

Theorising domination

Power, rules and benefits

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I. Introduction

The purpose of this work is to understand domination - a philosophically underexplored concept that figures in the background of many debates. While neither the conceptual nor the normative analysis of domination presented here are exhaustive, they make a number of substantial contributions in the following areas.

As far as conceptual analysis is concerned:

- ➔ I provide additional support for the thesis that domination is a kind of structure, rather than a particular use of power. I also argue against the exercise-view of domination, according to which domination exclusively concerns interference, rather than the capacity for it.
- ➔ I offer a more expansive notion of power-over, according to which to have power over another individual means to have the ability not only to affect the choices she makes from her opportunity sets, but also the ability to shape the content of these sets.
- ➔ I provide arguments to the effect that domination is not restricted to strategic relationships, i.e. that the dominator and the dominated do not have to take each other's behaviour into account. One consequence of this view is that A can dominate B even if neither of them is conscious of this fact and that domination can exist between distant agents who do not interact.
- ➔ I argue against the imbalance of power account of domination and show that considerations of arbitrariness are crucial to domination.
- ➔ I reject the three most known accounts of arbitrariness provided by Frank Lovett, Philip Pettit and Marilyn Friedman.

The view that emerges is that in a situation where an imbalance of power exists, A dominates B if A is not forced to track B's objective interests (the arbitrariness condition). This definition serves to differentiate the notion of domination from a host of related concepts. Towards the end of this essay, I disentangle domination from exploitation, oppression, structural determination and 'advantage over'.

In the sphere of normative analysis, I take a broader, contextual approach to the evaluation of domination. While it is part of my account that domination as such is incompatible with well-being, I focus my attention on the social context in which instances of domination occur. I argue that in order to understand the normative status of domination and the consequences it has for the pursuit of the opposite ideal, it is crucial to examine how domination interacts with the satisfaction of interest and rational behaviour, as well as the socially established forms of interaction.

In summary:

- I suggest that we adopt a new perspective on evaluating domination, one which focuses on the social context in which it occurs and the benefits it can provide.
- I argue that relationships which contain elements of domination can be seen as socially indispensable and beneficial.
- I propose to categorise such relationships as dominative exchange relationships, which include what I call 'benefit deals'. The relationships in question are benefit-harm relationships.
- I ask whether it is possible for such relationships to be beneficial overall, given that they involve a reliable provision of benefits. I suggest a way of evaluating these relationships from a broader perspective, according to which they violate what I call 'an exchange requirement' of *non-domination-status*. The consequence of this view is that since such relationships violate this requirement, they cannot be part of a person's well-being, despite the benefits they involve.
- I look at the implications of this view for the pursuit of non-domination. Contra Philip Pettit, I argue that the ideal in question might be often unappealing and given the benefits involved in dominative relationships, it might not be seen as either feasible or desirable.

Structure

This essay divides into two main parts.

I devote the first of these to a conceptual analysis of domination, where I first attend to the structure-based view. Second, I examine the imbalance of power condition, along with the notions of power-over and dependency. I then argue against the imbalance of power conception of domination. Finally, I argue against the three accounts of arbitrariness and propose an alternative.

The normative part opens with an attempt to categorise dominative relationships, followed by a demonstration of their ubiquitous and quasi-beneficial character. I then move on to discuss the overall character of such relationships and answer the question of whether they can be beneficial overall.

I conclude this essay by looking at the consequences of the view adopted for the ideal of non-domination.

II. Domination

1. Preliminary remarks

Structure and outcomes

The fundamental claim I want to begin with is that domination is about what agents *can* do rather than what they *do* – it concerns their mutual positioning. The consequence of this claim is that domination is neither exclusively about the *exercise* of power nor about its consequences. Instead, it is about how one's superior power capacities are *constrained*. There is no particular outcome that the imbalance of power has to produce: it is sufficient that it is left unregulated.

Contrast this with the view on which an imbalance of power must play out in a specific way if it is to constitute domination. For example, one could claim that domination only exists where a superior agent obtains benefits by depriving a weaker agent of some resources or by interfering with her life. In any given unequal power relationship, these phenomena will testify to the presence of domination. Similarly, if an agent's power results in exploitation, instrumentalisation and loss of dignity of the weaker agent, the former dominates the latter. In these examples, constraints externally imposed on an agent's power capacities do not play any conceptual role. We only need to know if the power relationship in question produces particular outcomes.

The conception of domination proposed here is different, in that it defines domination in terms of structure, rather than outcomes. In this I am in agreement with Frank Lovett (2010), who sees domination as determined by the lack of external limitations imposed on power-wielding agents. Domination exists whenever it is possible for an agent to restrict the range of options available to the less powerful in just any way she wants. Thus in principle, the dominator does not have to benefit as a result of her power capacities and the dominated need not suffer deprivation or subjectively defined harms. What is sufficient is that the power of the former is left unregulated in some way, regardless of whether it is used.

The principal argument against the outcome-based account (to use Lovett's phrase, 2010, 12) is that it leads to a distorted picture of power relations among individuals in many cases. First, the dominator might simply decide she will not, in given circumstances, take advantage of the weaker party. This could be for a variety of reasons. Perhaps she is in a benevolent frame of mind on that day or suffering from a temporary ailment. In this situation, no specific outcomes of the power advantage she holds will materialise.

Second, individuals might easily learn to manipulate the dominator's behaviour so that none of the expected outcomes transpire. For example, they might train themselves in appeasing the master, in order to avoid provocation. Through self-policing, trickery and manipulation, the expected outcomes of domination (or more generally, the actions that the dominator would perform) can be either masked or mitigated. This is not a merely epistemic point and does not only refer to the empirical difficulty in determining whether domination is present. The worry here is that if one acquires the ability to prevent the master from behaving in a particular way, or if the master herself cannot be bothered to intervene, one thereby becomes undominated. Yet being lucky enough to *avoid* the master's intervention does not equal being free. Resorting to tactics like these makes submission all the more evident, rather than non-existent.

Lastly, the focus on the outcomes of domination as its defining feature might artificially limit it on the basis of particular, historical experiences. Any consequence-based theory will have to specify the relevant outcomes: it will have to pick some and not others, and there is a significant risk that this choice will be based on historically common phenomena (e.g. violence). But a legitimate question will always arise as to why only these outcomes count; as to whether domination is always unified in terms of its results; as to whether unexpected, previously unencountered, or deceptive forms have been developed, so that different phenomena are produced. The outcome-based account will therefore unnecessarily limit the notion of domination and hinder our understanding of those forms of it that have not manifested themselves yet, but could. Such a conception of domination might then easily become anachronistic and inadequate.

Objectivity of domination

As I have already suggested, one consequence of the structure view is that domination cannot be dependent on a person's subjective evaluation of her situation. A person's feeling of either being dominated or dominating another party might be misplaced. To be sure, whether the dominators and the dominated see themselves as such will have some impact on their behaviour. Yet this will merely determine how the relationships play out, not whether they are in fact dominative.

The problem with making domination dependent on agents' subjective experiences is not only the possibility of false consciousness, but also the resulting instability of domination-related assessments. A person's judgement of her own situation can, after all, be easily affected by a variety of factors and be subject to frequent change. What is more, such an account would artificially diminish the scope of domination, as it is likely that individuals will not *feel* dominated by distant or hidden actors. Yet it is implausible to think only those individuals whom I know or am aware of could dominate me, as it will

often be in the interest of dominators to keep the relationship opaque. In fact, domination in many cases will only be effective provided the dominated does not realise its presence. Moreover, the ascription of such awareness and knowledge to subjects will be especially problematic in cases where institutions and complex networks of domination are involved. And finally, some individuals might not be willing, or able, to obtain relevant information about their relative power position and the capacities of others. As a result, they might never experience their domination.

The objectivity of domination has its practical merits. If a given social phenomenon receives an objective specification, it becomes publicly verifiable according to strict criteria. This is important on the political arena, where accusations of domination appear frequently (consider the debates about multiculturalism and the position of ethnic minorities as an example). The objectivity condition makes the creation of policy less problematic, clarifies the public discourse and could, being conducive to transparency, reduce social dissonance which frequently stems misinformation and misperception. Moreover, if domination has an objectively specifiable structure, it is less likely to be objected to as a form of paternalistic labelling and victimisation.

2. Imbalance of power

In the previous section I outlined the general conceptual approach we should take when thinking of domination. Whenever we say that a relationship is dominative, we are referring to its structural properties. In what follows I look at what exactly these properties are.

The core element of all dominative relationships is an imbalance of power. One cannot dominate another without at the same time possessing power over them. Relationships where a relative balance of power is involved are properly called *partnerships*. To call a relationship dominative is to say, minimally, that the structure of such a relationship involves a hierarchy of power.

The notion of power is thus a basic conceptual ingredient of any discussion of domination. It is also a somewhat fuzzy concept that we need to approach armed with a few distinctions.

Some theorists' specification of the notion of power has led to a conceptual overlap between it and domination. For example, power could be seen as the ability of an agent to negatively affect another agent's interests (as mentioned in Lukes, 2005, 37). On such accounts, power simply *is* domination. Nevertheless, I think that preserving a distinction between power *simpliciter* and power *in* domination is a more commonsensical move. This is because the ability to affect negatively another's interests expresses a complex idea, involving a more basic component, which is power as the *ability* to bring about a given state of affairs. This sort of power we can call *agency-power*: the ability to act in the world; to make things happen.

Agency-power is obviously an ingredient of the kind of power involved in domination, but does not exhaust it. Given that domination must involve *imbalance*, in this context we need to think of power as 'power-over'.

Power-over

Power-over is, in simplest terms, an asymmetrical relation of power between individuals when we consider their relative standing in terms of what one can do to the other. In this sense, agency-power becomes power-over, when we look at it from the perspective of how it exceeds the power of another agent.

Yet there are many ways in which individuals can affect one another, and some have thought that only specific ways of affecting count as instances of power-over. Here, I shall divide these accounts into two

broad categories: evaluative and descriptive. I shall divide the latter into two further categories: the behaviouristic and non-behaviouristic conception.

Consider first the evaluative approach. Steven Lukes' (2005, 37) initial conception of power-over sees it as an *exercise* of the capacity to *adversely* affect another person's *interests*. This view involves two important elements that I shall discuss in reverse order: a) that power, and domination more specifically, is an *exercise*, rather than a *capacity* notion, and b) that it always affects negatively the interests of the weaker party.

Let's look at the second clause of Lukes' position on power. What reasons do we have to restrict power-over only to what is an essentially negative phenomenon? First, consider power-over as part of institutional arrangements that further collective social interests. Justice and law necessarily involve enforcement mechanisms based on power-over, meant to protect the interests and entitlements of individuals. Without the imbalance of power involved in such arrangements, the law could not command obedience and respect, and consequently justice could not be realised. This is true both in terms of enforcement mechanisms (courts, police) and in terms of the psychological effect the awareness of such imbalances has on individuals. Consider one's recognition that individuals representing the state's institutional system possess a high degree of power-over. The rational expectations, i.e. that others will comply and that disobedience has its consequences, ensure that the rules are abided by and procedures complied with.

This last point is closely related to the individual interest in security. My need to be protected from others requires that some agents be given greater powers, so that the protection in question can be reliable and more effective, and so that I do not have to continuously worry about it. Further, in order for protective agencies such as police to be able to prevent crime, or the legal institutions to administer justice, it must be the case that all individuals are generally under its coercive power (as otherwise, it would not be able to command obedience), so that the protected agents are also those who are subject to superior power. Generally speaking, political systems are based on sets of imbalances of power created in order to counter other sets of imbalances of power. Since this is so, some of a person's interests in such a system can (often only) be furthered if others possess a degree of a suitably qualified power advantage.

In many instances, A's possessing power over B will improve B's prospects. Caring relationships are a case in point. The relationship between a child and a parent, a student and a teacher, a person with disability and a social worker, are all examples of relationships where one party exercises their power for the benefit of the other, and this remains so whether or not the interests in question are specified as

subjective preferences or objective needs. In fact, as will become clear soon, power-over is often indispensable for benefit provision. In such cases, a person's interests would be affected *negatively* if someone else did not wield suitable power over them. Thus, there are no good reasons to restrict the notion of power only to potentially negative actions.

More importantly though, the capacity to negatively affect one's interests is always also the capacity to *positively* affect them. Indeed, this means it does not make sense to characterise power-over *exclusively* as the power to bring undesirable effects.

We can now consider a different, non-evaluative conception of 'power over' cashed out in terms of preferences, due to Lovett:

(SP) One person or group has power over another if the former has the ability to change what the latter would otherwise prefer to do—i.e., change the strategy the latter would otherwise select from their opportunity set (2010, 75).

Lovett sees power-over as the ability to get someone to want to do something they would not otherwise want to do. Suppose A has a preference to attend a business meeting. Suppose also that B issues the following threat to A: if you attend the meeting, I shall withdraw your candidature for the post of director. Given the background preference B has to retain her candidacy, A has the power to change what B would otherwise prefer to do and thus has the power over B.

On this conception, to have power over somebody is to be able to change their chosen strategies for action, as well as goals. Supposing this translates into an agent's behaviour, this account is behaviouristic in nature: power-over means affecting an agent's calculations regarding her actions and subsequently changing them. Assuming for the moment being that it is correct, it seems that the focus on the *change* of preferences is somewhat narrow. What we need to add is the person's ability to ensure that a relevant change in another's preferences does not occur. In other words, *maintenance* of the current preferences counts as much towards social power as the ability to change them. An expanded conception of power-over would thus involve A's ability to change or maintain what B prefers to do.

