, a basic income or market competition and concern cases where there is a clearly established relationship between dominator and dominated¹⁷⁸. However, a focus on dyadic and class-based relationships in economic life pays insufficient attention to how domination frequently occurs as a result of structural forces; as in the case of financial markets. I conclude by contrasting the benefits of this account with those of existing approaches and considering the implications for market regulation.

¹⁷⁸ Workplace democracy (Anderson, 2015; Gourevitch, 2013), basic income (Lovett, 2009, Pettit 2007), market competition (Taylor, 2013, 2019).

For Pettit, so long as there is no discrete, intentional agent, there can be no such thing as structural domination in the market economy. Contrarily, an account which incorporates the capacity of co-dominators shows how agents can be placed in positions of dominator and/or dominated by the structure of the market. This serves desirable purposes. The risk is that if the market is seen as natural or impersonal, the possibility of reform through human agency will evaporate¹⁷⁹. Not addressing the systems that lead to dominating outcomes and responding only with redistributive policies or affording universal modes of anti-power does not actually address the problematic interactional interferences associated with the financial market. An advantage of this account is that no such critique could apply.

I have argued that modern capitalism facilitates domination by making it possible for a person to hold a capacity for uncontrolled interference in the absence of differences in formal status. Existing structural approaches have focussed on the outcomes of the financial system or of debt provision and fail to take into consideration how power dynamics bely status equalities. Consequently, they cannot offer an adequate account of how such structures could be made non-dominating.

Gourevitch's structural approach suggests that domination arises in credit-based markets through a class of borrowers being coerced into labour for the benefit of repaying a class of lenders.¹⁸⁰ However, I have resisted adopting a class-based or status-based conception. Instead, by distilling the coordinated capacities which led to the systemic shifting of risk, we see from where the problematic power relationship really emanates. On this account, domination arises

¹⁷⁹ Rahman, 2017, 50.

¹⁸⁰ (Gourevitch, 2012, 141).

from the power of some agents to contribute to the practice which shapes the structure, rather than from some agents coercing others into a form of action akin to wage slavery. In keeping with the republican notion that power can be made non-arbitrary through giving voice as well as status to those who are subject to it, this account suggests that debt may be used as a finance tool provided such empowering conditions are met – even for essential goods. It is not the requirement to repay debt or the existence of a private system per se that causes unfreedom. As a result, we may retain the benefits accrued by financial liberalisation and connect consumers with credit without thereby ‘riding the tiger’¹⁸¹ of the market. It may be true that agents are required to earn money to finance their goods. However this requirement need not be seen as a subjection to the will of another provided their interests are considered and they have a degree of control in the creation of rules or practices that shape the normative environment of the structure. Debtors need not have publicly provided goods, but they must have their interests tracked at the centre of decision-making and regulation.

Recall that, for republicans, domination involves subjection to *arbitrary* power, not to power simpliciter. Debt - like laws to which we are subject - provided we have status, can be made non-arbitrary. Freedom as non-domination does not insist outright upon either material equality or absence of hierarchical power. Modifying the incentive structure of the market in which agents were compelled to shift risk and making the interests of those at the periphery more central to market structuring will achieve this. This could alleviate the dominators and dominated alike from their structural positions. On this account, an agent may participate in a structure that facilitates lending, without being arbitrarily subjected to power. Extending the

¹⁸¹ (Pettit, 2011).

master and slave paradigm to incorporate those agents who have coordinated capacities provides a lens through which regulation can be created and domination can be averted.

In contrast to existing accounts, this approach points towards the regulation of incentives. Incentives shape the actions of market players, and exist outside of formal class divisions. Financial regulation which insists risk-shifting agents must track the interests of all those participating in the market would reorient the incentive structure that existed pre-2008. This could be reflected in policies such as requiring close tracking of the real value of assets (something peripheral agents will have a clear interest in). A stronger approach to incentive modification would include incorporating a representative of debt-holders at the periphery of hierarchies in decision-making bodies of financial firms. Such policies would directly assess economists' concerns for the agency conflict present in the pre-2008 market, by incorporating the interests of peripheral agents into the incentives of those agents who shape and determine market practices. A market in which agents are driven by incentives to please shareholders only – or agents at the apex of a market hierarchy - would not be consistent with the requirements of this account. Further, legal protections that excessively socialise costs and burdens downwards would also be inconsistent; similar protections must be available to all participants. Protecting markets by limiting the level of risk it is possible for investors to take might also be a promising regulatory avenue. These ideas track closely the lessons of the 2008 financial crisis and would apply to other market practices which persist today. The 'arm's-length contracting, with the owners of securitized products having little knowledge of the original loans or of the borrowers, was a major determinant of the incentive structure and its failings reinforces this account's proposal for regulation that ensures the centrality of peripheral agents' interests.

Risk-shifting as a practice may persist provided the power to do so does not attach only to those players who are incentivised to shape the market for their benefit and the interests of those at the periphery are considered in the shaping of the normative environment in which the practice occurs. Robust anti-power must be afforded to weaker agents, and their interests also determine what powers are available within the market. This measure could also include mandatory provision of investor education and insurance schemes. These policies are achievable and consistent with the continuation of the use of securitised products. This analysis need not appeal only to material inequality produced by crises or to seek eradication of mutual dependence within a structure. These policies fall short of proposals to democratise the structure in a way consistent with existing structural accounts' calls for worker control. The market may persist in a private form, provided regulation sufficiently empowers all those within the structure.

Dominators cannot relieve themselves of their structural position through benevolence. Reforming market structures to make them compatible with the demands of freedom of non-domination first requires a clear assessment of how agents are connected within them. A non-dominating market arrangement would allow all participants to have control or influence over the rules of its operation. Market forces are not natural but are the aggregation of human action: the legal, social and economic conditions created by agential decisions and incentives which are the framework and product of such structures. Placing regulatory obligations on financial market players to regard the interests, represented to them by agents subject to market outcomes, would give control and influence to those subjected to social practices in markets. This will facilitate non-domination.

Chapter 4: International Market Regulation: what powers to which peoples?

On my emerging account, I have argued for a republican focus on identifiable agents rather than, say, a particular class when conceptualising domination. This focus has promising implications for a theory of freedom and justice. A social notion of power tied to identifiable agents suggests that power may be made non-arbitrary by addressing relationships within existing frameworks; rather than rejecting a structure (like capitalism) outright. Capitalism is an international phenomenon, and so, addressing relationships within this framework will require navigating the distinctive challenges and opportunities posed by this international context. In this chapter, I will demonstrate that my approach is supportive of international markets, provided they are adequately regulated.

I have indicated in the previous chapter that my republican account provides insights into the regulation of contemporary markets. Many such markets are complex as they operate internationally. In this chapter, I do not argue for a unique position on the *ideal* republican system of states. I frame my argument in terms of those republican theories that take off from the current *actual* system of states and argue for a form of intergovernmentalism based upon national self-determination.¹⁸² I go on to consider how freedom as non-domination can be both challenged and supported by the international context of markets. I sketch some of the complications and opportunities that international markets pose from the perspective of domination. I argue that the realisation of freedom as non-domination will require a constant balancing of what Miriam Ronzoni has referred to as different republican desiderata in

¹⁸² Including: Bellamy 2020, Laborde 2010, Laborde and Ronzoni 2015, Lovett 2010, Pettit 2010, Ronzoni 2017.

tension.¹⁸³ While Ronzoni has made this case in relation to international institutions, I take her framework forward and show how a similar balancing will be necessary in the context of market regulation and structuring. Finally, I indicate some ways in which the insights of my account could become the normative basis of international market regulation and structuring. I argue for an approach that reorients the incentives of players in markets away from dominating practices. Dominating practices are those which some agents can participate in, and others are subjected to. One way to achieve this, will be to reorient from a shareholder to stakeholder model within corporate and company structures.¹⁸⁴ In doing so, I argue, a level of control and influence is given to agents presently subjected to power and markets will be shaped more justly from the republican perspective.

This chapter will proceed as follows. In Section 1, I argue that international markets can present a form of external domination while at the same time, in other ways, they can also assist in undermining the external and internal domination of states. In so arguing, I defend that a form of intergovernmentalism will likely be the best possible framework for guarding against external domination. In Section 2, using Ronzoni's framework, I consider how republican solutions to the challenges of international markets will sit in tension with each other. I specify some of the different regulatory or restructuring approaches that could be taken to secure non-domination. Finally, in Section 3, I argue for an approach to market regulation that reorients players' incentives such that greater control and influence is given to

¹⁸³ Ronzoni, 2017.

¹⁸⁴ There are many different agents who could be considered stakeholders of a market entity, from employees, to governments, to local communities, to those impacted by climate change impacts of entities (to name but a few). In Section 3 I will consider in more depth the agents that could be considered stakeholders, ultimately favouring an approach that considers the agents involved in the value creation of an entity as the primary stakeholders.

stakeholders. I will argue this, as a part of a regulatory approach, best addresses the role that agents have in market shaping.

1: The market and the external dimensions of freedom as non-domination

Domination arises not only as a result of direct or indirect interference by particular agents, but also through the existence of power imbalances and dependencies between agents and states. Republicans often approach questions regarding this sort of power imbalance by specifying the requirements necessary to guard against vertical dimensions of domination within a state. Importantly, within a system of states, further dependencies and imbalances must be theorised.¹⁸⁵ For a state to be undominated, a non-dominating internal political system is insufficient. A state and its citizens must also be free from external domination. Not only does this include other states, but also various public and private agencies such as international organisations, like the World Trade Organisation or the European Union, and corporations or financial institutions located in other states or which operate multi-, trans- or supra-nationally.¹⁸⁶ This chapter primarily takes up the question of how the problem of private agents, who dominate across borders through market shaping practices, might be addressed. Here, I consider existing republican solutions to problems of external domination. In this section I frame the problem of cross-border domination by sketching some of the ways in which market structures interact with international imbalances of power. I consider how markets can both support and undermine the pursuit of international non-domination. Let's begin by considering some of the challenges that international relations pose to the pursuit of non-domination.

¹⁸⁵ Laborde and Ronzoni, 2015, 280-290.

¹⁸⁶ Pettit, 2010, 77-79.

Powerful states may dominate weaker states in many ways that fall short of overt or explicit interference.¹⁸⁷ One mode of such domination, occurs where unjust terms are imposed by one state on another through international trade agreements. Such arrangements may be reached through processes that exploit background economic pressures and inequalities. Alternatively, unjust terms may arise where some countries control important markets or manage financial instruments upon which other states and citizens rely individually and collectively. Globalisation has brought greater interaction between states and also, crucially for my agential account of domination, greater interaction directly between their peoples and citizens. Not only are peoples involved in global processes of production and exchange, but also individual corporations hold power over states and their citizens. States may be responsive to corporate threats of withdrawal from a certain market or territory. States could be forced – for instance - to adopt domestic policies that favour lower corporate taxation, or lower employment standards, where states are dependent on corporate activity. Policy decisions such as reduced taxation or lowered employment standards may be directly as a result of external demands and conflict with the interests and desires of citizens.¹⁸⁸

In light of the above, political participation and localised power are key elements in protecting citizens from market domination. Localised power may, however, undermine the ability of corporates to operate in a variety of territories (for instance, where non-harmonised regulations act as a barrier to market access). There is then a risk that the advantages of globalisation in fighting non-domination could be undermined by protectionism. In

¹⁸⁷ *Ibid.*, 73-77.

¹⁸⁸ Mair, 2011.

considering a republican solution, a central role for institutions cannot be disregarded. While classical liberalism often embraces the private realm of the market and is comparatively sceptical of institutions, republicanism tends to take the opposite approach. Being concerned primarily with the legitimate and controlled exercise of power, republicanism centres on how power wielding institutions can be made accountable and responsive to citizens. In the international realm, strong institutions may help control horizontal domination. However, at the same time, strong institutions pose challenges to vertical domination, in particular as they pose a tension to principles of democracy and subsidiarity by constraining the powers of democratic national and local governments.

Given the republican emphasis on institutionalising democratic norms and bodies in the pursuit of freedom as non-domination, one might assume that republicans are inclined towards a form of cosmopolitan democracy in the context of globalisation.¹⁸⁹ However, most republicans find that the conditions for a cosmopolitan democratic ideal do not pertain internationally. While globalisation has increased interconnectedness across borders and led to increasingly global impacts from decisions made within states, it has not yet created circumstances where everyone is equally affected by global decisions in the same way that they are within their own countries. These observations indicate that in a globalised democracy, there would be a higher risk of majority tyranny and the marginalisation or neglect of minority groups compared to a national democracy.¹⁹⁰ In light of the challenges of global diversity of cultures and a lack of the type of interconnectedness necessary for an international democratic

¹⁸⁹ A recent account of the global market and domination is that of Corvino (2020) who advocates for the de-commodification of labour and for a cosmopolitan form of republican governance.

¹⁹⁰ Bellamy 2020.

culture, republicans have traditionally advocated for a balance of power between states.¹⁹¹ Intergovernmentalism, as an approach to achieving international non-domination, is best positioned to balance the competing goals of republican theory. For this reason – which I now substantiate further - I will advocate for such an approach.

While there is diversity in theoretical approaches, international republican arrangements will generally combine cosmopolitan ends with statist means.¹⁹² International political justice will require close attention to the equalisation of power and to pluralistic aims. States ought to give regard to the internal and external dimensions of non-domination and govern their relations in line with these aims. In Cécile Laborde's analysis from 2010, where the concept of domination is applied to state relations, she argues that 'free states' are those that maintain a fundamental capacity for self-direction.¹⁹³ While these free states can engage in agreements with other nations, they must always preserve their capacity for basic self-determination.¹⁹⁴ Building on these ideas, and drawing upon Lovett's concept of justice as the reduction of domination¹⁹⁵, Laborde and Ronzoni argue that the current form of globalisation is unjust because it erodes the ability of many countries to effectively carry out the will of their citizens.¹⁹⁶ Laborde and Ronzoni emphasize that domination can manifest not only in direct interactions but also through systemic and impersonal mechanisms best regulated through a form of intergovernmentalism.¹⁹⁷

¹⁹¹ Skinner 2010.

¹⁹² e.g. Bellamy 2020, Laborde 2010, Laborde and Ronzoni 2015, Lovett 2010, Pettit 2010, Ronzoni 2017.

¹⁹³ Laborde, 2010, 63.

¹⁹⁴ Ibid.

¹⁹⁵ Lovett, 2010, 3.

¹⁹⁶ Laborde and Ronzoni, 2015, 3.

¹⁹⁷ Ibid., 12.

Richard Bellamy has argued that the EU is one of the most successful examples of such arrangements.¹⁹⁸ The EU has interwoven free trade policies designed to promote the common prosperity of member states with incentives to democratise. Those incentives, linked crucially to trading opportunities and dependencies, have supported member states in a transition from authoritarian forms of government and supported the instantiation of fundamental rights for citizens. The governance of the EU rests on deep intergovernmental checks and balances, which manifest an instance of what Bellamy has termed a form of ‘republican intergovernmentalism’.¹⁹⁹ This intergovernmentalism relies on what Robert Putnam refers to as a two-level game. In this game, supranational structures regulate mutual interrelations between states ensuring that member states remain democratically connected to the peoples who have conferred competences on them.²⁰⁰

The EU is one example of an intergovernmental association and has responded to the challenges posed by European imbalances of power, as well as mutual and conflicting and interests between states. Similar frameworks have been considered in other parts of the world, with (for instance) post-colonial thinkers, politicians and activists proposing similar associations of self-determining states in Africa and the West Indies.²⁰¹ Unfortunately, the world order is marred by arguably deeper imbalances of power than exist between the neighbouring states of Europe. On the one hand, Adom Getachew has argued how republican notions of self-determination were critical in the global political transformation that occurred

¹⁹⁸ Bellamy 2019.

¹⁹⁹ Bellamy, 2019, 11-14.

²⁰⁰ Putnam 1988. Nicolaïdis, 2004 terms this ‘demoi-cratic’ logic.

²⁰¹ For a discussion of examples, see Getachew, 2019, Chapter 1.

in the aftermath of World War II, in particular in the struggles for freedom and independence from colonial rule.²⁰² On the other hand, while fights for self-determination have been largely successful, significant power balances continue to exist and the two-level game which operates in the global order does not secure the equal control and influence of peoples and of states connected by globalisation.

In particular, post-colonial trade has continued to operate in a context of extreme inequality in terms of power, remuneration and distribution. While slavery has officially been abolished in most countries, unequal positions in social structures lead to scenarios in which some agents dominate, whereas others are being dominated. As Lisa Herzog has argued, ‘the structures of global finance put certain countries in positions in which they are unjustly disadvantaged’.²⁰³ Herzog contends that this disadvantage can be seen as an external challenge to freedom as nondomination (for instance where state decision-making is unduly restricted by international market pressures and where citizens, qua citizens, are therefore unduly restricted in their political decision-making).²⁰⁴ Arguably, therefore, the existing two-level game of regulation has been insufficient to counter important forms of domination. One crucial way that republicans typically hold that citizens will be protected from domination is through political participation. International institutions and regulations can constrain an excessive concentration of power in a state or state actor and constrain informal asymmetries of power among cross-border market players. At the same time, though, such bodies or regulations may reduce democratic control by fettering domestic governments’ ability to act in the name of their citizens. Features

²⁰² Getachew, 2019.

²⁰³ Herzog, 2021, 934.

²⁰⁴ Ibid.

of the associations currently in place have been argued to be agents of domination themselves – for instance, the World Trade Organisation has been accused of being such an agent.²⁰⁵

Free trade treaties have the capacity to promote common prosperity between signatories while also assuring sets of mutually agreeable standards. As in the case of the EU, these standards may bring thick sets of democratic and economic commitments. However, the standards may also be comparably thin and such treaties limited by the asymmetric bargaining positions from which signatories approach them. While such international treaties have limitations, they can be a basis for terms of cooperation in regulating markets. They can incentivise states to change institutional conditions in line with non-domination goals, including in the economic realm. National regulation of markets and market players that is in line with republican principles will also have cross border effects. A particularly salient example of how cross-border trade may both bolster and pose a risk to international non-domination is where free trade agreements permit the trade of services that facilitate access to basic goods (such as access to credit markets, through which citizens finance their homes and other basic goods). Widening access to basic goods will help many to protect themselves from domination. At the same time, if the terms of access to this credit come at an exploitative cost, or where purchasers are subject to unreasonable demands by cross-border creditors, new instances of domination may arise. This makes free trade negotiation central to achieving justice between transactors. Moreover, national regulation which prevents agents such as creditors from taking excessive risks or from using exploitative terms will also have cross-border effects.

²⁰⁵ e.g. Stiglitz and Charlton, 2005, ch. 5.

While I have briefly sketched some of the significant challenges posed by globalisation, it is important to consider the incredible benefits globalisation has heralded. Markets often can, and do, improve conditions for non-domination. Pettit follows Adam Smith in arguing that ‘far from threatening republican freedom, the market can reduce dependency and domination’.²⁰⁶ Pettit’s argument is based on the premise that in a well-functioning, genuinely competitive, labour market, employees will have reduced dependency as exit to alternative employers will be possible.²⁰⁷ Globalised markets have similar enabling effects which reduce the ability for many agents to invasively interfere in the lives of others. Financial liberalisation has improved access to credit, allowing small businesses to prosper where alternatively monopolies would dominate. Access to home ownership has increased, diminishing dependence on landlords. Higher education has become more accessible, in turn improving access to skilled work and emancipation. These benefits have been enabled in part by the deepened capital pools that are possible with cross-border trade in services.

Robert Taylor, building upon Pettit, has argued that in domination-free markets, goods and services will be competitive.²⁰⁸ While the argument that the market will reduce domination may hold in perfectly competitive markets, globalised markets fall short of perfect competition. Perfect competition is often considered a theoretical benchmark, and real-world markets deviate from these conditions in the majority of cases. In cases such as the pharmaceutical and financial markets, described in previous chapters, some agents coordinate in ways that set the terms and prices within relevant market in ways that subject others to

²⁰⁶ Pettit, 2006, 142.

²⁰⁷ Ibid.

²⁰⁸ Taylor, 2019, 211.

them. Moreover, there are fundamental asymmetries in the distribution of benefits in globalised markets. As Mariana Mazzucato has argued, too often, large corporations and financial institutions engage in value extraction, where they benefit disproportionately from public investments in research, infrastructure, and education, without adequately contributing to the common good.²⁰⁹ While Mazzucato considers this with regard to national policy, this as a globalised feature of modern capitalism, that I will argue disproportionately affects certain nations.

It is clear then that the international dimensions of freedom as non-domination pose many challenges. At times, republican solutions to these challenges will sit in tension with each other. From here, I put aside considerations of the ideal republican international order, having defended that some form of intergovernmentalism could be supportive to goals of non-domination. I turn now to the role played by the market in supporting these goals. I specify the nature of tensions that arise between different market features that could support realising non-domination. Ronzoni has specified and categorised tensions that arise in seeking to instantiate freedom as non-domination in the context of international governance.²¹⁰ I will argue, through an application of Ronzoni's three desiderata to the market, that there are both challenges and opportunities posed by global markets. I will go on to argue for an approach to market regulation that attempts to balance these desiderata.

²⁰⁹ Mazzucato, 2022, 10.

²¹⁰ Ronzoni, 2017.

2: International markets: challenges and opportunities

Ronzoni has categorised three desiderata for republican international institutions: 1) avoiding excessive concentrations of power; 2) bringing informal asymmetrical power under institutional control; and 3) furthering an active, vigilant citizenry.²¹¹ As Ronzoni notes, there are potential tensions between these desiderata, and minimising non-domination will involve a constant balancing of each against the others and vigilance as to their functioning. Before advocating for some regulatory approaches which may address the desiderata specified, I sketch at the beginning of this section some of the difficulties that would arise in seeking to achieve the three desiderata a complementary way. After specifying some tensions that arise between these desiderata, I take each desideratum in turn and consider the possible approaches that could be taken to protecting each desideratum in the context of international markets while refraining from undermining the other desiderata. My preferred solution, a reorientation to a stakeholder model, will address all three.

2.1: Desiderata in tension

Let's consider first how tensions arise between the first and second desiderata. As Ronzoni argues, breaking up an excessive concentration of power - say by localising power under democratic control - will lead naturally to fragmented power. Fragmented power allows for the possibility of 'institutional vacuums' where informal power (as opposed to rule-governed power) could arise.²¹² The international market, arguably, is made up of many agents who take advantage of an institutional fragmentation of power. For instance, those players who benefit from evading the higher employment standards in one state by contracting labour in another.

²¹¹ Ronzoni, 2017, 186.

²¹² Ronzoni, 2017, 196-197.

On the other hand, the market can also serve to relieve this tension where, for example, markets provide access to finance or resources that would be unavailable within localised systems of government and exchange in underdeveloped states.

Considering the possible structural forms of international markets, a comparable version of this tension between the first and second desiderata arises. On the one hand, deeper capital pools (and therefore cheaper access to credit) would be available if markets were globally harmonised - say by removing legal and regulatory barriers between states. This would play a significant role in providing power to citizens globally by improving access to basic goods through reducing the costs of credit, made available from greater global financialisation. On the other hand, a concentration of capital in one place (as would be implied by deeper capital pools) would inevitably lead to a form of dependence - for instance as may occur where the City of London becomes responsible for the apportionment of global capital. Fragmenting markets may then seem attractive (as was instinctively perhaps felt by some states in the wake of the financial crisis, where those states found their banks dependent on foreign capital and had little control over credit institutions). At the same time, if markets are fragmented and isolated, not only might global citizens lose access to cheap credit, but troubling vacuums also arise. It will in fact become more difficult to control or hold accountable market players who impact economies from abroad, or who take advantage of regulatory arbitrage between states. This could occur, for instance, where global firms benefit from the capacity to move parts of their business into favourable states and can then undermine the capacity of that state to self-govern. This could occur due to the state's reliance on foreign markets, regulated abroad.

As is true for the structuring of international political institutions, things are further complicated by the introduction of the third desideratum (an active and vigilant citizenry). Truly international (unfragmented) markets will leave little space for active citizen engagement. Not only will localised concerns vary greatly, such markets will also be inflexibly constructed and many decisions will be remote from participants. At the same time, if markets are fragmented, citizens in varying regulatory frameworks will be competing in their desires and concerns. Allegiance between interest groups will be difficult to form. Further, the power of citizens to advocate for reform will be unequally held where one state is dependent upon foreign market players, and therefore the citizens of the weaker state have lower bargaining power.

I do not claim that these tensions are completely resolvable. However, they can be managed through a balancing of each desideratum. I now turn to consider each desideratum more closely in the context of the international market and I sketch some possible regulatory avenues that could achieve each.

2.2: Avoiding excessive concentration of power

Let's consider a case that is illustrative of how excessive concentrations of power can occur between agents in international markets. The global garment market allows multinational corporations from developed countries to exploit the economic disparities between these countries and the developing world. Companies can take advantage of lower labour costs and lax regulations in foreign countries to maximise their profits. The disparities in economic power allow for exploitative labour practices where workers are subjected to harsh conditions, including overcrowded and unsafe working environments, inadequate pay, and excessive

working hours. These conditions are exploitative, as workers have few alternatives due to poverty and lack of job opportunities in their countries. Workers in sweatshops often lack bargaining power to demand better working conditions or wages due to the oversupply of labour and the absence of strong labour unions. This unequal power dynamic further contributes to worker and state exploitation. Further, the global nature of supply chains makes it difficult for consumers in developed countries to trace the origin of the products they purchase. This lack of transparency can make it challenging for consumers to make ethical choices and hold companies accountable for exploitative practices.²¹³ Considering the concentration of power in this structure, we can see that companies – clothing brands with market shaping power – are incentivised to create maximum profit for shareholders at minimum cost and that their profit share tracks the extent of their power. As Mazzucato has stated:

Ever since Friedman (1970) famously argued that ‘the social responsibility of business is to increase its profits’, shareholder value maximization has had a tight grip on global market economies.²¹⁴

Individual company boards will have heavily concentrated power, and this does not necessarily require that a company has a monopoly over a particular market(s). Where different companies can coordinate their market practices (in this case, the use of sweatshop labour), these companies are able to shape the market, thereby subjecting workers and sub-contracting companies, among others, to practices that favour their profit maximisation. Those subject to these practices, such as sweat shop workers subjected to unsafe and unfair conditions, can

²¹³ For a fuller analysis of these processes, see Hammer and Plugor, 2019.

²¹⁴ Mazzucato, 2022, 1.

only enter or exit this exploitative market on terms set by those with power. In many cases, this will not be a free choice given relative background bargaining positions.

2.3: Bringing informal asymmetrical power under institutional control

The ability of market players to coordinate in practices that dominate across borders means that there is an environment of asymmetric power. At the national level, Taylor has argued that collusion will be undermined where there is a package of economic policies that improve the social resources available to agents such that they are not entirely dependent on market players. This enables a balancing that disperses concentrations of power, while also lessening informal asymmetric power. Such policies, Taylor argues, should focus on

promoting competitive conditions (including a plurality of informed buyers and sellers, free entry and exit, and price-taking rather than price-making behavior) and pursuing policy innovations that would help us attain these conditions, including informational campaigns, labor-market reform, antitrust, capitalist demogrants, and a basic income.²¹⁵

One way to defend these competitive conditions, is to promote an economic model of political republicanism that incentivises public institutions to seek the best balance of competition and adequate social resourcing possible. These institutions ought also to be incentivised to maintain meaningful citizen engagement in decision-making. Moving power closer to people will aide this goal. For instance, local regions with fiscal powers will be incentivised to seek the optimal balance between attracting local business and enterprise that can fund the public goods

²¹⁵ Taylor, 2019, 205.

it is responsible to provide. Political accountability to a local community will mean citizens enjoy meaningful democratic input into decision-making.²¹⁶ However, if we are to retain many of the benefits of global markets, a localised model of regulation will be insufficient given the size, scale and scope of many multi- and trans-national manufacturers and companies.

To address this problem, one may advocate instead, as Pettit and Taylor have done, for a policy that provides greater entry and exit options to those participating in this global market. However, there are fundamental asymmetries which mean that exit and entry will not be sufficient where there are coordinated agents, often beyond the reach of national political institutions (whether democratic or not), which hold a power to shape the markets that others are subject to. For instance, agents such as financial market players, who determine the cost of credit through their practices of risk-taking behaviour. These players shape a market in a way that others subject to that market do not control. Regardless of free entry and exit opportunities, it remains that those with power to shift-risk set the terms of this entry and exit.²¹⁷

While improving entry and exit options would be a desirable aim, in the international context the practical and distributive implications are huge. To secure better exit and entry, the severe economic inequality between nations would have to be addressed, as otherwise foreign price-makers will retain dominance (if this is not dominance over citizens individually, it could be as dominance over citizens *qua citizens* where a state is dependent upon foreign markets). A form of republican intergovernmentalism could begin to address such aims. However, as discussed,

²¹⁶ Ibid.

²¹⁷ For a fuller argument for how practices may shape markets, please refer to chapter 3.

there are feasibility constraints and conflicting goals when considering the form such a framework may take. Importantly, there are concerns that touch on the republican insistence on the right to self-determination. For instance, if international labour standards must be harmonised (or at least significantly changed in some state(s)), and this is to be insisted on by presently more developed countries or by corporates, there is a risk of external domination. Power would be moved further away from those subject to it. Just as companies forcing lower labour standards in a state would be a form of external domination, an external state forcing higher labour standards could also be dominating. That is to say, while higher labour standards may reduce horizontal domination, the imposition of those standards by an international body may increase vertical domination.