How could the preferences in question be affected? Consider raising the relevant costs and benefits of pursuing particular options. The costs in question could be understood in terms of social pressure, shame, or punishment. The method just mentioned relies on what Lovett calls *strategic anticipation* (2010, 77). Strategic anticipation concerns both what A expects B to do if she chooses option X, and perhaps more crucially, what sort of expectations A has regarding other agents. Lovett's example is

that of a dictator who is obeyed only because those whom he commands have the expectation that rebellion is futile (given that others will obey him). Hence, even though the subjects in question could all at once stop following the orders of the dictator, they continue to do so because of their anticipation of others' acquiescence (2010, 77).

Now, what if the individuals in question are *wrong* in their anticipation of the widespread obedience of others? Interestingly, it seems that not much changes in terms of the dictator's power-over, since the belief retains its restraining power regardless of its truth value. As a result, the dictator's *perceived* power has exactly the same effect on individuals whether or not it is correct. It follows that power-over is held by a person even where the others fall prey to misperception¹.

Lovett's account seems incomplete, however. Power-over is not merely the ability to alter the chosen strategies from one's opportunity set, but also to impact (or control) these sets. Imagine A can at will restrict the range of options available to B in such a way that it comprises only those options which A favours. Think of a child and a parent. The parent of a nine year old child can presumably restrict or at least heavily impact the scope of the child's opportunity set, *before* the child forms any relevant strategies. Similarly, think of the state which can have a similar capacity to tamper with the opportunity sets of its citizens in such a way that all the options they choose will be taken from an already manipulated set. In a society where females do not possess many rights, the choices they can make are already restricted - there is no need to try to change their particular choices.

Before concluding this section, I wish to address one more aspect of Lovett's conception of power-over that I am inclined to reject. Lovett sees the notion of power-over as most often applicable in the context of a social relationship. He defines social relationship as a strategic situation:

(SR) *Whenever what we want to do, if we are going to be rational, depends in part on what others are likely to do, this is called a strategic situation* (2010, 34).

A partially strategic situation will be one in which

¹ What if power misperception is based on a logical mistake or irrationality? I am inclined to think the situation is unclear, since in this example, an agent's power would have absolutely nothing to do with the agent herself. We would thus have to say that individuals could be, practically all of a sudden, endowed by power over others merely due to the latter's mistake in reasoning.

one person or group must anticipate the purposeful action of another in deciding what to do, but not vice versa. (...) A situation might be partially strategic in a different way, if one (or more) of the persons or groups involved is unaware of the strategic nature of the situation; until they become aware of this fact, they might behave as if the situation were not strategic (2010, 34).

However,

in fully strategic situations, 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 (2010, 34).

Following Max Weber, Lovett then restricts social relationships to fully strategic situations. Notice the invocation of rationality in this definition. A strategic relationship is one in which agents have to take one another into account, if they are supposed to behave *rationally*. Obviously though, agents might choose to ignore one another, refusing to act in a rational manner. This irrational ignorance does not, however, change the strategic character of the situation, whose definition is based on the background assumption of rationality (2010, 34).

As Lovett sees it, the notion of power-over will most typically apply in the context of a fully strategic situation, i.e. where both agents take one another into account when deciding on their course of action (recall, after all, that Lovett sees power-over in terms of the ability to affect agents' *strategies*: A has certain strategies in store, depending on what B does, and A changes her preferences in conscious anticipation of B's reactions). He does, however, admit of exceptions. Let's take his example of a principal and bully. Since the bully does not wish to be punished, the principal, who possesses the capacity to punish him, has power over the bully. The principal reliably adheres to the strategy of only punishing the bully if he threatens 'wimps'. This strategy will remain constant *regardless* of what the bully does. This means the bully is in a non-strategic relationship with the principal, who, according to Lovett, only represents a part of the background structure of the relationship between the bully and other students (similar to the role of the property law in master-slave relationships, 2010, 81).

In any case, I would like to argue that the notion of power-over is *not* confined to either fully or even partially strategic situations.

Consider the following two situations.

B₁: Here we have a case of an agent who runs (possibly in collaboration with other agents) a system that members of a community depend on. In this scenario, the individuals in question have to take the

realities of that system into account, yet they do not refer, in their strategic thinking, to any particular person or group of persons. In fact, they might be unaware of their existence.

B₂: A non-intervening agent lives away from the community and no one in the group is aware of either her existence or powers. Again, she is not likely to intervene, despite her power advantage. As a result, individuals go about their business as usual, since the power gap that exists does not affect the way they choose their strategies.

In B₁ what has to be taken into account by agents is not what A herself wants, but the functioning of the system which A runs. An influential banker need not appear in the individuals' calculations, but all the consequences of not abiding by the rules of the market (including life quality) and more generally, the world he is indirectly in charge of, have to be. In fact, this method of wielding power is perhaps most common in the contemporary complex and bureaucratised world. Many influential agencies possess the power to determine the shape of our life prospects, even though the system which we are embedded in is such that there is no need, or even practical possibility of, taking *their* actions into account when carrying out ours.

Consider the members of the International Monetary Fund or the Council of Europe, or think of a company that employs a whole town. Apart from individuals with a specific interest in these organisations and those who show a degree of social and economic awareness, many will not take into account what these agents do – they will not ponder the possible actions of the powerful property owners, of influential politicians, and so on, because the connection is too distant. Hence even though collective agencies such as banks, economic agents of various sorts, multinational companies, and individuals making key decisions in the financial sector wield extraordinary power over whole populations, many of us will remain oblivious to the relevance of their actions. Hence again, these situations will not be strategic in the way outlined above. That does not mean they cease to possess power over those who do not take them into account. To say this would be to unduly focus on technical arrangements rather than the essence of the situation.

Consider also that in many instances, powerful agents could and will resort to forms of manipulation in order to cause misinformation. Not knowing what one's position is will thus often be one of the most important elements of domination. In such situations we will not, in our daily lives, consciously adjust our goals and strategies to what the powerful agents want.

In other words, the fully strategic situation requirement imposes an overly restrictive and reality-blind condition of transparency on social relationships. It is unclear why social relationships, especially those

involving subordination, need to involve mutual acknowledgement of dependence. In many such relationships it will be precisely the lack of transparency that will be essential to maintaining it. This could be for various reasons: the relationship could be dominative with the stronger party doing her best at keeping the relationship opaque, or it could be a caring relationship, in which the required transparency would endanger its beneficial aspects. To this we can add cases of false consciousness and adaptive preferences. In these contexts, keeping the relationship non-transparent will be one of the most important goals of the powerful.

Let's look at scenario B₂. The non-strategic character of the situation is a result of epistemic opacity. Can the notion of power-over apply to non-strategic situations like this one? Think of being dependent on distant individuals whose actions profoundly affect the environment you live in. Is your awareness of this fact and the subsequent calculations regarding that agent's wants and behaviour indeed required? It seems not: agents can possess the power to alter your opportunity sets and your choices whether or not you know they exist.

More generally, a view which restricts the considerations of power-over to strategic situations postulates too tight a connection between power and reasoning: it makes it partially a function of what enters the rational, explicit calculations of individuals. However, very often relations of dependency or perhaps even servitude are obscured by systemic factors in such a way that the focus on strategic situations becomes inadequate. The sheer complexity of the contemporary states and societies means that the facts concerning of who actually is responsible and in control for the particular circumstances of life, particular events, processes and decisions will be more than difficult for individuals to determine. As a result, it will not always be the case that the persons who are in fact in control, will figure in the strategic reasoning of those whom they so control (which is not because of their irrational ignorance). In order for this to be the case, conditions of almost full transparency would have to obtain.

The main point that emerges from this discussion is that A can have power over B even if B does not take A into account when contemplating her plans for action, and A does not consciously try to affect those plans. In such cases, A retains her capacities to alter B's strategic thinking, because she possesses the kind and degree of agency-power that would affect B's calculations. In other words, there is no *awareness constraint* on power-over, meaning that X has power over Y if X has the power to affect Y's chosen strategies regardless of whether Y actually takes X into account.

To sum up, we can distinguish the two ‘faces’ of power-over:

- 1) The ability to affect the preferences of another regarding various courses of action. X possesses this capacity even when Y does not take X’s future behaviour into account when making the relevant choices. In other words, power-over is not constrained by an awareness requirement.

- 2) The ability to impact one’s opportunity set which one would then choose a strategy from. Here again, the awareness requirement does not apply.

A note on dependency

The notion of dependency is naturally presupposed in all discussions of domination - one cannot be dominated without at the same time being dependent. Independence cannot coexist with domination.

Dependency could receive either an analytically separate place in one’s conceptual scheme, or could be incorporated into the notion of power-over. On the former account, it would be a necessary, yet a separate condition of domination together with an imbalance of power. On the latter account, the extent of power-over would equal the extent of dependency. On Lovett’s account for example, power-over and dependency are distinct, necessary conditions of dominative relationships. Before discussing his account, let’s make note of one specific sense of dependency that is not relevant to this discussion.

Dependency often refers to *impersonal influence* or *determination*. Consider examples such as ‘this condition is dependent on your genes’ or ‘you depend on your education’. Similarly, we often speak of individuals’ characters and lives as being shaped through the internalisation of social norms. In this case, we are dealing with dependency on a certain type of process (that occurs through particular social relationships). In this specific, non-agential case, dependency consists in the extent to which one’s existence is *shaped* by some (often social) phenomenon and the relevant measure of one’s *independence* is one’s ability to diminish, withhold or reverse this process.

It is not, however, the kind of dependency relevant in the context of domination, for the latter seems to be at least indirectly ‘agential’. Agential here means that dependency involved is ultimately traceable to an agent, a group or a *category* thereof. As indicated earlier, domination transpires very often in situations where agents are not directly dependent on any *particular* individuals, but on the arrangements, structures and norms certain collective agents create through generations. One can thus say that A is dependent on (as well as dominated by) the pharmaceutical industry without being able to

point to any *specific individuals* A is thus dependent on. In such cases, it is the collective power of many agents, even if *uncoordinated*, that is responsible for A's dependency. While this can be more or less impersonal, it is always traceable to actions of individuals.

In the present context, dependency can be understood in at least two different ways.

First, we can think of dependency in objective, power-related terms. In this case dependency becomes synonymous (not merely co-extensive) with power-over - the greater the power A possesses over B, the greater the dependency of B on A. Dependency is thus specified in terms of how *much X can affect* particular elements of Y's life. As a result, it becomes conceptually incorporated into the notion of power-over.

Second, we can think of dependency in a subjective sense, as a function of an agent's own assessment of her situation. According to Lovett, 'the degree to which a person or a group's continued membership in some social relationship is not voluntary' is the degree of their dependency on that relationship (2010, 39). Lovett further specifies that the extent of voluntariness involved in a social relationship is inversely proportional to the expected (and subjectively perceived) *exit costs*. Consequently, he connects dependency with involuntariness. The higher the exit costs from a given relationship, the greater the involuntariness of the relationship and the resulting dependency.

The subjective conception of dependency requires a few clarifications. First, when determining the extent of one's dependency, it will not be sufficient to consider the costs of abandoning any one specific relationship that directly contributes to it. Think of the banking system. I might close my bank account and refuse to deal with banks in any direct way, but my dependence on the banking system will not drastically decrease as a result. As long as I live in a society to which the institution of a bank is central, I cannot escape this dependency. Even leaving the society altogether might not be sufficient, assuming that what societies do has considerable external effects. Since in this case dependency is not seriously determined by being in any one particular social relationship, it will be measured by one's perceived exit costs from a large set of relationships. In certain cases then, in order to fully escape dependency on a particular institution or social arrangement, we will need to exit the total sum (or the majority) of our social relationships.

Second, Lovett's line of reasoning implies that dependence could never be voluntary. Since voluntariness is here seen in terms of exit costs, the greater the involuntariness (exit costs) of a relationship, the greater the dependency. Thinking of voluntariness in terms of costs is not unnatural and there is much plausibility to it, in certain philosophical contexts at least. Consider the debate

between libertarians and egalitarians. The latter claim that if a worker faced with a choice between starvation and an exploitative contract, chooses the former, his being party to the contract is not truly voluntary. Grave consequences such as loss of life or basic resources thus seem to compromise the voluntary nature of our choices. It seems therefore that costs *are* relevant to voluntariness in certain contexts. But in others they might not be. My strong unwillingness to sacrifice comfortable accommodation for the sake of a cheaper alternative does not mean that my relationship with the landlord in the former case is involuntary. The relevance of costs to voluntariness thus seems to depend on their severity. If we think of subjectively perceived costs as determinants of voluntariness, then it seems that the relationships of individuals with 'expensive tastes' and those who satisfy them are involuntary. Having been accustomed to earning millions, A might dread living on an average salary, but any relationships she forms on this basis cannot be said to be involuntary as a result.

My suggestion is that involuntariness should only be seen in terms of costs provided they are severe, i.e. falling beyond an objectively specifiable basic minimum. Beyond this point, one's choosing to persist in a given relationship will be voluntary, depending on what one is ready to sacrifice. Dependency can be therefore voluntary in some cases, where exit costs do not fall below a certain minimum². The greater the exit costs, the greater the dependency, but only in some cases does this mean that dependency is involuntary. To sum up, while dependency is still seen in terms of costs, costs do not always determine voluntariness. (Note that on the objective conception of dependency, there would be no connection between it and voluntariness, since the former is merely a function of *how much* power-over another agent possesses - a *fact* which has nothing to do with consent of the weaker party.)

Third, exit costs from an already existing relationship are not the only relevant measure of dependency from an agent's point of view. Suppose that I already find myself in a social relationship which it would be costly to abandon. I suggest my dependency on a given agent could be measured before such a relationship is actually established, if the agent in question has the power to make me develop a need or interest the satisfaction of which only she can guarantee. In other words, dependency is present if the relevant agent has the power to make me develop a need that necessitates entering a relationship with that agent. If so, then dependency is shaped not only by the costs of exit, but also one's vulnerability to manipulation of needs and interests - what I perceive as essential and important and what induces me to seek a social relationship with a particular person or group. One subset of such

² The minimum in question will presumably vary across different economic environments. What is considered a minimum in England will amount to more in comparison to what is considered as such in India. The fact of an involuntary dependency could therefore be society-relative.

cases could be vulnerability to *exploitation*. Imagine I do not need a provision of rice and am not interested in this option. Imagine then that X deliberately causes my starvation, knowing she is the only provider of rice I can have access to, and that no other food is available. Suppose I now need to commit myself to sixteen hours of hard labour every day in order to obtain nourishment from that agent. Leaving this relationship is now extremely costly, but my dependency is further aggravated by that agent's power to manipulate my situation in the way described. Vulnerability to exploitation is thus a case of high level dependency.

Power-over, dependency and domination

Which definition of dependency should we choose? There are persuasive considerations in favour of the subjective view. Consider Lovett's example:

Compare the wives of one society, which presents them no options outside marriage, with the wives of another, which does. Suppose, however, that women in the second society have been thoroughly convinced that their highest possible calling is motherhood within a traditional family. Subjectively speaking, their exit costs from marriage will be high, but from an objective point of view, their outside options seem perfectly good (2010, 51).

In such a case, it would be implausible to think that the wives are not dependent on the husbands. It is important to see, however, that the case he invokes is quite specific: it is based on a kind of false consciousness which developed as a result of social conditioning. Two other cases remain. One can come to subjectively see certain costs as high, because of social conditioning that is not deliberately aimed at subordinating them, e.g. family upbringing. Second, costs can be perceived as grave due to socially innocent causes, such as false beliefs stemming from logical mistakes or more generally, irrationality. As I have noted when discussing the notion of power-over in the case of misperception, it is not clear to me whether the third category can really make one's perception of costs relevant to the degree of one's dependency. Suppose X is the dominating agent and Y the dominated one. All three cases mentioned are cases of a false belief, but in the third case the alleged dependency is not in any way related to X. More precisely, in the first case X manipulates Y's beliefs deliberately, in order to create a relation of dependency. In the second case, even though social norms and customs are impersonal, they have originated from the social power of particular groups holding power. But the third case has nothing to do with X's capacities. The dependency in question does not stem from any particular property or feature X possesses, merely from Y's own mistake. I would thus like to signal some doubts as to whether dependency seen in terms of perceived exit costs can really be present in such a case.

We therefore have two ways of thinking about dependency. What is the relation between these and domination? I think the examples like the ones above illustrate that subjective dependency is more relevant to measuring a person's *compliance* with domination, rather than domination itself. How much we think we need our dominator will affect the extent to which we are willing to accept her dominative position, rather than the *actual* extent of our domination. The greater the exit costs, the less willing an agent will be to resist the arrangement.

Accepting the objective, power-related approach and seeing the subjective account as a measure of one's willingness to comply with domination, can accommodate some commonly accepted ways of thinking about dependency. For one thing, we tend to think *mutual dependency* is compatible with domination. Masters and slaves are, after all, *interdependent* in that the masters need and rely on their slaves to provide them with certain benefits and vice versa. Consider that masters could be dependent on their slaves in that they need the latter's labour, but we would not as a result conclude that they are dominated by their slaves (a contradiction in terms). This point would have to be reconceived as a point about the masters' and slaves' mutual readiness to leave the relation unchallenged. The parties in question are interdependent despite domination, because they both have powerful reasons not to challenge their arrangement.

The second point we need to accommodate is that, as Lovett remarks, dependency is not a zero-sum relation (my dependency is not necessarily low just because yours is high), while power-over seems to be (2010, 39). Individuals can be dependent on one another to the same degree, but we cannot talk about power-over where power is balanced. Again, we can understand this as saying that both parties can have similarly, or equally, strong reasons to persist in their relationship and that there is no reason to think A's willingness decreases when B's increases.

Finally, not all instances of relationships where a high level of subjective dependency exists amount to domination. Being *mutually* in love, even though representing a high level of dependency in subjective terms (i.e. the lovers' willingness to leave the relation intact), need not involve an imbalance of power (and thus objective dependency) and so need not amount to domination.

Domination: power capacities or power exercise?

I have begun this essay by stating that domination is about what agents *can* do to one another with their power, not merely what they actually *do* with it. In other words, our basic assumption has been that domination is about power *capacities*, not just power exercise. Apart from Frank Lovett's account

discussed above, the capacity-based view is also accepted by Philip Pettit (e.g. 1997, 2001, 2008), who uses the term 'virtual control' to refer to an agent's unexercised ability to interfere.

The primary motivation for the capacity view comes from the paradigmatic case of domination which is slavery. Slaves are, by definition, dominated by their masters, yet the latter need not interfere with them in order for the relationship of domination to exist. In fact, the master can be away or uninterested in his slaves. In a more abstract form, this thought has been well illustrated by the republican proponents of the ideal of non-domination such as Pettit (e.g. 1997, 2001, 2008) and Skinner (1997), whilst defending their view of freedom. Pettit and Skinner tell us to imagine an environment that is entirely under the control of another agent. It so happens, however, that the tyrant rarely intervenes, perhaps because his subjects usually behave in the way he desires. If her subordinates are aware of the potential interference, this awareness will presumably lead them to self-policing, through which they will deliberately shape their actions and perhaps thoughts, in the hope of avoiding the tyrant's intrusion.

Considerations like these, some of which I have already touched on in this work, led theorists to believe that one can be dominated where no interference is present and this has, in fact, been historically the case. Consider not only slavery, but also totalitarian states that often kept their citizens in paralysing fear, making interference unnecessary. While such states no doubt often resorted to acts of interference, they also kept their citizens in the *state of domination* given the enormous power they could potentially exercise.

Following this thought, there are additional considerations in support of this view. From the point of view of a dominating party, it might be more rational and effective to influence the preferences that guide individuals' choices, rather than interfere with the choices themselves. Note that this need not happen through direct manipulation (on many accounts manipulation is, in fact, counted as a form of interference). Preference shaping could occur through systematic moulding and partial, indirect influence emanating from various corners of society, causing individuals to develop adaptive preferences. If we conceive of domination exclusively in terms of power exercise, we can account neither for the non-interfering slave masters, nor for many forms of psychological and social control.

Still, to some it is controversial to think about domination in terms of mere capacities. Consider Marilyn Friedman's attack on this view. If domination is understood in terms of capacities, then presumably non-domination will be also understood in terms of the *lack* of such capacities. She sees this analysis as flawed:

Is his [Pettit's] requirement too demanding? The capacity for arbitrary interference accompanies any excess of power that a person possesses with respect to any other person. Big and strong people can physically overpower weak people; smart people can outwit those with less intelligence; the rich can find the ways to control the poor. (...) The capacities of people to interfere arbitrarily in the lives of others are often if not always also capacities to interfere nonarbitrarily for the benefit and care of those others (2008, 251).

Moreover,

when someone actually exercises this capacity, it is legitimate to subject them to political control. But should somebody be controlled even when she does not use her capacities for arbitrary interference? One powerful reason to avoid regulating unused capacities is that any state that uses its power to suppress all the various capacities would be acting so pervasively in people's lives that it would amount to a police state. Someone who does not exercise their capacity does not deserve to be punished or penalised by the state (2008, 252).

Instead, she suggests domination should be analysed in terms of an *actual* or *attempted* (arbitrary) interference:

domination involves the actual wielding of comparatively greater power over another; an unexercised inequality of power does not constitute domination (2008, 253).

Friedman's account is unnecessarily limited, however. Consider affecting other people's desires in such a way that the powerful need not resort to interference in order to govern the less powerful. Recall also the compliance, self-policing, obedience and perceived legitimacy of a dominating power mentioned previously. Why exclude these as forms of domination?

One of the deeper problems Friedman sees in Pettit's account is that it seems to qualify just any capacity as a form of power-over and thus in need of curbing. In the light of this objection, how do we determine which capacities count?

We need to remember that social power is but one *form* of power-over. Take the very common phenomenon of the emotional power of love as an example. There might not be any balance of romantic feeling between two lovers, as one can be more in love than the other. Structurally speaking, hatred is a similar case. It is plausible to think that if A hates B ardently, then B has unconscious power over A and not the other way round. We would thus think that social power is just one type of power relevant to domination. Second, consider persuasion. If A possesses superior intelligence than B and

shows greater argumentative talent, does she not dominate B (consider that it is often said that academics 'dominate' lay people in discussions)? If these can be sources of power-over, they are relevant to domination, and this gives us some scope for the suspicion that intellectual and emotional capacities should be regulated.

In this light, Friedman's critique seems to be well-founded. If we conceive of domination in terms of capacities, fighting it might have counter-productive, if not dangerous consequences. I shall argue below, however, that these worries are to some extent misplaced.

What Friedman does not seem to recognise is that not all forms of domination will appear on the state agenda (in fact, some forms thereof may well be encouraged). We must remember that for Pettit, the non-dominated person is 'someone who is systematically protected and empowered against alien control *in those choice-types that are deemed significant in social life*, in relevant choices and on the right basis' (2008, 103). Moreover, all calculations involving the various spheres of domination will have to pass a kind of 'a reasonability test'. I am dominated by my housemate who locks me in the bathroom for ten minutes without my consent, but a state committed to championing non-domination need not criminalise such acts. It is thus a separate question as to what course of action it is reasonable for the state to pursue and as to what specific areas the agenda should be narrowed down to. Not *all* exercise of power will be crucial to one's standing in a society, and the state need not regulate all aspects of such interpersonal dynamics in order to facilitate non-domination. Ultimately though, it has to be conceded that it is up to the publicly deliberating citizens which spheres they want to secure and in which spheres they are ready to compromise their independence. In all probability, not all spheres of human life will be potentially open to legislation and the citizens will have to deliberate on whether they want to exempt certain areas of life from legislation or not. But this only shows that not in all contexts will domination be the most important factor in decision making.

It is correct to think that a state pursuing a non-domination agenda will resort to more intervention than one that does not (think of regulations in the workplace and the economic sphere, for example), and that this might not be welcome. As Charles Larmore points out (2010, 104), when presented with the two sets of laws, both equally effective as non-domination laws, but one of them of greater service to non-interference, we would choose the one in question. In tackling this problem two approaches are possible. First, we can plausibly claim that diminishing a person's capacity for arbitrary interference does not involve controlling agents as in totalitarian-surveillance states. Eliminating people's legal capacity to exercise power, e.g. forbidding physical punishment of children by their parents, does not necessitate constant surveillance of households. While in a typical police state agents are often literally

controlled (e.g. through imprisonment, routine checks, etc.), the non-domination agenda involves, as Larmore (2010, 114) puts it, diminishing the 'publicly unchecked capacity for interference' - legal condemnation of types of power, which in turn diminishes social tolerance of such capacities. This socio-legal intolerance of capacities for power does not, of course, diminish people's capacities literally understood: their capacities are diminished through accountability (both legal and social).

At this point we have to note that the lack of a capacity to x can be either understood as '(extremely) costly to x ' or 'impossible to x '. If 'capacities' are taken to mean what individuals are capable of doing in terms of strict possibility, then the only way to eliminate these capacities would be presumably to *disable* them (e.g. through imprisonment). In the former sense, x -ing is rendered costly by the legal means, because it affects the pay-offs individuals have to face. Hence, given the potential attacker's background preference not to be punished or to break the law, her will is constrained.

The key assumption here is that legal accountability in selected spheres of life does not require total surveillance by secret police wielding enormous power. While it is imperative to ensure that laws are obeyed, there is no reason to suppose publicly checked power will lead to intensive mass supervision, especially if we assume that the state powers will themselves be subject to constraints. Supposing for a moment, however, that surveillance could be one way for the state to implement the law, why not think that as long as this effectively protects vulnerable parties from domination, then some elements of privacy are worth the sacrifice? Merely stating that this would be the case does not yet answer the question of what should be chosen when these two very important social values clash.

Yet even if the notion of a police state performs a merely rhetorical function in this context, we must keep in mind that the limitation of the socio-legal capacities is only one way of dealing with domination. The second, equally significant way is building the so-called 'anti-power'. In terms of policy, we can tackle the capacities created and reinforced through structures, rather than specific capacities possessed by specific individuals. Supporting programmes of social (e.g. educational and cultural) and economic empowerment can make the imbalances shrink. Here, the promotion of empowerment via civic initiatives (encouragement of projects that gather together various classes of society) could be an especially effective and engaging way of diminishing structural domination without resorting to any strict control of the citizens.