There are forms of international regulation or harmonisation that do not require shared governance structures in the strictest sense. However, in many key markets, regulation is highly technical and regulatory bodies are often staffed by people who have previously worked in the industry, creating a ‘revolving door’ problem.²¹⁸ The gap between expert and political knowledge was made vividly clear in the absence of any elected official with a significant role in the drafting of the Third Basel Accord – a global regulatory framework on adequacy, stress testing, and market liquidity risk assessment.²¹⁹ I have provided an analysis of the market aimed at demonstrating how identifiable agents are connected and hold (sometimes coordinated) power. From this perspective, any institutional solution must address the power relationship

²¹⁸ Preiss, 2018, 13.

²¹⁹ Admati et al 2014; Wolf 2015. Along similar lines, from a Kantian perspective, Chiara Cordelli argues that the privatization of public goods and services may undermine democracy and promote inequality. She contends that public goods and services should not be treated as mere commodities that can be bought and sold on the market, but rather as essential components of democratic societies that require public oversight and accountability (2020).

between market participants. Regulatory bodies driven by those agents who have shaped markets into their existing dominating structure will surely be insufficient to address these power relationships. At the same time, in innovative and constantly evolving markets such as the financial sector, regulatory expertise is tightly connected to industry experience and involvement. What I will suggest is easier to facilitate than resolving the revolving door problem, is a change to the incentives that market entities hold through improving stakeholder voice within these entities.

Before turning to the third desideratum, I offer here some legal approaches to regulation and reshaping of markets that are particularly supportive of the first two desiderata. Democratic states best operate in line with republican principles when they are responsive to citizens. Similarly, markets will operate in line with republican principles when they are responsive to the interests of agents affected by them. Four types of regulatory policy can assist in achieving these goals. These four types of policy address the first two specified desiderata (reducing excessive concentrations of power and informal asymmetries of power). Ultimately, these policies serve to balance the desiderata in tension.

First, antitrust laws are in place in many countries which prohibit market collusion and other forms of anti-competitive behaviour. These laws establish penalties for those who engage in illegal practices. Countries can work together to coordinate their antitrust policies to address cross-border collusion. Second, competition policy can also serve these goals. This refers to the laws and regulations that promote competition in markets and can include measures such as ensuring that there are no barriers to entry for new competitors, encouraging innovation and investment, and preventing mergers or acquisitions that could reduce competition. These

policies will reduce discretion in market practices the more they are harmonised and applied. Third, international cooperation is crucial in tackling domination, as this practice often involves companies operating across borders. Countries can work together to share information and coordinate their efforts to regulate cases of market collusion. Fourth, market transparency will help to prevent market collusion by making it easier for consumers and regulators to identify and address anti-competitive behaviour. This can include measures such as requiring companies to disclose information about their pricing strategies and supply chains.

These kinds of regulation support the first two desiderata as they operate by virtue of national state agreement and negotiation. These institutional solutions may be instantiated to varying extents to balance the protection of national sovereignty with protections and are subject to international agreement and cooperation. However, there is a further dimension in which such markets may threaten horizontal non-domination. The third desiderata – to further an active and vigilant citizenry - may not be well served if regulation does not provide direct control to individual agents over the market players who shape the markets to which they are subject. The regulations set out so far give indirect power to agents to control markets, through institutions. They do not give a direct way for participating agents to shape those markets themselves, other than by empowering agents to be mobile within the markets by improving competition and lessening monopoly power. States that also provide adequate social resources to agents will also reduce dependency on such markets, but in order to retain market benefits in providing access to basic goods (such as finance or medicine), a form of direct agential control is also desirable. The policies I have noted so far are also, through the transparency and clarity they offer to citizenry, helpful in improving the conditions for a vigilant citizenry and therefore not in tension with this third aim. I will argue, however, that more can be done

to protect citizens from the risks of market domination, by putting power directly in their hands.

2.4: Furthering an active, vigilant citizenry

The final republican desideratum looks to improving the conditions for institutional control by agents subjected to power. In the context of vertical domination, institutional control implies the bolstering of democratic institutions and the capacity for citizens to speak out and campaign on issues of importance. However, if one considers corporate structures as a network of power relationships, then theorising about the corporate structure internally becomes central (as opposed to theorising how to constrain the corporate externally for instance through international regulations). While business is conducted in the interests of shareholders, the ability of global stakeholders to shape the markets they must participate in are vastly limited.

The role of an active and vigilant citizenry is central in the case of markets. This could be conceived of as vigilance by a variety of stakeholders, including those who are in some sense internal to a market entity. This role for stakeholders and shareholders has been increasing in recent years, and indeed calls from such interest groups have led to improved corporate and social governance by market entities. Consider how, in the UK in 1997, shareholder activism regarding Shell Oil's relationships with the Nigerian government of the time highlighted human rights and environmental protection issues. Damak-Ayadi and Pesqueux have argued that 'this "affair" is considered the starting point for stakeholder governance, i.e. for the

emergence of shareholder activism.²²⁰ Stakeholders of a market entity, as akin to citizenry in the democratic context, will be best placed to identify unjust practices and power structures.²²¹

As Mazzucato has argued, because businesses cannot be successful without the involvement of many groups, civil society, workers, communal organizations, and governments should have the power to influence and benefit from business decisions.²²² Currently, corporate social governance structures do not provide this power and influence on an even footing with shareholders. Corporate laws and regulations are designed to prioritise the interests of shareholders. Further, financial markets – which offer the credit that individuals and market entities require globally and domestically - reward companies that prioritise short-term profits and shareholder returns. Shareholders, particularly institutional investors like pension funds and mutual funds, can exert significant influence over corporations through shareholder activism, which can pressure companies to focus on immediate financial results in their interests. When companies talk about providing stakeholder value, they usually frame it as a means to an end – stakeholder engagement can be a productive way of increasing shareholder value in the long run. While recognition that market entities ought to have social goals and responsibilities has increased, the value created by these entities remains skewed towards shareholder interests.²²³ Corporate and social governance is, in the present regime, merely an

²²⁰ Damak-Ayadi and PEsqueux, 2005, 8.

²²¹ Lépineux suggests classifying stakeholders into different categories of actors: internal stakeholders (including employees; labour unions, shareholders); operational partners (customers; suppliers – including subcontractors; banks; and insurance companies); and the social community (state authorities; specialized organizations like trade unions; non-governmental organisations; and civil society) (2003).

²²² Mazzucato, 2018.

²²³ For a fuller analysis and version of this argument, see Stout 2012.

obstacle to shareholder value. A reorientation to a stakeholder model could even make such responsibilities an incentive of market players, rather than an obstacle.

3: A republican regulatory solution: a stakeholder centric model

I have argued that a rebalancing of power is necessary and that there are tensions involved in the approaches that may be taken to achieve this end. In this section, I argue that modifying the incentives of the market will be the best way forward. In particular, this will reorient the current dominating capacity of particular agents (those who benefit from the maximisation of shareholder value and who, therefore, are generally driven by short-term interests) to shape markets, such that others are subject to those distorted markets. This can be achieved by moving power away from shareholders and towards stakeholders under the democratically legitimate control of a form of intergovernmentalism.

Minimising excessive concentrations of power and controlling asymmetrical power will require guarding against agential coordination that shapes markets. This is a particular challenge in global contexts where market expertise is not equally shared. For example, where deepened capital pools require a concentration of market players in a particular jurisdiction (such as in the case of key financial markets²²⁴). A central focal point for regulation that seeks to constrain

²²⁴ Many financial markets require deep capital pools to function effectively, particularly those involving large-scale investments, such as infrastructure finance or venture capital. Harris et al (2014) analyse the performance of private equity funds relative to public markets and find that private equity funds generate significant excess returns over time in part because they have access to deeper capital pools.

power should be the incentives of agents who act in markets. There are a plurality of agents who participate in the creation of value for an entity. Each participant will have somewhat differing incentives. Regulation which requires market entities to give regard to the wide variety of stakeholders involved in them will lead to a balancing of incentives. The legal framework in which market agents act can not only modify incentives, but also actually shape hierarchies of that give certain agents priority over others.²²⁵ For instance, investment vehicles which are limited in liability are incentivised to please their shareholders – who benefit from returns. As these entities and their shareholders are insulated from losses, risks are passed downwards to stakeholders in the firm.

A republican solution should give agents a form of control and influence over the shape of markets and would serve to balance the three desiderata. One way to change incentives, is by reorienting market players away from only the interests of shareholders (who are generally incentivised by short-term profits and value extraction), as is currently the case, and by incorporating the incentives of stakeholders in decision-making. Under a shareholder model, the primary goal of a corporation is to maximise profits for its shareholders. This leads to decisions that prioritise short-term gains over long-term sustainability and disregard the interests of other stakeholders such as employees, customers, suppliers, and the broader community subject to a corporation's behaviour (for instance, stakeholders will be more concerned by climate implications where they may be more affected than shareholders, and

²²⁵ Katharina Pistor has explored this phenomenon with relation to forms of money. She examines the relationship between money and law, and how legal hierarchies shape monetary systems. Pistor contends that legal systems create a hierarchy of money that determines its legitimacy, liquidity, and convertibility. This hierarchy is created through legal rules and institutions that give certain forms of money priority over others (2012).

may hold fewer incentives to disregard these implications). A stakeholder model, by contrast, recognises that a corporation's success is tied to the interests of its stakeholders and that it has a responsibility to consider their goals and aims. This could give power in decision-making to those subject to the practices in which market entities engage, and also lead to decisions that prioritise sustainability and the well-being of a much more representative societal group – broader at least than just shareholders. This shift ensures that market entities are accountable to a broader range of agents affected by their operation.

This argument for a stakeholder-centric approach raises important questions about which stakeholders should have a voice in these market entities' structures, and further, how can their interests be adequately represented when they will be at times divergent. There are many ways in which these two questions could be addressed, and there will be tension between different answers which realise varying aspects of republican goals. For instance, if stakeholders are interpreted widely to include community groups affected by corporate goals, one option would be to involve citizens assemblies or INGOs in the formation of stakeholder interests. This would be a way of giving direct influence and control to agents subject to markets without requiring a full democratisation of the market, an outright objection to the provision of basic goods, or a strong form of international governance²²⁶. An alternative, and more narrow,

²²⁶ Pettit distinguishes between two types of control: control as a veto and control as an intervention. Control as a veto allows those subject to power to block or nullify decisions that affect them. Control as an intervention involves participation in the decision-making process itself, enabling those subject to power to have a say in the outcomes. Pettit argues that these forms of control enable those subject to power to have a meaningful voice in the exercise of power and prevent it from being exercised in arbitrary ways. By making power subject to control, it becomes less arbitrary and more legitimate. These regulations would, by instantiating a voice for stakeholders, offer control in this Pettitian sense (Pettit, 1997, 75).

approach by contrast might involve trade union representation on corporate boards, and answerability to subsidiary interest groups.

These proposals to restructure companies' incentives would require significant cultural, legal, economic and social change. While I do not here defend one ideal solution to achieve this change, I note that my normative argument would be supportive of solutions that have been argued for by influential economists such as Karl Polanyi and Mazzucato.²²⁷ It is important to recognise that the shape of existing markets, and more broadly our capitalist economy, are the result of social and political structures and the choices which have belied their creation. Indeed, Polanyi has argued that markets cannot function independently of these structures and that they should be embedded within social and political structures in ways that benefit society as a whole (as opposed to only a power-holding section).²²⁸ Polanyi's work has been interpreted as a basis for greater stakeholder representation, for instance by including board representatives from various groups including employees, customers, suppliers and the local community.²²⁹ With Polanyi, I argue that markets should serve societal goals rather than dictate them. As I have argued, a view of the market as natural or moral neutral – much like a view of domination as non-agential – precludes meaningful reasoning as to identify how to improve them and who to hold responsible for their reform.

There are important republican democratic arguments as to why markets ought to be subject to regulation under a form of two-level intergovernmentalism. Further, and crucially, as my

²²⁷ Polanyi, 1957 and Mazzucato 2018, 2022.

²²⁸ Polanyi, 1957.

²²⁹ for example, Teubner 2012.

account has demonstrated, market entities (which are individual agents) hold considerable power to shape markets. Taking seriously this agential dimension, it is crucial not only to seek to regulate the behaviour of entities but to empower the agents who are subject to the practices which entities participate in to control and influence the shape and decisions of entities. Pettit has argued that agents are not subjected to arbitrary power where that power 'track[s] the avowed or avowal-ready interests of the interferee' regardless of whether these interests are morally valid.²³⁰ Giving voice and influence to stakeholders serves this aim.

As I have stated already, determining and mediating the interests of stakeholders will be a significant challenge. This challenge may be approached in a variety of ways. Mazzucato has explored a similar challenge, and I believe that my normative conception could support her investigations and conclusions. Mazzucato has argued that the way in which value is determined within the current capitalist system ought to be redirected. With Polayni, she finds that:

Capitalism is not singular and deterministic, with consequences that are either good or bad. The exact form it takes is a result of concrete choices made to structure businesses, government organisations, and transnational institutions – and how they relate to each other. In this sense, the market itself is an outcome, not a set process that imposes inevitable decisions on others.²³¹

While states operate with an understanding that the wealth creation occurs within businesses, and that the role of the state is only to intervene to fix market failures, no significant

²³⁰ Pettit 2008, 117, for a fuller discussion see also Arnold and Harris 2017.

²³¹ Mazzucato, 2022, 1.

reorientation of the existing model will be possible.²³² Mazzucato argues that value creation ought to be recognised as a result often of public-private partnership, and points to the integral role of public investment.²³³ Further, I argue it is crucial to recognise that value creation is not to be seen as the realisation of profits by the financiers with capacity to direct and extract value from companies, but also it is created by those who participate in the market without holding the capacity to shape it. This republican insight adds a normative motivation to Mazzucato's argument. Value extraction also serves to disempower agents who are subject to the market, which is shaped by those for whom value is realised.

Consider how, at present, capital enjoys global mobility, while labour remains geographically localised. This disparity tracks the way in which capital holders and managers hold far greater power than those who create that capital through, for instance, labour. This mobility allows agents incentivised by shareholder interests to seek the cheapest and least protected workforces, unconstrained by traditional geographic boundaries. Capital can seamlessly shift to regions with favourable economic conditions, such as low labour costs and minimal taxes. Consequently, labour is becoming increasingly fragile, and power is becoming increasingly concentrated.²³⁴ One potential avenue to determine which stakeholders then should have a say in market entities' decision-making, would be by determining which stakeholders are central to value-making. I go further than Mazzucato in reasoning as to why this should be done. Mazzucato seeks a more just distribution in-line with contributions to value making. To this I add that there are power theoretic reasons to adopt such an approach. The injustice

²³² Ibid.

²³³ Mazzucato, 2018.

²³⁴ Baldwin, 2016, 79–108.

experienced by those subject to the market is not one of only unfair distribution, but of asymmetry and uncontrolled power. Rebalancing this power, by giving influence and control to those who contribute to market entities' capacity to create value, would serve the goals of an agential yet structurally situated account of non-domination.

There are difficulties associated with the stakeholder approach. There will be instances where stakeholder interests conflict. An obvious instance will be between shareholders and employees, for instance as regards remuneration. There will also be important conflicts between internal and external stakeholders, for instance as regards carbon emissions in certain structures. Restructured entities will need internal processes for dealing with such disputes. I suggest that board representation of stakeholders would be an important step towards stable compromise. Further, while a stakeholder approach will lessen the excessive concentration of power in the hands of shareholders, it may run contrary to traditional institutional solutions which aim to subject power to a level public control and would permit large corporations to continue operating internationally, even if they hold monopolies in certain domains. For instance, a corporation like Apple may continue its global dominance, while being reoriented towards stakeholder rather than shareholder control. Such a situation is compatible with an approach that balances the desiderata specified.

4: Conclusion

Minimising non-domination is a careful balancing act. The desiderata relied upon may at times sit in tension, however these three principles are all ultimately motivated by the republican aim to counteract arbitrary uses of power. Power emanates from many sources and requires careful

balancing of constraints. For states to be able to achieve internal non-domination, they must be guarded against external domination. Any harmonisation of regulation will need to take careful account of this. Regulation that incorporates citizen interests into the decision making of market players will improve citizen control both against horizontal and vertical domination by ensuring competitive markets are shaped by and give power to those subject to them. This regulation is aimed at empowering citizens and states alike, while constraining the ability of individual agents to coordinate to shape markets.

The proposed forms of regulation set out in this chapter have the potential to minimise horizontal market domination while supporting the role of competitive markets in bolstering the power of citizens and therefore guarding them against other forms of vertical domination. These forms of regulation would be consistent with a model of weak statism, which seeks to protect against formal and informal power while maintaining an active and engaged citizenry.²³⁵ At the same time, the regulatory approaches set out could be and have been realised in thicker international arrangements or associations. In particular, those that pursue political justice while paying attention to the equalisation of power and accommodation of difference. Within such frameworks, markets may be regulated in ways that balance the three specified desiderata and the regulations will be subject to the scrutiny of the international institutions, bodies and individual states that are themselves subject to a republican balancing of power and accountability. This formulation builds in a crucial critical reflexivity, which takes close account of the role of powerful agents and how they both create and are enabled by structural factors.

²³⁵ This is in line with the aims of Ronzoni's case for the three desiderata set out (2017, 207).

Chapter 5: Empire for Rent: Diagnosing Domination on Social

Media

In August 2022, Facebook dropped its longstanding slogan which claimed that the platform is “free and always will be”. At the same time, Meta (the parent of Facebook) reported an annual revenue of over \$116 billion²³⁶, and the world watched with fascination Elon Musk’s acquisition of Twitter for a contested \$44 billion. These platforms are monetarily free to their users: there is no up-front or subscription fee for use. How, then, can they be among the wealthiest entities in the world? Mark Zuckerberg appeared before the US Senate and answered this question in April 2018. Responding to then-Senator Orrin Hatch he said, “Senator, we run ads”.²³⁷

Advertising revenue is evidently incredibly important to platforms that adopt a free or freemium business model. It was 98% of Facebook’s \$86 billion revenue 2020.²³⁸ The question, then, is how have platforms like Facebook made themselves so attractive to their customers (i.e., purchasers of advertising) that those customers are willing to contribute such vast sums? The answer is that platforms have created a user dependency within a system that collects significant behavioural data from those users, and enables platforms not only to target ads with precision, but – I will argue – also to change the behaviour of users to suit the interests of advertisers.

²³⁶<https://investor.fb.com/investor-news/press-release-details/2023/Meta-Reports-Fourth-Quarter-and-Full-Year-2022-Results/default.aspx>

²³⁷ Bloomberg Government, “Transcript of Mark Zuckerberg’s Senate Hearing,” *Washington Post*, 10 April 2018.

²³⁸ <https://www.sec.gov/ix?doc=/Archives/edgar/data/1326801/000132680121000014/fb-20201231.htm>

Domination is considered as a capacity of arbitrary interference held by one agent or group of agents over another.²³⁹ This chapter argues that these platforms facilitate a contemporary form of structural domination, by facilitating such a capacity by a variety of third-party agents. In particular, the platforms enable third party agents – including political actors, campaigners and advertisers - to take advantage of the platform’s structure and potential to manipulate the behaviour of users. Social media platforms are a unique and concerning case of modern domination²⁴⁰, which has been termed by tech insider Jaron Lanier as the ‘Empire for Rent’²⁴¹. Using a republican framework, this chapter provides a normative analysis of the Empire for Rent. Platforms create a possibility for agents to dominate, and indeed are monetised precisely because of this potential. Platforms create a dependency in users, and their customers use this to manipulate those users. The impacts have been huge. Along with the rise in social media, we have also seen steep rises in mental ill-health, hateful speech and political polarisation.²⁴² These changes have served the interests of platforms by leaving users more hooked on platform content than ever before, and by rendering users more vulnerable to third parties – including those who provide the platforms with an income stream (such as advertisers).

Central to this analysis is an agential understanding of this domination, which demonstrates how identifiable agents have the power to incentivise the algorithmic aims employed by platforms. Without an agential understanding of domination, the nature of the Empire for

²³⁹ e.g. Pettit, 2012, 55.

²⁴⁰ The social media platforms I take as cases for analysis in this article include Facebook, Instagram and Twitter. Google also uses similar algorithmic methods in many of their products and pioneers much of the innovation relevant to this analysis. I leave open whether there are other platforms that may or may not be captured by this analysis.

²⁴¹ Lanier, 2018.

²⁴² Braghieri et al, 2022, Levy, 2021.

Rent cannot be fully grasped. The central injustice is that certain agents – such as advertisers and political campaigners - are given a power to subject others to arbitrary manipulation. These agents are not best described, as a radical republican may be tempted to, as a particular class or social group (as for instance one may identify in instances of structural domination such as sexism or racism).²⁴³

Existing normative examinations of social media have tended to focus on the collection of data.²⁴⁴ These approaches tend towards solutions that centre on data privacy and control. My approach, which sees the central normative problem as domination, does not object to the collection of data.²⁴⁵ Data collection has been an integral part of developing the benefits achieved by social media (such as personalised content, content moderation, as well as innovation and user insights that help platforms develop to better suit user needs). What is normatively concerning is that platforms are incentivised to facilitate manipulation by more powerful agents over their users, and I will argue that this amounts to domination. Data is not the product in the business model of big social media firms. Users are the product. Changing users' behaviour is incredibly valuable to a host of agents. A focus only on problems connected with privacy, consent, free and hateful speech online will not undermine the Empire for Rent nor deal with many of its most problematic features. To retain the benefits heralded by the social media age, while also undermining the capacity for arbitrary interference created by this

²⁴³ Hoeksema, 2023 advances a radical republican supplemented account.

²⁴⁴ Shoshana Zuboff has defined the normative problem of surveillance capitalism as a vanishing of privacy and decision rights for users over their data. Nikhil Venkatesh has countered that the problem could be seen as one of Marxist exploitation, whereby data is the product and users are exploited in order to extract it. While Zuboff emphasises privacy and control rights for users over data, Venkatesh emphasises collective control or collective use over data (Zuboff, 2019, Venkatesh 2021).

²⁴⁵ Data taken by theft or deception would be an exception, as a discrete wrong is committed in such instances.

age, there must be a reorientation of the social media business model such that platforms and their content become the products rather than the users. Design should be driven by the interests of users rather than the platform and its existing customers. This would end manipulative behaviour modification.

This chapter proceeds as follows: Section 1 sets out how social media platforms create a power asymmetry between users and customers, by increasing user-dependency. I consider the set of interlocking incentives that motivate platform structures. Section 2 argues that these features enable a contemporary picture of domination that takes place on the ‘Empire for Rent’. Section 3, argues against existing liberal approaches, which contend the fundamental normative wrong associated with social media platforms to be a violation of privacy interests or exploitation. I argue these accounts misunderstand the business model of platforms. Section 4 frames a potential agential republican regulatory solution to this problem that advances on existing approaches.

1: Dependency, asymmetry, and behaviour modification

The business model of social media platforms thrives for its unprecedented potential to sell advertising and influence. Crucially, what is for sale is not only the potential to expose vast numbers of users to ads. It is also the capacity to target these ads with incredible precision, and the ability to nudge users into the actions, behaviours and beliefs desired by the platforms’ customers. This model relies on increasing levels of user-dependency upon the platforms in conditions of severely asymmetric power. These hallmark features of domination give a capacity to certain agents, who I identify in Section 2, to manipulate users. Understanding this

power relationship is imperative if one is to analyse the nature of the Empire for Rent and to diagnose the fundamental normative wrong underpinning contemporary social media platforms. In this section, I outline platforms' fundamental business model and consider the power structure which belies it.

That a growing number of agents are dependent upon social media is increasingly clear. Zuboff has argued that:

‘we depend upon the new information and communication tools as necessary resources in the increasingly stressful, competitive, and stratified struggle for effective life. The new tools, networks, apps, platforms, and media [are] requirements for social participation’.²⁴⁶

Many of us have a reliance on social media to, for instance, search for jobs, create the personal and professional networks we require and desire, promote our work and to receive news and information. To compromise on these goods by removing social media from our lives would be significant. There are now 4.76 billion social media users around the world, equating to just under 60 percent of the total global population.²⁴⁷ While many people choose to avoid or delete social media, it is undeniable that social media have an increasing role in contemporary life and that many users find the platforms irresistible.

Social media are a defining and central feature of our contemporary world. The centrality of platforms as communication tools was made vividly clear during the Covid-19 pandemic. For many people, social media have become a primary means of staying in touch with friends and

²⁴⁶ Zuboff, 2015, 85.

²⁴⁷ We are Social, 2023.

family, as well as for work-related communication. Communication is enabled not only in personal relationships, but professional relationships in many cases are made possible because of social media. Without the visibility offered by social media, small businesses may struggle to connect with potential customers or to build their brand.²⁴⁸ In a world where increasingly customers and clients select their providers based upon online presence and recommendations, dependency on social media is high.²⁴⁹ Similarly, at the individual level, there are many professions that increasingly depend upon the amplification that platforms like Twitter provide to them for their success. Take journalism as an example. Without the ability to share an article online, or to curate an online presence, the success of the journalist will be limited.

Beyond social media's increasingly fundamental role in social, professional and public life, there is a more subtle feature of user dependency at play. The methods used by social media platforms to make users engage compel them in ways that increase their degree of dependency. Social media platforms like Facebook and Twitter target three things: growth, engagement and ad revenue. The first two targets enable the success of the third. The more growth the platform has, the greater the pool of people it reaches and who can be targeted with ads. The more those users engage, the more time they will spend on the platform and the more ads they will see. In turn, the platform will also be able to gather more data so that the platform can target

²⁴⁸ For instance, a recent study on small and medium sized enterprises' in Ireland found that the companies surveyed universally held a common motivator for thinking about social media adoption, which was 'an anxiety were they not to adopt what was perceived to be a new essential tool for business growth'. (Durkin et al, 2013).

²⁴⁹ In a study on the impact of social media on consumers, data emerging showed how social media facilitate the social interaction of consumers, leading to increased trust and intention to buy. The results also show that trust has a significant direct effect on intention to buy (Hajli, 2014). In the competitive market, social media are becoming increasingly necessary.

ads better as well as continue to refine the process of keeping users fixated. How then, do these platforms achieve their significant growth and engagement targets?

The answer is that platforms use adaptive algorithms that respond to users' online behaviour in order to learn and reproduce the content and patterns of displaying content that are most likely to keep users on the platform (engagement) and to share that content with new users (growth). Access to platforms remains free to encourage more users to sign-up. An adaptive algorithm is an algorithm that changes its behaviour at the time it is run, based on the information available and on a priori defined reward mechanisms (or criteria).²⁵⁰ The a priori defined criterion for platforms is engagement. The algorithm is designed to promote content that will prompt user engagement.

These algorithms are incredibly effective at predicting what will make users engage because they respond to vast amounts of data regarding our online behaviour. The algorithm is privy to a level of detail about users' lives that even their closest friends or families may not know: their day according to Google Maps, their likes and how long they spend reading posts vis-à-vis fashion, culture, politics. Algorithms are (artificially) intelligent enough to draw inferences on the political preferences of a user based on whether the user liked both Lululemon yoga leggings and prefers to cycle to work.²⁵¹ With this detailed insight into the user's behaviour on the platform, the algorithm can then promote content to the user that would suit its predictions. These algorithms are incredibly adept at keeping users compelled to stay glued to

²⁵⁰ Zaknich, 2005.

²⁵¹ Wylie, 2019, 180.

their personally curated dopamine-triggering feeds.²⁵² These forms of data analysis happen at speed and in ways that other humans could not reproduce. By using similar techniques to online gambling platforms, we are trained to seek out these platforms without them needing to engage in extensive advertising or prompting users to go online.²⁵³ Social media have been argued to be addictive, with some evidence that platform feeds tap into the same reward pathways in the brain as drugs, alcohol and other addictive substances.²⁵⁴

There is an important additional feature that incentivises engagement: the opportunity for social recognition. Users are rewarded for engaging in ways that are promoted by the algorithm and that lead them to achieve greater social recognition (i.e. more likes, shares, comments). The platforms benefit from weaknesses in human psychology: our need for social recognition and reward. In order to gain these prizes, users are incentivised to produce content that will be rewarded such as more hateful content, more extreme statements or more beautiful images of ourselves. This search for social recognition, and the incentivisation to create content that is likely to be socially rewarded online – and in turn maximise engagement - renders users more vulnerable to adopting behaviour that conforms with powerful agents on the platform.

²⁵² For a study that evidences that social media trigger reward centres comparably to addictive substances, see Sherman et al 2016.

²⁵³ See Bhargava and Velasquez (2021) for an analysis of existing evidence for the interaction between social media and addiction.

²⁵⁴ This is not an uncontroversial claim amongst researchers. Some empiricists, for instance, have identified social media addiction as a phenomenon of maladaptive social media use characterised by either addiction-like symptoms and/or reduced self-regulation (Bányai et al., 2017, Casale et al., 2018, Klobas et al., 2018, Marino et al., 2018, Tarafdar et al., 2020). Others have expressed concerns that, due to the historical connection between the term ‘addiction’ and substance use disorders, the term ‘social media addiction’ may undermine the severity of traditional psychiatric disorders and that it is premature in pathologizing this issue (Carbonell & Panova, 2017). For a review of theoretical approaches to this question, see Sun & Zhang, 2021.