The imbalance of power as insufficient for domination

Is the imbalance of power a sufficient condition of domination? Earlier I claimed that only unconstrained power is dominative. As a result, a mere imbalance of power between individuals cannot render their

relationship an instance of domination: lack of external regulation is an additional necessary condition. While I shall discuss this claim in more detail in the next section, here I want to mention a few considerations against the opposite view of domination, according to which domination simply *is* an imbalance of power. Such a Weberian view is adopted by Miguel Vatter (2004), who identifies subjection with rule, and rule with domination, whether non-arbitrary (legal) or arbitrary (unregulated private power).

The first striking consequence of this account is that it naturally leads to the claim that domination is so widespread that it is inescapable. For it is plausible to assume that any social organisation will of necessity involve imbalances of power, especially that these often result from people's natural endowments. Domination can be in fact easily seen as a building block of every society, supposing that any political organisation always requires the establishment of an enforceable order, which is in turn essentially based on a hierarchy of power.

The ubiquity and inescapability of domination as such are not the main arguments against this account, however. Contrary to Lovett, who claims that any theory of domination which sees it as inescapable fails to be useful (2010, 4), I do not think this is unacceptable on a theoretical level. First, such optimism is by no means a constraint on any conception of domination: it is not a requirement that the political phenomena we have come to regard as undesirable be in principle eradicable. Second, a theory can have this consequence on the conceptual level and still offer interesting normative considerations regarding how domination should be dealt with and which kinds of domination call for what kind of responses. In fact, the feature of inescapability makes it an even more interesting notion to address, for if we cannot avoid domination, the question of its regulation and place in political morality acquires a higher level of urgency. It is the room for the normative considerations in any such theory that make it useful and of considerable philosophical (and public) interest.

While the ubiquity and inescapability are not the real culprits, their *basis* and precise *character* are. For a theory can have the consequence that domination is unavoidable without at the same time *trivialising* it – something that the imbalance of power conception of domination unfortunately seems to do. Think of a theory where domination is constituted by the arbitrary imbalance of power, and where arbitrariness is specified in terms of the lack of rules. Even if we reach the conclusion that such arbitrary power is omnipresent and cannot be ultimately eradicated, we are not forced accept that it is a natural feature of agency, something produced by merely acting in the world. While imbalances of power arise simply because of the fact that individuals live their lives as agents with powers, i.e. as *acting*, arbitrary power might be a systemic flaw in social organisation that we do not have the power to, or perhaps do

not want to, eradicate. Yet it is not an essential and 'genetic' feature of how agents live. The problem is that the imbalance of power conception of domination almost collapses domination into agency, domination arising as it does on this account from mutual interacting. It is this reason, which itself grounds the claim of inescapability that makes this concept so much less interesting.

Moreover, the imbalance of power conception robs domination of its *distinctiveness*. Societies, or social movements and individuals more specifically, seem to have never strived for the eradication of power imbalances as such in their struggle against domination. It was the surveillance and the constraining of power, as well as the desire to prevent its abuse, that drove and still drives anti-domination agendas. In most societies, domination has come to signify a *distinctive* phenomenon – a special kind of power rather than power *simpliciter*. The bizarre consequences of the imbalance view therefore call for an explanation. Consider a staff member at a cinema demanding ten pounds for a ticket and refusing me entry if I fail to pay. The ticket seller has power over me in a certain area, in which she can affect my opportunity sets and decisions made from these sets. Am I dominated by the ticket seller? If the answer is 'yes', then the defenders of the imbalance account owe us an explanation of why the vast majority of language users would be reluctant to qualify these situations as situations of domination, apart from semi-serious and metaphorical usages.

3. Arbitrariness

Arbitrariness and status

Differences in power among individuals can be understood in either quantitative or qualitative terms. Quantitative differences are differences in the *extent* of power (as defined above), whilst qualitative differences refer to the *nature* of the power held. According to most theorists, it is the second difference that determines the character of power relations among individuals in the context of domination. Where an imbalance of power-over exists, X dominates Y only if X's (greater) power is *arbitrary*. A possesses arbitrary power over B if some aspects of B's life depend on A's wishes, i.e. if A's potential exercise of power is left unconstrained by either rules or any other relevant considerations. Crucially, arbitrariness is not to be identified with a lack of predictability, since, as we have noted already, the behaviour of those in power could be easily anticipated, even in the most tyrannical regimes.

Why see arbitrariness as necessary for domination? Along with many other theorists, I want to suggest that this is because an agent's being dominated or non-dominated refers to their *status*. A person's possessing a given status refers to the presence or absence of constraints on what other individuals can do to her in terms of their power. The lack of such suitable constraints implies arbitrariness. A person possesses the status of dominated if no constraints whatsoever are present or if the constraints are not of a suitable kind. Conversely, a person has the status of non-dominated if suitable constraints on the power of others are in place. If domination and non-domination are a matter of status, and if status is a matter of constraints (arbitrariness), then it is through this notion that we can best connect domination and arbitrariness.

The status of non-domination and domination respectively are kinds of power-status. Power-status in non-domination is, in turn, grounded in the recognition of one's moral status. Conversely, the lack of such recognition might result in one's power-status as dominated. Let's elaborate this thought.

We can distinguish among three kinds of status relevant in the present context.

Moral status is the standing one possesses *qua* human being, including one's moral entitlements and the corresponding obligations of others. It is not 'granted' and exists independently of social recognition.

Legal status comprises a set of formalised constraints on how people relate to one another, guaranteed by the state. It is a mode of formal protection, usually in the form of rights. Legal status will most typically be based on moral status.

In addition to these two notions, we can also think of interpersonal status in terms of power capacities, which is power-status. Thinking about power-status begins from the simple observation that individuals possess powers to affect one another. As a result, they also possess relative standing in terms of such powers. Put simply, this kind of status depends on whether and how people's capacities to exercise their powers are constrained.

Power-status is tied to moral status in the sense of being a response to certain moral properties of individuals. It is also tied to legal status, since it is enforced through law. As far as its moral basis is concerned, a person's status is based on a given conception of individuals as *moral beings*, possessing certain moral properties which command a given type of recognition. When we say that a person is dominated, we say that others possess the power that allows them not to respect these moral properties. Conversely, if a person is non-dominated, it means that the power of others is forced to be responsive to these properties.

What kind of constraints would ensure that these properties are respected? We can think of a number of limitations on power capacities: psychological constraints (e.g. a stable, benevolent disposition of a powerful agent); special moral constraints on how we treat others; social constraints (lack of social acceptability) and legal (formal) constraints. The first of these are ruled out in the present context. Even though an agent's power capacities can be constrained because of her psychological dispositions (e.g. benevolence, laziness, habits, self-imposed rules, and so on), they are constraints only in a weak sense, as they ultimately depend on the individual's willingness to adhere to them. Even where this is not the case (assuming that one's character is to some extent beyond one's control), the constraints must be *external*, as otherwise they would have nothing to do with respecting the moral properties of other agents, existing only as a matter of luck.

Not just any kind of an external constraint will do, however. Moral prescriptions, even if coming from an external source, will be followed only if individuals feel the need to do so. The externality condition thus also refers to the external *enforcement* of rules: it is not up to individuals whether or not to respect them. The case of social conventions seems to be somewhat different. These are, after all, externally imposed rules, which can be very effective and have little to do with how agents themselves wish to act. As a result, some theorists of arbitrariness (notably Frank Lovett, 2010) count such conventions, along with the legal regulations, as admissible kinds of constraints.

Now, even though social conventions can exist without law, it seems to me there is a set of cases in which they should always have a formal basis³. To be sure, social conventions on their own are in many instances powerful and thus highly effective. However, since this effectiveness mainly stems from people's readiness to shame and exclude those who refuse to follow them, for some these consequences might be easier to accept than the prospect of being formally punished e.g. with a fine, jail sentence or property confiscation. In other words, in some cases and for some individuals, it might be easier to ignore the norms than to ignore the law.

But even where this is not the case, should we rely on social conventions without codifying them? Perhaps not, if there exists a strong social guarantee of them being followed. Again though, it is plausible to think that the norms in question will be sooner or later codified - the law itself is, after all, based on social ideology which comprises deeply entrenched conventions. And even if the norms are consistently followed irrespective of them being enshrined in law, many communities will desire to codify them as a matter of symbolic gesture. This desire for the 'social cementing' of a norm will then lead to it becoming a part of the community's law and so practically speaking, the two types of conventions will go hand in hand more often than not.

Note that the argument here is not based on any kind of naturalistic fallacy: it does not follow from the fact that we have the capacities to affect others that we should be constrained by regulations. The existence of such capacities gives us good reason, however, to introduce such constraints if our aim is to *respect* agents by according them a given status. We have to remember though that the respect in question concerns treating agents *as possessing certain features that we find morally relevant*. Generally respecting individuals does not endow them with the status of non-dominated. This is because the dominated, if suitably brought up or manipulated, can derive a measure of self-esteem from their inferior roles. Moreover, if others in a society become convinced that these roles are just and appropriate, they might also respect the dominated *for* adhering to them. In fact, the imposition of such roles can be seen as an expression of respect, given the social conception of what is 'natural' or morally appropriate for a given class of individuals (consider that in the countries where Muslim women are forced to cover their heads, the rule is publicly justified as a way of *respecting their womanhood*).

³ However, I have argued previously that legal regulation of all spheres of life will not be welcome by most people and that only some spheres will be so regulated. In many cases, arbitrariness will not be seen as detrimental to social interests and will thus be tolerated.

In what follows I shall examine three accounts of arbitrariness and then introduce my favoured version. All accounts of arbitrariness can be divided into two categories: procedural (or formal) and substantive. The former specifies arbitrary power as one that is not regulated by a set of rules and procedures, the latter sees arbitrary power as power that is not regulated by the rules that are sensitive to the interests of those subject to it. Depending on how we understand the notion of interests, the latter account can receive subjective, democratic and objective interpretations. The main argument of this chapter is that neither the purely procedural nor the subjective and democratic accounts succeed as a conception of arbitrariness in the context of domination.

The procedural account

On the procedural account, advocated by Frank Lovett (2010, section 4.4.), power is non-arbitrary if it is constrained by a web of rules, transparent to all. All non-dominating forms of power-over must be externally regulated through a set of procedures that specify when and how it can be exercised. What is more, the dominative nature of power is decreased to the extent that the rules are ensured (rather than merely happen) to be effective. The regulation of power must be based on reliable enforcement mechanisms, rather than general prescriptions such as that one should be moderate and benevolent in their exercise of power (2010, 96).

The emphasis on effectiveness has important consequences, for in many cases non-formal mechanisms will be arguably more effective than the formal ones. Think of Sicily, which has its own police and judicial apparatus, yet where the law possesses little force. Technically speaking, the Sicilian authorities are non-arbitrary in that they are formally constrained, with proper enforcement mechanisms in place. Still, since the respect for the rule of law in Sicily is generally low, non-formalised conventions, if suitably interpreted, could in practice be much more effective constraints on the Sicilian authorities. Such rules can be effective external constraints on power, according to Lovett, because they are based on expectations regarding the behaviour of others (2010, section 3.1.). Reliable adherence to conventions is based on the prediction that other members of the community will display a given sort of behaviour if we fail to respect the rules. It is in this way that social conventions effectively constrain what other agents do. Private rules are not instances of social conventions, since observing them only depends on individuals' desires to do so. Given that such rules are not based on independent, external reasons to follow them, they do not count as constraints on power (2010, 97).

Two brief comments will be useful at this point. First, formal laws, even if not sufficiently effective on their own, affect the communal rules over time. Laws are to a significant extent involved in shaping the

mentality of those subject to them, even if this process requires many generations. Laws can therefore contribute to the creation of informal constraints.

Second, while law can be codified in the absence of additional social conventions, it cannot successfully operate without a set of social conventions that determine people's attitude towards it. Whether the law itself is respected and obeyed depends on the kind of political mentality members of a community share. The law is always, in one way or another, supported or conjoined with social conventions which dictate respect for it. Practically speaking then, all formal rules require informal rules for their successful operation.

We must be careful not to confuse Lovett's account with the view that in order to be non-dominated, ordinary citizens in a state must be surrounded by a web of rules. Lovett himself rejects the objection according to which dense webs of rules in states dominate, rather than serve as tools of non-domination. He invokes Hannah Arendt's point that in totalitarian regimes, the dense and complex systems of rules were purposefully designed to control citizens and to render their actions 'entirely predictable' (2010, 100). Since every aspect of a citizen's life was to be regulated, individuals' existence had to be fitted into a scheme of rules constraining and systematising their behaviour, leaving no room for personal autonomy. Lovett's response is obviously that the constraints in question have to be imposed on the *agents* of domination, i.e. those with superior discretionary power, which was never the case in totalitarian regimes.

Still, arbitrariness understood in terms of procedures does not seem to be a sufficient condition for domination, or so I shall argue. First, consider the legal case. Interpretation of legal rules will at some point involve discretion on the part of legal professionals and if this is correct, then in some cases at least, discretion in question will reflect the power of a given social class (e.g. highly educated, wealthy men). Legal rules will thus not suffice to defy arbitrariness.

But there is a stronger objection to the procedural account of arbitrariness, one that Lovett himself considers but ultimately fails to respond to adequately. The objection concerns those systems in which power disadvantages are formalised and codified, and which Lovett calls 'rigorously legal systems of discrimination' (2010, 101). Typical examples of such a system are the Apartheid in South Africa, legal systems that impair the political and social status of women and ethnic, religious and sexual minorities. Here, Lovett distinguishes between two cases. One is in which arbitrariness is intentionally permitted.