‘Influencers’ are so-called for their ability to change behaviour in accordance with the products and trends they promote online. ‘Influencers’ are considered successful where users begin to purchase the products and adopt the trends for themselves. Concerningly, as I argue in the following section, such behavioural change not only serves the platforms’ aims of increasing engagement on the platform (and therefore dependency), but also render users vulnerable to manipulation by third party agents.

There is evidence for the increasing dependency on social media platforms brought about by behavioural modification techniques. It has been shown that users often underestimate the amount of time they spend on social media platforms, and that this underestimation is more pronounced among heavier users.²⁵⁵ A survey conducted by the Pew Research Center found that 59% of social media users reported that they had taken a break from social media at some point because it became too time-consuming or distracting.²⁵⁶ This ever-increasing dependency, by itself, need not pose normative concerns. Dependency, like that of a child on her parent, or a carpenter on her tools, need not be a concern from the perspective of justice. What is troubling, is that this dependency is a feature of an asymmetric power relationship, that is uncontrolled by those subjected to it (users). Let’s consider the ways in which this power relationship is asymmetric and where control lies.

The algorithmic methods that seek to keep users engaged have been described by Karen Yeung as data-driven decision-guidance techniques, which can be understood as design-based instruments of control. Or, more pithily, as potent forms of ‘nudge’. Thaler and Sunstein claim

²⁵⁵ Lin & Utz, 2015.

²⁵⁶ Perrin, 2018.

that a nudge is ‘any aspect of choice architecture that alters people’s behaviour in a predictable way without forbidding any options or significantly changing their economic incentives’.²⁵⁷

Platforms are seeking to increase engagement and growth precisely using this method. Big Data analytic methods will mine millions of potential display content at incredible speed to algorithmically evaluate them for optimal ‘relevance’ to the user. Moreover, the platform will be able to prime the results in light of simultaneous aims, such as promoting paid for content. A user’s online behaviour is therefore subject to what Yeung terms a ‘priming effect’, which is made possible by the algorithmic configuration of the choice architecture of the user which seeks to nudge her in directions that the platform favours.²⁵⁸ Given the highly sophisticated, potent and nimble ways this nudging is made possible on such platforms, this particular form has been termed ‘hypernudging’.²⁵⁹ This asymmetric power, to hypernudge, it made possible by the platform’s structure and capability and is utilised to achieve the platform’s aims: growth and engagement. A further asymmetric characteristic of this phenomenon, is that the choice architects are able to hypernudge millions of users simultaneously on a one-to-many basis. While some agents can frame feeds in such a way to advance their ends en masse, users of the platform are subjected to hypernudging with no such comparable power.

On this analysis, it is clear that users experience increasing dependency on a system defined by asymmetric power. The platforms are incentivised to structure the choice architecture of users in accordance with their business model. I now turn to consider these incentives in greater

²⁵⁷ Thaler & Sunstein, 2008, 6.

²⁵⁸ Yeung, 2017, 120-121.

²⁵⁹ Ibid, 122-123.

detail. The platforms are seeking to suit the needs of particular agents – primarily their customers – to whom the Empire for Rent is marketed.

2: Renting the Empire

Platforms determine how users' choice architectures are structured online. Structuring choices are made in line with platforms' business aims, which are determined by platforms' incentive to be as attractive as possible to their customers. In this section, I show how as a result platform customers hold a capacity for arbitrary interference and so dominate. Further, I show how this model is also vulnerable to exploitation by third party beneficiaries (such as political campaigners or foreign intelligence services).

What is particular about this case of modern structural domination, is that the platform is creating a possibility for certain agents to arbitrarily interfere in users' choice frameworks. This is the nature of the Empire for Rent. In this sense, social media platforms are vehicles of domination – tools that can be picked up or 'rented' by dominators to interfere with users' lives. While the users are experiencing increasing dependency, customers and agents benefit from a new form of algorithmically-induced capacity for arbitrary interference. In essence, dominating agents are framing the choices of dominated agents.

The framing of a choice will not always be an instance of arbitrary interference. Moreover, from the liberal perspective, it may not even be an instance of interference, tout court. Certainly, it is true that choices cannot be made abstracted from their contexts. There may be no scenario in which the actions of another agent, in some shape or form, do not impact the

range of options relevant to a particular choice.²⁶⁰ As Yeung notes, from the liberal perspective - except in relation to pervasive choices such as ‘your money or your life’²⁶¹ – there can be no objection to reducing the scope of one’s choices as a consequence of individual action.²⁶² The liberal emphasis on the individual, and the individual’s right to free-choice, tend towards an accepting attitude for structures which allow for free choice. This then accounts for the liberal emphasis on privacy and consent when it comes to regulation of social media, as both sets of rights emphasise protecting free choices for users and platforms at the point of interaction. What this perspective lacks, is an ability to get to grips with the power dynamics that frame such choices.

The power-theoretic republican notion of justice, on the other hand, is well placed for theorising structures that afford some the power to frame the option sets of others. Platforms have the ability to frame users’ relationships with the outside world and with themselves. Platforms are designed to lead users to make choices that suit their customers, decisions which users may not have otherwise made. Certainly, even if a particular user would have made the same decision even in the absence of the framed choice architecture, that user would have done so in the absence of concealed reasons. Users are denied the opportunity to form a choice on their own terms and are instead subjected to the terms of other agents. Presently, users make choices based upon background information that is systematically skewed and not in their own interests.

²⁶⁰ Wertheimer, 1988.

²⁶¹ Raz, 1986.

²⁶² Yeung, 2017, 129.

Hypernudges and nudges (which include the organisation of social media feeds) operate by deliberately attempting to by-pass the rational decision-making processes of agents. This capacity for the exploitation of cognitive vulnerabilities is handed by platforms to their customers and enjoyed by third-party agents who may take advantage of these structures. Indeed, Pasquale and Bracha observed that the criteria search engines use to filter and rank websites inherently carry structural biases. This is clearest, for instance, with the promotion of sponsored content and would also include polarising content that elicits strong emotional reactions (such content leads to greater engagement). As a result, this process consistently yields skewed outcomes that serve the platforms' core interests. Those interests are to best serve the aims of their customers. This ultimately distorts the capacity of individuals to make informed, meaningful choices and undermines individual autonomy in the name of customers' interests.

As a result of this structure, social media platforms become powerful gatekeepers.²⁶³ Their ability to compel and shape user engagement is comparable to Pettit's analogy of the doorkeeper.²⁶⁴ Pettit presents a scenario where a person wants to enter a building but must pass through a doorkeeper. The doorkeeper, who has the ability to open or close doors at her whim, subjects the person to arbitrary interference. Framing of choices, at whim, in accordance with uncontrolled interests, is an important example of arbitrary interference for republicans and lies beyond the reach of liberals in diagnosing injustice. In framing option sets in a way that is designed to increase engagement and best advance the interests of customers, users subject to an uncontrolled power in the form of manipulation. Like slaves to masters, users

²⁶³ Yeung, 2017, 124.

²⁶⁴ Pettit, 1997, 68-69.

are unable to form autonomous beliefs and choices in these conditions. Users' capacity to be undominated reason givers is undermined. Users are constrained without the republican necessity of good reasons for those constraints (such as constraints applied in accordance with users' avowed interests or subject to their control).²⁶⁵

To substantiate this claim, I now analyse two examples of agents with a capacity for arbitrary interference facilitated by platforms. In these examples, I will demonstrate how customers and third-party beneficiaries are able to take advantage of the Empire to Rent by framing choice architectures. This amounts to a form of manipulation to which users are subjected arbitrarily. I adopt Thomas Christiano's definition of manipulation. Christiano has argued that wrongful manipulation is the knowing use of flawed reasoning. More fully:

‘A manipulates B when A influences B in the direction of believing p or doing d by influencing B to believe p or do d by means of a flawed process of reasoning, which A knows works because B is unaware of the flaw in the process or is unable to rectify it. There must be some conflict of purpose here between A and B such that without the flaw, B would go in a different direction that goes against A's purpose.’²⁶⁶

Platform customers may exercise a capacity for arbitrary interference by manipulating users. One clear example, is where advertisers exploit a form of emotional manipulation. As noted, the algorithm is learning from users all the time. Crucially, at the same time, the user is learning

²⁶⁵ This argument runs along similar lines to the familiar ‘nudge as deception critique’, or the ‘passive manipulation critique’ which argues that even when nudges are utilised to pursue legitimate purposes, the fact that nudges deliberately seek to exploit cognitive weaknesses to provoke desired behaviours means that they entail a form of deception (Bovens, 2008).

²⁶⁶ Christiano, 2022, 111.

from the algorithm. Elon Musk has recently acknowledged that “you are being manipulated by the algorithm in ways you do not realise”.²⁶⁷ Wildman et al term this phenomenon ‘online affective manipulation’. This is the process by which a user’s affective state is manipulated to serve the purposes of an algorithm’s aims (and in turn, the agents’ who benefit from those aims).²⁶⁸

Behaviourists of the 1950s and 60s discovered that the most engaging form of reward-system to humans and animals, such that certain behaviours were reinforced, was neither a predictable one nor was it dependent on provision of positive or negative forms of reward. It was, to a degree, random. Our problem-solving minds will seek random rewards for far longer than they will predictable ones.²⁶⁹ This can be seen in scientific searches for deeper patterns, or in our preferences to watch complex characters with hidden traits in TV and cinema. Social media platforms use ‘variable rewards’ such as likes and notifications, to keep users engaged for longer periods of time.²⁷⁰ As users engage in a search for rewards, fuelled by the randomness generated by algorithms (algorithms will always involve a degree of randomness given their trial-and-error nature), users become sensitive to the behavioural modification effects of seeking those rewards. Users may be more likely to share hateful comments, thereby contributing to engagement. Or, users may find themselves triggered into a negative emotional state and be more likely to buy an advertised new pair of socks to lift their spirits.²⁷¹ Algorithms

²⁶⁷ https://www.business-standard.com/article/international/elon-musk-says-twitter-s-algorithm-manipulating-users-suggests-solutions-122051500453_1.html

²⁶⁸ Wildman et al, 2022.

²⁶⁹ Skinner, 2002.

²⁷⁰ Sun et al., 2019.

²⁷¹ Retail purchases have been demonstrated to restore a feeling of control to agents experiencing sadness or depression, and this is associated with increased purchasing (Rick et al, 2014).

learn to predict the most advantageous time between triggering an emotional state and the promotion of a product to achieve the aims of advertisers: a sale.²⁷² These are examples of behaviour manipulation: users' emotions are triggered and then taken advantage of to encourage users to behave in ways that suit the customers of the platform.²⁷³ Whether the user does or does not buy the advertised product, she will still have been subject to a form of affective manipulation designed to induce an emotional state based on reasons not in her interests. In Christiano's terms, this leads to a flawed process of reasoning. This remains true even if the user happens to have an interest in the product, or if the user chooses not to buy the product. The user does not have an interest in an emotionally manipulative framing of her choice architecture – this goes against her purposes and towards the customers'.

The primary way in which behaviour is modified in the interests of the platform and its customers, is that algorithms are designed to maximize the amount of time we spend on the platform by showing us content that we are most likely to engage with, even if that content is not accurate or beneficial to us. This indifference to the content creates a vulnerability to arbitrary interference from other agents who can (for instance) produce and spread fake, exaggerated, or polarising content, and those agents who benefit from such content's dissemination. Platforms are taking up an increasing space in the lives of users, and inducing a state of vulnerability to third parties by promoting content that encourages engagement regardless of the nature of that content (which may, for instance, promote or discount particular political positions). Monopolisation of attention in the name of engagement is, at the aggregate level, rendering users vulnerable to arbitrary interference in the form of

²⁷² Lanier, 2018, 24.

²⁷³ Jaron Lanier advances a similar argument in his book *Ten reasons to delete your social media right now*, 2018.

manipulation. I now turn to a second type of agent able to arbitrarily interfere; those who benefit from the promotion of content-at-any-cost. This first requires exploring in more detail how the platforms' business model tend towards a certain form of content promotion.

Social media feeds do not seek to balance content such that it mirrors representatively public opinion or a plurality of views or opinions. Social media platforms can make users only see a narrow view of the world by using algorithms that prioritise and curate content based on users' past behaviours, interests, and preferences. Sunstein has argued that social media can lead to a phenomenon called "group polarisation," which can result in extreme viewpoints becoming more dominant in society. Group polarisation occurs when individuals with similar views come together to discuss an issue, and as they interact, they become more extreme in their views. Sunstein argues that social media platforms can facilitate group polarisation by creating echo chambers in which users are only exposed to viewpoints that align with their own. This can lead to a situation in which users become increasingly entrenched in their own views and less open to opposing viewpoints. Algorithmic prioritisation can exacerbate the effects of group polarisation, as users are more likely to see content that reinforces their existing views, and less likely to see content that challenges them.²⁷⁴ Social media algorithms are designed to keep users engaged with the platform by showing them content that is more likely to capture their attention and generate engagement, such as likes, comments, and shares and are not directly concerned or driven by these epistemic effects.

²⁷⁴ Sunstein, 2018, 68-95.

While this can create a personalised experience that feels tailored to each user's interests and preferences, it can also create a "filter bubble" that limits users' exposure to diverse perspectives and opinions.²⁷⁵ By showing users only content that aligns with their existing beliefs and interests, social media platforms can reinforce users' existing biases and make it difficult for them to encounter alternative viewpoints. This can make it hard for users to form opinions and plans of action for themselves because they may not be aware of alternative viewpoints or information that contradicts their existing beliefs.²⁷⁶ It can also contribute to a polarised and fragmented public discourse, where people are less able to engage in civil and informed debate with those who hold different views. This is a further feature of how the platforms are reorienting user behaviour towards the creation of engaging content, including content that expresses polarised or extreme views. Such epistemic effects do not occur when supermarkets cunningly place chocolates at the check-out to target customers in their weak-willed moments. Social media actually incentivise a weakness in their users, and then allow for the possibility of other agent's manipulating this weakness. By eliciting emotional states and by obscuring our sense of public discourse, the platforms modify user behaviour to serve its aims: users produce more engaging content. Users begin to align their content with other content on the platform so that they may receive platform rewards, and this has tended toward polarisation. Of particular importance, exposure to political content on social media can increase polarisation and make it more difficult for individuals to change their beliefs.²⁷⁷ These effects are incidental and instrumental to the platforms' attempts to monopolise user attention to expose users to more advertisements and therefore maximise value for customers.

²⁷⁵ Pariser, 2011.

²⁷⁶ Thaler and Sunstein, 2009.

²⁷⁷ Bond et al., 2012.

Ugur Aytac has argued that platforms' ability to shape feeds in this way affords them a power to partially dictate the terms of citizens' political participation *qua citizens* in the public sphere and therefore argues that platforms present a novel type of domination.²⁷⁸ While Aytac is concerned with the impact of these platforms on the public sphere, I take up here a different concern. How platforms are able to expose users to the inter-agential domination of other agents. The behavioural modification seeking methods of platforms leave many users vulnerable to manipulation from other agents – not just customers (advertisers), but malign actors who benefit from the (for instance) polarising content which is used to leverage user attention. This wanting epistemic environment produces incentives to produce more polarising content and tends towards beliefs that align with the perceived environment. This change in user behaviour and obscuring of the public discourse makes users even more vulnerable to interference by those who benefit from changes in emotional states and beliefs such as political actors who benefit from polarisation. Or, those sellers who benefit from platform users who are experiencing negative emotions and therefore seek comfort in advertised products. Moreover, some actors not only benefit from the polarising tendencies of the environment but can fuel its obscuring nature – for instance with the creation of bot accounts geared towards perpetuating certain ideas or beliefs.

Let's consider some examples of how this process renders users vulnerable to arbitrary interference. Cambridge Analytica allegedly used these techniques during the 2016 US presidential election to target voters with specific messages based on their personality traits,

²⁷⁸ Aytac, 2022.

interests, and political views. Giving evidence to regulators and journalists, whistle-blower Christopher Wylie has alleged that Cambridge Analytica used fear and other emotional triggers to persuade voters to support Donald Trump and to discourage them from voting for his opponent, Hillary Clinton. By using these tactics, Cambridge Analytica allegedly coerced individuals into taking specific actions or adopting certain beliefs, such as voting for a particular candidate or supporting a particular political position. The company's methods have been criticised as a form of psychological manipulation that undermines democratic processes and individual autonomy.²⁷⁹ The impact of dependency, behaviour modification and framing of the epistemic environment in the ways described have made this manipulation more impactful than ever before. I argue this is because these factors combine to tell a story of domination: capacity for what amounts to arbitrary interference by Cambridge Analytica within the Empire for Rent.

A second example, focussed on by Lanier, raises a concrete example of how the platforms' 'engagement-at-any-cost' mechanisms suit the needs of would-be-dominators. According to Lanier, the Russian government used a combination of bots and human trolls to create fake social media accounts and spread disinformation, propaganda, and divisive messages across social media platforms such as Facebook, Twitter, and Instagram. The bots used by the Russian government were programmed to automatically generate and disseminate content that supported its political agenda and attacked its opponents. These bots could create and share large volumes of content in a short period of time, giving the impression of widespread support for political positions. One example of Russian bot activity was the creation of fake

²⁷⁹ Wylie 2018, and for further studies on the impact of personalised political advertising see Bond et al 2012 and Xiong & Liu 2014.

social media accounts and pages to spread disinformation during the 2016 US presidential election. These bots were used to promote false stories and conspiracy theories, and to sow division and mistrust among different groups of voters.²⁸⁰ According to a report by the US Senate Intelligence Committee, the Russian government's use of bots and trolls during the election was "part of a broader, sophisticated, and ongoing information warfare campaign designed to sow discord in American politics and society."²⁸¹

The use of bots to influence online discourse and manipulate public opinion is not limited to Russia or the 2016 US presidential election. Bots have been used by governments, political organisations, and private individuals around the world to shape online conversations and spread propaganda. The use of bots raises important ethical and political questions about the manipulation of public opinion, the protection of free speech, and the role of technology in shaping political discourse. It is crucial to see that these bots are a feature of the Empire for Rent. Where platforms are incentivised by engagement, regardless of the content that generates that engagement, platforms do not have incentives to address problems such as bots.

In this section, I have demonstrated that platforms afford their customers, and third-party beneficiaries, a capacity for arbitrary interference in the form of manipulation. This manipulation occurs as a result of the framing of users' choice architectures, which are selected in the interests of the platform and their customers. This capacity to frame the conditions in which users' make choices is manipulative as goes against users' purposes and invokes a flawed process of reasoning.

²⁸⁰ Howard et al, 2017.

²⁸¹ United States Senate, Select Committee on Intelligence, 2019.

By conceptualising the injustice at play as domination, it will be possible to propose a regulatory framework that addresses the underlying power dynamics created by the platform, and this will have important benefits for improving the conditions of public discourse beyond a content-moderation only approach. Before advancing these proposed regulatory solutions, I now demonstrate why existing approaches oriented primarily towards protection of privacy and/or protection against exploitation will not get to grips with the domination at play. This turns on the question of how we should understand our data in the economic model of social media platforms.

3: If you're not paying for the product, you are the product

Existing political theory on the regulation of social media has tended to be conducted under the liberal lens. For instance, liberal theorists prioritise individual rights and freedoms, such as freedom of speech and privacy, over collective goods, such as community well-being or democratic participation.²⁸² Liberal emphasis on individualism has contributed to a lack of regulation and accountability for social media platforms. The liberal framework prioritises the individual over the collective, which can lead to a lack of attention to the social and political implications of social media's underlying power structure. The liberal emphasis on consent follows from the centralisation of individual choice, which is to be respected regardless of whether those choices are considered unwise. As Yeung has outlined, for the liberal, provided users have exercised a free choice, which may require adequate disclosure and consent, then

²⁸² Brison & Gelber, 2019 is an important collection of liberal approaches to problems of free speech and privacy in the digital age.

individual autonomy is respected and the market-style mechanism that underlies this choice is not of normative concern.²⁸³ Liberal theorists are inclined to view technology as a neutral tool that can be used for both good and bad purposes, rather than acknowledging the ways in which technological design can shape user behaviour and outcomes. This perspective can make it difficult to identify and address the specific harms caused by social media platforms, such as the spread of misinformation or the amplification of extremist content and to get to grips with the power relationships which belie the problem.

Liberals tend to view the state as the primary actor responsible for regulating social media, rather than seeing civil society, including users and platform owners, as having a role to play in shaping online behaviour. This emphasis on state intervention can result in a narrow focus on legal frameworks for regulating social media and an underappreciation of the broader cultural and societal norms that influence online interactions and which actors use their power to perpetuate these norms and interactions. Further, even if pursued, liberal paradigm solutions such as consent will fail to ever truly account for problematic exercises of power. If Big Data relies upon the collection of vast amounts of data for as-yet unknown purposes, while it retains its innovative potential it may be impossible to consent to the future uses of data. A more attractive, appropriate and plausible solution then, I argue, is the regulation of who controls the purposes and use of that data in framing choice architecture.

²⁸³ Yeung, 2017, 129.

Existing regulatory solutions to the harms associated with social media platforms centre on the collection of data and diagnose loss of privacy as the central normative concern.²⁸⁴ These normative issues, of course, matter. However, they are insufficient to undermine the Empire for Rent. In this section, I demonstrate first that the centralising of these approaches has occurred because of a misinterpretation of the business model of social media platforms. Specifically, an interpretation of the product of platforms being user data, or user data combined with platform assets. Against this, I argue that the product is behavioural modification. In light of this, I consider why the liberal framework is inadequate to regulate platforms designed to modify behaviour.

Regulation of the collection of data has been a central aim of theorists and policymakers. This is a result of the centralising of data's value in the business model of platforms. In the early days of Google, it was commonplace to hear the terms 'exhaust' and 'waste' to describe user data. To understand the nature of this claim, consider how every time a user clicks, a signal is created. Every time someone uses their phone, they create a signal. This signal could be seen as comparable to exhaust, a valuable form of exhaust. This exhaust is a resource that can be collected, analysed, and used to create new products and services. Zuboff endorses that user data was initially 'found' by firms such as Google, and sketches a chilling account of the ways in which firms went on to 'hunt' more of the resource.²⁸⁵ For Zuboff, user data is not simply a by-product or exhaust of online activity, but rather the primary source of value creation for

²⁸⁴ One example of such regulation is the European Union's General Data Protection Regulation (GDPR), which sets standards for data protection and privacy for all EU citizens. The GDPR requires companies to obtain explicit consent for collecting personal data, provide clear and concise information on how the data will be used, and allow users to access and delete their data upon request.

²⁸⁵ Zuboff, 2019, 93-94.

tech companies. She argues that these companies have developed sophisticated methods for collecting, analysing, and monetising user data to generate profit. On this model, users are not customers but rather sources of raw material (data) that is processed and sold to advertisers and other third parties. User data on Zuboff's account is considered the product of surveillance capitalism rather than a mere by-product. Zuboff does not see the transfer of data as a market interaction.²⁸⁶ Users do not exchange their data for use of the platform. Users instead use the platform in such a way that data is produced, and surveillance capitalists capture this data without users exercising any agency over it. Users are deprived of something which ought to belong to them and become comparable to seams of coal or victims of robbery. The fundamental violation is of a privacy interest.²⁸⁷

Data, specifically data which is not taken through means of deception or extortion, is a by-product. The production of data on these platforms is not well described as something that pre-exists the platform itself. The data collected by, say, Instagram, pertains to precisely how a user operates on the Instagram platform. How quickly do you scroll away from a video? What type of content are you most likely to 'like'? What type of content makes you react (whether that is to experience sadness, anger or happiness)? At which point in this induced emotional cycle will you be most likely to buy that new pair of mood-lifting socks? The footprint left behind on Instagram, like real footprints left on the sand, were never well described as belonging to the person who left them behind. They are an imprint of how the

²⁸⁶ Ibid.

²⁸⁷ Zuboff argues that the "extraction imperative" of surveillance capitalism creates a "fundamental illegitimacy" by violating individuals' privacy and turning them into "raw material" for the market (2019, 22). She writes, "This appropriation of human experience for others' profit is foundational to surveillance capitalism's specific mechanisms of revenue generation and its economic imperatives" (2019, 23).

user has interacted with the platform. As such, is difficult to maintain that the collection of this data violates an interest in privacy when the data is a recording of interaction with the platform.

In considering privacy, Andrei Marmor has argued that ‘the underlying interest protected by the right to privacy is the interest in having a reasonable measure of control over ways you present yourself to others’.²⁸⁸ A violation of the right to privacy on his account, ‘consists in the manipulation of the environment in ways that unjustifiably diminish one’s ability to control how one presents oneself to others’.²⁸⁹ This understanding of privacy is certainly able to capture invasions of privacy that are of primary concern: where information about users is extracted through deception or wrongful surveillance. However, as Marmor acknowledges, this analysis does not seem to well describe data collection by adaptive algorithms.²⁹⁰ The collection of extensive digital footprints he acknowledges may be dangerous where that data could be used as a tool of, for instance, political oppression. Looking more particularly at the use of algorithms to target ads and the use of data to advance commercial aims, Marmor concludes:

My guess is that most people are concerned about the potential for the abuse of information that is commercially transacted, they fear that it might fall into the wrong hands. Perhaps the government might get hold of your habits or whereabouts in ways that might put you in a vulnerable position; or perhaps rogue agents may use this information

²⁸⁸ Marmor, 2015, 22.

²⁸⁹ Ibid, 25.

²⁹⁰ Ibid, 19.

to hack into your assets and steal your possessions. These are serious concerns, for sure, but as I have tried to argue here all along, they are not concerns about the right to privacy.²⁹¹

It appears then that the primary form of data collection undertaken by adaptive algorithms seems not to violate an interest in privacy, while the capacity for manipulation is a discrete normative concern. It may be that users accept that the information is inevitably also the property of the platform, but perhaps would object to the sharing of this information. It's important to note that such data is used in a disaggregated fashion and moreover, there are important reasons why it is desirable to allow for the collection of data. Central to the innovative potential of Big Data, is a model of collecting increasingly large amounts of data in the hope that it might subsequently be used in unexpected ways.²⁹² Instead of privacy, what is of central concern, is that algorithms' engagement seeking methods fuel a dependency and allow for behaviour modification that renders users vulnerable to the arbitrary interference of others. Data analysis makes this possible. The injustice is simply that political actors may gain access to important information about users that may allow them to exclude, oppress or unjustly punish. The injustice occurs because these users are vulnerable to manipulation and may have their beliefs and behaviours modified in the interests of platform beneficiaries and customers. This is what makes exclusion, oppression or unjust punishment possible. The size and scale of data collection, while a feature of algorithms' functioning, is not the primary injustice. The primary injustice is power theoretic – users become unwitting subjects in the Empire for Rent.

²⁹¹ Ibid.

²⁹² Cranor et al, 2013, 795.

A recent account that takes seriously that the injustice of surveillance capitalism is better understood through the lens of power-relations as opposed to privacy is Nikhil Venkatesh's Marx-inspired account. Venkatesh considers user data to be comparable to Marx's understanding of labour-power. Surveillance capitalists combine assets, or capital, with data to create a product which is in turn sold to advertisers. Surveillance capitalists use user data to develop 'user profile information'. This is in turn used to develop the product, which Zuboff describes as 'behavioural futures'; reliable predictions of user behaviour.²⁹³ Zuboff and Venkatesh agree that the ultimate products are behavioural futures, however they differ in their analysis of user data. For Venkatesh, like work on the Marxist analysis, online activity is 'a means of self-expression, a way in which one's inner life becomes manifest to the world'.²⁹⁴ Venkatesh argues that users make a rationally motivated voluntary exchange of their data for the meeting of their social needs. For Venkatesh the primary normative issues at stake are the alienation of data from users and the exploitation which ensues as a result.²⁹⁵

As I have argued, the data collected by algorithms is not best described as an act of self-expression, as it is in fact a record of interaction *with* the platform. It is a creation of the user and platform combined. The data collected by platforms are not merely data points about the user, they are data points about how the user has used the platform.²⁹⁶ The prediction of user behaviour is not what the platforms are targeting – platforms are targeting the extenuation of

²⁹³ Zuboff, 2019, 96.

²⁹⁴ Venkatesh, 2021, 369.

²⁹⁵ Ibid, 370-374.

²⁹⁶ Benn and Lazar 2022 adopt a similar line of reasoning.

use of the platform at any cost.²⁹⁷ This is distinct from exploitation for information, this is behaviour modification. The power dynamic at play does not echo that of Marxist capitalist exploitation, it is a *sui generis* instance of modern structural domination. The product for such firms, is in fact *you* – the user. These platforms do not sell predictions of future behaviour – they sell behaviour modification. As slaves will modify their behaviour in prediction of what their master will want in order to prevent punishment, we are being trained to adopt incentives to servility.²⁹⁸

4: Policy implications: a new approach

How then, could social media reform be better approached? Where the injustice is viewed through the lens of domination, the central question for those targeting reform is how to protect users from arbitrary interference. Power can be made non-arbitrary where it is exercised in a way that tracks the interests of those subject to it. This is necessary to ensure that power is used in the interests of all members of a society, rather than just a select few. Applying this to social media, the question becomes: how can users direct the platforms in a way consistent with their interests? This would be an attempt to reorient platforms from their existing *modus operandi*, which is: how can users be kept engaged as long as possible? An initial candidate approach aimed at constraining the small number of large corporations that hold a disproportionate amount of power, is democratising social media (for instance, by

²⁹⁷ Zuboff also acknowledges and argues that behavioural manipulation is a part of the business model of platforms, (Zuboff, 2019, 129-132).

²⁹⁸ Pettit emphasises how the servile will attempt to behave in a way that suits their master in order to regain some sort of control over their plans (Pettit, 2012, 86).

subjecting platforms to state control, or breaking them up into smaller firms). This would help to address this power imbalance by distributing ownership of these platforms more widely.

In line with this, Bernd Hoeksema has argued in a recent paper that a radical republican supplemented approach would achieve these aims. Hoeksema argues that:

any republican response to the power of digital platforms must reach far enough to evaluate and alter economic rationales, socio-technical structures and computational infrastructure in order to root out as much of the dependency on powerful, private digital platforms as possible.²⁹⁹

Hoeksema goes on to specify that:

This notion promises, roughly speaking, a communally owned and governed digital sphere to which all citizens have access. A digital commons gives citizens a voice in the structures of the digital sphere and allows them to escape both the domination by particular platforms as well as the structural domination ‘by many platforms’.³⁰⁰

Hoeksema’s insightful analysis and conclusions suggest a radically reformed digital sphere, in which I concur that domination would not occur. Yet, I argue that there is no need to reach for such a radical solution. We need not turn platforms over to public ownership or democracy nor radically reform the underlying economical and socio-technological background structures (although they may be desirable purposes served in doing so). There is an important difference between our analyses which affords me the ability to argue for less radical reform. On my

²⁹⁹ Hoeksema, 2023, 16.

³⁰⁰ *Ibid.*

account, crucially, the platforms facilitate domination by third parties. Platforms do not themselves dominate. The nature of the domination which takes place on platforms cannot be properly understood without reference to the dominating third party agents. The platforms are incentivised to suit the interests of dominators and this agential story is central to understanding the domination at play.

Social media platforms, at their core, are technical facilities designed to connect users. This is surely a fundamental interest of every user who decides to join a platform. This makes them importantly interagential. The platforms mediate the power between their users and customers. It isn't accurate to say that there is something akin to a 'class' of agents who have access to the Empire for Rent. The small business owner who promotes ads may also be a user subjected to polarising speech within a constrained choice architecture. Unlike other phenomena targeted by radical republicans – such as sexism or racism – the character of this domination is fundamentally between specific, identifiable agents connected through these platforms.³⁰¹ Undermining dominators power, I argue, requires a reorientation of the business model that has – from a republican justice perspective - failed. There is a more strategic approach that aligns with the republican aim of giving control to users available.

A new approach would be to change the model of the platforms so that the user is no longer the product, but is instead the customer. One simple way to rebalance the power of users, and to incentivise platforms to work in the interests of users, would be to move away from the

³⁰¹ Radical republican authors have generally focused on two areas of domination to establish their arguments: markets, capitalism and labour on the one hand (see, for example Gourevitch, 2013; Thompson, 2013, 2018; Rahman, 2017; O'Shea, 2020; Muldoon, 2022 and social injustices, such as racism and sexism, on the other e.g. Laborde, 2008; Coffee, 2015, 2020; Gädeke, 2020; Hasan, 2021.

free or freemium model. The aim of this reorientation is to make the platform structure less arbitrary, by shaping it in accordance with user interests. Non-arbitrariness can be achieved where agents are subject to power that reflects their interests (not merely current interests, but the interests they hold *qua* citizen).³⁰² This may involve some amount of control by citizens or weaker agents in the choices taken by the more powerful agent, and some system of accountability for the stronger agent. Applying this principle to the case at hand, interests *qua platform user* should be centralised.

I have argued that platforms are incentivised to keep users engaged because their customers are advertisers. To take a counterposing example, we may consider the business model of Netflix as a paid for platform. Netflix uses an adaptive algorithmic feed to serve its customers (in this case, its customers are its users). Netflix is incentivised to give users high quality entertainment as this is the (perhaps implicit) contract that users make with the platform. Users will recommend the platform to the extent that it meets their interests, and so the growth target of platforms may also be served. Were the incentives of the platforms oriented towards user satisfaction, the implicit if not explicit contract users make would be remarkably different. The power of users would be increased and would drive the platforms, thereby reducing the ability of certain actors to interfere in users' interests. This approach would also avoid the complex practicalities posed by seeking to realise the complex aims of democratising or breaking up large social media platforms. The value of having large platforms able to connect vast numbers of agents would be retained.

³⁰² This is the early view of Pettit in his *Republicanism* (1997), which Arnold and Harris (2017) term 'interest substantivism'.

The obvious arising question, is what do users want from social media? I do not suggest this is simple to answer, however there are a variety of methods that social media platforms could and do use to ascertain an answer. For instance, platforms can solicit feedback from users about what types of content they want to see and use this feedback to inform their algorithms. Existing research suggest that social media users desire social connections, a platform for discussion and meaningful debates, and a fair representation of the political discourse. Users seek out content that is relevant to their interests and promotes their social capital, which includes the knowledge, skills, and connections that help individuals participate effectively in society.³⁰³ By better meeting the needs and desires of their users, social media platforms could provide a more meaningful space for online interaction and reduce the undue influence of current platform beneficiaries and customers.

Take the case of bots as an example of the potential benefits of this reorientation. If the platforms were incentivised to meet the aim of meaningful social connection, bots would be an obstacle to platforms' goals. Not only would the cost of subscription be a hurdle to agents seeking to take advantage of social media platforms' capacity to modify behaviour, platforms would have greater incentives to remove bot accounts because bots often spread polarising content or fake news to manipulate public opinion. If social media users were paying for access, the platforms would be incentivised to provide content that aligns with the interests of their users and meets their needs, such as accurate news, relevant information, and meaningful social connections. This would lead to a healthier and more informed online community, which is less likely to be influenced by bots and disinformation. In contrast, if social media

³⁰³ Hampton et al, 2018, Zúñiga et al 2012.

platforms are more interested in generating engagement and revenue from advertisers, they may be less likely to prioritise the removal of bots, even if their presence harms users' experience on the platform.

Social media platforms will be incentivised to look more like, and to serve the needs of, everyday citizens. This is an important advance on existing liberal approaches. This non-dominating approach will have an impact on many of the most troublesome aspects of online life. For instance, while the most hateful forms of online speech must be subject to content moderation, this approach will get to grips with the more power-theoretic underpinnings of online discourse. There have been and will always be extreme views, but the Empire for Rent has amplified and distorted users' perspectives on how widely these views are held and the influence that certain voices have. This approach would end the amplification and power of polarising voices on social media by resisting the engagement-at-any-cost model. Platforms have always claimed to give users what they want.³⁰⁴ In truth, they have given users what will keep them hooked in order to give their true customers what they want. Reorienting the model, to make users the customer, and the platform the product would give veracity to platforms' stated intentions.

³⁰⁴ For instance, Sir Nick Clegg's 2019 blogpost, 'You and the algorithm: it takes two to tango' (2019).

Part Two

**The Responsibilities of Agents in Structures of
Domination**

Chapter 6: For a Backward-Looking Account of Political Responsibility: Rescuing the Role of Blame and Praise

In the face of mounting contemporary concerns such as climate change and the impact of our consumer patterns, we are increasingly aware that our collective and individual actions contribute to structures that produce injustice and domination. Yet, we may feel uncertain as to how we ourselves ought to act, or how we ought to react to those whose behaviours produce and reproduce these structures. For instance, we may ask ourselves: am I blameworthy for not becoming vegan given the environmental impact of global meat consumption? Or, should I respond resentfully to a gendered microaggression, despite the minor nature of the apparently discrete harm, given the context of gender inequality more broadly? This chapter seeks to address these questions. Doing so will require investigating the function and role of reactive attitudes (in particular, those which express blame and praise). I must also consider whether agents are actually fit to be held responsible in structural cases given that they may be remote from the outcome of harm, structurally constrained in their actions or inactions and make only minor contributions to harm. Responding to this challenge, this chapter will argue for a conception of political responsibility that incorporates the backwards-looking features of praise and blame. Theorists such as Young have excluded blame based on its inapplicability and adverse impact on motivating agents to take-up their responsibilities to transform structural injustice and domination. Against this, however, I argue that blame and praise will actually improve motivation for the uptake of responsibilities and have positive implications for the transformation of structures of injustice and domination. The primary focus of this chapter is the role of blame, however I do sketch some initial features of praise. I take up the question of praise more fully in future chapters.

The most prominent theorists of political responsibility in such cases -Arendt and Young- have argued against incorporating blame into their accounts³⁰⁵. Young's social connection model grounds a distinctively forward-looking account of responsibility which seeks to overcome the challenges of structural injustice by circumventing questions of who is liable for harm and instead exhorting agents to take up shared responsibility for future oriented change. However, I argue, this disregards an integral function of blame identified by moral responsibility theorists, which is that it is key both to revealing normative standards and to improving our uptake of action in line with those standards.³⁰⁶ The important forward-looking function of blame is particularly clear in cases of emerging normative contexts. In such cases, for instance where new norms related to gender appear, blaming agents for transgression and praising others for compliance will be key in signalling both the standard and the activity which undermines it. Moreover, blame will also be key in transforming the underlying power dynamics that in many cases define the normative issue at stake. Blame and praise can transform power dynamics by challenging prevailing norms, and by improving uptake of transformative norms.

This chapter will proceed as follows: Section 1 argues that Young's 'social connection model' is flawed in that it excludes backwards-looking political responsibility. I set out some important challenges to an account of political responsibility. In particular, where norms are in a state of emergence or development and may be unclear to many agents. Section 2 presents a notion of blame with signalling and scaffolding functions that can be attributed to agents of whom

³⁰⁵ Arendt, 1987, Young, 2011.

³⁰⁶ For example, Shoemaker & Vargas 2021 identify the signalling function of blame.

better future behaviour can be demanded. Section 3 offers a discussion of how blame and praise will change over time in reaction to the establishment of normative standards. Section 4 finally takes on the challenge that blame is not only instrumentally valuable, but also defends that it is appropriate for contributions to structural domination and injustice.

1: The social connection model, a critique

In order to assess Young's social connect model, it is important to first consider what a theory of responsibility ought to achieve and identify the challenges involved in doing so. There are two important senses in which agents can be said to be responsible and each must be addressed by theorists of responsibility. First, which agents are responsible in the sense of having duties to take up in response to structural injustice and domination? Second, which of these agents are fit to be held responsible in the sense that they may be subjected to reactive attitudes (i.e. are not excused from blame due to the structural constraints they face)? Understanding each of these dimensions of responsibility is key to outlining the goals and challenges at stake. In this section, I briefly set out limitations with how Young has approached these two questions and then frame emerging challenges which this account seeks to respond to.

When considering structural injustice and domination, it is at first glance unclear who has a duty to act. For instance, in the case of sweatshop labour, the injustice is experienced by a group of individuals who are working in unacceptable and unethical conditions. Their plight is determined not only by their floor managers, but also by the national and international norms and rules that govern the trade of fashionwear. Countless agents' actions and inactions contribute to this injustice: the floor managers and factory owners facing the pressures of market competition, the high-street outlets which sell the items, the consumers who purchase

the fashion, the consumers who do not purchase but perhaps do not raise awareness of sweatshop labour. This list could go on. It is unclear who, in this complex story, has a duty to act.

Young seeks to respond by grounding responsibility to act in the fact of social connection.³⁰⁷

Methodologically, Young is an individualist who recognises that individuals produce social structures and are the central locus of ethical responsibility. Young accordingly sets out the ‘social connection model’, which demonstrates that responsibility arises due to our roles in producing and reproducing structural injustice. Young’s model argues that socially connected agents have a forward-looking responsibility to take up towards injustice and domination. This is compatible with my claim that responsibilities attach to those agents who have a role in the production and reproduction of injustice, including those implicated due to their power position. Young’s model is widely recognised as the most promising. However, the forward-looking social connection model has limitations. In this section, I consider two such limitations. First, that Young’s capacity-based model could reaffirm problematic power relations. Second, that a purely forward-looking account may be insufficient to motivate the take-up of responsibility.

Young finds that the grounds of our responsibility arise from our connection to injustice, this is a non-specific relational rationale for grounding the responsibility, which she then does not

³⁰⁷ Young considers a political responsibility to be a notion concerned with the duties individuals have. This could be seen as a distinct understanding of the term ‘responsibility’ from that typically used by theorists of moral responsibility, who instead investigate whether agents are fit for attributions of blame or praise in a particular context (Young, 2011, 75). For a classic account of backwards-looking moral responsibility, see Wallace 1994 and Strawson 1974.

connect to a role specific duty that we have in the discharge of our responsibility. Young argues for a capacity-based discharge of the responsibility, contending that we should do all we can to alleviate injustice depending upon the context of our capacity to do so. Our capacity is determined by our power to effect change, our interest in doing so, our privilege, and our ability to organise collective action.³⁰⁸

A problem with the social connection model is that in arguing for a capacity-based discharge of responsibility, Young may be reinforcing the very problem we are seeking to resolve. If domination is a position of power, we may need to seek to disempower ourselves; not to reaffirm problematic power structures by acting charitably to those with less status. Attempts to fight structural domination will require addressing those very structures of power, that is, addressing what is normatively significant: the power relationship. The power relationship must be scrutinised, and the relationship challenged. A capacity-based model will fail to take this into account perhaps by fighting injustice without rectifying those relationships of power that belie it. As Dorothea Gädeke has stated:

Without an awareness of one's own position within structures of domination, its historical genesis and its sociological and psychological implications – and practical attempts at undermining it – any attempt to fight domination is likely to revert into domination.³⁰⁹

What is required to end the structure of domination is that the dominated agents are afforded sufficient status and power such that they are not subject to the whim of more powerful agents. Structural domination relies upon the participating and non-participating roles of dominating,

³⁰⁸ Young, 2011, 142-151.

³⁰⁹ Gädeke, 2021, 197.

dominated, peripheral and by-standing agents³¹⁰. Redress of structural domination will require recognising and undermining positions of empowerment or disempowerment, such that the dominator no longer sits in a power relationship characterised by a potential for arbitrary interference (whether desired or undesired by the dominator). Similarly, peripheral agents who lend support to the dominating structure must also transform their power position.

To see how Young's approach could reify structures of domination, consider a misogynistic structure. Applying the social connection model, we are implored to see that various agents have differing contents of their political responsibility dependent upon their position of power. The model finds that social connection is relevant in grounding a forward-looking responsibility to act, but Young asks that we do not attribute blame as the injustice results from the cumulative (and often individually morally innocuous) actions of agents taken together. A discharge of capacity by agents with power in the structure may be insufficient to undermine and transform dominating relationships. In other words, Young agrees that the genesis of injustice matters normatively, but she focuses only on forward-looking obligations; this doesn't sufficiently regard the bases of power. Men who dominate in this context do so according to their position of power, not according to the actions they chose to take or not take. A man may do all in his capacity to provide for the women in his life, however this will likely not get to grips with the problematic power dynamic at play. This power relationship is established by a variety of sources including the acceptance of misogynistic behaviours and ideas in a society.

³¹⁰ I have elsewhere defended that dominating, dominated and peripheral agents sit in power relationships. Peripheral agents may be productive of a source of power for dominating agents, for instance by lending support to norms that operate to lower the status of the dominated. Bystanders do not sit in a power relationship with other agents in the structure.

For instance, consider the man who regularly microaggresses such as by assuming that the younger woman in the room must be present to take minutes of a meeting. It would not be enough for this man to stop microaggressing, if the goal is the undermining of his power. The refraining (while desirable) does not undermine the man's position as holding power over the women in the room, which is established by (among other things) the normative environment. To push the case further, perhaps the man chooses to exercise his capacity more widely, and decides to stay quiet in the meeting, consciously allowing the women present more space to talk. This could even reconfirm the nature of his dominating power: women are given the space to speak at his whim or pleasure, and not robustly.

The microaggressing man likely did not intend to act misogynistically, and his assumptions will likely have arisen due to his unchosen social context and experience, meaning that he perhaps has limited awareness of their action's implications. The cumulative ability of men to dominate women in a misogynistic society relies upon the production and reproduction of such assumptions. This provides the source of power for the asymmetric positions between genders. Young's model cannot adequately get to grips with these features of a misogynistic structure, as while men may seek to do all they can do within their capacity to support women's emancipation, the injustice of these status harms is most likely unknown to the perpetrator. I will argue that a backwards-looking application of praise or blame, is crucial for its potential to reveal that the assumptions on which microaggressions may be based have a normative character. Doing so will be part of a process that undermines the capacity of the microaggressor to act.

Young finds that agents with greater power should be relied upon to discharge greater responsibilities. This however will not necessarily transform power relationships, and may even reaffirm them. An approach that does not undermine the power positions which establish structural injustice and domination provides an opportunity for strong agents to retain their power position. There is no requirement for transformation inherent in a responsibility to take all action we have the capacity to take to reduce our contributions to injustice. The genesis of this power must be examined and challenged. A goal then, when considering the nature of political responsibility, is that it must have a transformational character. This goal of transformation goes beyond the parameters of Young's capacity-based discharge model.

I turn now to a second limitation of the social connection model. This limitation relates to how the social connection model under motivates the take-up of responsibility. Addressing structural injustices or domination will require some form of collective action and social change. Young wants to achieve this, but doesn't put in place the steps to, as she does not require that we take on a backwards-looking responsibility such that blame may be attributed. For by blaming, agents are made aware that they are a part of the problem and are motivated to become a part of the solution. Before setting out more fully my argument for how blame is key to motivating an account, and why Young's account is undermotivated, let's consider first why it may be appealing to exclude blame and praise.

I have argued that agents connected within structures have duties to transform their power positions such that structural injustice and domination are undermined. Yet, it is also true that domination, and an agent's status as dominator, dominated, peripheral agent or bystander is one that agents in almost all cases do not have the capacity to choose. Agents may be born

into their structural position (for instance, in cases of racism or sexism). Agents may find themselves involved in a practice that forces them into such a position, for instance by relying on an unjust global garment industry. This relational analysis is typical of the republican paradigm, where the benevolent master dominates as a result of a structurally constituted source of power.³¹¹ An account of responsibility must be sensitive to this structural dimension; agents are connected to the status wrongs of domination that occur regardless of lack of agency. An account should also be relational (republicans being sensitive to asymmetries of power); one that is aware that agents' interactions are key to resolving the relative empowerment and disempowerment between them. These unchosen features seem to fall short of the conditions necessary to attribute blame or praise.

Young circumvents the problem of agents holding unchosen structural power by offering a purely forward-looking conception of political responsibility. Young favours an approach which encourages agents to take up their responsibilities in the future and she abandons seeking to hold agents responsible in a backward-looking sense for the past.³¹² For Young, guilt is inappropriate in many cases of structural injustice as she considers that such cases lack intention, malice or negligence. Guilt's function is to locate fault and to identify where either moral or legal blame is appropriate. This distinction gives rise to a well-known critique of the social connection model, first raised by Nussbaum. For the simple reason that time marches

³¹¹ e.g. Pettit, 1997, 73-74.

³¹² Young specifies that for a responsibility 'to be political, action must be public, and aimed at the possibility or goal of collective action to respond to and intervene in historic events'. While Young draws a distinction between moral and legal responsibility as backward-looking, and political responsibility as forward-looking, it is not conceptually necessary that political responsibility need not be legal or moral. The social connection model is political, but it does not follow that there is an inherent analytic distinction between moral and legal responsibility on the one hand and political responsibility on the other (Zheng, 2019,110).

on, it is difficult to maintain the retrospective and prospective portions of the conceptual distinction that guilt is only appropriate to past acts and responsibility to future acts.³¹³ If agents are not to be held accountable to fulfil their duties, which are to an extent discretionary in nature on Young's account, it is difficult to see how many will be motivated to take them up.

Young has argued that blame is a distinctively backward-looking phenomenon associated with moral and legal, but not political responsibility. For Young, the backwards-looking notion of blame is the distinguishing feature between moral and political responsibility. Against this, I defend that agents can be blameworthy both for failing to take up a moral and a political responsibility alike. Young's social connection model is based upon the claim that individual actors produce social structures, which refer to 'the accumulated outcomes of the actions of the masses of individuals enacting their own projects, often uncoordinated with many others'³¹⁴. While these actors may themselves act in such a way that is not intended to do any harm, the resulting structure may cause injustice. Given that many agents whose passive or non-intentionally malicious behaviour, which is consistent with an ordinary form of conduct within a society, contribute to structural injustice Young identifies that these agents are not

³¹³ Nussbaum highlights how:

'...at time t , agent A bears responsibility R for social ill S . Time passes, and she shirks her responsibility. What should we say next? I think it can't be right to say, well, looking back on it, she did nothing wrong at t , and we should now forget about t and focus exclusively on what lies ahead of her at $t + 1$. If we take that line, preserving the clean distinction between retrospective guilt (which we're not supposed to be assigning to participants in structural injustice) and prospective responsibility (which we are supposed to be assigning to them), well, then people get a free pass indefinitely, since no task they have failed to shoulder ever goes onto the debit or guilt side of their ledger, and the new task always lies ahead of them. By contrast, it seems to me that what we ought to say is that if A has responsibility R for social ill S , and she fails to take it up, then, when the relevant time passes, she is guilty of not having shouldered her responsibility' (Nussbaum, 2009, 141-142).

³¹⁴ Young, 2011, 63.

guilty ‘and should not be blamed’³¹⁵. Nonetheless, these are cases of ‘a political responsibility not taken up’.³¹⁶ The function of guilt in Young’s work is to locate fault or to single out for either moral or legal blame. Yet, Young finds that a distinctly forward-looking role responsibility attaches to agents in accordance with their various roles which make them connected to structural injustice.

Young specifies that for a responsibility ‘to be political, action must be public, and aimed at the possibility or goal of collective action to respond to and intervene in historic events’.³¹⁷

While Young draws a distinction between moral and legal responsibility as backward-looking, and political responsibility as forward-looking, it remains conceptually possible that a political responsibility may also be a legal or moral responsibility. The social connection model is political, but – as Robin Zheng has argued - it does not follow that there is an inherent analytic distinction between moral and legal responsibility on the one hand and political responsibility on the other.³¹⁸

Considering the distinction between the liability model of responsibility against which Young contrasts herself, and the social connection model, these can be characterised in terms other than backwards-looking and forwards-looking. The liability model is interactional, that is, involving actions directed at other individuals, while the social connection model is structural, that is, involving actions directed at wider social structures. It is this structural nature, I argue, that places the model within the domain of political responsibility.

³¹⁵ Young, 2011, 144.

³¹⁶ Young, 2011, 88.

³¹⁷ Young, 2011, 89.

³¹⁸ Zheng, 2019, 110.

The core concept which underlies both legal and moral responsibility is the notion of *personal responsibility*.³¹⁹ It is too quick to assert that there are no forward-looking legal or moral responsibilities. The law has a forward-looking feature in the form of deterrence. Similarly, parental responsibility is an example of an ongoing and moral responsibility. In considering this distinction, Maeve McKeown has argued that Young's social connection model can be divided into two concepts of moral responsibility:

‘relational moral responsibility (the appropriate conditions for praise and blame) and moral responsibility as virtue (being a morally responsible person). Relational moral responsibility is backward-looking, but moral responsibility as virtue is forward-looking. I suggest that political responsibility is a kind of moral responsibility as virtue.’³²⁰

I argue, against McKeown, that the characterisation of the appropriate conditions for praise and blame cannot be disentangled from the development of moral responsibility as virtue. By holding certain agents as responsible in a backward-looking sense, and exhorting others to become responsible for their role in injustice, we develop our sense of what is normatively appropriate. This ability to apply weight to normative reasons, I argue, is developed when agents exist in a normative environment such that they are sensitive not only to the reasons for action or inaction, but are able to assess those reasons using a certain type of sensitivity developed in a social environment. Our responsibility is a product and consequence of the background structures to our lives as well as targeted at redressing them. In the next section,

³¹⁹ Arendt, 2003, 27.

³²⁰ McKeown, 2018, 43.

drawing on moral theorists, I will explicate more fully how blame and praise can improve the uptake of responsibility. Briefly here, the development of our responsibility depends on our role in background structures. An agent's uptake of responsibility is influenced by background structures and practices of attributing blame and praise to those who are connected to said structures. Our ability to take up such responsibilities is contingent on our moral and social environment.

I have argued that the social connection model is insufficient to undermine structural power and fails to motivate the uptake of responsibility. A feature of this argument has been a consideration of the power of moral and social norms and environments in upholding structural injustice and domination. Before moving onto my account of political responsibility, I consider in more depth the implications of norms. In particular the challenges that normative standards are often unclear or opaque to many agents and also that where new norms initially emerge it will be difficult to attribute full responsibility for their uptake.

Moral and social environments are not static, and a theory of political responsibility must also account for the emergence and development of new normative standards. Let's imagine a scenario in which new gender norms are emerging. In this context, a non-binary identifying person (Sam) asks that their colleagues adopt non-gendered pronouns for them. They specify that mistakes may happen, but ask everyone to make effort to adopt their non-binary pronouns when addressing them at work. Some colleagues struggle to understand this, having not knowingly encountered non-binary persons before. We may imagine that some colleagues initially make some mistakes but make a concerted effort to change their language, others successfully adopt the new practice, and others fail to change in almost all instances. I take this

to be a case of structural domination given that non-binary persons represent a marginalised societal group and the harms of misgendering work to provide power to those who undermine their identity claim as well as more broadly to those who identify as male or female.

I take the misgendering to be a case of microaggression. Initially identified by the psychoanalyst Chester Pierce, microaggressions are those minor or subtle details of interactions between people that function as a particular kind of degradation or putdown while appearing innocuous and plausibly unintentional.³²¹ By their nature they are often slight, including behaviours such as particular turns of phrase, body language, comments, or tone of voice and are commonly difficult to detect. On Emily McTernan's account, they can plausibly appear as though the perpetrator did not intend it to have the effect of degrading or putting down the recipient. Typically, in paradigmatic cases, they occur in the context where the perpetrator belongs to a more dominant group than the victim³²².

In these circumstances, some of those who fail to refer to Sam with third person pronouns may do so precisely because they are unfamiliar with the emerging normative standard. They may not intentionally harm Sam and may be largely unaware of why the misgendering is harmful. As with many cases of microaggression, while the particular instance of misgendering may only be minorly harmful, it is disproportionately harmful due to its part in an oppressive pattern of similar insults³²³. The harm is therefore related directly to the structure and power balance underlying that structure, which the colleague who fails to remember to adopt third

³²¹ Pierce, 1974.

³²² McTernan, 2018, 264.

³²³ Rini, 2018.

person pronouns is to a large extent also constrained by (they do not yet have a framework in which to understand the emerging norm). Oppressive and dominating wrongdoing often occurs at the point of social practice, and these practices contribute to the structural nature of the harms. Comparably, where feminist norms emerge, a woman might experience conflicting reactions. She may on the one hand feel victimised and on the other hand be restrained from expressing or dully experiencing that victimisation due to the social invisibility of the offenses against her. These offences are invisible as they are the norm, and at the same time, the agents who perpetuate harms are in practice excused by the context in which they find themselves.

This is an example of an abnormal moral context, an idea elaborated by Calhoun. These arise at the frontiers of moral knowledge when a subgroup of society makes advances in moral knowledge and this happens as a pace quicker than the dissemination and assimilation of this knowledge by wider society. The result is that the rightness or wrongness of some courses of action are transparent only to the knowledge acquiring subgroup while opaque to others. As moral knowledge is not shared, the presumption that all agents are equally capable of self-legislation breaks down³²⁴. Abnormal moral contexts account for new, emerging norms. However, there are important further cases that track our normative development which are uncaptured by the term and which an account of political responsibility should seek to address. The process of dissemination, I argue, extends to instances where new norms are emerging but agents have not begun to attribute them with the moral or normative weight necessary to make the normative standard dominant enough to motivate action in contexts of structural injustice or domination.

³²⁴ Calhoun, 1989, 394.

For instance, consider cases such as supply chains connected to sweatshop labour. The wrongness of sweatshop labour is transparent to arguably almost all subgroups. There is widespread knowledge of this structural injustice. Yet, our understanding of the wrongness of buying cheap fashion continues to develop. It continues to develop in the sense that while agents have knowledge of the injustice, many do not attribute themselves or others with responsibility to refrain from the practice or to transform their status position within the structure. Agents have not attributed weight to the reasons which compel them to adopt these responsibilities. Our specific capacity to respond to this structural injustice is in a process of development (agents' particular responsibilities remain unclear and agents have not yet attributed weight to reasons to adopt those responsibilities).³²⁵ While we hold onto the notion that we are excused or exempted by the structural factors at play, that our actions are normatively flawed or morally wrong remains opaque. The challenge then, is whether agents could be held responsible in these contexts where the normative standard is opaque and - due to the framework of the pre-existing structure - where agents lack specific capacities to take up responsibilities as regards the harm they contribute towards.