Consider

a law that effectively blocked legal actions in defence of the members of some defined group: this would allow other people to arbitrarily harm the members of that group with impunity. Arbitrariness in the procedural sense is thus involved here after all, and so we may correctly speak of there being domination (2010, 118).

But now think of the prohibition imposed on women to become professors at universities, homosexual people to engage in sexual activity or laws barring people from different religions from marrying each other, which is the second type of systemic discrimination Lovett discusses. Policies like these do not create the kind of arbitrariness quoted above. Lovett's strategy here is to explain why we are inclined to think these systems constitute systems of domination. First, it seems we are inclined to confuse them with domination because both categories of policies, dominative and discriminatory, are bad and worthy of contempt. Second, both types of policies can be traced to a single motive:

the desire—born of self-interest, of hatred, of misunderstanding, etc.—of some persons in one group to systematically disadvantage the members of another group (2010, 118).

Given these similarities, we are likely to confuse domination with legal systems of discrimination where procedural arbitrariness is absent. As far as most people's thinking about domination is concerned, Lovett's explanation might be correct, although, as I shall argue in the next section, the claim that domination is always driven by self-interest and hatred is not exactly true and has to be clarified. In any case, the two arguments against the claim that procedural arbitrariness is an essential condition of domination are as follows.

First, the procedural account of domination neglects the well-known and important thought that rules and laws could be designed to dignify and legitimise domination, rather than to counteract it. Instead of trapping power, a net of rules might as well reinforce domination by stabilising it. Codified subjugation is easier to maintain and since the law and social norms have the tendency to blend, it makes it easier to maintain the system through creation and sustenance of a social ideology. This includes striving to establish social respect towards dominative structures in order to create an image of legitimacy followed by consent.

On this occasion it is useful to distinguish between the formal legitimisation of domination and domination itself. A well-known rendition of this distinction is due to Max Weber and his notion of legal domination (in Cotterell, 1997). Weber claims *legitimate* domination is the continued obedience to legal commands. In such a relationship, individuals willingly obey the law, *believing* that it is owed obedience.

Legal domination is thus a form of voluntary, ideologically-based submission. It is seen as legitimate because the individuals subject to it are convinced it provides a necessary framework for the successful pursuit of rational ends.

This leads us to the main question: why think that when a certain social pattern of behaviour or distribution of power becomes codified it thereby ceases to be dominative, given that the content of the regulation is based on prior imbalances of power?

Consider social conventions. It is true that a given group could impose a set of conventions on another without also at the same time constraining its own power. But suppose that conventions, despite being evenly spread throughout the society, do not leave any discretion in the hands of group A regarding its treatment of group B. This is entirely compatible with a situation in which group A controls and regulates group B. Group A might not be allowed to act on its own wishes regarding group B (which is the one with less power). Nevertheless, it might still be allowed or even *required* to display certain behaviours towards that group (like, for example, shaming and ostracism) and to consistently follow certain practices (e.g. to render group B economically dependent on group A). These behaviours and practices also stem from the rules imposed on group A, and they might be strictly regulated (e.g. suppose there are specific circumstances in which A are required to ostracise B). If A do not follow these practices, they might as well be shamed and punished by other groups. This relates to my previous point about agents of domination being socially forced into roles of domination. That a particular agent's power is under regulation does not mean it is not controlling and constraining, even if a set of prescriptions regulates how this power is to be exercised and when.

The reply here is that non-arbitrariness is present, because the rules constrain the will and wishes of the powerful agents. However, we need to remember that rules can be functionally ambiguous, with the power to both constrain and enable. Suppose that the law forbids an ethnic minority from managing their own business or makes it impossible for the employers to hire them. The status of the ethnic minority members in such an arrangement is clearly regulated. The rules constrain the potential employers' will; they also constrain all parties that could be potentially involved in an attempt to start any type of economic enterprise by the minority. Note that in this example there is no room for arbitrariness, since all parties are clearly limited: it is not up to them to decide whether the minority members can work or not and whether or not they can run a business. Moreover, it is not up to them whether or not to provide the members of the minority with the services needed for any such endeavour. Are the minority members in such an arrangement non-dominated? It seems not, as the law now enables the domination of the ethnic minority in the economic sphere, which is likely to have an

impact on almost all aspects of their lives. Even though the members in question can rely on their own initiative and earn their income in illegal ways, they are entirely dependent for their economic existence on the other members of society. We can further modify our scenario by adding that the members in question are not allowed to provide any financial assistance to the group, so that there is no arbitrariness even as far as private financial help is concerned. It seems that these rules perpetuate, rather than halt domination. Now, the complete economic (and possibly existential) dependence of the minority members on the majority members might have been the case even prior to the law itself. The relevant change that occurred was to make it easier for the majority members to keep the ethnic minority dependent. Examples like this one show that rules do not necessarily have an independent, domination-defying power, but can simply be a reflection of the prior social practices.

Lovett claims that

members of the disadvantaged groups now at least know exactly where they stand: they can develop plans of life based on reliable expectations; provided they follow the rules, they need not go out of their way to curry favor with members of the powerful group; and so on (2010, 116).

While this is true, it does not affect individuals' status as dominated. Recall the argument that one's ability to make *reliable* expectations regarding the stronger party's behaviour does not render one undominated. The ability to make such expectations could exist in the absence of law and stem from personal experience. As I have previously argued, appeasement is not a necessary feature of a dominative relationship. Given Lovett's description, what procedural non-arbitrariness does is systematise domination and render it more transparent. That 'the disadvantaged groups at least know where exactly they stand' (2010, 116) means no more than they know they are dominated and how. Unfortunately, this knowledge does not in any way turn them into undominated individuals.

One bizarre consequence of Lovett's account is that there can never be, technically speaking, a system of domination. Supposing that social systems always involve formal rules, any imbalances of power that become ordered, cease to be dominative. As a result, it is conceptually incoherent, on this account, to speak of systematised domination. But this flies in the face of how the concept is paradigmatically used.

Before concluding this section I want to address an objection according to which I am confusing domination with *discrimination* or *exclusion*. While the systems discussed are systems of discrimination, if such discrimination does not formally leave room for procedural arbitrariness, they do not constitute domination.

Strictly speaking, discrimination constitutes the differential treatment of another. But in the context of the examples discussed by Lovett, discrimination is a systemic, institutionalised differential treatment or 'the structural lack of chances' (2004, 169) that leads to at least a partial inhibition of these individuals and damages their opportunities. Such treatment can often lead to exclusion, either in one or more areas of social activity, characterised by some as 'the debarment from the institutional system of rights' (2004, 30). Could such a discriminatory system be non-dominative? Notice again, that the differential treatment in Lovett's examples serves a specific purpose: the impairment of the individuals' social status and opportunities. For example, the purpose of discriminating against individuals is to keep them away from sources of empowerment such as economic independence (and such economic discrimination might lead to economic exclusion). As a result, it is supposed to create systematic social privilege, endowing one group with power over another. To use Amartya Sen's (1992) terminology, these discriminatory practices at least partially serve to inhibit people's capabilities for the achievement of a certain set of functionings. In this sense, the discriminatory practices serve as a vehicle of domination: supporting 'the structural lack of chances' might be one of the ways dominators could maintain a group in subordination.

Similar considerations can be invoked in the case of exclusion. Could those that are excluded be dominated, given that they find themselves 'shut out'? One important thing to see here is that exclusion by the institutional system from a given area does not imply exclusion from the institutional system itself. Institutional systems regulate the position of the excluded by enforcing regulations on them, and by barring them from a particular set of rights or practices. Think of the border law. Foreigners are barred from entering a given country and are thus excluded in this sense, yet notice that they are subject to the institutional enforcement of this debarment - they are subject to the coercive power of the institutions regulating immigration. The scope of institutional power is not limited to those included in a given set of rights: power is also held over those excluded from a given set of privileges or practices. In this sense, social exclusion can never amount to total institutional exclusion or power exclusion, as it would then imply independence, and this is not what we encounter in the examples Lovett invokes.

Finally, note also that in order to be able to structurally discriminate against a category of individuals, the stronger group must first be able to dominate the weaker group, otherwise arranging a system of rigorous discrimination would not be possible. Discrimination then reinforces domination, acting as its tool to strengthen it, but it seems it could not be formally established in the prior absence of some degree of domination.

The subjective interests approach

On the subjective interest-based account of arbitrariness⁴, an agent's power is not arbitrary if it is forced to track Y's avowed interests. In other words, if X possesses the power to interfere with Y only after taking into account her subjectively perceived interests, X does not dominate Y. This view is based on the notion that domination does not materialise where *agents think* their interests are being respected and protected, and where the superior agent is unable to exercise her power if her potential action does not correspond to the ideas the weaker parties have about what serves them. This is regardless of whether the interference in question actually tracks their objective interests.

One proponent of this account is Marilyn Friedman, who sees domination as 'an arbitrary and effective interference in the choices of someone who rejects or resists that treatment' (2008, 261). Since I have already discussed and rejected Friedman's conception of domination as power exercise, rather than power capacity, here I want to focus on her conception of arbitrariness. On her account, only those instances of power that go against the expressed ideas of the weaker party constitute instances of domination. Overcoming resistance and ignoring one's avowed preferences is central to Friedman's vision of a dominative relationship.

Before discussing this view, we need to note the distinction between the rejection of domination and the resistance to it, for the former can be present where the latter is not. Take resistance first. Paying attention to resistance results in adopting a rather unrealistic view of domination, given the resulting focus on observable behaviour. First, it seems that on this conception acquiescence to domination would never be possible. Since one dominates another only in the face of the other's resistance, a weaker party's passive acceptance of her situation seems to result in her being undominated. Yet this passive acceptance could stem from a variety of factors that typically accompany unequal power relations: the feelings of powerlessness, hopelessness or fear. Consider also those agents who possess no means of resistance such as children or disabled people, or those who simply lack the *concept* of it (again, these will be very likely children and individuals with certain mental disabilities, and animals, assuming these could be agents).

Acquiescence and resistance are properly seen as behavioural notions and should thus be treated as separate from the structure of domination. In other words, domination is not dependent on the kind of *behaviour* the dominated exhibit.

⁴ This account has been at some stage championed by Philip Pettit, 1997, but he later modified his conception, adopting the democratic view. I discuss this view in the next subsection.

Friedman is rather well aware of the potential counter-examples to her view. In response, she considers the example of a battered woman, unable and perhaps unwilling

to resist her abusive husband. According to Friedman, while this is not an instance of a dominative relationship, it certainly is an instance of harm and needs to be condemned for this reason (Friedman, 2008, 262). She gives the following example, suggested as an objection to her account. Suppose a friend attempts to intervene in the abused woman's case, perhaps by trying to isolate the wife from the husband. Now, given the wife's preferences, it follows on Friedman's account that it is the friend, not the husband, who is the agent of domination. Unwilling to accept this consequence, Friedman makes the following amendment. The friend's intervention will not be dominative if his interference is aimed at securing the wife's well-being and is carried out with a clear expression of concern for this well-being (Friedman, 2008, 264). As a result, Friedman distinguishes between interventions that 'utterly disregard someone's perspective, treating her with no concern' and those that treat 'her respectfully, trying to convince her, taking her perspective into account' yet interfering against this perspective (2008, 264).

Unfortunately, it seems to me that the concession just made renders Friedman's account quite similar to the one she rejects, namely the objective-interest account. Friedman's amendment yields an account on which a person's interference is not dominative if it tracks the objective interest of the weaker party, supplemented with the 'manner of intervention' constraint. Interference is not dominating even if against a person's own wishes, provided it is carried out in a specific manner.

Consider now interpreting the subjective account as based on the notion of the rejection, rather than resistance. Suppose that the woman in question does not, in her mind, *reject* the husband's behaviour and sincerely believes he is entitled to use violence against her.

Some of the objections to this account are easily foreseeable. Its greatest problematic aspect is that it does not address the phenomenon of adaptive preferences, developed either as a result of conditioning, manipulation, brain-washing or the feeling of helplessness. It does not recognise that false consciousness and manipulation of preferences are one of the most potent tools of subordinating individuals and one of the most insidious aspects of power. In fact, given that they require more sustained effort than mere interference, they testify to the level of might of those who are capable of inducing them in others.

Adaptive preferences or false consciousness could function on the level of both first-order and second-order preferences. First, the content of such preferences can be shaped so that it accords with the wishes of dominators. Second, a meta-preference can be developed regarding the condition of

domination. People brought into submission, those whose preferences have been purposefully shaped or developed as a result of the lack of awareness and education, might not see the true nature of the relationships they are enmeshed in, and consequently, might not be willing to reject them. In fact, they might regard them as beneficial. This could often be the case in protective relationships, if the weaker party is convinced that she is better off under the power of her protector. Such individuals might be often socialised into thinking that they fall short of the ability to lead their lives autonomously and that independence could harm them. A victim of slavery in the XIXth century North America might develop the preference to have a white citizen govern her life, if she believes she is unfit for making autonomous decisions.

Even though the proponents of the subjective account are aware of the fact that the preferences of the weaker individuals can be shaped by the powerful, their account seems helpless in the face of such a possibility. While they can argue that this phenomenon should be condemned on independent grounds, they cannot accommodate the intuition that preference-manipulation, socialisation and brainwashing are dimensions of domination.

Now obviously, those agents who consciously acknowledge their position will be qualified as dominated, in accordance with their own judgement. Thus in a certain class of situations, where, for example, the dominated believe it is in their best interest to remain under the arbitrary power of another, the subjective and the non-subjective accounts will yield overlapping results. This overlap, however, does not rescue the subjective account from the core objections raised above, for it still cannot account for the vast number of cases in which the dominated are in denial, have been misled or possess little knowledge of their situation.

Yet even in the former set of cases the following problems loom large. As Lovett notices, the account seems to be too flexible regarding one's domination status, rendering it utterly dependent on what an agent happens to think at a given moment. Merely convincing the woman that the husband has the right to use violence against her and then convincing her that he does not, amounts to liberating her and rendering her dominated again (2010,115). In this way, we can liberate a person from domination by simply convincing her that her interests are being respected. One bizarre consequence of this is that brain-washing is conducive to independence.

Conflicting preferences pose another difficulty. Which of a given number of clashing preferences is to be followed by the stronger agent in order to avoid domination? What is the relevant criterion? Should we measure, for example, the degree of inclination an agent shows towards each of these preferences? This might be especially difficult if the agent herself is unsure where exactly her

inclinations lie. Tracking the subjective interests of individuals might indeed pose serious technical difficulties. Chances are that where a clear stance is lacking, the decisions which interests to track, and how to interpret the conflicts among them, might be left to the arbitrary will of the powerful. Should this happen, the account under consideration would turn out to be self-defeating.

The discursive conception of arbitrariness

In order to avoid problems such as these, Philip Pettit (2001) suggests a different, democratic account of arbitrariness. Pettit decides to remain in the realm of subjectively understood interests, although they are now subject to procedural constraints. Power does not dominate if it is forced to track those interests that have been avowed after a suitably designed deliberative process. Such procedures are supposed to ensure that the interests expressed are rational, well-thought through, and subjected to criticism and analysis, rather than representing bias, unreflective preferences or impulse. If initial preferences are distorted, they will be corrected after deliberation. In such a process, every citizen is entitled to a discursive status in which she is recognised as a legitimate contributor, capable of giving and responding to reasons. Given that all have been assigned such a status, none of the outcomes of public procedures dominate individuals. Rather, they track the effects of deliberation in which everybody was respected as an equal. Pettit claims that non-dominative relationships are those that

allow people to exercise discursive influence on one another. An agent will be a free person so far as they have the ability to discourse and they have the access to discourse that is provided within such relationships. Agents will exercise such freedom as persons so far as they are engaged in discourse by others, being authorised as someone worthy of address, and they will be reinforced in that freedom so far as they are publicly recognised as having the discursive control it involves (2001, 70).

As I interpret Pettit, a person is non-dominated if the power she is subject to tracks the preferences expressed as a result of a deliberative process in which she is recognised as a serious, equal and respected contributor, i.e. in which she enjoys a discursive status. Note, however, that the non-arbitrariness of power is here defined in reference to the *commonly* avowable interests, i.e. the conception of the common good that emerges as a result. Pettit makes it clear that this procedure only applies in the case of public decisions:

a public act of interference will be non-arbitrary so far as it is forced to track the common avowal-ready interests of the citizenry (...) But what will make a private act of interference non-arbitrary? Not, clearly, the fact that it is forced to track the common avowable interests of the citizenry; that is relevant only in

the public case. Rather, the fact that it is forced to track the avowal-ready interests of that particular person. The basis for non-arbitrariness is different in the two cases... (2006, 280).

Now, if what Pettit means are decisions concerning public policy, then the problem of distorted preferences in the case of private power strikes back. This means that Pettit's account remains vulnerable to the difficulties mentioned in the previous section.

But Pettit's view faces problems in the public case as well. First, discursive non-arbitrariness might be incapable of defying pre-discursive practices of domination or might indeed serve to perpetuate them. Second, given that discourse is affected by certain types of inequalities even when it is fully inclusive, it might be not seen as liberating by certain classes of individuals.

Think of the groups of agents who cannot take part in deliberation, whose capacity to do so is impaired, or who possess little deliberative prowess. Children and people with disabilities will presumably have to be represented and will have to conform to the ideas of their representatives. The problem here is not merely some people's inability to take part in discourse. The intellectualistic character of the account privileges those with greater deliberative power and more importantly, rhetorical and argumentative talents. It is worth bearing in mind that some individuals, especially those with lower levels of education, learning difficulties or generally less intellectually inclined, might find the prospect of robust participation in a public discourse intimidating. This does not mean that public decisions should not be reached through such a discourse. Rather, it means that not all individuals will be able to take advantage of their formally guaranteed discursive status, and that as a result, decisions reached on its basis will not adequately represent them.

The general point here is that Pettit does not consider interpersonal discrepancies which affect the deliberative process. These include unequal intellectual abilities, argumentative power and rhetorical proficiency. Individuals, who possess such powers to a degree which puts them in considerable disadvantage over others, are not likely to see the relevant decisions as non-arbitrary and non-dominating. This is especially that leaders of the public discourse could be representing the views that ground and perpetuate dominative practices. While the idea of having a fully inclusive public debate is central to democracy, it falls short of the anti-domination potential ascribed to it.

Second, being guaranteed a discursive status will not be sufficient for non-arbitrariness if the way this status is interpreted mirrors the pre-discursive practices of domination, as discursive roles can be structured in certain specific ways. In many modern states it is not necessarily the case that individuals or groups of individuals suffer *exclusion* from public deliberation. Rather, they are limited to certain

forms of expression, manner of behaviour and argumentation. Given the pre-discursive practices of domination, particular groups might be taught to express their concerns and opinions through particular *strategies*. The allocation of those strategies is in turn influenced by the relationships of power.

Given that in societies where the patriarchal model dominates, women are seen as driven by emotions and irrationality, they are taught to express their concerns in a particular way - the manner of their participation in social deliberation is pre-determined and encouraged to *develop* in a particular way, so that, for example, they are more likely than men (taught to participate differently) to use emotionality in their argumentation. Later on, they are expected to follow the transcripts acknowledged as feminine, which is how they conform to their allocated roles, even while remaining discursive participants. In consequence, their arguments and concerns are often interpreted as driven by emotionality and sentiments.

In this sense, even where inclusion is present, we have to remember that all participants enter deliberation with certain social roles *already* allocated. Some of them might feel a certain public image has been imposed on them such that the concerns they raise are viewed exclusively through the image in question. Some participants might use their social intuition to know what kinds of treatment are not seen as reasonably objected to. As a result, they tend to remain silent on certain topics, practicing self-censorship in order to conform to their allocated family-orientated 'character' within the public discourse (consider the fear that prevents parents from admitting they do not like their children or regret having them, or the fear women who have had an abortion have to deal with before they say they will never regret their decision). Being assigned a particular social role produces the expectation of not being taken seriously in case one's contribution to a public debate runs contrary to social expectations. We have seen in the previous chapter that such expectations constrain the strategies people choose from their opportunity sets. This is how power is exercised even where everybody gets a chance to be heard.

Consider one more problem. Some forms of domination already present in a society will prevent invoking instances of it as an admissible complaint and will not be as a result treated seriously. This could be because the complaint concerns something that is not commonly seen as domination (consider the parent-child relationships). Another reason could be that even though a given pattern of relationships is acknowledged as dominative, it does not constitute an admissible (reasonable) complaint, since it is seen as beneficial to the society as a whole. Since it is not considered reasonable to complain about practices thought of as desirable and beneficial, and since domination, as I have

argued, will be often intertwined with benefits, the anti-domination potential of the public discourse remains limited.

Objective interest-tracking⁵

If none of the three views succeed, what is the relevant non-arbitrariness constraint? In this work I argue that where a power imbalance exists, A dominates B if she is not forced to track B's objective interests⁶. Note that on this conception, A is not merely obliged to take B's interests *into account*. This requirement is too weak. B's interests could be only one of the aspects of A's decision and she might, after some consideration, decide not to track them after all. This conception merges the procedural and the interest-based accounts, since A can only be forced to track B's interests in the presence of external rules that regulate her capacities (e.g. the law).

Objective interests are usually specified in terms of those interests, which contribute to one's basic well-being. This usually comprises health, nutrition, security, education and the like. A good example of this approach is Amartya Sen's capability view (e.g. 1992). Sen distinguishes between functionings and capabilities. The former is a set of various activities humans can be engaged in (e.g. writing a thesis, taking care of one's mother, being a painter), while the latter refer to individuals' opportunities to achieve these functionings. Capabilities can be divided into basic and non-basic ones, where the former are required for achieving a threshold of well-being, regardless of the standards of one's society. Beyond this threshold, capabilities will presumably comprise the opportunities to achieve such functionings as obtaining a higher education degree, a stable and satisfying job, sexual fulfilment, and so on.

Since I cannot provide a proper account of objective interests here, for the purposes of the discussion that follows, I will assume that the interests in question are basic objective interests. This is sufficient to illustrate the important aspects of this view of domination, as the issues I discuss below refer to the general reasoning behind this view, rather than any particular specification of interests. I would like to note, however, that narrowing down the range of objective interests in the context of domination to *basic* capabilities understood in terms of survival seems implausible to me. Surely individuals can be dominated in areas that go beyond those of basic health, nutrition and education? A more robust list like the one provided by Martha Nussbaum (2006) could be perhaps more satisfactory. Nussbaum

⁵ A version of this conception is also endorsed by Shapiro, 2011.

⁶ This should not be interpreted as saying that a person who does not dominate is forced to exercise her power in order to satisfy the other person's interests. Rather, it means that whenever the stronger agent intends to exercise her power, it must track those interests.

enlists capabilities that fall into ten categories: life; bodily health; bodily integrity; senses, imagination and thought; emotions; practical reason; affiliation; other species; play; and control over one's environment (2006, 76-78). Instead of seeing objective interests as only those which are basic to a person's well-being, we can frame them as contributing to a fulfilled and satisfactory life, broadly conceived.

The objective-interest conception of arbitrariness avoids the problematic consequences of the procedural account. First, it can account for the systems such as the South African Apartheid as dominative and all similarly functioning political arrangements as involving domination. Second, it can explain the notion of systematised and legalised domination, showing how a given group of individuals can use the state and its legal apparatus to dominate another. As a result, it does not have the consequence that law and institutional rules cannot be tools of keeping others in subordination.

As far as the subjective-interest account is concerned, the objective view of arbitrariness does not face the problems of false consciousness, adaptive preferences and the fact that the acceptance of domination can be socially conditioned. Since it does not rely on the agents' preferences, it can account for the intuition that the abused woman who accepts her situation is nevertheless dominated. As a result, we avoid qualifying cases in which the stronger party (or the society as a whole) manages to convince the dominated that they act in their interests as cases of non-domination.

4. Domination, interests and benefits

On the basis of the argument just made, we can see that since domination involves arbitrariness in the specified sense, it harms individuals. This is because it allows the stronger parties to either violate or treat with discretion their objective interests, whose fulfilment contributes to their well-being. This does not, however, mean that domination is normatively unproblematic and that it is easy to make a case for its eradication. As I intend to argue in this chapter, domination permeates human relationships in a specific, quasi-advantageous way, so that eliminating it might often require forfeiting a range of widely valued provisions.

Domination in interpersonal arrangements

So far we have been considering domination as an isolated capacity for arbitrary interference. From this perspective, an agent dominates another if she is not forced to track her objective interests. In some relationships, this capacity for interference will stretch across all areas of an individual's life, while in others it will be restricted to only certain areas of life. What is especially interesting about domination, but what the anti-domination theorists and movements rarely pay attention to, is that domination usually comes as part of an extensive package, some aspects of which include reliable satisfaction of interests and wants. In other words, it functions in the kind of *broader interpersonal arrangements* that encompass a mixture of tracking (non-arbitrary) and non-tracking (arbitrary) relations⁷. This mixed character of domination relationships gives rise to challenging questions concerning its evaluative profile and regulation in a modern society. As I try to show, it also demonstrates the *prima facie* conflict between the ideal of independence, the wish to preserve the institutions and practices thought of as indispensable for a well-functioning society, and finally, what is seen as the established tools of prosperity and progress. Only by attending to these, can we understand the degree of our dependence on unequal power relations, their normative ambiguity, and the difficulties involved in the pursuit of liberation.

⁷ Here I am inspired by some of the remarks made by Friedman, 2008, although her treatment of such relationships is different from mine.

Dominative relationships and benefits

Arrangements involving domination can take multiple forms and here I shall limit myself to mentioning four of them. Each represents a different relationship in which the non-tracking relation could be embedded.

These relationships can be formalised or non-formalised. We can further distinguish among the following types⁸.

1: Temporary relationships affecting many areas of the weaker party's life, like the one between a kidnapper and his victim.

2: Temporary and only affecting one principal area, e.g. the one between an employee and a temporary employer.

A further distinction can be made between

3: continuous relationships that affect one area, e.g. a long-term relationship between a doctor and a patient

and

4: sustained, stable relationships affecting multiple areas.

Type 4 relationships are a continued state of dependency, with established patterns of interactions and where the stronger agent possesses dominative capacities in a number of areas. As examples of such relationships we can think of a master-slave relationship; some instances of a child-parent relationship, some instances of marriage or care-based relationships, etc.