I have argued that the goal of a theory of political responsibility is to identify a set of agents who have transformational responsibilities in cases of structural injustice and/or domination. The determination of who is responsible, together with practices of holding these agents responsible, should serve to undermine sources of power and to transform power

³²⁵ Pettit & McGeer claim that a specific capacity is, beyond merely a generic capacity, a developed capacity to act in the sense that agents have internalised that they have the ability and obligation to act or not act in a particular context (Pettit & McGeer, 2015, 168-169). I discuss this further in Section 3.

relationships. I have shown that abnormal and developing moral contexts and contexts in which agents have not applied weight to the reasons which would compel them to take up responsibility for structural injustice and domination are a particular challenge. These cases appear unresolved by the social connection model, given its reliance on only forward-looking responsibility which does not necessarily address the assumptions which belie these structures and could reify them.

There are three resulting challenges which this chapter now takes on. First, the challenge of undermining the sources of power and transforming power relations in structural cases. Second, the challenge of whether agents are fit to be attributed backwards-looking responsibilities in structural cases. Third, offering an account which motivates agents to take up their forward-looking responsibilities in such cases. These cases, I argue, occur in particularly challenging moral contexts. I will argue that blame and praise are key in reaching these goals and responding to these challenges as it will be key in moving agents to take up their responsibilities, in revealing normative standards and in undermining and transforming power relations. This requires investigating the role of blame and what function it has in our responsibility practices.

2: Blame: what is it and why use it?

While moral philosophers offer varying accounts of blame, the leading theories converge on the following elements: that blame is a response to an agent for a perceived violation of a moral norm, where the blamer takes that violated norm seriously. I set out here two key functions of blaming that enable it to fulfil this aim: signalling and scaffolding.

2.1: Blame as signalling

Shoemaker and Vargas argue that what unifies practices of blame (and the various reactive attitudes that involves) is a signalling function. This is an especially important part of blaming, Blaming can signal both how we expect others to act and to react, as well as our own commitment to such standards.³²⁶ Following these philosophers, I argue that blaming cannot be only a species of holding an agent accountable, as if it were, this would pose problems when we find ourselves blaming the dead or absent. Blaming typically is a costly exercise for the blamer. It often leads to no pay-off for the blamer, costing her in emotional energy, in time, and it is often to the detriment of relationships. Yet, agents engage in the practice in order to signal their commitment to a particular social group or community. Such groups are defined by wide-ranging, subtle and constantly evolving interpersonal and structural norms. There are social advantages to giving such indications, they may reveal to observers by blaming include those of personal character, values, practical identity and membership of a particular group. The demonstration of a commitment to a normative standard may also increase trust in the agent over time. Moreover, this practice can produce even more than these social signals. The practice can indicate and to some extent reveal the normative standards of the day reflexively (i.e. both to the agent undertaking the practice as well as to those subject to it or observing it). In this sense, it is a both backwards and forwards-looking notion which shapes our ability to recognise and respond to moral and normative reasons.

2.2: Blame as scaffolding

³²⁶ Shoemaker & Vargas, 2021.

In considering the function of blame, it is necessary to consider blame from the perspective of our social practices. This approach was adopted in Strawson's seminal 'Freedom and Resentment' where blame is placed at the centre of theorising about responsibility³²⁷. Strawson focuses his theory squarely on a subset of emotions, the 'reactive attitudes', which play a fundamental role in our practices of holding one another responsible. Strawson shows that such emotions, such as would be typical of our blaming or praising practices can attach to an agent without calling into question whether that agent has status as one with generic capacity to reason (as was the focus when the debate was purely between determinists and compatibilists). Strawson places theorising about responsibility in the realm of our social practices and focusses instead on whether the agent in question is one of whom better future behaviour can be demanded. This is a necessary criterion for the ascription of blame.

In Strawson's terms, responsibility does not only depend on the metaphysical issue of whether an agent is in control of their particular actions, but instead on the social fact of whether we consider an agent fit for 'reactive attitudes' such as resentment or indignation (to name an indicative few)³²⁸. Building upon this notion, theorists have come to propose that responsibility depends upon the 'reason-responsiveness' of an agent. In particular, Pettit and McGeer have put forward a version of reason-responsiveness that highlights the social nature of how responsibility practices develop. What matters then for ascriptions of responsibility then is not

³²⁷ The debate prior to this centred largely on whether causal determinism, or libertarian conceptions of free will were of merit. However, Strawson's aim was to find a route between incompatibilist accounts committed to a free will requirement on responsibility, and forward-looking compatibilist accounts that did not sufficiently acknowledge and account for the interpersonal significance of the affective component of our responsibility practices.

³²⁸ Strawson, 1962.

merely that there was a metaphysical possibility of action, but that an agent has the capacity to register reasons, and also to choose between options in response to those reasons such that an epistemic possibility exists³²⁹. If this were not the case, reactive attitudes would be inappropriate. Therefore, we must consider whether an agent made their choice for action in a context in which they were able to register the reasons for and against that choice. The context's bearing upon how the normative weight of reasons appears to agents will be relevant too. Blame then can also work to 'scaffold' responsibility by improving agents' sensitivity to reasons and making them more likely to take up action.³³⁰

I have so far set out two characteristics of the role of blame in our responsibility practices. First, that the reactive attitudes involved in our blaming activities are indicative of some violated norm (the signalling function). Second, that application of blame can indicate and lead to adoption of better behaviour that might be demanded on the agent(s) to whom it is applied (the scaffolding feature). These characteristics are key, I suggest, in how we resolve to respond to agents who have a political responsibility. Taken together, these characteristics result in an understanding of blame as is integral in the shaping of our moral and normative commitments, and moreover, our practical ability to respond to reasons.

In cases of structural injustice and domination, norms are often unclear or difficult to identify due to both concealing structural arrangements and the fact of emerging norms (conditions of normative opacity). Where structures are seen as the cause and fault of injustice, this conceals

³²⁹ Epistemic possibility exists if something is consistent with everything an agent already knows (Dennett, 2015, 161).

³³⁰ Scaffold is the term adopted by McGeer 2019.

the actions of agents that produce and reproduce said structures. By removing the role of blame from political responsibility, we have not only excused agents, but distorted our ideas regarding our power for collective change. It may be preferable to see ourselves as entirely subject to structures, and indeed at times due to the diffuse nature of certain structures it is difficult to identify our own moral or political responsibilities. For instance, when we purchase fast-fashion items, it may not be easy for us to understand the injustice that we participate in as regards sweatshop labour. While it may be preferable to view ourselves as unable to understand how we do or do not contribute to an injustice like sweatshop labour, I argue this perspective is a distortion. The origin of fast fashion is commonly known to be unjust. Blaming agents involved in the chain will help to make these opaque structures transparent. Blaming can both indicate a norm and build the motivation for agents to take up action to transform these structures. When we are responsible in a backward-looking sense, this involves making the violation of the norm publicly apparent and provides impetus for change. Backward-looking attributions of responsibility enable and motivate forward-looking responsibility.

3: Blame's role in abnormal and developing moral contexts

I have argued that an account of political responsibility ought to seek to transform power relations. Doing so will require revealing and undermining the sources of power which ground power relations. It is also crucial to motivate the uptake of transformative responsibilities, including in abnormal and developing moral contexts. I now turn to blame and praise's role in meeting this challenge.

The notion that agents would behave immorally in the absence of a social context of reactive attitudes is far from new. In 375BC Plato aired this thought through the voice of Glaucon,

who contended that under the conditions of the Ring of Gyges the Lydian, no person would behave according to the normative standards of their society, but would instead respond purely to self-interest.³³¹ To demonstrate the role of blame in developing our internal normative standards and our capacity to respond to such standards, let's consider an example of a collective injustice.

We are now aware of how our actions are contributing to climate injustice. Yet, a significant number of us are not actively changing our behaviour to the greatest extent compatible with our capacities to reduce emissions. In particular, perhaps we know that meat production and use of animal products are causing great emissions globally, yet we find ourselves not becoming vegan. On Young's account, we are failing in our forward-looking responsibility. Each of us, it seems, has a capacity to become vegan (and incidentally it appears there are few excusing reasons which hold up to the standards of the social connection model for most of us in rich Western nations where food is plentiful). This would be a generic capacity, in the sense that we have the bare capabilities necessary to take action if we are so inclined and/or motivated to do so. However, perhaps the suggestion of becoming vegan is not a readily exercisable capacity. It could be merely a speculation about future possibility, in the same way that we may speculate as to the future possibility of rain showers, as opposed to a claim about a particular agent's true present capacity to become vegan given their personal disposition and circumstances. The difference being that in the former case, we do not have the capacity to bring about this situation (to make it rain) and in the latter we would have such a capacity to take up a responsibility. To assess whether this claim has merit, we must consider the

³³¹ Plato, 2004.

conditions necessary to be reason-responsive. Pettit and McGeer have put forward a version of reason-responsiveness that highlights the social nature of capacity. They state that:

“...your being disposed to appreciate and act on relevant considerations in various choices—your having the generic and often specific capacity to respond to relevant reasons—is not just the result of your own perception and appreciation of the factors that weigh for and against certain options. It is bound to be due in good part to your having heeded the judgment and advice of others, and benefitted from their encouragement. In developing a reason-responsive capacity, you learned from exchanges with others, in particular others who were ready to reason with you, to draw attention to purportedly relevant factors, to listen to your reactions to their observations, to look for a common point of view from which to reconcile differences, and so on.”³³²

This suggests that a specific capacity to respond to reasons itself depends upon the ‘ecology’ of our normative environment. Young argues that in response to structural injustice, we must use our capacities to change background conditions. Yet, in light of the conception of blame I have introduced and its role in developing and shaping our ability to respond to normative reasons, there is a missing element in Young’s analysis. If agents are to be in a position to act upon their capacities to change background structures, the conditions through which a generic capacity becomes a specific capacity must be accounted for and this, I argue, involves practices of blaming and praising.

³³² Pettit & McGeer, 2015, 168-169.

At one time, most people would have felt that to become vegan was an incredibly radical behaviour. However, over time, as more and more of our contemporaries may have adopted such practices, we no longer interpret their behaviour as exceptional and consider with more feasibility whether we ought to adopt such behaviours for ourselves. The benefits of veganism initially were being understood in an abnormal moral context. Only certain subgroups being aware of the injustice of global meat consumption. In some locations, it could now be that veganism's advocates are in a developing moral context; where the benefits are known yet many have not taken up the practice. The social structure we are in, not merely our individual wherewithal (or access to information, or to plant-based foods), develops our sensitivity to particular motivations for action and shapes our proclivity to respond to particular reasons. With change to our social environment, we are more likely to reduce our consumption of animal products (whether to the level of veganism or not). That is to say, agents are only able to select particular reasons within the context of and guided by their social environment. Commonly accepted standards and behaviours have a significant bearing on what reasons agents choose.³³³ Blame and praise are key features of this environmental development and therefore of improving the uptake of responsibility in abnormal and developing moral contexts.

The driving idea is that our responsiveness to reasons is not wholly based upon our existing sensitivities to rational and normative reasons, or our disposition in the absence of excusing conditions. It is also based upon sensitivity to others, in the role of actual or prospective

³³³ Of course, there are agents who behave in morally exceptional and morally insufficient ways and so a favourable normative environment is not all that is required to regulate agential choice and behaviour. I return in Section 3 to how reactive attitudes may be attributed to such agents.

audience. In particular, to the opinion that they are likely to form about us, in light of the way we act and think. The social recognition of veganism as morally exceptional may be a first step in wider adoption of the moral standard. Over time, these reactions will change and uptake of the commitment will improve. As more agents become vegan the costs associated with doing so decrease as does the impression of the action as heroic. Blame for non-compliance will increase and agents will attribute higher weight to the particular reasons that support veganism. This does not, however, entail that agents are entirely self-interested. While social infrastructures can develop and support normative convictions in agents, it is also true that agents will internalise these for themselves and hold them as personal convictions. For instance, in the way that children are brought up to respect honesty, they will likely become adults who themselves value honesty. The upshot then, is that an agent's responsiveness to reasons in a given choice, the specific capacity to respond to a particular reason, is a function of 'the standing sensitivity to reasons that you bring to that choice and the situational strengthening of that sensitivity under the impact of your sensitivity to an authorized audience'.³³⁴

This account highlights the role of social environments, and their developing nature. Consider what it means for one agent to state to another that they have a responsibility. 'You ought to be vegan'. This statement itself implies both that there is a responsibility conceived of as duty and that the agent is fit to be held responsible for their compliance or non-compliance. The statement carries a developmental assumption.³³⁵ This exhortation will bear directly upon our reason-responsiveness. It will be part of a process which enables agents to attribute weight to

³³⁴ Pettit & McGeer, 2015, 175.

³³⁵ Ibid, 168.

normative reasons and to take up their political responsibilities. Agents will become more sensitive to these normative reasons the more they are subject to reactive attitudes based upon their commitments to them.

Blame, as I have presented it, has two key roles relevant to the context of structural injustice and domination. It has a functional role in signalling normative standards and commitments to them, and a role in building our sensitivity to reasons and therefore can create conditions under which agents are more likely to reform their behaviours. These behaviours are part of the suite of sources of power that enable structural domination and injustice. Undermining these will have a transformative effect on agent's power positions by undermining the assumptions and practices which facilitate (for instance) climate injustice. Blame and praise have a particular role in emerging and developing moral contexts given their ability to undermine sources of dominating power, and in its ability to make cases of opaque structural injustice and domination transparent.

In considering praise and blame, I have suggested already that our practices will change over time as new norms emerge. It is useful to be more precise on how these practices may develop, and to also focus upon the role of praise which is also key in developing our normative commitments. Let's consider a case that highlights how the practice of blaming and praising may change as norms emerge and develop. Returning to the earlier case of Sam, who has asked their colleagues to use third person pronouns, what is the appropriate use of praise and blame among these colleagues?

Firstly, let's consider the role of praise for those who successfully adopt the practice. If these agents are praised at the outset, this may have the effect of scaffolding the ability of others to recognise the normative reasons which should apply to their own practices. However, if such agents continue to be praised over time, a different impact emerges. These agents become viewed as morally and normatively exceptional for their behaviour. The practice does not appear to be a norm when active praising reactions are elicited at those who adopt it. This creates instead an image of the practice as superogatory. It seems then, that praise can also signal a moral or normative standard and in the same way so can absence of praise. Conversely, an appropriate response to colleagues both who infrequently and who frequently fail to adopt their colleague's affirming pronouns is blame. Not only does this signal appropriately the norm in question, but also reflects agents' responsibility to adopt it.

I referred earlier to our generic capacity to respond to reasons as depending upon the 'ecology' of our normative environment. Praise will be an element of creating this environment. Recognising the morally or normatively exceptional through praise ought only happen when such agents genuinely are exceptional in this sense. Indeed, there is a role for such practices in seeking to develop agents' ability to respond to structural injustice or domination. For instance, Greta Thunberg's morally exceptional actions in combatting climate change go beyond taking up her political responsibility towards the structure given the extent of her activism and the influence she has created and harnessed. In praising Thunberg, we recognise she is exceptional, and this can be a motivational force behind normative development. This suggests that over time as normative standards develop and become more embedded, conditions of praise and blame adapt. Praise decreases for adoption of the norm, and blame increases for non-adoption. In Sam's case, we see that the attribution of praise and blame operates to reveal the emerging

normative standard, and at the same time improve up-take of that standard. The norm of not recognising non-binary persons as such begins to lose its force through the attribution of praise and blame as do those agents who do not recognise non-binary persons. In this sense, praise and blame can have a transformational effect on power relationships in the context of structural injustice.

An interesting feature of praising is that, unlike blaming, in many instances it is a low-cost form of signalling. Shoemaker and Vargas have argued that we absorb the costs of blaming (including negative emotions, strained social relationships, time and energy) in order to signal commitment to norms which benefit the blamer as a demonstrable member of a group which operates under a normative framework³³⁶. In the case of praising, it could be that undue praise will undermine such a commitment to relevant norms. However, praise appropriately levied (in particular as norms are emerging) can help to entrench the norms. What then of cases, such as sweatshop labour, where the normative standard is known however agents are failing to attribute sufficient weight to this standard? Praise in this case, for say purchasing second hand clothes, seems inappropriate. It seems praise would give them impression of morally exceptional behaviour. A shift from praise for adoption to blame for non-adoption in such scenarios may be a necessary feature in motivating take-up of responsibilities. Praise is an important and useful tool, much like blame. It is often less costly to employ, but perhaps too often used in lieu of its counterpart. Praise, wrongly used, can reproduce the structure of injustice or domination which purports to excuse agents from taking up their political responsibilities.

³³⁶ Shoemaker and Vargas, 2021.

Given the comparatively lower costs of praise, it is clear that many agents prefer to employ this in lieu of blame. Further, such agents claim that structural factors are not traceable to any one agent's action and therefore it is inappropriate to blame agents acting in accordance with them. How background conditions themselves constrain our ability to deliberate between reasons therefore must also be considered. I have claimed that these conditions can operate such that our capacity to act according to normative standards is not developed. Indeed, some maintain this is an exempting or excusing factor for blame. However, where unjust background conditions are maintained without sufficient challenge and without condemnation of those participating in them, our specific reason-responsiveness (i.e. to particular reasons) will not be developed through practices of blaming and praising and problematic norms will persist. The structural environment in which an agent finds themselves is the condition in which that agent will develop her ability to choose between normative options. That is to say, the weight those options are attributed with by the agent is a function of the environment in which they find themselves and is influenced by the operation of reactive attitudes within it. The structural environment is often considered as an excuse for blame. I argue, rather, it is better seen as the frame from which we produce and reproduce our commitments regarding normative standards and that politically agents ought to engage reactively with the practices, behaviours and assumptions which create the structure. Where agents are a part of the production and reproduction of that very structure, they ought to be held responsible, including through practices of blame.

Excusing the behaviour of contributory agents may actually contribute to the structure of injustice or domination. The removal of blame from this context gives a sanctioning force to

the behaviours that cumulatively result in the unjust or unjust and dominating structure. Whereas, making normative standards transparent and enabling agents to take them up will require expressing these standards through blaming and praising. These practices can affirm normative standards to the blamer, blamee and to observers. Blame and praise then can begin to erode structures of injustice and domination by both identifying problematic norms and motivating agents to take up responsibility for their role in producing and reproducing said norms, ultimately aiming at the transformation of the norm and/or structure. Such norms are a source of power which enable relationships of domination.

4: Are agents exempted or excused?

I have so far argued that blame is instrumentally valuable in revealing normative standards and improving uptake of those standards. However, an important objection remains to be addressed: are agents fit to be held responsible in these structural cases? Put another way, it may at this point appear that my account is instrumental. Indeed, many theorists strongly object to the use of instrumental blame, which they object would appear positively disrespectful or manipulative.³³⁷ I will argue that my account is not purely instrumental by demonstrating that agents in the structural cases at hand do indeed have a backwards-looking connection to responsibility and are appropriate candidates for blame. There are two reasons that agents may justifiably not attract blame for their responsibilities: either by being *exempt* from blame or by being *excused* from blame. I will hold that agents connected within structures of domination or injustice are not exempt from blame, and therefore justifiably are the sorts

³³⁷ McGeer 2013 calls this the ‘anti-regulation’ concern.

of agents who could attract non-instrumental blame. I will go on to specify where agents will or will not have excuses that make blame inappropriate.

Young maintains that backwards-looking attributions of blame are inappropriate in cases of structural injustice. I intend to show that the basis upon which Young asserts this is defeasible. In particular, agents may have an *excuse* not to exercise their political responsibility, but do not have an *exemption* from backwards-looking responsibility on Young's account. Aside from practical considerations, Young finds that there are three reasons why individuals who, although connected to structural injustice, are not guilty and should not attract backward-looking responsibility or blame. First, they do not intend to cause structural injustices. Second, they act within accepted rules and norms in the course of their participation in these structures. Third, they are constrained by the system in which they are acting.³³⁸ Due to these conditions, no backwards-looking responsibility arises for these agents on Young's account. I will contend that these three criteria each may present an *excuse* for responsibility, but do not preclude responsibility from arising in the first place. That is to say: agents are not *exempt* from responsibility on Young's account.

An agent can be exempt from moral responsibility if they do not have the capacity in general to be responsible. For Strawsonian theorists, an exempted agent would not be considered as a moral agent in the relevant sense. Contrastingly, an agent can be excused from responsibility if they lacked knowledge or physical capacity, or their normal deliberative processes were interfered with, at the particular time of acting; in these cases the agent does not act voluntarily.

³³⁸ Young, 2011, 170.

To determine whether Young's three reasons why socially connected agents who place a role in structural injustice and domination are not blameworthy are exemptions or excuses, let's consider each reason presented in turn. I will argue none of these reasons manifests an exemption for agents socially connected to structural domination or injustice. I then argue that while some agents will be excused, this is a smaller set than Young identifies.

Young's first reason is that agents lack intention. It is true that (most) agents involved in structural injustice do not intend the outcomes of their collective behaviour. Nonetheless, it is not clear why lack of intention should exempt grounding a backward-looking responsibility (even if that responsibility is later excused). Indeed, I argue that an account of why social connection grounds a responsibility is relevant only to the extent that social connection explains why an agent may attract backwards-looking responsibility. Social connection has no necessary bearing on forward-looking responsibility. Social connection is only relevant so as to establish that there is a link to a past action that has led to a present wrong. Intention may or may not be a feature of that social connection, but this does not bear on whether backwards-looking responsibility is grounded (again, even if that responsibility may later be excused).

Consider a case in which two trained medics (Anne and Betty) are riding motorbikes down a tight alley. Anne hits a pedestrian causing them severe injuries requiring immediate attention. It seems implausible to think that Betty, who is only a bystander, has no obligation to offer medical assistance. Anne may have been causally involved, but this bears little on whether Betty might also have a responsibility to assist in a forward-looking manner. Anne likely has greater responsibility. Anne's extra responsibility to aid the injured pedestrian arises due to her causal role. It can only be explained in a backwards-looking sense. On Young's account, those

connected to injustice have forward-looking responsibilities. Young introduces a social connection condition and if this is to be maintained, as meaning extra responsibilities apply to those socially connected to the structure, then backwards-looking responsibility must be a feature of the determination of who has responsibility in a forwards-looking way.

The connection then between the role responsibility of Betty as a bystander in a forward-looking sense to aid is not connected to the causation of the injustice, and therefore is not captured by the basis of the social connection model. Betty would be exempt from responsibility in a backwards-looking sense – she lacks social connection - and may choose to take action only based on her capacity to act. Given her causal role, Anne is not exempted from responsibility (although she may later be excused, say in the case that the pedestrian ran out into the road and was unavoidable). This insight can be applied to a more structural case. Returning to the example of agents who choose not to become vegans, such agents not only contribute to the meat production connected with injustice but also lend power to the norm that meat eating is an acceptable practice. A peripheral agent is understood as one who, in their everyday interactions, act on or implicitly accept relevant norms and practices. In this case, the meat-eating population could be considered as such. They provide support to the power structure. They are connected to the injustice and have a power role to be transformed. They become comparable to Anne – their contribution may be less direct, but it is identifiable nonetheless. A person who has a role in the production and reproduction of a structural injustice or of structural domination, even if the effect is unintended, is not exempted from attributions of responsibility.

Turning to the second reason, it is not clear why, just because contributions to injustice may be small or remote and are within normally accepted patterns of action as well as also perhaps not traceable to any particular harm or outcome, agents are not candidates for backwards-looking responsibility. Young asks that we base the grounding of our responsibility on our social connection to injustice.³³⁹ Yet, she finds that given that many actions will not themselves be independently unjust, we can be excused from backward-looking responsibility. This approach does not sufficiently regard the power dynamics that belie structural domination and injustice.

Consider again the case of microaggressions against Sam. The normative issue at stake in cases of microaggression is that no individual microaggression itself is necessarily harmful. Microaggressions are harmful precisely because of their systematic nature; microaggressions represent a normatively problematic power structure. While perhaps minor, it is true nonetheless that these microaggressions each contribute to the power dynamic. Microaggressions produce and reproduce the power structure. Microaggressions are individually innocuous, however they do not only appear individually and the agents who repeat them hold a relevant structural position. For Young, this position may be considered as social connection. However, more importantly perhaps, agents also hold a power position in a structure. Agents occupy a power position, and through collective speech may produce and reproduce a power dynamic to which other agents are subject. Ideas may be perpetuated by peripheral agents, who do not enjoy the benefit of the power relationship they produce and reproduce, however peripheral agents do take part in the production and reproduction of

³³⁹ Young, 2011, 89.

power structures. The action of peripheral agents is not morally innocuous when seen in this context.

It is true that in many cases, an agent cannot know precisely their contribution to harm, nor distinguish it from the harm caused by others. In considering whether a lack of traceability to a discrete harm bears upon backwards-looking responsibility, and concurrently then on blame, Sangiovanni puts forward a convincing case for why such responsibility can attach. Sangiovanni argues, contra Young, that it does not matter:

if any particular aspect of the [gendered] structure is “traceable” to the causal contributions of specific individuals. As long as individuals make a causal contribution to sustaining the unjust structure, the fact that it is difficult to determine which particular aspect of the structure or its resultant injustice is sustained by their individual contribution does not, merely as a result of that fact, mitigate their wrongdoing³⁴⁰.

Following Sangiovanni, the fact that a contribution is tiny, unintended, untraceable, and ‘everyday’ is not enough on its own either to exculpate or to eliminate responsibility. An agent’s degree of responsibility may be reduced on the basis that this truth forms an excuse, however minor contribution itself extinguish liability or blameworthiness – i.e. an agent is not exempt from responsibility.

Young’s third reason for excluding blameworthiness (that agents are structurally constrained in acting) is self-evidently not an exemption from responsibility. Structural constraints are relevant only to the extent that they prevent an agent taking up a responsibility that they

³⁴⁰ Sangiovanni, 2018, 477-478.

otherwise would have had. Agents then are not exempt from attributions of backwards-looking responsibility based on having individually morally innocuous consequences, making only minor contributions to injustice, nor from structural constraints that hinder agents' capacity to act.

I turn now to the question of whether agents are *excused* from their responsibility to act in structural cases. I again consider the three reasons noted by Young. First, the lack of intention to cause structural injustice or domination. Young does not focus on cases where we are unaware of injustice, she exhorts agents to acknowledge their connection and contribution to injustice, rather than suggesting agents do not know of it. Young seeks to develop agents' capacity to respond to injustice by highlighting social connection to injustice. Yet, in light of the developmental properties set out earlier, it seems she could do so more effectively if she advocated such exhortations through practices of blame and praise. Moreover, in many real cases of structural injustice, while it may be that we do not see the precise impact of our behaviour as in the case of pollution and climate change, it has been contended many times that 'drivers can come to be aware of the damage done by a way of life that ignores atmospheric effects' and thus become individually accountable for 'the unintended consequences of what they do together'.³⁴¹ The fact that agents' contributions may be minor or untraceable in the outcome of climate change is not to say there is a total lack of epistemic capacity. There is merely a deficit in knowledge of precise contributions to harm. Agents then are not excused by the mere fact of having only a minor contribution. Crucially, agents are not individually backwardly responsible for the injustice of, say, climate change. Agents may be minorly

³⁴¹ Kutz, 2000, 189.

responsible, in a backwards looking way, for their unknown contributions. Blame is not purely instrumental where agents operate in emerging moral contexts (i.e. where they have knowledge of their participation in an injustice but, like others, have failed to act).

Young's third reason for not attributing backwards responsibility – that agents may be constrained by the system in which they operate - is again an example of an excuse. Wallace has categorised four classes of excuse from moral responsibility, the fourth of which – most relevant to cases of structural injustice – is coercion, necessity and duress. More precisely, structural cases appear comparable to the excuses from necessity and duress: whereby we consider that society is organised so that there is no option but to participate.³⁴² This excuse may be valid for a number of agents – but certainly not all. Some agents will be prohibited from acting due to structural constraints – such as workers on the sweatshop floor, with little alternative. I suggest that this set of constrained agents is far more restricted than in Young's account. For instance, consumers do have the capacity to refrain from purchasing fast fashion and to publicly object. I suggest that blaming agents who fail to do so is crucial in more widely developing that capacity from a generic to a specific one.

It seems then, that Young's claims as to why no backwards-looking responsibility might be grounded in cases of structural injustice are defeasible (no exemption is grounded on the basis of her social connection model) yet a claim remains that some agents may be excused from backwards-looking responsibility and blame. Young's account does not exempt agents from responsibility, but could excuse agents from failure to act. There will be some agents within

³⁴² Wallace, 1994, 135.

the structure to whom excuses are not available. I have shown that excuses based upon the remoteness and minor nature of contributions to structural injustice do not exempt blameworthiness in the context of political responsibility.

To indicate the type of agents who may be fit for attributions of backwards-looking responsibility and blame, we can imagine an agent who was aware and therefore negligent as regards their responsibilities towards structural injustice, and who had the power not to act within the rules and norms of the structure and was not constrained by the structure itself to the extent that no transformative action could be taken. For instance, the large oil producer who could reasonably have changed their policies or practices in order to reduce emissions. Equally, the diesel car owner with the resources to move to cycling, public transport or an electric vehicle. If no blame is attributed to these agents, it is far more compelling for each of them to consider themselves not responsible for the effects of their emissions. The problem of climate change appears too remote from their actions. However, if these agents are seen as having and having had a role in producing this outcome, for which they are blameworthy, their sensitivity to the reasons to change their actions will be increased. Seeing the role of particular agents and removing the metaphysically strained idea that structures themselves are to blame gets us closer to what in reality will be necessary to resolve these collective action problems: collective agential action.