In all types of the relationships listed above, we can observe a mixture of interest-violation and interest-satisfaction. Some of the weaker party's subjective and objective interests might be consistently satisfied, even though this always happens within a framework where it is also possible to violate or ignore her other interests. In this sense, the relationships in question are benefit-harm relationships.

Consider an example of a temporary, non-formalised relationship. In some instances, occasionally satisfying some of the weaker party's objective interests will be rational and dictated by the purposes of domination. A woman kidnapped and then forced to become a prostitute by a gang must have *some* of

⁸ These types of relationships can also occur between groups.

her objective interests satisfied (food, hygiene) by her dominators in order for her to fulfil the role imposed on her. Obviously, this is not to say that the gang cares about the woman's well-being in general. It is to say that the sort of relationship the woman and the members of the gang are involved in occasionally requires that some of her objective interests be satisfied.

Think of stable relationships. Here again, we can think of a woman in some ways connected with the gang (perhaps personally involved with one of its members), who, while being under the arbitrary power of the gang member, receives financial benefits that make it possible for her to afford education, property, or even to raise children.

Equally good examples come from socially established protective relationships. Throughout centuries, it was expected from wives to be sexually available to their husbands whenever they demanded it in exchange for their protection. Protective relationships are in fact the most ubiquitous form of dominative relationships that reliably satisfy some of the objective interests of the weaker party, but in which protection comes as part of domination. The dominators not only *claim* to be protectors of the dominated – if a socio-legal system has been designed or has evolved in such a way that for some groups benefit provision inevitably requires domination - they might indeed *be* such protectors. Moreover, in some contexts, societies see it as necessary to endow particular individuals who possess rare talents with considerable power in order to make them capable of providing reliable protective or other services.

Finally, the link between domination and beneficial protection is well illustrated by the fact that in many societies the status of non-dominated ('free') entails duties and responsibilities that often lead to harm, (such as participating in wars), but which the dominated are exempted from. It has historically been the case that specific social expectations have been attached to the more powerful, and that weaker parties have been shielded from these as a result of their subordination. In this sense, women's submission also gave them some measure of security (assuming that it was socially expected from men to risk their life in defence of women, and not the other way round).

Let's now look at the relationships numbered from 1 to 3. Consider structures that have the power to control individuals' lives, but which are at the same time a source of perquisites, ranging from basic services to 'bonuses'. Totalitarian or similar states can satisfy many of the citizens' needs through the provision of social services, education or redistributive policies. In these structures individuals can see many of their interests satisfied in the conditions of utter subordination.

Closer to home, a modern corporation can practice surveillance and be in control of its employees' lives 'in exchange' for luxurious lifestyle. Generally, the circumstances of subordination are not incompatible with the provision of benefits and the dominators will often ensure that many of the subjectively formed preferences of the subordinated end up being satisfied. To connect this thought to my previous discussion of subjective dependency, providing such benefits could be an effective way of raising the perceived exit costs from a relationship.

Note that where the objective interests are tracked, this can be done reliably and as a result of an external enforcement. In other words, interest-tracking is not necessarily left at the discretion of the power wielding agents. This is precisely why the relationships in question have a mixed character: they involve both the instances of domination and non-domination. Here are a couple of examples.

It is possible that the provision of 'necessary' benefits can be effectively regulated by strict rules and procedures of the gang. Remember, after all, that non-arbitrariness is not always a matter of the rules imposed by the state. Gang rules can be also seen as externally imposed, if we consider the broader criminal culture which produces conventions that have to be adhered to by its members. If externally imposed social conventions can produce non-arbitrariness, then this is certainly possible within a gang culture.

Criminal groups aside, many of the beneficial provisions described above were in fact enforced by the internal rules, law or social conventions. Slave masters were often required *by law* to satisfy their slaves' basic interest in food and shelter. Women living in patriarchal societies, even though dominated, were (and still are) formally entitled to some beneficial provisions and protection by the male members of their family (in some Middle Eastern societies a man is still formally required to provide for the wife while she remains under his power). Consider further psychiatric hospital patients who might have their interest in well-being satisfied only when treated against their will by the medical personnel; security guards who dominate the prisoners for the sake of the former's interest in rehabilitation, or large structures such as some totalitarian states, which, despite the amount of domination and oppression they inflict on their citizens, also provide food, public health and education services. Finally, corporations can be required to satisfy some of their employees' needs. The provision of benefits in dominative structures does not always happen as a matter of arbitrary decisions – in the case of institutions, being subject to some external constraints and impositions can increase their social profile.

Exchanges and 'benefit deals'

The main distinguishing feature of the relationships examined is the fact that they are based on a kind of *exchange*, one that involves benefiting and being harmed. The exchange in question does not refer to a consciously initiated contract and the parties involved do not usually see their arrangement in this way. Rather, the notion of an exchange illustrates, from the position of an external observer, the nature of the connection between the provision of benefits and having one's interests violated or ignored. The structure of such relationships is based on a pattern according to which benefits are only provided within a framework of simultaneous harms. In such relationships, some objective interests can be reliably satisfied even though some others either remain at the discretion of the powerful agent or are consistently violated.

Some of these relationships (which I shall from now on call 'dominative exchange relationships') can be termed 'benefit deals'. A benefit deal can be understood as a relationship in which the weaker party, whose interests are satisfied, appreciates the exchange and sees it as beneficial overall, despite the elements of domination that she may, or may not be aware of. The case of the kidnapped woman forced to become a prostitute is unlikely to be called a benefit deal in this sense, since, even though she is being provided with food and shelter and perhaps other benefits, she is very unlikely to see the relationship as beneficial. However, the protective deal in a patriarchal marriage, some instances of slave-master relationships or the benefit-providing corporation can be plausibly seen as such a deal.

'Benefit deals' do not have to be formalised or seen even as informal contracts. Their full character is often hidden from the weaker parties, unaware of an exchange taking place. Benefit deals can be also entered by simply taking on socially expected roles or by engaging in standard practices. This is especially true of the protective deals in patriarchal families, where women simply perform their roles as wives and mothers. Family roles are not necessarily seen as harmful and are highly desired instead, viewed as an ingredient of individual happiness. In these and other arrangements, domination comes as part of a broader exchange of desire satisfaction and interest violation.

The picture that emerges is that of *mixed* relationships, where harm is entwined with benefits, and where the satisfaction of one's objective interests might or might not be the predominant element. From one perspective, persons who are parties to such relationships are merely *occasionally* dominated, namely when the dominator's power is not forced to track their objective interests. They might thus be dominated on an on-and-off basis. Yet in order to fully account for the complexity of social relations, we also need an understanding of domination which attaches to particular kinds of relationships, not just their particular elements. For this purpose we can think of domination in terms of an *existential state* or

status, which describes the social condition individuals find themselves in. Supposing that domination can describe such a state, then, as I shall argue, being party to a mixed interpersonal arrangement would violate a person's *non-domination status*.

The existential non-domination-status is separate from the status related to arbitrariness I mentioned in the last chapter. There, we were considering a person's status in terms of the stronger party's capacities for interference. In the present context we are describing a person's existential status determined by her participation in a certain kind of relationship. While the former notion of status is understood in terms of constraints that produce non-arbitrariness, the notion just introduced refers to one's participation in specific arrangements, of which arbitrary capacities are only a part.

In order to take the existence of such relationships properly into account, we can impose the following 'exchange' requirement for non-domination status:

(ER) B's non-domination status is violated if B is party to a harm-benefit exchange, even if this exchange involves A's being occasionally forced to track B's objective interests.

In other words, despite the fact that some of B's objective interests are satisfied, her existential status is violated by A, insofar as these interests are part of a broader *harm-benefit exchange*. It is crucial to remember that in such instances, benefits and non-dominative acts come as part of a package.

A note on exploitation

I shall conclude this chapter with a few brief remarks concerning the connection between the exchange relationships and exploitation. *Prima facie*, these seem to amount to the same thing. This impression is, however, misleading. Dominative exchange relationships, including what I have called 'benefit deals', do not have to be exploitative in nature. Iris Marion Young specifies exploitation as

a steady process of the transfer of the results of labour of one social group to benefit another (1991, 49).

First, domination is not restricted to the contexts of labour (think of psychological domination). The dominators need not exploit the dominated in the sense of appropriating the fruits of their work. Consider a parent, who generally takes care of his son, providing him not only with all the necessary means of survival, but also well-being, on an everyday basis. He can and does, however, arbitrarily punish his son when the former disobeys him, by sometimes locking him up in his room for a period of time, forcing the latter to live a life within the four walls in utter dependence on his guardian. Surely, this

is a case of domination, but not of exploitation: the son does not have to perform any kind of labour as a result of his situation or the protection normally received. The purpose of the domination of another need not be to obtain a material benefit from the dominated. Remember that the notion of 'exchange' in the account described above refers generally to the enmeshment of benefits and harms, rather than an arrangement in which every single benefit is given in exchange for a particular good or type of labour the dominator needs.

But suppose exploitation is here being used in a more general sense, as deliberately taking advantage of the weaker party and her needs. In this sense, the stronger party exploits the other, offering the satisfaction of some of her interests in exchange for subordination. Again, in many examples of exchange relationships I have given throughout my discussion, this was not the case. The relevant difference here is that a dominative relationship need not be consciously driven by hostile sentiments and the willingness to exploit. A radical, conservative father who forbids his daughter to leave the house without dressing in the way he sees as appropriate might think he is only protecting the woman from other men, social shame or sin. There is no reason to think that all conservative fathers exhibit such behaviour because they are driven by the willingness to take advantage of their daughters' vulnerability to sexual abuse. What the father simply does is follow the conventional role of the father as it has been established in that particular society, with no desire to take advantage of the daughter's susceptibility to harm. In this case, domination is based on protective intentions and the willingness to *serve* the dominated.

To be sure, this model of paternal concern might have originally stemmed from the self-interest of the male members of society and accompanying misogyny. But because of the ideology that has supported such domination over the course of centuries, the motives of the ensuing generations might have undergone transformation. Some of them have been socialised into behaviours they do not realise are dominative. Others might have been convinced that the power they wield helps the dominated. As a result, both groups might be driven by benevolence and what they see as caring concern. The conclusion is that while exchange relationships could take an exploitative shape, they are not, of necessity, exploitative.

III. The evaluative profile of exchange relationships

In the previous chapter I have argued that one's non-domination status is violated when she enters a benefit-harm exchange relationship. Even though such relationships involve significant costs and are a source of subordination, their *overall* character as either *harmful* or *beneficial* is unclear. In this chapter, I look at the inherently perplexing character of dominative exchange relationships in the broader social context: are such exchanges, even if violating the status in question, harmful overall? Is it in our interest not to be party to them? And is it ever possible to avoid it?

Domination and social life: dependency and benefits

As I have pointed out earlier, individuals will be subject to domination not only in cases where they explicitly obey their masters. In the context of the modern world, being involved in dominative exchange relationships does not always imply either obeying commands or fearful self-policing, but simply living by the rules of society. In fact, benefit deals surround us from all sides. It is precisely this feature, i.e. being part of ordinary and established social practices that will so often prevent societies from opposing domination-involving practices. Dominative exchange relationships will often be: a) instrumentally valuable, i.e. they will on occasion be necessary for obtaining rationally chosen ends, b) present in the networks of social services and provisions seen as socially indispensable, and c) part of the practices we ordinarily see as constitutive of a normally functioning society. Let's look at the following examples.

Everyday consumption of food leads to the need of food production and distribution. But in the present economic system, the food manufacturers are businesses that 'naturally' aim at maximising their own gain. On the one hand, the food industry benefits individuals because it provides desirable products, new food technologies (e.g. nutritionally improved foods), but it is at the same time a dominative agent, mainly through controlling people's food preferences. This most often takes the form of deliberate creation of food addictions (sugar addiction responsible for widespread obesity is a case in point). Making foods addictive and highly palatable in such a way that certain tastes and dependencies (which can be very difficult to overcome) become developed is a direct exercise of power over individuals and their lives by the food industry, the consequences of which are far-reaching. Yet to most, the reliance on pleasure stemming from food consumption seems one of the most natural and positive aspects of life. The dominative tendencies of the benefit providers are therefore well hidden behind the veil of provision of what is seen as an indispensable and desirable service.

Banks and financial institutions operate in a similar way. It is in our interest to deposit, invest and borrow money, but such practices almost inevitably involve endowing financial institutions with

overwhelming and life-determining power over us, power which very often contains elements of arbitrariness. Debt is, practically speaking, a form of voluntary subjection to an institution's power in exchange for a benefit. Yet loans, including life-long debt, are seen as reasonable means of achievement. Members of a society can be encouraged to take them, which is achieved not only through their explicit promotion, but also through a deliberate design of a social environment in such a way that succeeding without debt is very difficult. Education, property and career investment are socially established indicators of status and achievement, and in circumstances where they necessitate dependence on debt, they become closely connected with either conscious or unconscious forms of domination.

Think next of the pharmaceutical companies and the provision of drugs. To be sure, we have an interest in developing new drugs and treatments, yet our dependence on them resembles our dependence on certain patterns of food consumption. Again, these dependencies endow the pharmaceutical companies with considerable controlling (and often arbitrary) power that has significant consequences. Since individual well-being is often seen as substantially enhanced by the use of drugs in one form or another (e.g. in the form of health supplements), the 'power-over' that this gives the relevant actors becomes part of individual well-being and basic functioning. This again occurs partly through the addictive effect of drugs, but also through 'helping' individuals believe their daily use of substances is normal and beneficial. Now, even though some controls will always be imposed on drug manufacturers, the societies' strong desire for new technologies and improvement of people's biological functioning might often result in allowing the manufacturers arbitrary power and more freedom than is seen as safe.