Having shown that agents are not exempted from blame in cases of structural injustice or domination, and that few are excused by remoteness or by minor contributions to harm – perhaps only those genuinely constrained or coerced – there is a far broader set of agents to

whom blame might apply. I have argued for the blameworthiness of agents whose actions lend support to structural sources of power that lead to injustice and/or domination.

5: Conclusion

This chapter has sought to rescue the role of backwards-looking political responsibility, in particular in the form of blame and praise. Blame, in political contexts, is attributable precisely for failing in a structural responsibility and not for any particular interpersonal responsibility that may be excused by factors such as remoteness or minor contribution. That is to say, we each have political responsibilities which are not defined solely in terms of a particular outcome of harm to another agent, from which we may be very remote or contribute to only in a minor way. There is no remoteness between us and the way that our actions or inactions lend power to structural phenomena such as problematic social norms. These norms provide an important source of power for structural domination, which I have argued is not addressed by the social connection model. Structural domination is addressed by a transformation of power relationships, which is in turn achievable through backwards-looking attributions of responsibility. This also has positive effects for improving the uptake of forwards-looking responsibilities. This understanding of political responsibility, I have argued, will better enable agents to respond to abnormal moral contexts and contexts where norms have emerged but are not being taken up with sufficient weight by agents.

I now turn to a further investigation of the way in which practices of responsibility interact with the production, reproduction and conversely the disruption and transformation of structural domination. In the following chapter, I take up the question of how practices of praise fit into this picture, beginning with an investigation into oppressive praise.

Chapter 7: A Taxonomy of Oppressive Praise

Theories of moral responsibility have often neglected an exploration of the role of praise. It has frequently been considered as simply an opposite to blame, or rather as its positive correlative. Philosophers have too often assumed that praise does not require justification in the way that blame might, as it is ostensibly a non-harmful and non-punitive practice. Wallace has gone so far as to assert that praise doesn't have a central defining feature in our responsibility practices³⁴³. Against this prevailing view, I shall argue that praise does require justification. The recent accounts of Michelle Ciburria and Jules Holroyd have indicated how practices of responsibility are not insulated from social and political dynamics³⁴⁴. Praise that is levied in line with oppressive norms and expectations can reinforce or entrench oppression. This paper builds on existing accounts by arguing that oppressive praise aligns with oppressive expectations and by specifying a taxonomy of oppressive praise.

This paper proceeds as follows. Section 1 sets out praise's role in practices of responsibility and argues that praise requires special justification. Section 2 sets out a taxonomy of oppressive praise, finding it to either over or under recognise an agent's deservingness of praise by aligning with oppressive norms. In Section 3, I consider instances of disingenuous praising and consider whether issues of standing arise with relation to praise.

³⁴³ Wallace, 1994, 61.

³⁴⁴ Ciburria, 2020 and Holroyd, 2021, 19.

1: Praise's role in our responsibility practices

Philosophers offer varying accounts of two of the key social practices which hold agents socially, politically and morally responsible: praise and blame. Both practices have an important role in signalling normative and moral standards – in praising someone, agents acknowledge that they have acted in a morally or normatively desirable way. Ordinarily, praise is not levied where an agent is merely fulfilling a normative or moral duty. Praise is usually levied for particularly desirable behaviour which exceeds expectations. The inverse applies in the case of blame. A praiser or blamer will be expressing their commitment to the standards which underlie their assessment. Shoemaker & Vargas have explored this signalling function in relation to blame. They argue that blaming signals a commitment to a social group and that group's constitutive norms. This commitment is said to explain in part why blame is levied even in costly contexts for the blamer.³⁴⁵ I argue this extends to practices of praise.

One reason that praise has been comparatively under-theorised is that the promise of praise has eclipsed its potential pitfalls. Praise can signal a moral or normative standard and, given that it is often desired, can motivate agents to act in accordance with that standard. Moreover, praise is often considered less costly to levy than blame. While levying praise does cost something in emotional time and energy, it is in many instances less damaging than blame to agents' emotions and relationships. Like blame, praise can carry social risks of exclusion; praise for emerging 'woke' norms may lose an agent favour with a more conservative crowd, for instance. However, an agent may feel there are fewer social risks associated with praising their housemate for dutifully taking out the bins compared with blaming her for the previous

³⁴⁵ Shoemaker & Vargas, 2021.

neglectful weeks of allowing rubbish to build-up. Praising children, for morally right things, instils in them a sense of what is morally right and develops their virtues. Similarly, we show our friends, loved ones, and colleagues that we recognise their virtues by praising them. This helps social cohesion and reinforces our commitments to uphold group values. Praise is an attractive and, in many instances, a morally appropriate practice. It would even stifle our sensibilities to completely withhold our praising practices, which are often generated unthinkingly.

Praise then does not only indicate a backwards-looking assessment of responsibility. The practice can indicate and to some extent reveal the normative standards of the day reflexively (i.e. both to the agent undertaking the practice as well as to those subject to it and those observing it). In this sense, it is a both backwards and forwards-looking notion which shapes our ability to recognise and respond to moral and normative reasons. Praise, like blame, can also work to ‘scaffold’ responsibility by improving agents’ sensitivity to reasons and making them more likely to take up action. In the terms of Pettit and McGeer’s when describing blame, I argue praise too will be part of transitioning agents from a generic capacity to act to a specific capacity to act.³⁴⁶ That is, it will assist agents in identifying the relevant moral or normative standards and scaffold their likelihood of adopting those standards. The practice of praising then is a key site of enquiry if when considering a social group’s moral or normative standards (from here on, ‘moral ecology’).

³⁴⁶ Pettit & McGeer, 2015, 168-169.

Praise then is key in holding others responsible, and in identifying moral and normative standards amongst a social group. At the same time, praise is used to affirm those standards, even in conditions where they are newly being identified. Since Peter Strawson's 'Freedom and Resentment', philosophers offering accounts of moral responsibility have sought to delineate the normative conditions that need to be satisfied for someone to be held responsible in a justified way³⁴⁷. Put otherwise, the focus is on when it is appropriate for agents to be subject to the reactive attitudes associated with praise or blame. For Strawsonians, responsibility is a matter not of metaphysics, but of our social and normative functioning. It is a socially embedded practice. Our social practices (including of responsibility), given their nature, are not insulated from social and political dynamics.³⁴⁸ Praise then may be levied in accordance with social and political standards that fail to track ideal moral or normatively desirable goals.

Given the emphasis on the reactive attitudes of agents who themselves produce and reproduce the structural context in which they act, such practices are at risk of entrenching and reinforcing oppressive norms. Where agents hold each other responsible in accordance with moral or social norms, there is a risk that judgements will be in line with oppressive but widely held norms. Similarly, our social practices – including practices of responsibility - will be affected by background oppressive structures, and this could lead agents to (implicitly or explicitly) judge others by standards in line with oppressive expectations, assuming – for instance – that certain groups are more or less blameworthy or praiseworthy given their social

³⁴⁷ Strawson, 1974.

³⁴⁸ Ciorria, 2020 and Holroyd 2021 identify this critique. I do not claim that non-practice dependent theories of responsibility would enjoy insulation from social and political dynamics. I focus however on the practices as I seek to offer an account of how praise can be reformed to better achieve emancipatory goals.

position. This carries the risk of signalling and scaffolding oppressive norms, which in turn will reinforce and reproduce structures of oppression.

2: Oppressive praise

Oppressive praise will track and enforce oppressive norms. I will argue that oppressive praise can be categorised into that which misrecognises an agent as either 1) less deserving of praise ('under recognition'), or 2) more deserving of praise ('over recognition') than would be consistent with non-oppressive norms. Drawing on Ciurria and Holroyd's important initial work, I offer a series of cases to illustrate each type so as to specify a taxonomy.

I begin with cases of under recognition. In these cases, praise is linked to expectations aligned with oppressive norms. As a result, praise is applied or is absent in a way that suggests an agent has less ability than is the case. I offer two illustrative cases: 1) 'ableist praise' and 2) 'missing praise'.

Case 1: Ableist praise

Stella Young in her TedTalk entitled 'I'm not your inspiration thank you very much' describes her younger self as being an average student with no notable extra-curricular interests.³⁴⁹ One day, someone approached Young's parents to tell them that Young was 'an inspiration' and proposed she should be nominated for a 'Community Achievement Award'. Young and her parents were confused, as they could not attach this praise to any particular achievement.

³⁴⁹ <https://www.youtube.com/watch?v=8K9Gg164Bsw> Stella Young, TedTalk: 'I'm not your inspiration, thank you very much'.

Young has a physical disability. This fact bore little on her ability to go to school and participate in social life. Young deduced from this praise that this person had an expectation that, owing to her disability, Young was less educationally and/or socially capable than her able-bodied peers. Why, otherwise, would she be praised for achievement comparable to her peers? This praise under ascribed Young with the relevant type of capacity for educational and social achievement.

Case 2: Missing praise

Missing praise occurs where a double standard is in place. Or, rather, where an agent belonging to a privileged group is recognised for work that an agent from a disadvantaged group would not be equally recognised for. Recent empirical research in social science carried out by Doerer, Webster Jr and Slattery Walker found that double standards occur in hiring as a consequence of status differentiation based on gender and on race.³⁵⁰ In their study, participants ranked men and women as well as Black and White candidates on the basis of their competence and suitability for fictitious professional roles. They found ‘good evidence for activation of a double standards process in choices, competence, and suitability ratings’.³⁵¹

In this case, there is an under recognition of the competence and suitability of women and Black candidates. Their qualifications and experience are seen as unpraiseworthy by comparison to similar attributes in socially privileged agents. Assuming that the professional attributes on which the supposed applicants were judged are of merit, there is missing praise

³⁵⁰ S.C. Doerer et al, 2017.

³⁵¹ Ibid., 36.

and a double standard in place which reinforces the oppressive expectation that women and Black candidates are less competent and professionally suitable.

I now turn to cases where there is an over recognition. In these cases, praise is given in scenarios which imply greater merit than is in fact deserved. This reflects an oppressive expectation whereby agents with the duty to act in line with emancipatory goals are not recognised as such, and are seen instead as acting superogatorily or in ways that otherwise exceed normative and moral expectations. I offer here two illustrative cases: 1) ‘respecting pronouns’ and 2) ‘the millionaire donor’.

Case 3: Respecting pronouns

Sam, a non-binary person, asks colleagues to adopt they/them pronouns when referring to them. Some colleagues struggle with this task, having until now never knowingly encountered a non-binary person and have a habit of using binary pronouns. However, the colleagues who adopt the pronouns are praised by Sam and others. This high praise continues over time. This is an over recognition; the high praise appears to signal that adopters of the pronouns are exceeding morally and normatively relevant expectations. Non-binary persons represent a marginalised societal group and the harms of misgendering work to empower those who undermine their identity claim as well as more broadly to those who identify as male or female. Similarly, praise which erroneously signals that adoption of avowed pronouns is supererogatory is oppressive.

Case 4: The millionaire donor

Ciurria takes on the case of a millionaire donor in her book, 'An Intersectional Feminist Theory of Responsibility', citing an essay which critiques how blame and praise function to reinforce systems of economic power and domination.³⁵² In this essay, Johnson offers the recent example of the praise given to Francois-Henri Pinault. Pinault is a businessman who pledged 100 million euros to the reconstruction efforts of Notre-Dame Cathedral following the fire which damaged it in 2019. Johnson notes that this donation amounts to 0.3% of Pinault's overall wealth and would correlate to a donation of €840 from the average French household. Johnson goes on to argue that not only is Pinault receiving praise that would not be mirrored for a French household that made an €840 donation, but also that this reflects an ideology of problematic meritocracy. Johnson attributes this praise to the notion that rich people deserve their wealth and cannot be blamed for spending it as they wish, which sits in contrast to the account of economic oppression he sets out. Johnson argues that the praise serves to undermine the notion that rich people have benefitted from societal forms of economic oppression and erodes the notion that there are redistributive or structurally transformative moral obligations on rich people, such as would be in line with emancipatory goals. If this line of reasoning is accepted, we can see here an over recognition. Pinault is receiving praise for action that, if considered by the normative standards of emancipatory goals, does not exceed expectations. The oppressive expectation that rich people do not have obligations to society and deserve their wealth in spite of unequal or unjust economic arrangements is reinforced by this praise.

³⁵² Ciurria, 2020, 180-181 considers this essay by Johnson, 2019.

3: Disingenuous praise

There is a further way in which praise can over or under recognise an agent, as yet unexplored in the literature. This will be where the praise is disingenuous. Disingenuous praise appears to be harmful in two scenarios, 1) where it fails to acknowledge the genuine merit of the praisee (misfiring praise) and 2) where it seeks to imply an unjustified merit in the praiser (undeservedly appropriative praise). Disingenuous praise is harmful to the individual agent on the receiving end. Let's consider these potential pitfalls of praise.

Misfiring praise will follow the same pattern of over or under recognising an agent. For instance, praising a woman for her contribution to a work project, rather than recognising her as having led the project would under recognise her efforts. Similarly, praising a man for having led a project to which he only contributed would over recognise his efforts. Misfiring praise will be oppressive where it tracks oppressive norms and can also be disrespectful in other contexts for failing to appropriately attribute responsibility. While I term this praise disingenuous, it is not intentional disingenuity that makes the praise objectionable. Misfiring praise is oppressive because it aligns with oppressive norms by over or under recognising an agent's capacity for action in a relevant normative or moral regard. It will be disingenuous as praise is levied for an action that was not taken by the agent subjected to praise, and this has been wrongly construed by the praiser (either intentionally or non-intentionally).

As regards the second form of disingenuous praise – undeservedly appropriative praise – this relates to an issue of standing to praise. Some philosophers have advocated for the use of praise, and for the special justification of blame, on the basis that requirements of standing do not apply in the former where they do in the latter. For instance, one might argue that

hypocritical praise, unlike hypocritical blame, does not cause problems of standing, citing that one agent praising another for something they themselves had achieved is unrestricted. For instance, one agent who has become vegan in an attempt to lessen their carbon footprint praising another agent who has taken the same actions raises no concern. Similarly, one may praise another agent for an achievement which both agents contributed to, unlike in cases of blame. One founder of a successful climate-change NGO may praise their co-founder for the work that they have done together. Similarly, on first blush, there seem to be no concerns about praising an agent for an action not taken by the praiser. A person who has not become vegan praising a vegan friend seems to raise no concerns. On the other hand, Nathan Stout has argued that there are concerns related to an agent's standing to praise. Stout offers the example of his own hypothetical discomfort should he receive praise for his work from Donald Trump. He states that:

‘When given by an upstanding, decent member of my moral community it serves to elevate me in various ways, but when given by someone who regularly, and with malice, flouts the standards of that community it may serve, instead, to lower my status in the eyes of others, to create distrust among my fellows, or to damage my own view of myself or my work.’³⁵³

It appears that the harm identified here by Stout relates to the hypothetical identification of Stout's own values with the moral character of the praiser. This could be comparable, for instance, to a case whereby an imaginary agent has grown up estranged from her father. She

³⁵³ Stout, 2020.

rejects that her father would like to praise her for the woman she has become. The reasons for this relates to standing. As the father took no active role in her development, she may feel he does not deserve to praise her. In both of these cases a more detached form of praise may be compatible. If the father were to offer praise which acknowledged his own detachment from the achievements of his daughter, such as ‘you have become a wonderful woman *in spite of* me and my behaviour, or similarly in Stout’s case, if Trump were to tweet ‘*in spite of* my own worldview and commitments, the work of Stout is commendable’ it seems the issue of standing would fall away. What is odious in these cases is the attempt of the praiser to unjustly attach themselves to the person or standards which they are praising.

It may be that all praise is appropriative, given its signalling nature. This is an advantage of praise when praise is used to serve emancipatory goals. In the act of praising, agents are more likely to adopt the standards underlying their words when engaged in the practice. Praise demonstrates not only that there is a normative standard, but moreover that the praiser believes it to be valuable. A problem arises only where the praiser has acted in such a way that they have invalidated their ability to levy such praise (as in the cases above). In these cases the praise will appear disingenuous, given the conflict between the praiser’s actions that have undermined the (met or exceeded) standard for which they are praising, and the attempt of the praiser to align themselves with those standards. The issue is resolved where the praise is detached from the praiser to recognise the better character of the person praised. The praise is no longer made appropriative. This then, is not a question of standing, it is a question of appropriation. To muddy the waters between the character of the praiser and the content of their praise is to elide this distinction. Attachment of the praiser to the praise, where this is unjustified, implies an over-recognition of the praiser as regards some relevant norm. This may

or may not be oppressive, depending on whether that over-ascription tracks a background of oppressive norms.

4: Conclusion

I have argued that oppressive praise aligns with oppressive background conditions such that an agent is either over or under recognised. Similarly, I have shown that there are normative problems associated with disingenuous praise, where it misfires to over or under recognise an agent's deservingness of praise in line with oppressive norms. I have identified that praise has an appropriative character and dismissed that this poses issues of standing so long as that praise is not unduly signalling a merit in the praiser.

Chapter 8: From oppressive to progressive praise: How, why and when to praise in conditions of oppression and domination

In March 2020, in the early days of the Covid pandemic in the United Kingdom, a government endorsed ritual known as ‘Clap for our Carers’ was introduced. Citizens across the UK came outside weekly to clap for health workers who were perceived as on the frontline of the pandemic. Initially, the ritual was widely welcomed and endorsed. Yet, after ten weeks, the woman who had advocated to begin the clapping said: “without getting too political I think the narrative is starting to change, and I don’t want the clap to be negative.”³⁵⁴ This praise, initially considered to be a positive and unifying practice, has been remembered with far more negative connotations. Placards at nursing strikes in January 2023 read: ‘claps don’t pay the bills’, and ‘you clapped us and then you slapped us’. This chapter asks, at what point could praise become oppressive, and can praising practices be reformed to help achieve social justice aims?

In this chapter, I argue that the same forms of praise can transform from progressive to oppressive in contexts of emerging and developing norms. I argue for an account of ‘apt-praise’, which will resist signalling and thereby reproducing oppressive norms, while supporting emancipatory norms. Apt-praise should be practiced for newly emerging norms, and for pioneers transgressing oppressive norms. As the norm develops and is more widely adopted, that praise ought to decrease as it may become oppressive over time.

³⁵⁴ <https://www.theguardian.com/society/2020/may/28/clap-for-our-carers-the-very-unbritish-ritual-that-united-the-nation>

Existing accounts that acknowledge praise can be oppressive advocate two approaches to reforming the practice. Michelle Ciurria sees apt praise as a matter of equalising the redistribution of praise according to positions of advantage or disadvantage, while Jules Holroyd sees it as reoriented to serve emancipatory goals.³⁵⁵ These accounts call for a redistribution or reorientation of praise. These approaches struggle to track agents' responsibility for action or inaction, particularly in cases where new norms are emerging. This chapter offers an account of praise that tracks responsibility, supports the emergence and development of newly emerging norms, and which can assist in achieving emancipatory goals.

I have argued that oppressive praise will signal expectations of agent(s) that align with oppressive background norms. Agents will be recognised as either more or less praiseworthy than they would be if judged against non-oppressive norms, and the misrecognition in turn reinforces oppressive norms. Given these potential harms associated with praise, the task is to elaborate a practice-dependent account of apt-praise that (i) respects agent's socially self-governed agency and (ii) does not reinforce oppressive norms, but (iii) can contribute to improvements to the social moral ecology ('progressive praise').

This chapter proceeds as follows. Section 1 introduces my account of apt-praise in contexts of emerging and developing norms. Section 2 contrasts this account with existing approaches to ameliorating praise. Section 3 defends that this account does not instrumentalise the practice of praising and aligns apt-praise with a socially self-governed conception of agency. Finally, in Section 4, I return to the contemporary case of 'Clap for Carers' to demonstrate the pitfalls of

³⁵⁵ (Ciurria, 2020)

instrumentalised attempts of progressive praise and to demonstrate the advantages of this account.

1: From oppressive to progressive praise

I propose a temporally sensitive, reformed practice of progressive praise which has two necessary conditions:

- 1) Praise should be apt; and
- 2) Praise should serve the development or maintenance of social justice norms.

Apt praise, at the outset of a norm's life, will include instances of praising for moral and/or normative duties. Once a norm has emerged however, apt praise will align with non-oppressive norms and therefore will not be attributable to duties. To substantiate this claim, let's consider in more depth the process by which norms emerge and develop, before analysing how praise moves from progressive to oppressive.

Understanding the role of social and moral norms in oppression is an important task if one is concerned with how to achieve emancipatory goals. Oppressive and dominating wrongdoing often appear within our social practices. No one action or inaction, taken alone, could amount to oppression or domination. Both oppression and structural domination rely upon systems and networks of behaviours that produce and reproduce structures of power. For example, in order for women to be dominated by men there must be a suite of norms, reinforced by practices, actions and inactions that empower men and disempower women. There will be a systemic nature to these features. One man alone could not take any action such that would bring about a state of structural domination or oppression. He is facilitated by the normative conditions of the background structure.

In this context, where feminist norms were emerging, a woman may have felt at the same time both victimised and restrained from reacting to injustices due to the social invisibility of the offenses against her. These offences are invisible as they are the norm, and at the same time, the agents who perpetuate harms are excused by the context in which they find themselves. Responsibility practices are not insulated from these dynamics. If the reactive attitudes associated with praise and blame are levied in accordance with an errantly considered set of neutral criteria determined by reference to these unjust background conditions, then the moral ecology of the society in question will not develop to reach emancipatory aims. An ameliorative account must then be able to support the emergence and development of emancipatory norms. Let's now be more precise about the process of 'normative emergence' and 'normative development' and consider how praise ought to be levied in such contexts.

Abnormal moral contexts, an idea elaborated by Cheshire Calhoun, arise at the frontiers of moral knowledge when a subgroup of society makes advances in moral knowledge, and this happens at a pace quicker than the dissemination and assimilation of this knowledge by the wider society.³⁵⁶ I take these cases to be those in which norms are newly emerging. The result in such cases is that the rightness or wrongness of some courses of action are transparent only to the knowledge acquiring subgroup while opaque to others. As moral knowledge is not shared, the presumption that all agents are equally capable of self-legislation breaks down. In such cases, I argue, that suitable practices of reproach or appraisal (including blame) will be

³⁵⁶ Calhoun, 1989, 394.

necessary in demonstrating that the contexts are not morally neutral. What, though, is the appropriate role of praise?

Where norms are emerging, it has been argued that blame has an important signalling function.³⁵⁷ However, blame is costly. Blame expends emotional energy, can negatively impact relationships, and can carry risks such as exclusion from a social group. Blame also faces the critique that it may be inappropriate in conditions where agents were unaware that their behaviour fell short of a normative standard. In cases where norms are emerging, where they are brand new, it is more difficult to maintain that there is the special justification required for blame when agents fall short of standards. By contrast, praise in such cases may carry fewer of such costs and serve to signal a new norm. Praise is less costly to levy and generally less destructive of interpersonal relationships. While oppressive praise can reinforce oppressive norms, praise for uptake of a new norm can be appropriate where blame for failure to take up a new norm would be disproportionate.

For a theory of praise to serve transformative aims, emerging cases must be accounted for. Some agents will be acting in accordance with old normative standards yet assessed in light of new ones that they were not aware of when they took the action or inaction in question in emerging moral contexts. Initial praise for adoption of new norms may signal emerging standards to agents in conditions where blame may require special justification. I have argued that praise can be oppressive and therefore requires justification. Yet, the same forms of praise that could be oppressive where norms have emerged, in emerging cases can actually serve

³⁵⁷ Shoemaker and Vargas, 2021 offer an account of blame's signalling function.

emancipatory goals. Initial praise can begin a process of developing a moral ecology by signalling the merit of new norms and encouraging their uptake. Oppression and structural domination are by their nature systemic and depend upon repeated practices which establish unjust normative environments. Similarly, repeated applications of praise that are out of step with emancipatory goals (as set out in the previous chapter) will contribute to oppressive expectations. This does not mean that praise must be excluded from the outset.

It is important at this point to clarify the concept of norms on which this account relies. While it is desirable that social norms should reflect moral rules, the two must be distinguished. Social norms are the focus of this chapter as they play a key role in the emergence and adoption of moral rules. At times, moral rules are reflected in the use of social norms.³⁵⁸ For instance, the norm in French speaking territories of adopting the ‘vous’ form becomes morally salient because it relates to demonstrating respect, which is a concept with moral content. Similarly, there are moral reasons to adopt the correct pronouns for a person. However, the use of pronouns is determined by social norms. Changing norms can enable agents to meet the moral standard of apt gender recognition, and to be effective will need to be supported by responsibility practices that entrench new practices.

Following Bicchieri, for social norms to exist there must be an expectation among agents that others will sustain them. This is not the case for moral rules.³⁵⁹ Social norms exist in a population when a sufficiently large subset of the population believe that a norm is conformed

³⁵⁸ For a rich discussion of the interaction between social and moral norms, from which this account departs, see McTernan 2023 Ch. 3, Buss 1999 and Calhoun 2000.

³⁵⁹ Bicchieri, 2005, 11.

to by a sufficiently large subset of the population (the empirical condition) and that a sufficiently large subsection of the population prefers conformity and may sanction non-conforming behaviour (the normative condition).³⁶⁰ Different agents will vary in their beliefs about the size of the population required to satisfy the empirical and normative conditions. These differences mean that a norm will be adopted unevenly across a population as various agents believe their threshold to have been passed.³⁶¹ This uneven conformity with a norm provides reasons to signal its applicability with sanctions and rewards where the goal is to improve its uptake. With regards to the sanction, feelings of shame and guilt may accompany a transgression and reinforce an agent's tendency to conform, but they are never the sole or the ultimate determinants of conformity. Nonetheless, the responses of others are definitionally key in the concept of a social norm and therefore integral to its emergence and development.

Praise applied at the beginning of a norms process of emergence does not have the effect of reinforcing oppressive expectations. At such a moment, praise signals a new standard that is a desirable alternative to expectations. The new standard is not yet widely held. It is therefore not underminable as a norm. Therefore, praise for adoption of the norm (as opposed to praise for exceeding the standards inherent in that norm) will be appropriate. To undermine a social norm, that norm must already be established. Where only one subgroup has moral knowledge of the norm, it cannot be said to be underminable in the relevant sense. By contrast, praise may support agents in finding that the empirical and normative are conditions satisfied and therefore support the emergence of a norm. Oppressive praise undermines expected

³⁶⁰ Ibid.

³⁶¹ Ibid.

normatively adequate behaviour by affirming oppressive expectations. Progressive praise for new emancipatory norms can be a first step in signalling that there is an alternative standard and that the alternative is desirable.

There is an important motivational aspect to praise in such cases. Positive reinforcement of behaviour can initially evoke interest in subscribing to standards. Brennan et al, describing the emergence of norms, have argued that in situations where compliance with norms is low, acting in accordance with a norm can secure positive approval. By contrast, moving to cases where breaching standards is rare, such positive approval is also rare.³⁶² This is reflective of the transition of praise from progressive to oppressive. Were praise to continue where norms have emerged, it may serve to undermine the norm by sending erroneous signals that the behaviour in question is not widely expected of agents (there is an over or under recognition). While oppressive praise is aligned with oppressive expectations, praise at an emergent moment is aligned with traversing those oppressive expectations. Once moral knowledge of a normative standard is widely held, then these benefits of praising will become disbenefits.

It's important at this point to clarify, I do not claim that once agents hold moral knowledge of a normative standard that they will begin to follow that standard such as would be required to transform structural domination or oppressive structure. If this were the case, practical political or moral philosophy would be a simple matter of disseminating knowledge about contributions to injustice. What I have emphasised is temporal. The initial emergence of a norm occurs in an abnormal moral context. Philosophers considering praise's role in

³⁶² Brennan et al, 2013, 93.

oppression have been successful in showing the risks of praise that aligns with oppressive background conditions. However, they have only considered normal moral contexts. It is key, in pursuing reform, to consider the changing role of praise in the transition from abnormal to normal moral contexts.

Abnormal moral contexts account for newly emerging norms. However, there are important further cases that track our normative development that are uncaptured by the term and that an account of political responsibility should seek to address. While Calhoun has argued for the distinction between normal and abnormal contexts, she roots her account in an assessment of whether moral ignorance relates to a morally defective point of view in the former case, or a lack of moral knowledge in the latter. I argue that the process of dissemination of moral knowledge extends to instances where new norms have emerged, but agents have not begun to attribute them with the moral or normative weight necessary to make the normative standard dominant enough to motivate action in contexts of structural domination or oppression. These I term 'developing normative contexts'. An example would be our individual and collective duties towards combatting climate change. The vast majority of agents are aware and accepting of the need to do more to reduce emissions, however many - if not most - fail to act to the fullest extent possible (perhaps by refraining from driving, travelling by plane or by becoming vegan). In this case, the norm has emerged, but has not developed in the sense that action is insufficiently motivated and adopted by agents. Praising agents for adopting or exceeding newly emerging or developing norms will help to scaffold other agents' ability to take up those norms. These conditions are key in moving agents from a generic to a specific capacity to act.

2: Existing approaches

Philosophers defining oppressive praise have argued for two possible ways of stripping praise of its oppressive character. Solution one, proposed by Ciorria, is to level up praise for those in positions of disadvantage while levelling down praise for those in positions of privilege. Ciorria defines the problem as one of distribution, finding ‘that blame and praise are distributed unfairly in our society due to systemic inequality, sustained largely by cultural myths and narratives that privilege dominant groups’.³⁶³ Apt-praise, for Ciorria, will be redistributed. It will be levelled down for those in positions of privilege and levelled up for those in positions of disadvantage.

Solution two, proposed by Holroyd, is to praise in line with emancipatory goals by determining desert in line with these goals. Holroyd emphasises the need to hold other agents accountable to a standard determined by emancipatory ideals. More precisely, she states that:

‘praise should be structured by plural reasons, including backward-looking desert-based reasons, and forward-looking reasons concerned with improving moral agency. But crucially, a further set of reasons should be considered in determining whether praise should be apportioned: reasons to do with challenging and dismantling oppression.’³⁶⁴

Both of these solutions are insufficient. Ciorria’s proposal for levelling up praise would be insufficient to deal with oppressive instances of praising, as it could lead precisely to the type of under recognition seen in the ableist case. Levelling up praise, based only on recognising

³⁶³ Ciorria, 2020, 182.

³⁶⁴ Holroyd, 2021, 19.

disadvantage and not on recognising meritorious action, can be patronising and condescending. It can disrespect an agent, as they may be seen as having a special disposition to behave in morally inferior ways and therefore not considered as equally responsible for their compliance to non-oppressive norms. Given these difficulties, it seems that levelling up praise for the disadvantaged, as Ciurria's functionalist account advocates we do, is fraught with problems. Further, praising in a context where the praiser does not themselves believe in the merit of what is to be praised risks using the recipient as a lever for another's moral improvement (such as third parties and/or the agent levying the praise) while effectively causing her to feel demeaned and reinforcing to her an oppressive expectation, potentially to third parties as well as to the recipient.

Holroyd gets us closer to achieving the ameliorative aims of an account of praise, and I fully endorse her analysis of the goals for an account of ameliorative praise, set out in the quote above. However, Holroyd does not specify how to balance the competing components of her account of ameliorative praise (desert-based reasons, forward looking reasons connected with improving moral agency and attempts to dismantle oppression). Crucially, Holroyd does not consider that praising in line with emancipatory goals neglects to take account of the important and valuable role of praise in the process of emerging and developing normative environments. Where new norms emerge, praise has a fundamental role in signalling standards and improving the uptake of these standards. On Holroyd's account, we ought to withhold praise from certain agents, such as the millionaire donor or the non-binary pronoun respecter, as praise signals an over recognition in their cases. However, to praise in line with emancipatory norms, or based only upon background positions of disadvantage, would mean to exclude the use of praise to demonstrate the value in new emancipatory norms which are key to replacing oppressive

norms. Praising these agents may be key in signalling the development of emerging or developing norms and ought not to be abandoned. An account of praise suited to achieve emancipatory goals must include instances of praising that are rejected or unconsidered by existing accounts. Importantly, the same forms of praise that could be oppressive where norms have emerged, in emerging cases could actually serve emancipatory goals. There is still promise in praise's ability to support emancipatory norms and so it must not be retracted too hastily.

Consider how Rosa Parks was famously attributed with sitting at the front of the bus because she was 'just tired'.³⁶⁵ If it were the case that Parks sat down due to a physical weariness, on Holroyd's account, she ought not to have received any praise for her action as this would have reinforced an expectation of oppression. I will argue in the rest of this chapter that in cases where new emancipatory norms are emerging, praise will be apt. Where norms are emerging, praise will be high for adoption of the norm and blame will be comparatively low for non-adoption. Praise for action in line with developing norms will then decrease while blame will increase. This process moves from the static approaches of Holroyd and Ciurria to a dynamic approach that is sensitive to the fact that what is needed changes, as the situation changes³⁶⁶.

³⁶⁵ Parks & Haskins, 1992.

³⁶⁶ Holroyd, in considering how to ameliorate praise notes that there are some desert-based and forward-looking considerations that may speak in favour of praising those who work against oppressive norms. Holroyd ultimately dismisses these reasons as they lead to what she considers an unjustifiable inequity in praise between social groups (Holroyd, 2021, 20).

3: Praising for duties: a non-instrumental account

On the account I offer, in emerging contexts, progressive praise will be appropriate where an agent has fulfilled a moral or normative duty. An objector may at this point argue that this has odious consequences and inappropriately instrumentalises praise. To take this objection head on, one could imagine a slave-owner in 1840 Mississippi who decides to free those whom he has enslaved. This action would have been out of step with the social norms of his context, but clearly aligns with a minimum moral duty. Praising the (ex)slave-owner for his actions, in particular from the perspective of the enslaved, may seem disrespectful and inappropriate. Yet, I defend that there are reasons to pursue this praise, and I will argue that these are not purely instrumental. Pioneers act against their social context. While the act they perform may align with moral duties, they attract praise precisely because they traverse social norms. This is a form of supererogation. To demonstrate that this is supererogation, let's now consider the nature of agency in conditions of oppression and/or domination.

In conditions of unjust background norms, one may be concerned to know then whether they are responsible for errantly applying oppressive standards when attributing blame or praise. Vargas has identified a similar challenge with respect to implicit bias, and I take as a point of departure the model of responsible agency that he proposes as best suited to address this problem.³⁶⁷ If implicit bias were considered to diminish an agent's responsibility, then there would be a risk that a society's moral ecology would not develop in line with emancipatory goals. As agents do not choose to inculcate implicit bias, Vargas considers how some may argue that biased agents intuitively are not responsible for biased effects, which are often

³⁶⁷ Vargas, 2017, 228.

unknown to the agent expressing bias. However, excusing these biases may also have the effect of entrenching them and the norms which attend them through responsibility practices. Vargas's agency cultivation model seeks to overcome this possibility. According to this model, a normative account of the justification of responsibility practices can be grounded in terms of the effects of those practices on an agent's ability to self-govern in light of moral considerations.³⁶⁸ On this model, blaming is an important form of moral feedback. This moral feedback is necessary for the kind of socially self-governed agency that our responsibility practices (and moral ecology) depend upon. I argue that praising, like blaming, is precisely the kind of moral feedback necessary to respect the moral agency of others.

While Vargas considers the role of blame in his account of responsible agency, he gives no specific analysis of praise. Yet, praise also has a role in moral development and so a full account of responsibility must consider its contribution to our socially self-governed agency and moral ecology. Socially embedded agency is structured, constrained and influenced in ways that are fundamental and ineradicable to who and what agents are. As a result, socially embedded responsibility practices are crucial; without them we could not have a morally significant form of self-governance. Such practices would contrast to, for instance, a model of practices that hold agent(s) responsible in line with their intended actions or which mitigate for their unconscious beliefs. To not hold an agent responsible for their implicit biases would be not to engage with them as moral agents who require feedback in order that they may develop their responsible agency. Agents receiving and internalising such feedback in turn improves the moral ecology of a society. Praise, like blame, can be used to communicate that a better

³⁶⁸ Ibid.

standard of behaviour can be demanded of an agent and in this way avow and respect the moral agency of the recipient.

To defend my claim in more detail, let's return to the earlier set out case of ableist praise. Young's complaint was that she wants the praise she receives to track her achievement as measured against non-oppressive norms. In this case, the oppressive norm refers to her unduly underestimated capacities to achieve social and educational goals. Clearly, there is widespread knowledge that disabled persons ought to be judged against equal standards where they have equal ability if we are to transform the ableist oppressive structure. In such a context, praise only for participation in society is oppressive. It is important however to see, that Young's agency is a function of the background structure she sits within. If Young were amongst the first ever disabled students to participate in school she would be defying expectations in a way quite different to that described above. She would not be taking action that tracks an emerged but undeveloped norm. She would be taking the pioneering action associated with generating a new norm. Clearly, physically disabled persons have always had a bare capacity to take part in education. Young, in her case describes her own surprise that people thought she did not have the same educational and social capacities as non-physically disabled contemporaries. This social context is relevant. Among the first disabled students to attend school, Young would not have been surprised by her colleagues misunderstanding. There is more to capacity than the physical ability to take an action. There is a social nature to capacity.

One might distinguish between, as Pettit and McGeer have done, a generic and a specific capacity.³⁶⁹ A generic capacity could be merely a speculation about future possibility, in the same way that we may speculate as to the future possibility of rain showers, as opposed to a claim about a particular agent's true present capacity to act given their personal disposition and circumstances. Where a moral ecology develops, the specific capacity to act in accordance with the norms associated with that ecology will be cultivated. Where pioneers act, such as for instance first disabled students attending school in an ableist structure, they take action of greater moral merit. They take action that is not in step with their moral ecology. They boldly signal new normative standards in a context where they are not supported by already emergent norms. In doing so, they contribute towards creating specific capacities in other agents. Pioneers deserve praise for taking the costly action of defying a normative environment. This holds even if they would not, in circumstances where moral norms are visible and developed, merit praise for doing what duty requires.

Young herself acknowledges that what challenges people with disability is, above physical disability, the very background conditions, she states that '[people with disability] are learning from each other strength and endurance, not against our bodies, but against a world that exceptionalises and objectifies us.'³⁷⁰ Initial praise for defying unjust and widely held norms tracks agency. There is no under recognition where we see capacity in its social context. Moreover, this praise may be a necessary first step in undermining oppressive ideas. Some who have never seen a disabled student will be introduced to the notion that this is feasible as a new norm. This again supports Young's message that 'disability doesn't make you exceptional,

³⁶⁹ Pettit & McGeer, 2015, 168-169.

³⁷⁰ Young, TedTalk, 2014.

but questioning what you know about it does³⁷¹. Praise, I argue, initially provokes such questions and serves benefits by disseminating knowledge of the new emerging norm of equality for disabled persons. Young's case exists in a developing context. In emerging contexts, levying this praise does not undermine ideas of equality (as there is no existing standard to be undermined), rather it promotes them.

Returning to the case of the (ex)slave-owner, I do not resist the claim that extreme praise for him could reinforce oppressive norms. However, in order to not throw the baby out with the bathwater, it is also important to note the key role of praise in the transformation of norms over time. At that time, most subgroups had not accepted the moral knowledge that slavery is (amongst other ills) oppressive. If emancipatory norms are to be taken up widely, support must be given to its emergence. Once the norm is more widely held, this praise must be withheld. Importantly, blame for non-compliance with the developing emancipatory norm will increase. This progressive praise may lead to the political motivation to enact structural changes.

On the socially self-governed view of agency introduced in Section 1, practices of praising will be key in developing an agent's responsibility. The praise will on the one hand reflect the departure that has been made from existing social norms, while on the other hand recognising the value of a newly recognised moral or normative standard (even if this relates to a duty that ought always to have existed). This respects and enhances the agency of the praised. It is in this way non-instrumental. I concede that this type of praise may have disrespectful

³⁷¹ Ibid.

consequences from the perspective of victims of oppression. Nonetheless, I emphasise that the appropriateness of the practice is temporally limited and ought not to undermine the very valid claims that oppressed persons have to reject oppressive norms. Progressive praise forms part of such a process.

For praise to be apt, it is crucial that the praiser genuinely recognises the merit of the action they respond to. This is important to avoid pitfalls such as patronising praising (which would express an oppressive expectation) or fuelling lamentable claims such as ‘she was only nominated for the award because she’s black’. I have claimed that agency has a social character. Traversing norms is praiseworthy. However, there are issues where the praiser does not themselves believe in the merit of the action to be praised. As norms develop, praise can send signals and these are valuable to a moral ecology. In order that these signals are appropriately received and do not become oppressive, the praise ought to be in line with standards held by socially self-governing agents. While remaining functionalist, this ties my account to a social notion of agency. Subgroups with knowledge of emancipatory norms, in emerging and developing contexts, should praise in line with these norms. Praising on purely instrumental grounds could have an oppressive effect as it diminishes the perception that the disadvantaged are moral agents deserving of meritocratic praise. While praise has been generally taken to be less costly than blame to levy, there are costs to disingenuous praising. Praising through gritted teeth is clearly instrumental, difficult to engineer and likely not to support the emergence of the norm or moral standard being assessed.

In light of this, there appears a conundrum. If agents do not regard the moral merit in an oppressed group, but do regard the moral merit in a privileged group for comparable actions

(such as in cases of missing praise), how then can this inequity in praising be solved without adopting undermining disingenuous praise? The alternative option is to reduce praise for privileged agents. There is no oppressive standard expressed in withholding praise for a privileged agent that acts in line with an emancipatory expectation. Considering more critically whether agents have benefitted from a privilege which may discount the agency required for their action may be an important move away from casting the disadvantaged as perpetual victims in need of assistance and towards undermining the privilege which contours structural domination and oppression. This also avoids the harm of disingenuous and purely instrumental praising. Thinking more cautiously about how we celebrate those in positions of advantage, and rationally recalibrating our expectations may be more important to reach emancipatory goals than seeking to praise the disadvantaged in a way not consistent with our moral assessments (which will include recognising pioneers). Withholding erroneous praise based on implicit bias, while requiring a degree of mental energy, does not generate the same disingenuity problems. This is precisely the sort of action that will develop the moral agency of the agent making the determination of responsibility and will send signals to others.

I have ruled out praise that seeks only to develop the moral agency of the praiser as part of a progressive account without meeting the aptness condition, or which is disingenuously expressed. However, some may object that certain types of instrumental praise could be justifiable. In particular, where praise is used to aid the moral development of an agent on the receiving end. After all, we often use praise to motivate improved behaviour; for instance in children and students. It could at first glance seem that a level of instrumental praise which does not genuinely track merit appears not to trouble us, perhaps provided that it is not attached to unjustified virtue signalling on the part of the praiser. Certainly, this may appear

true by comparison to blame – even a small portion of purely instrumental blame may be seen unjustifiably harmful where the receiving agent has not transgressed some moral or normative standard³⁷². Against this, I argue that purely instrumental praise is both harmful and fails to be motivational.

Praising agents for what they have not done obscures the moral content of the standard being praised. Yet, given my social account, many of the benefits of instrumental praise will be retained. The context of praise is important. The social nature of agency and its relevance to praise means that those who pioneer a normative or moral standard are worthy of high praise. Similarly, an agent may aptly praise a child for having produced a ‘beautiful drawing’ that they do not truly believe would hold up the aesthetic standards they would require in a piece of art they chose from a gallery. This is because in the context of the child’s relative skills and environment, the work is praiseworthy. While the praiser may hope to encourage the child to feel confident and go on to produce future works of art, the praise is not only instrumental. Praising agents for actions they have not taken, or standards they have not met, will undermine what is really valuable about those actions or standards. This harm may be more subtle than in cases of erroneous blame, but does damage the kind of self-governed social agency that underlies moral responsibility.

4: Progressive praise in practice: a contemporary case

To make clear the pitfalls of instrumentalised attempts at progressive praise, and how my account advances, let’s return to the case of ‘Clap for our Carers’. The Nursing Times, after

³⁷² Contrary to proleptic blame accounts e.g. Rini, 2020, 144-150.

ten weeks, sent out a tweet asking nurses if they would like for the clapping to continue. Almost every respondent stated that they would not like for it to continue. One respondent, Maria, commented that she agreed with the clapping in the first instance but when asked about its continuation said she “cannot feel the same way this time round...I have seen too much Covid denial, general abuse and harshness towards the medical profession since then to fully believe the sentiment is real.”³⁷³ This seemingly then reflects that Maria considers disingenuous praise as problematic.³⁷⁴

To praise agents without recognising the true reason for their praiseworthiness, or to praise for reasons that do not relate to the agent can send erroneous signals and undermine important and valid norms. Consider how other nurses responded stating that it was a ‘hollow gesture’. The reasoning behind this claim related to the perceived, continued lack of funding for the NHS. Nurses were also angry at the politicisation of the clapping. Two problematic things are going on here. Firstly, the praise is suggesting that nurses are heroic for their actions without acknowledging the role of underfunding in creating the need for extra effort by NHS workers. This praise, which is important in signalling a norm, is not recognising the genuinely praiseworthy action that nurses are taking (they would like to be praised for working in extremely unsupported conditions as opposed to battling a pandemic taken to be unaffected by government decisions and citizen compliance). Nurses are rejecting the praise as hollow as it comes from a government and public which, from their perspective, has not truly recognised

³⁷³<https://www.nursingtimes.net/news/coronavirus/clap-for-heroes-nurses-say-they-do-not-want-return-of-applause-07-01-2021/>

³⁷⁴ I do not defend that this is a case of structural injustice or domination, rather an instance of praise set against an unjust background which highlights some of the potential pitfalls of praise that over or under recognises agents’ actions.

an important reason that nurses have had a gruelling time working in the NHS. The praise obscures the genuine merit of the nurses. This is misfiring praise. Furthermore, the anger at the politicisation of the clapping, relates to the desire of government and non-covid rule compliant individuals to attach themselves to the image of being supportive of the NHS where this is seen as undeserved. This is undeservedly appropriative praise.

What is also interesting about the Clap for our Carers case, is that at the outset the praise was largely welcomed. The answer to why, I argue, is that nurses hoped that the praise was fulfilling the role of signalling a normative standard. In this case, many assumed that the praise represented an acknowledgement that NHS workers were performing incredibly difficult jobs in a context of injustice. The praise for nurses was apt where it tracked their moral merit. While it became clear this was disingenuous, even the remaining praise which was perhaps expressive of the wider injustice faced by nurses became undermining. The praise became undermining as it was not accompanied by a shift in background conditions such that would respect NHS workers by taking up the norm of providing them with due resource. This reflects why praise, while important at the outset of normative change, must be complemented by a shift in attitudes and a decrease in praising behaviours. Initial praise will signal an emerging normative standard, however excess praise can go on to undermine the development of that norm. It will create an image of morally exceptional behaviour that obscures the moral requirements of other agents in conditions of injustice.

5: Conclusion

Oppressive praise aligns with oppressive background conditions such that an agent is either over or under recognised. Further, I have shown that there are normative problems with

disingenuous praise. Apt praise, conversely, will respect self-governed social agency. Apt praise can in emerging contexts attach to acts aligned with moral and normative expectations, and in developing contexts align with exceeding of those expectations.

Ciurria's proposal to level up praise for those in positions of disadvantage seeks to achieve a level of background equality such that oppressive or dominating structures are undermined. This approach carefully considers the norms and ideas which produce, reproduce and reify oppression and domination. Challenging particular norms (as Ciurria correctly advocates we do through applying apt blame) is necessary. What is also necessary, however, is supporting the emergence and development of emancipatory ideas such as would form the basis of such transformation. This will require withholding praise from disadvantaged agents where it reflects an oppressive expectation or is disingenuous. There are also reasons to praise the advantaged where they are pioneers.

By contrast to Ciurria's instrumental account, Holroyd has argued that apt praise ought to be structured by tracking emancipatory aims and by desert-based reasons. This account supports her claim that both considerations are necessary, but shows that in emerging cases praising pioneers who do not act in accordance with end state aims will be crucial. This, I have argued, respects socially embedded agency given the extra merit involved when acting in abnormal moral contexts. Progressive praise will respect desert-based reasons but not track emancipatory aims in these contexts. This account therefore takes note of the pitfalls and promises of praise and proposes a reform of the practice that addresses the former while harnessing the advantages of the latter.

Chapter 9: Conclusion

This thesis has set out an agential but structurally sensitive account of domination. In so doing, it has been possible to be precise on the complex question of how individual agents hold power. Identifying agential power in a modern world, defined by the new forms of interconnectedness enabled by globalised markets and social media is of central importance. By revealing that these forms of interconnectedness involve power relationships between agents, it has become possible to offer insights on a defining question of our age: who is responsible for structural injustices and domination. This account has enabled me to argue not only that agents have the capacity for domination, but that agents have responsibilities to transform domination into non-domination. I have argued for this responsible role of agents in some of the trickiest contemporary cases of domination such as within the market, on social media, and in contexts of new and evolving norms. I hope, therefore, that this thesis offers crucial insights and practical philosophical guidance to non-theorists and theorists alike. There are some main findings emerging from my account of an agential yet structurally sensitive republican account, which I summarise here in conclusion.

This account has revealed that domination is possible in more ways, and within more diffuse power structures, than we might have supposed - particularly where agents coordinate in practices that perpetuate domination. Through a close analysis into the role of practices, I have demonstrated that where some agents have a capacity to participate in a practice, to which others are subject, domination may occur. This insight has enabled a critical analysis of contemporary markets. This account provides a normative basis for the critique of dominating markets while stopping short of rejection of a market system (such as, say, capitalism). This

power theoretic analysis does not only find injustice where market outcomes are unequal or unfavourable, but gets to grips with the dynamics between agents.

This insight suggests that contemporary structures can be reformed to reduce domination, without the need for wholesale rejection. I have also applied this power-theoretic analysis, that pays close attention to the role of agents, to social media platforms. In so doing, I have similarly been able to offer an account of how social media platforms can be reoriented without the need to fundamentally reject their private ownership or nature. The agential, structurally sensitive account of domination this thesis has argued for does not take a piecemeal approach to addressing injustices in contexts of contemporary structures. As, for instance, a liberal theorist might when considering the injustices associated with social media by addressing individually and overly centralising issues of data privacy, harmful speech or epistemic harms but without undermining the power dynamics that exacerbate and enable these injustices.

The recognition that agents have significant coordinated power to dominate implies a substantial and actionable agential responsibility to transform their roles within systems of domination. Not only have I argued for agential responsibility for structural injustice and domination, I have also argued for ways to improve the uptake of responsibility for domination. I have applied the insights of my account into the nature of practices to the most challenging cases in which agents participate in the production and reproduction of dominating social power. One such challenging case is the nature of practices of responsibility themselves. I have demonstrated how, at the level of social interaction, domination can be produced through practices such as oppressive praising or failing to attribute blame. I have set

out the case for a backwards-looking account of responsibility which motivates and improves the take up of forwards-looking responsibility for domination.

Navigating agents' responsibility is complex, especially given that new norms are constantly emerging and developing. In this thesis, I have demonstrated how practices of responsibility must be sensitive to emerging normative contexts where responsibilities may be unclear and in a state of change. I have proposed a unique approach to understanding these evolving normative contexts, shedding light on how practices of responsibility ought to change over time in order to entrench new norms and support the realisation of freedom as non-domination.

Ultimately, the practical insights emerging from this thesis empower agents to actively resist and transform structures of domination, while undermining excuses based on structural restraint and necessity. I hope that this work encourages agents to take a proactive role in promoting freedom as non-domination in our contemporary world.

Appendix: further research

There are some further questions and areas for research that spring from the analysis this thesis has offered, two of which I note here.

Epistemic open questions

In this thesis, I have adopted the position that the normative core of republicanism relates to the requirement to treat agents as having the ability to command respect, or rather as ‘a voice worth hearing and an ear worth addressing’.³⁷⁵ With Pettit, I have emphasised through this thesis the need to treat agents as discursive and conversable beings able to give and take reasons for acting. Pettit is correct to identify that the “terrible evil brought about by domination, over and beyond the evil of restricting choice, and inducing a distinctive uncertainty, is that it deprives a person of the ability to command attention and respect and so of his or her standing among persons’.³⁷⁶ Recent theorists who also adopt this position have raised arising questions. Gädeke has emphasised the need to understand and thereby secure ‘normative authority’ for agents.³⁷⁷ Rainer Forst has taken this question to the democratic realm, and asks how one may establish a critical reflexive investigation of procedures and outcomes that leads to norms which are generally justifiable.³⁷⁸

In conjunction with this argument for understanding domination as an injustice connected to discursive status, I have also argued for the role of practices of responsibility in the process of

³⁷⁵ Pettit, 2002, 350.

³⁷⁶ Ibid, 351.

³⁷⁷ Gädeke, 2020b, 25-30.

³⁷⁸ Forst, 2020.

establishing and to an extent justifying new norms. More precisely, I have argued that practices of praise and blame are fundamental in revealing and scaffolding commitments to normative standards, and I have paid close attention to the need to support the emergence and development of new emancipatory norms.

There are important epistemic questions to be answered as a result of these two lines of reasoning. For instance, how can practices of responsibility be utilised to give discursive status to agents subject to social and/or moral norms? How can these practices insulate themselves from oppressive or dominating norms while also taking into consideration the standpoint of all agents subjected to them? How can these practices accommodate conflicting normative standards? These epistemological questions will be essential to the justification of my theory as presented in this thesis and would advance the justification of a full republican account of social justice.

A methodological framework

In this thesis, I have adopted a critical republican methodology to analyse cases of contemporary domination. There are advantages and disadvantages to such an approach, which seeks to reconcile first principles and the republican paradigm with actual social relations and institutions. Whether it is important for political theorists to incorporate the perspective of those experiencing conditions of domination and non-domination is an open question. Further, there are questions as to how theorists may incorporate such perspectives without uncritically endorsing them, or critiquing them in such a way so as to incorporate a bias. Social and feminist epistemologists in the fields of class, feminism and decolonial theory have argued that the location of agents (including of course theorists) within hierarchical social

structures generates divergent representations of social reality.³⁷⁹ Critical republicanism, of the sort that seeks to instantiate generally justifiable norms, on the face of things seems well placed to take account of these standpoint concerns. A full methodology to do so would be an important step in the direction of achieving these aims.³⁸⁰

³⁷⁹ Class theory Lukacs 1971, Jameson 1988; feminist theory Haraway 1988; decolonial theory Smith 1999, Mignolo, 2003.

³⁸⁰ Gourevitch's *From Slavery to the Cooperative Commonwealth. Labor and Republican Liberty* (2015) is an important recent example of a comparable methodology and would be a useful basis for investigation in any attempt to elaborate an epistemologically informed critical republican methodology.

Bibliography

Admati, A., et al. (2014) *The bankers' new clothes: what's wrong with banking and what to do about it*. Princeton, New Jersey: Princeton University Press.

Anderson, E. (2015). *Equality and freedom in the workplace: Recovering republican insights*. *Social Philosophy and Policy*, 31(2), 48-69.

Arendt, H. (1987). *Collective responsibility*. In *Amor mundi* (pp. 43-50). Springer, Dordrecht.

Arendt, H. (2003) 'Personal Responsibility Under Dictatorship', in Kohn, J. (ed.) *Responsibility and Judgement*. New York: Schocken Books, pp. 17–48.

Arnold, S. & Harris, J.R. (2017). What is arbitrary power? *Journal of Political Power*, 10(1), 55-70.

Aytac, U. (2022) Digital Domination: Social Media and Contestatory Democracy. *Political studies*.

Bányai, F., et al. (2017). Problematic Social Media Use: Results from a Large-Scale Nationally Representative Adolescent Sample. *PloS one*, 12(1).

Baldwin, R. (2016) *The Great Convergence: Information Technology and the New Globalization*. Cambridge, MA: The Belknap Press of Harvard University Press.

Bhargava, V. R., & Velasquez, M. (2021). Ethics of the attention economy: The problem of social media addiction. *Business Ethics Quarterly*, 31(3), 321-359.

Bellamy, R. (2019) *A Republican Europe of States: Cosmopolitanism, Intergovernmentalism and Democracy in the EU*. Cambridge, UK: Cambridge University Press.

Bellamy, R. (2020) Globalisation and Representative Democracy: The Normative Challenges. In R. Rohrschneider & J. Thomassen (Eds.), *The Oxford Handbook of Political Representation in Liberal Democracies*, pp. 655-672. Oxford, UK: Oxford University Press.

Benn, C. & Lazar, S. (2022) What's Wrong with Automated Influence. *Canadian journal of philosophy*. 52 (1), 125–148.

- Berlin, I. (2002) 'Two Concepts of Liberty', in *Liberty*. [Online]. Oxford: Oxford University Press.
- Blau, P. (1977). *Inequality and Heterogeneity*. New York: Free Press.
- Bicchieri, C. (2005). Chapter 1: The Rules We Live By. In *The Grammar of Society: The Nature and Dynamics of Social Norms*. Cambridge: Cambridge University Press.
- Blunt, G.D. (2015). On the Source, Site and Modes of Domination. *Journal of Political Power*, 8(1), 5-20.
- Bohman, J. (2012). *Critical Theory, Republicanism, and the Priority of Injustice: Transnational Republicanism as Non-Ideal Theory*. *Journal of Social Philosophy*, 43(2), 97-112.
- Bond, R. M., et al. (2012). A 61-million-person experiment in social influence and political mobilization. *Proceedings of the National Academy of Sciences*, 109(41), 15803-15808.
- Bovens, L. (2008). The ethics of nudge. In T. Grune-Yanoff and S. O. Hansson (Eds.), *Preference change: Approaches from philosophy, economics and psychology* (pp. 207–219). Dordrecht: Springer.
- Bratman, M. 1993. "Shared Intention", *Ethics*, 104: 97–113.
- Braghieri, L., Levy, R., & Makarin, A. (2022). Social Media and Mental Health. *American Economic Review*, 112(11), 3660-3693.
- Brennan, G., et al. (2013). *Explaining Norms*. Oxford Academic Online Edition.
- Buss, S. (1999). Appearing respectful: The moral significance of manners. *Ethics* 109.4 (1999): 795-826.
- Brison, S. J., & Gelber, K. (2019). *Free Speech in the Digital Age*. New York: Oxford University Press.
- Calhoun, C., (1989). Responsibility and Reproach. *Ethics*, 99(2), pp.389–406.
- Calhoun, C. (2000). The virtue of civility. *Philosophy & public affairs* 29.3 (2000): 251-275.

- Casassas, D. & de Wispelaere, J. (2015) 'Republicanism and the political economy of democracy', *European Journal of Social Theory*, Vol 19(2), pp.283-300.
- Carbonell, X., & Panova, T. (2017). A critical consideration of social networking sites' addiction potential. *Addiction Research & Theory*, 25(1), 48-57.
- Carney, M. 2009. "What Are Banks Really For?" Remarks to the University of Alberta School of Business, Edmonton, Alberta, 30 March.
- Casale, S., & Fioravanti, G. (2015). Satisfying needs through Social Networking Sites: A pathway towards problematic Internet use for socially anxious people? *Addictive Behaviors Reports*, 1(C), 34-39.
- Christiano, T. (2022). Algorithms, manipulation, and democracy. *Canadian Journal of Philosophy*, 52(1), 109-124.
- Claassen, R. and Herzog, L., (2019). Why economic agency matters: An account of structural domination in the economic realm. *European Journal of Political Theory*, pp.465-485.
- Clatterbaugh, K. (1995). Cartesian Causality, Explanation, and Divine Concurrence. *History of Philosophy Quarterly*, 12(2), 195-207.
- Clegg, N. (2019). You and the algorithm: it takes two to tango. Medium. Retrieved from <https://nickclegg.medium.com/you-and-the-algorithm-it-takes-two-to-tango-7722b19aa1c2>.
- CNBC (2022, April 6). Jack Dorsey: I'm partially to blame for the state of the internet. Retrieved from <https://www.cnbc.com/2022/04/06/jack-dorsey-im-partially-to-blame-for-the-state-of-the-internet.html>.
- Collins, S., (2019). Collective Responsibility Gaps. *Journal of business ethics*, 154(4), pp.943–954.
- Cordelli, C. (2020). *The Privatized State: Theoretical Political Philosophy Meets Concrete Empirical Studies*. Princeton, NJ: Princeton University Press.

- Ciurria, M. (2020). *An Intersectional Feminist Theory of Moral Responsibility*. New York, NY: Routledge.
- Coffee A.M.S.J. (2015). Two spheres of domination: Republican theory, social norms and the insufficiency of negative freedom. *Contemporary Political Theory*, 14(1), 45–62.
- Coffee, A.M.S.J. (2020). A radical revolution in thought: Frederick Douglass on the slave's perspective on republican freedom. In B. Leipold, K. Nabulsi, & S. White (Ed.). *Radical Republicanism: Recovering the Tradition's Popular Heritage* (pp. 47–64). Oxford: Oxford University Press.
- Cranor, L., Frischmann, B. M., Harkins, R., & Nissenbaum, H. (2013–2014). Panel I: Disclosure and notice practices in private data collection. *Cardozo Arts & Entertainment Law Journal*, 32, 781812.
- Cudd, A.E. (2006). *Analyzing Oppression*. New York, N.Y.; Oxford: Oxford UP.
- Damak-Ayadi, S., & Pesqueux, Y. (2005) Stakeholder theory in perspective. *Corporate Governance: An International Review*, 5(2), 5-21.
- Dennett, D.C., (2015). *Elbow room : the varieties of free will worth wanting* / Daniel C. Dennett. New.
- Doerer, S. C., Webster, M., & Walker, L. S. (2017). Racial Double Standards and Applicant Selection., *Social Science Research*, 66, 32–41.
- Dowding, K,(2011). Republican freedom, rights, and the coalition problem. *Politics, Philosophy, and Economics*10(3): 301–322.
- Dworkin, R. (2013) *Taking rights seriously* / Ronald Dworkin. London: Bloomsbury Academic.
- Durkin, M., McGowan, P., & McKeown, N. (2013). Exploring social media adoption in small to medium-sized enterprises in Ireland. *Journal of Small Business and Enterprise Development*, 20(4), 716-734.

- Einspahr, J. (2010). "Structural Domination and Structural Freedom: A Feminist Perspective." *Feminist Review* 94 (1):1-19.
- Foucault, M. (1982). The Subject and Power. *Critical Inquiry*, 8(4), 777–795.
- Forst, R. (2020). *Toleration, power and the right to justification: Rainer Forst in dialogue. 1st edition.* United Kingdom: Manchester University Press.
- Forst, R. (2022). A Kantian Republican Conception of Justice as Nondomination. In *Republican Democracy*. Edinburgh: Edinburgh University Press, 154–168.
- Frye, M. (1983). *Oppression. In The Politics of Reality: Essays in Feminist Theory*. New York: Crossing Press, 1-16.
- Gädeke, D. (2020). Does a Mugger Dominate? Episodic Power and the Structural Dimension of Domination. *Journal of Political Power*, 0(0), 1-23.
- Gädeke, D. (2020b). 'From Neo-Republicanism to Critical Republicanism', in *Radical Republicanism*. Oxford: Oxford University Press.
- Gädeke, D. (2021). Who should fight domination? Individual responsibility and structural injustice. *Politics, Philosophy & Economics*, 20(2), 180–201.
- Garrau, M., & Laborde, C. (2015). *Relational Equality, Non-Domination, and Vulnerability in Social Equality*. Oxford University Press, Chapter 3.
- Getachew, A. (2019) *Worldmaking after Empire: The Rise and Fall of Self-Determination*. Princeton: Princeton University Press.
- Gil de Zúñiga, H., Jung, N., & Valenzuela, S. (2012). Social media use for news and individuals' social capital, civic engagement and political participation. *Journal of Computer-Mediated Communication*, 17(3), 319-336.
- Gourevitch, A. (2012). *Debt, Freedom, and Inequality*. *Philosophical Topics*, 40(1), 135-151.

Gourevitch, A. (2013). *Labor republicanism and the transformation of work*. *Political Theory*, 41(4), 591-617.

Gourevitch, A. (2015). *From Slavery to the Cooperative Commonwealth: Labor and Republican Liberty in the 19th Century*. Cambridge, UK: Cambridge University Press.

Hajli, M. N. (2014). A study of the impact of social media on consumers. *International Journal of Market Research*, 56(3), 387-404.

Hammer, N., & Plugor, R. (2019) Disconnecting Labour? The Labour Process in the UK Fast Fashion Value Chain. *Work, employment and society*, 33(6), 913–928.

Hampton, K.N. and Wellman, B., (2018). Lost and saved... again: The moral panic about the loss of community takes hold of social media. *Contemporary Sociology*, 47(6), pp.643-651.

Haraway, D. (1988). Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective. *Feminist Studies*, 14(3), 575-599.

Harris, R. S., et al. (2014) Private Equity Performance: What Do We Know? *The Journal of Finance*, 69(5), 1851-1882.

Hasan, R. (2021). Republicanism and structural domination. *Pacific Philosophical Quarterly*, 102(2), 1–28.

Haslanger, S. (2012). *What Are We Talking About?: The Semantics and Politics of Social Kinds*. In *Resisting Reality*. Oxford UP, Chapters 1-4.

Haslanger, S., (2018). What is a Social Practice? *Royal Institute of Philosophy supplement*, 82, pp.231–247.

Haugaard, M., & Pettit, P.M.N. (2017). A Conversation on Power and Republicanism: An Exchange between Mark Haugaard and Philip Pettit. *Journal of Political Power*, 10(1), 25-39.

Heilman, M. E., & Chen, J. J. (2005). Same Behavior, Different Consequences: Reactions to Men's and Women's Altruistic Citizenship Behavior. *Journal of Applied Psychology*, 90(3), 431–441.

Heitmayer, M. (2021). Smartphones as steady companions: device use in everyday life and the economics of attention (Unpublished doctoral dissertation). London School of Economics and Political Science. Accessed on 28 June 2023: <http://etheses.lse.ac.uk/4294/>.

Herzog, L. (2017). *Just financial markets?: finance in a just society*. Oxford University Press.

Herzog, L. (2021) Global reserve currencies from the perspective of structural global justice: distribution and domination. *Critical review of international social and political philosophy*, 24(7), 931–953.

Hirschmann, N. J. (2003). *The subject of liberty: Toward a feminist theory of freedom*. Princeton, NJ: Princeton University Press.

Hoeksema, B. (2023) Digital Domination and the Promise of Radical Republicanism. *Philosophy & technology*. 36 (1),17–17.

Howard, P. N., Bolsover, G., Kollanyi, B., Bradshaw, S., & Neudert, L. M. (2017). Junk news and bots during the US election: What were Michigan voters sharing over Twitter. CompProp, OII, Data Memo, 1.

Holroyd, J. (2021). *Oppressive Praise*. *Feminist Philosophy Quarterly*, 7(4).

James, A. (2017). ‘The Distinctive Significance of Systemic Risk’, *Ratio Juris*, Vol 30(3),pp 239-258.

Jameson, F. (1988). History and Class Consciousness as an ‘unfinished project’. In *Rethinking Marxism*, 1(1), 49-72.

Johnson, D. (2019). Let us now stop praising famous men (and women). Aeon. Retrieved from <https://aeon.co/ideas/let-us-now-stop-praising-famous-men-and-women>.

- Johnson King, Z. A. (2020). Praiseworthy Motivations. *Noûs* (Bloomington, Indiana), 54(2), 408–430.
- Jugov, T. (2017). Systemic domination as ground of justice. *European Journal of Political Theory*.
- Khader, S., & Lindauer, M. (2020). The "Daddy Dividend": The Gender Division of Labour and Regression Towards Patriarchy. *APA Newsletter on Feminism and Philosophy*, 19(2), 6–8. Retrieved from <https://www.apaonline.org/resource/collection/D03EBDAB-82D7-4B28-B897-C050FDC1ACB4/FeminismV19n2.pdf>.
- Klobas, J. E., McGillivray, L., James, C., & Sorensen, A. (2018). Compulsive YouTube usage: A comparison of use motivation and personality effects. *Computers in Human Behavior*, 87, 129–139.
- Kramer, M. (2008). Liberty and Domination. In *Republicanism and Political Theory*. Blackwell, pp. 31–57.
- Krasnova, H., Wenninger, H., Widjaja, T., & Buxmann, P. (2013). Envy on Facebook: A hidden threat to users' life satisfaction? 27th international conference on information systems (ICIS), 24.
- Kindleberger, C, and Aliber, R. Z., (2005). *Manias, Panics and Crashes: A History of Financial Crises* edition. Hoboken, NJ: Wiley.
- Kirby, N. (2016). Revising Republican Liberty: What Is the Difference Between a Disinterested Gentle Giant and a Deterred Criminal? *Res Publica*, 22(4), 369–386.
- Krause, S.R. (2013). Beyond non-domination. *Philosophy & Social Criticism*, 39(2), 187–208.
- Kutz, C. (2000). *Complicity*. Cambridge: Cambridge University Press.
- Laborde, C. (2008). *Critical Republicanism: The Hijab Controversy and Political Philosophy*. Oxford: Oxford University Press.

- Laborde, C.M.N. (2010). Republicanism and Global Justice, A Sketch. *European Journal of Political Theory*, 9(1), 48-69.
- Laborde, C.M.N., & Maynor, J. W. (2008). *Republicanism and political theory*. Malden, Mass; Oxford: Blackwell.
- Laborde, C., & Ronzoni, M. (2015) What is a Free State? Republican Internationalism and Globalisation. *Political Studies*, 64(2), 279-296.
- Lanier, J. (2018). *Ten arguments for deleting your social media accounts right now*. Random House.
- Levenson, J. C., Shensa, A., Sidani, J. E., Colditz, J. B., & Primack, B. A. (2017). The association between social media use and sleep disturbance among young adults. *Social Science & Medicine*, 196, 201-208.
- Levy, R. (2021). Social Media, News Consumption, and Polarization: Evidence from a Field Experiment. *The American Economic Review*, 111(3), 831-870.
- Lin, L., & Utz, S. (2015). The emotional responses of browsing Facebook: Happiness, envy, and the role of tie strength. *Computers in Human Behavior*, 52, 29-38.
- Lovett, F. (2001). Domination: A Preliminary Analysis. *The Monist*, 84(1), 98-112.
- Lovett, F. (2009) Domination and distributive justice. *The Journal of Politics*, 71(3), pp.817-830.
- Lovett, F. (2010). *A General Theory of Domination and Justice*. Oxford, UK: Oxford University Press.
- Lovett, F. & Pettit, P. (2009) 'Neorepublicanism: a normative and institutional research program', *Annual Review of Political Science*, Vol 12, pp.11–29.
- Lukács, G. (1971 [1923]). *History and Class Consciousness*. Cambridge, MA: MIT Press.
- Mandeville, B. (1970 [1705]). *The Fable of the Bees, or Private Vices, Public Benefits*. London, UK: Penguin Classics.

- Mair, P. (2011) "Smaghi vs. the Parties: Representative Government and Institutional Constraints." Paper prepared for the Conference on Democracy in Straightjackets: Politics in an Age of Permanent Austerity, Ringberg Castle, Munich, 23-26 March.
- Markell, P. (2008). *The Insufficiency of Domination*. *Political Theory*, 36(1), 9-36.
- Marino, C., Gini, G., Vieno, A., Spada, M. M., & Angelini, F. (2018). The associations between problematic Facebook use, psychological distress and well-being among adolescents and young adults: A systematic review and meta-analysis. *Journal of Affective Disorders*, 226, 274-281.
- Marmor, A. (2008). The metaphysics and ethics of relational privacy. *Social Philosophy & Policy*, 25(2), 252-282.
- Marmor, A. (2020). Privacy in Social Media. Cornell Legal Studies Research Paper, (20-10).
- Marmor, A. (2015). What Is the Right to Privacy? *Philosophy and Public Affairs*, 43(1), 3-26.
- Marx, K. (1867). *Das Kapital*. London: Verlag von Otto Meissner.
- Mazzucato, M. (2018) *The Value of Everything: Making and Taking in the Global Economy*. London: Allen Lane.
- Mazzucato, M. (2022) "Collective value creation: a new approach to stakeholder value." *International review of applied economics*.
- McCammon, C. (2018). *Domination: A Rethinking*. *Ethics*, 125(4), 1028-1052.
- McCammon, C. (2018). Domination. In *Stanford Encyclopedia of Philosophy*. Retrieved from <https://plato.stanford.edu/archives/spr2018/entries/domination/>.
- McCammon School of Business, The University of Texas at Austin. (n.d.). Case Study: Daraprim Price Hike. Retrieved from <https://ethicsunwrapped.utexas.edu/wp-content/uploads/2018/07/Daraprim-Price-Hike.pdf>.
- McCormick, J. (2011). *Machiavellian Democracy*. Cambridge: Cambridge University Press.

- McGeer, V. (2007) The Regulative Dimension of Folk Psychology, in *Folk Psychology Re-Assessed*, (ed.) D.Hutto and M.Ratcliff (Springer, 2007).
- McGeer, V. (2013). Civilizing blame. In D. J. Coates & N. A. Tognazzini (Eds.), *Blame: Its nature and norms* (pp. 162–188). New York: Oxford University Press.
- McGeer, V. (2019). Scaffolding agency: A proleptic account of the reactive attitudes. *European Journal of Philosophy*, 27(2), 301–323.
- McKeown, M.C., (2015). *Responsibility without guilt : A Youngian approach to responsibility for global injustice / Maeve Catherine McKeown*.
- McTernan, E., (2018). ‘Microaggressions, Equality, and Social Practices’, *The Journal of Political Philosophy*, 26(3), pp.261–281.
- McTernan, E. (2023) *On Taking Offence*. New York: Oxford University Press.
- Mignolo, W. (2003). *The Darker Side of the Renaissance: Literacy, Territoriality, and Colonization*. 2nd ed. Ann Arbor: University of Michigan Press.
- Muldoon J. (2022). A socialist republican theory of freedom and government. *European Journal of Political Theory*, 21(1), 47–67.
- Nicolaïdis, K. (2004) The New Constitution as European “Demoi-cracy”?, *Critical Review of International Social and Political Philosophy*, 7(1), 76–93.
- Nussbaum, N., (2009), Iris Young’s Last Thoughts on Responsibility for Global Justice, in *Dancing With Iris: The Philosophy of Iris Marion Young*, Ann Ferguson & Mechthild Nagel eds. (Oxford University Press).
- O’Shea T. (2020). Socialist republicanism. *Political Theory*, 48(5), 548–572.
- Paligorova, T., (2009). Agency conflicts in the process of securitization. *Bank of Canada Review*, 2009(Autumn), pp.36-50.
- Parks, R. & Haskins, J. (1992) *Rosa Parks: my story*, New York: Puffin.

- Pariser, E. (2011). *The filter bubble: what the Internet is hiding from you*. London: Viking.
- Pasquale, F. (2015). *The black box society: the secret algorithms that control money and information / Frank Pasquale*. Cambridge: Harvard University Press.
- Patchen, M. (2012). *Machiavellian Democracy*. Cambridge: Cambridge University Press.
- Perrin, A. (2018). Social media use in 2018. Pew Research Center.
- Pettit, P. (1996). Freedom as Antipower. *Ethics*, 106(3), 576-604.
- Pettit, P. (1997). *Republicanism: A Theory of Freedom and Government*. Oxford: Oxford University Press.
- Pettit, P. (2001). *A Theory of Freedom: From the Psychology to the Politics of Agency*. Cambridge, UK: Polity Press.
- Pettit, P. (2002). Keeping Republican Freedom Simple: On a Difference with Quentin Skinner. *Political Theory*, 30(3), 350.
- Pettit, P. (2006). Freedom in the Market. *Politics, Philosophy & Economics*, 5(2), 131-149.
- Pettit, P. (2007). *A Republican Right to a Basic Income?* Basic Income Studies, 2(2), 1-8.
- Pettit, P. (2008) "Republican freedom: three axioms, four theorems." In Cécile Laborde and John Maynor (eds), *Republicanism and Political Theory*, Malden, MA: Blackwell Publishing, pp. 102–30.
- Pettit, P. (2010a). A Republican Law of Peoples. *European Journal of Political Theory*, 9(1), 70-94.
- Pettit, P. (2010b). Legitimate International Institutions: A Neo-Republican Perspective. In S. Besson & J. Tasioulis (Eds.), *The Philosophy of International Law* (pp. 139-160). Oxford, UK: Oxford University Press.
- Pettit, P., (2011). 'Republican reflections on the 15-M movement', *Books & Ideas*. <http://www.booksandideas.net/Republican-Reflections-on-the-15-M.html?lang=fr>.

Pettit, P. (2012). *On the People's Terms: A Republican Theory and Model of Democracy*. Oxford: Oxford University Press.

Pettit, P. & McGeer, V. (2015). The Hard Problem of Responsibility. In *Oxford Studies in Agency and Responsibility*. Oxford: Oxford University Press, pp. Oxford Studies in Agency and Responsibility, 2015–09-01.

Phillips, A. (2000). *Feminism and Republicanism: Is This a Plausible Alliance?* The Journal Of Political Philosophy, 8(2), 279–293.

Pierce, C. M. (1974). Psychiatric problems of the Black minority. In S. Arieti (Ed.), *American handbook of psychiatry* (pp. 512–523). New York, NY: Basic Books.

Pistor, K. (2017) 'Moneys' legal hierarchy', in *Just Financial Markets?*. Oxford: Oxford University Press. (pp. 185-204).

Polanyi, K., et al. (1957) *The great transformation / Karl Polanyi ; foreword by Robert M. MacIver*. Boston, Mass: Beacon Press.

Preiss, J. (2018). Did we trade freedom for credit? Finance, domination, and the political economy of freedom. *European Journal of Political Theory*.

Putnam, R. (1988) Diplomacy and Domestic Politics: The Logic of Two Level Games., *International Organization*, 42(3), 427-460.

Rahman, K.S., (2016). *Democracy against domination*. Oxford University Press.

Reeve, C.D., 2004. Plato: Republic. *Hackett, Indianapolis*.

Reich, Robert B. (2015). *Saving Capitalism: For the Many, Not the Few*. New York: Alfred A. Knopf.

Richey, M. H. Et Al. (1967) Relative Influence Of Positive And Negative Information In Impression Formation And Persistence. *Journal of personality and social psychology*. 6 (3), 322–327.

- Rick, S. I., Cryder, C. E., & Loewenstein, G. (2014). The benefits of retail therapy: Making purchase decisions reduces residual sadness. *Journal of Consumer Psychology*, 24(3), 373-380.
- Rini, R., (2018). How to Take Offense: Responding to Microaggression, *Journal of the American Philosophical Association* 4.3: 332–351. Web.
- Rini, R. (2020). *The Ethics of Microaggression*. Routledge.
- Ronzoni, M. (2017) *Republicanism and Global Institutions: Three Desiderata in Tension*. *Social Philosophy & Policy*, 34(1), 186-208.
- Rouse, J. (2007) 'Practice Theory', *Handbook of the Philosophy of Science, Volume 15: Philosophy of Anthropology and Sociology*, (eds) S. Turner and M. Risjord (Oxford: Elsevier, 2007), pp.499–540.
- Richardson, H. (2005). Response to Pettit, Estlund, and Christiano. *Philosophy and Phenomenological Research*, 71, 218-230.
- Rumbold, B., & Wilson, J. (2019). Privacy Rights and Public Information. *The Journal of Political Philosophy*, 27(3).
- Sagar, P. (2019). *Liberty, Nondomination, Markets*. *The Review of Politics*, 81(3), 409-434.
- Sangiovanni, A., (2018). Structural Injustice and Individual Responsibility. *Journal of social philosophy*, 49(3), pp.461–483.
- Schuppert, F. (2015). Non-domination, non-alienation and social equality: towards a republican understanding of equality. *Critical Review of International Social and Political Philosophy*, 1-16.
- Sherman, L. E., Hernandez, L. M., Greenfield, P. M., & Dapretto, M. (2018). What the brain 'Likes': neural correlates of providing feedback on social media. *Social Cognitive and Affective Neuroscience*, 13(7), 699-707.

- Sherman, L. E., Payton, A. A., Hernandez, L. M., Greenfield, P. M., & Dapretto, M. (2016). The power of the like in adolescence: Effects of peer influence on neural and behavioral responses to social media. *Psychological Science*, 27(7), 1027-1035.
- Shoemaker, D., & Vargas, M. (2021). *Moral torch fishing: A signaling theory of blame*. *Noûs* (Bloomington, Indiana), 55(3), 581–602.
- Simpson T., (2017) The impossibility of republican freedom. *Philosophy and Public Affairs*45(1):27–53.
- Skinner, B. F. (2002). *Beyond freedom & dignity*. Indianapolis, Ind.: Hackett.
- Skinner, Q. (2008). Freedom as the Absence of Arbitrary Power. In *Republicanism and Political Theory*. Malden, MA: Blackwell.
- Skinner, Q. (2010) On the Slogans of Republican Political Theory. In D. Bell (Ed.), *Global Justice and Republicanism*, Special Issue *European Journal of Political Theory*, 9(1), 95-102.
- Smith, A. (1981 [1776]). *An Inquiry into the Nature and Causes of the Wealth of Nations*. Indianapolis, IN: Liberty Classics.
- Smith, L. T. (1999). *Decolonizing Methodology: Research and Indigenous People*. New York: St. Martin's Press.
- Stiglitz, J. and Charlton, A. (2005), *Fair Trade for All: How Trade Can Promote Development*. Oxford: Oxford University Press.
- Stout, L. A. (2012) *The Shareholder Value Myth*. Berrett-Koehler Publishers.
- Stout, N. (2020). On the Significance of Praise. *American Philosophical Quarterly*, 57(3), 215–226.
- Strawson, P. F. (1974). *Freedom and Resentment, and Other Essays*. London: Methuen.
- Strawson, P.F., (1974). *Freedom and resentment, and other essays / P.F. Strawson*, London: Methuen.
- Sun, Y., & Zhang, Y. (2021). A review of theories and models applied in studies of social media addiction and implications for future research. *Addictive Behaviors*, 114, 106699.

Sunstein, C. R. (2018). *#Republic: divided democracy in the age of social media (Paperback edition)*. Princeton: Princeton University Press.

Talan, T. et al. (2023) Effects of Smartphone Addiction, Social Media Addiction and Fear of Missing Out on University Students' Phubbing: A Structural Equation Model. *Deviant behavior*. [Online] ahead-of-print (ahead-of-print), 1–14.

Tarafdar, M., Tu, Q., Ragu-Nathan, B. S., & Ragu-Nathan, T. S. (2020). Explaining the link between technostress and technology addiction for social networking sites: A study of distraction as a coping behavior. *Information Systems Journal*, 30(1), 96-124.

Taylor, R.S., (2013). Market freedom as antipower. *American Political Science Review*, 107(3), pp.593-602.

Taylor, R. S. (2019). *Republicanism and Markets*. In *Republicanism and the Future of Democracy* (pp. 207–224). Cambridge University Press.

Thaler, R. H., & Sunstein, C. R. (2009). *Nudge: Improving decisions about health, wealth, and happiness*. Penguin.

Thompson, M. J. (2013). A Functionalist Theory of Social Domination. *Journal of Political Power*, 6(2), 179-199.

Teubner, G. (2012) *Constitutional Fragments: Societal Constitutionalism and Globalization*. Oxford Constitutional Theory (Oxford).

United States Senate, Select Committee on Intelligence. (2019). (U) Report of the Select Committee on Intelligence, United States Senate, on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election: Volume 2: Russia's Use of Social Media with Additional Views. Report No. 116-290, 116th Congress, 1st Session. Released on October 8, 2019.

Urbinati, N. (2012). *Competing for Liberty: The Republican Critique of Democracy*. *American Political Science Review*, 106(3), 607–621.

Vargas, M. (2013). *Building Better Beings: A Theory of Moral Responsibility*. Oxford: Oxford University Press.

Vargas, M. (2017). Implicit Bias, Responsibility, and Moral Ecology. In D. Shoemaker (Ed.), *Oxford Studies in Agency and Responsibility*, Vol. 4 (pp. 219–247). Oxford: Oxford University Press.

Venkatesh, N. (2021). Surveillance Capitalism: a Marx-inspired account. *The Journal of Political Philosophy*, 96(3), 359-385.

Vrousalis, N. (2013). Exploitation, Vulnerability, and Social Domination. *Philosophy & Public Affairs*, 41(2), 131-157.

Wallace, R.J., (1994). *Responsibility and the moral sentiments / R. Jay Wallace*, Cambridge, Mass: Harvard University Press.

We Are Social. (2023). Digital 2023, Global Overview Report. Accessed online, <https://wearesocial.com/wp-content/uploads/2023/03/Digital-2023-Global-Overview-Report.pdf>.

Weber, M. (1978). *Economy and Society: An Outline of Interpretive Sociology*. Guenther Roth and Claus Wittich, eds. *University of California Press*.

Wertheimer, A. (1988). *Coercion*. Princeton: Princeton University Press.

White, S., (2011). The republican critique of capitalism. *Critical Review of International Social and Political Philosophy*, 14(5), pp.561-579.

Wildman, N., Friedewald, M., & Elden, M. (Eds.). (2022). *The Philosophy of Online Manipulation*. 1st edition [Online]. Routledge, pp. 311-326.

Wylie, C. (2018). Testimony before the Senate Judiciary Committee. United States Senate. <https://www.judiciary.senate.gov/imo/media/doc/Wylie%20Testimony%2005-16-18.pdf>

- Wylie, C. (2019). *Mindf*ck: Inside Cambridge Analytica's plot to break the world*. Profile Books.
- Xiong, F. & Liu, Y. (2014) Opinion formation on social media: An empirical approach. *Chaos (Woodbury, N.Y.)*. [Online] 24 (1), 013130–013130.
- Yeung, K. (2017) ‘Hypernudge’: Big Data as a mode of regulation by design. *Information, communication & society*. 20 (1), 118–136.
- Young, I. M. (2000). *Inclusion and Democracy*. Oxford: Oxford UP.
- Young, I. M. (2003). Political Responsibility and Structural Injustice. Department of Philosophy, University of Kansas, lecture.
- Young, I.M. (2006). Responsibility and Global Justice: A Social Connection Model. *Social Philosophy and Policy*, 23(1), 102–130.
- Young, I. M. (2011). *Responsibility for justice*. New York; Oxford: Oxford University Press.
- Young, I. M. & Allen, D. S. (2011) *Justice and the politics of difference / Iris Marion Young*. Paperback reissue / with a new foreword by Danielle Allen. Princeton: Princeton University Press.
- Zaknich, A. (2005). Principles of adaptive filters and self-learning systems. *Springer Science & Business Media*.
- Zheng, Robin, (2019). What Kind of Responsibility Do We Have for Fighting Injustice? A Moral-Theoretic Perspective on the Social Connections Model. *Critical horizons : journal of social & critical theory*, 20(2), pp.109–126.
- Zuboff, S. (2015). Big Other: Surveillance Capitalism and the Prospects of an Information Civilization. *Journal of Information Technology*, 30, 75-89.
- Zuboff, S. (2019). *The Age of Surveillance Capitalism: The Fight for the Future at the New Frontier of Power*. London: Profile Books.