Similar thinking can be applied to social networking sites, providing benefits in the form of connecting individuals with one another and enhancing their 'social lives', at the same time amassing the power to affect their time and money spending preferences. Further, technology companies provide enormous benefits in the form of making everyday communication and work easier, faster, more efficient and enjoyable, at the same time rendering individuals entirely dependent on their products, affecting not only what they desire, but also *how* they communicate and work. The preferences of such companies then easily become the preferences of individuals. Next comes advertising, which gives businesses the opportunity for promotion and indirectly supports the economy. Here, people's preferences are altered or maintained in an evident way; often affecting the perceptions of what is desirable, intelligent or beautiful. Perhaps more often than not, all these forms of power involve substantial arbitrariness.

Finally, consider a more controversial example of parenting. Even in the most liberal societies, where many of the children's rights are codified and respected, parenting still involves room for considerable discretion regarding children. While a child's well-being is served by his parents' provision of care, some of the other objective interests the child has are left to parents' discretion: the kind of school he will attend; the religion, sets of moral beliefs and traditions he will adhere to; the kinds of friends he will be permitted to have, and so on. If it is not in the objective interest of a child to leave these entirely dependent on his parents' will, then the parenting relationship is an example of a benefit deal discussed previously. The distinctiveness of the deal lies in the fact that neither of the parties consciously sees it as such, especially not the parents. They do not ordinarily think their relationship with the child involves both benefits and harms.

All the provisions, services and practices discussed are usually regarded as ultimately benefiting societies, often described as 'basic' and 'indispensable'. Moreover, engaging in these practices will be instrumentally valuable for securing rationally chosen and socially esteemed goals such as for example affording a house. To be sure, powerful groups will often aim at shaping the goals of the power-disadvantaged so that they can keep the latter in their subordinate position. On this basis, the power-disadvantaged individuals, assuming they are rational, will pursue particular goals via particular means, inevitably influenced and involving domination. In this way, dominative exchange relationships will determine the framework of goals and means in each individual life.

Further, such relationships are also the price that societies might be willing to pay for greater development in areas regarded as most significant to its prosperity. It is often assumed that the greater the freedom some of the actors mentioned possess and the greater the leniency societies treat them with, the greater the innovation and the use of opportunities they will have for improving our lives. In this case, it is the human desire (and the need) for progress and development that leads to the creation and voluntary acceptance of benefit deals.

Addendum: benefits and dominators

So far we have been focusing on the various benefits that the dominated might receive as part of their power status. While the assumption that the dominated can be benefited by their dominators might sound surprising, a similar claim about the latter would not spark much controversy. Indeed, it is a common view that on the whole, dominating others is essentially advantageous to the powerful and inextricably connected with significant benefits. In what follows I try to clarify and challenge this thought. While the claim above could be true as a matter of empirical generalisation, it is not an inherent feature of domination that it makes the dominators better off on the whole. If we look at benefits in a long-term

context, domination could often lead to damaging the superior party, especially when they are aware of their position.

Consider Macbeth. The power he wields over others as a result of his machinations seems to benefit him, but only *deceptively* so – in the long run his domination becomes harmful and destructive. This is so not only from an objective, moralised point of view: it is also something Macbeth himself, subjectively, comes to realise at some point. Crucially, what ultimately damages Macbeth is not merely the *power* he possesses, in the general meaning of the term (i.e. the ability to bring about a given state of affairs). It is the power over others he wields that leads to his gradual moral degeneration and downfall. Supposing both that objectively speaking, corruption never benefits anybody and that individuals themselves do not see corruption as desirable, wielding dominative power can on many occasions be generally disadvantageous. Macbeth's case illustrates the point that some short-term benefits of domination (e.g. instant gratification) are, in their relation to the overall benefit, harmful.

Moreover, in purely subjective terms, domination can be experienced as a burden and an unnecessary responsibility, rather than a benefit. In fact, it can also be seen as shackles the dominator might want to be freed from. One interesting example of this is Mary Shelley's *Frankenstein*. The creature regards the doctor as his *master*, a belief accepted by the doctor himself. Nevertheless, this relationship of power puts a considerable psychological strain on the doctor, unable to cope with the fact of the creation and its consequences. Rather than being a result of deliberate pursuit of power for benefit, his position is an outcome of an experiment. The scientist does not fully accept his powers, which he sees as morally unacceptable, yet without the possibility of renouncing them. As the creator, he feels the burden of responsibility not only for the mere existence of 'the monster', but also for all his subsequent suffering. There is no obvious benefit in these cases that *domination itself* produces for the doctor. From his point of view, this power relation is destructive and unwanted.

The focus on benefits as essential here prevents us from discerning the cases in which the dominator wants to change her position. Given this account, it would be rather difficult to explain why any dominator, while being fully rational, would ever regard her position as bad and want to abandon it. In fact, the account seems to miss the fact that one's *dominative position can be imposed on one*. Historically, individuals have been born into their role as dominators; some have been socially pressurised or even forced to assume it. The loss of dignity they might experience (or some other relevant loss) could outweigh all the benefit(s) stemming from their position.

Notice also that given the fact that, especially in the protective deals present in patriarchal relationships, the dominators must provide objective benefits such as security and financial provision, it might be

more beneficial from their perspective not to endure this burden in comparison to all the benefits their arbitrary dominating power can provide them with.

This leads me to conclude that domination could turn out to mix benefits with harms from both the superior and inferior perspective. As far as the dominator's position is concerned, obtaining benefits could only happen at the expense of some dose of harm. This might lead to a *prima facie* bizarre consequence. Think of the contexts where the dominator desperately wants to be freed from her position. If the dominated depends on this relation for the receipt of important goods and sees it as beneficial, the latter seems to benefit subjectively more than the former. Moreover, suppose that the dominative relationship between A and B is a protective deal. Suppose also that A faces a situation in which she is forced to risk her life to defend B. If A's objective interest is of greater importance than A's interest not to be party to the protective, yet dominative relationship, then A seems to benefit less from her position than B.

Challenging the beneficial character of dominative exchange relationships

In the section above I explored both the subjective and objective dependence on dominative exchange relationships. Recall that in Chapter II I have defined subjective dependency on a relationship in terms of one's perception of exit costs which then determine the degree to which one is willing to leave the relationship. Assessing the overall beneficial character of a relationship can also be performed from a cost-benefit perspective. In asking whether a given relationship is beneficial *overall*, we in effect ask if the benefits are worth the harms, i.e. if they outweigh the allowed discretion regarding, or violation of, interests in other areas.

First, suppose that this is the case. Does it mean we should on this basis regard them as beneficial overall?

Doubting the actual worth of benefits in such relationships stems from a more synthesised approach to domination, one on which we not only examine the relationships from an internal perspective (in terms of benefit-harm exchange), but also their social context. Remember that a dominative relationship counts beneficial overall only *relative* to its social context. In one sense, from a perspective of a North American slave, remaining in a dominative relationship with a white master was beneficial overall, if we assume that obtaining food and shelter was more important than anything else. Yet this stemmed from the fact that black individuals could not become economically independent and obtain these goods on their own. Similarly, it is in the interests of many women to enter patriarchal marriages where the husband is the main provider, and where this role endows him with the position of a decision-maker.

Again, this is relative to the internal functioning of the social system: in a patriarchal society employment is generally designed in such a way that single women with children struggle to pay their bills, or, more radically, in such a way that women cannot secure any reasonable measure of economic security at all. Relative to such a system, the only way for some individuals to satisfy their interests is to accept dominative relationships or even to actively seek them. Given the opportunity sets their communities present them with, entering dominative relationships is, indeed, rational.

Yet one could feel uneasy about this kind of benefit provision, especially if we acknowledge that the connection between domination and benefits often resembles a vicious circle. A group may develop a given interest and then seek relationships (which turn out to be dominative) that will satisfy them, precisely as a result of some other forms of domination being already in place. If rape is common and fairly acceptable in a given society, women will actively seek protective relationships in which they might be victims of other forms of domination, yet which at least protect them from being raped. In this way, one instance of a dominative relation leads to the need of entering another, creating a mutually reinforcing chain of domination. Since dominative systems reinforce themselves internally through such mechanisms, they involve domination that is in a sense good for one. Still, looked at from an outside perspective, they are more likely to be judged as bad and unjust.

In other words, examining benefits in domination will be context-dependent and such assessments will be best carried out with the whole systems in mind. We should be able to determine first whether dominative relationships themselves *create the needs* that lead to even more domination, so that domination becomes self-perpetuating through its beneficial aspects.

Underpinning this approach is the claim that well-being is not only about the *satisfaction* of human objective interests, but crucially, it also incorporates a constraint on the *way* these interests are satisfied. As mentioned earlier, human beings possess a range of capabilities to achieve functionings and they have an interest in developing them. Yet at the same time, these objective (as well as subjective) needs make them vulnerable. Since it is important from the human perspective to have a range of interests satisfied, the need for the satisfaction in question exposes individuals to a variety of dominative exchange relationships. But what counts for well-being is not merely that those needs are met - interests in particular provisions will likely be accompanied by a meta-interest that specifies the *context* of their provision. It is not accurate to say that humans only have interest in e.g. security and education without at the same time saying they also have an interest in the kind of *means* by which these are satisfied. In other words, one's interest in *x* is accompanied by a meta-interest which specifies an acceptable manner of provision.

Thus the additional requirement of human flourishing concerns *the manner and context of interest satisfaction*. Individuals deserve to have their interests satisfied or at least to have this satisfaction facilitated outside of such Janus-faced relationships. The interest in non-domination can be seen as part of one's interest in well-being, but given that benefits can be provided in unjust settings and that one can regard dominative relationships as beneficial, we need to conceive of the standards of well-being independently of the internal structure of a social system.

In other words, well-being cannot be served through benefit deals or exchanges, even if, *relative* to the social arrangements, such deals have beneficial aspects. In this way well-being is tied to *dignity*. Dignity restricts the possible ways in which objective interests can be satisfied. As a result, there cannot be well-being where the dignity constraint is violated. And so, while we can certainly show that domination might be in some sense *beneficial* for the dominated, we can never *dignify* it.

What is, therefore, the human interest in non-domination? It is an interest in such an arrangement in which one's objective interests can be satisfied outside of a benefit-harm exchange. It is an interest in social, political and economic arrangements where individual needs and objective interests do not put them in peril; where they are not rendered vulnerable as a result of their pursuit of those interests; and when the dignity condition of well-being is satisfied. Informally put, it is an interest in a good offer with no catch.

The ideal of non-domination

In this concluding section I want to examine the implications of the view just proposed for the ideal of non-domination, especially in the context of the constraints imposed on it by Philip Pettit (2004). It turns out that contrary to what Pettit assumes, the ideal of non-domination might be not only seen as overly demanding, but also unappealing at times.

Before attending to this problem, however, I want to note that challenging domination as such will not in all instances amount to the pursuit of the ideal of non-domination. This is because domination can be challenged on purely utilitarian grounds. The members of a society might question whether maintaining particular groups of individuals in subordination serves any socially useful purpose, perhaps one that is traditionally esteemed or seen as necessary for human prosperity. In the case of female emancipation, it was argued that keeping women under men's power served no real social purpose (contrary to what was previously assumed) and that therefore male domination was unnecessary. As a result, women could now demand the satisfaction of their interests without at the same time becoming trapped in 'exchange' relationships. What is distinctive about these cases is that domination is here considered in

terms of its usefulness in securing a given socially important purpose (e.g. the protection of the 'weaker sex' or the preservation of the 'family values').

What about Philip Pettit's conception of the ideal of non-domination? Pettit imposes two broad constraints on such an ideal: what he calls the feasibility and the desirability constraints (2004, 88-92). For him, a political ideal has to be based around a social complaint of high significance, one that the state is able to remedy. In addition, the remedy in question must be effective, so that it does not introduce new problems in the place of the old ones. Finally, the state's solution should be efficient in terms of costs (Pettit, 2004, 93).

How does the existence of exchange relationships and benefit deals affect our assessment of Pettit's account of the ideal of non-domination?

First, consider that the rearrangement of the way the human interests are satisfied in a society would require dismantlement of benefit-harm relationships and replacing them with relationships that possess a different structure. At least for the presumably lengthy period of reform, many individuals would be required to give up the benefits they receive as a result of such relationships, forced to make serious sacrifices for the sake of better social arrangements in the future. As a result, many could come to see the ideal as too subversive and infeasible. The notion of infeasibility as used here is quite distinct from technical impossibility. Rather, it refers to the excessive and unacceptable cost of pursuing a given option. In the present case, if the non-domination agenda requires forfeiting certain goods and provisions we see as crucial for a considerable period of time, it might be seen as an infeasible ideal. Thus, given the contextually beneficial aspects of domination, the ideal in question might be at least *prima facie* unconvincing and overly demanding. This could certainly contribute to its limited appeal.

Now, as far as Pettit's focus on the state is concerned, this could seem somewhat anachronistic, for it presupposes that the powers and the tools of the non-state actors develop less effectively than the ones developed by the state. To be sure, Pettit acknowledges that non-state actors can be involved in fighting domination, but the state nevertheless receives the primary role in this project. While this presumption in favour of the state action could be based on the view that the state is superior in terms of its resources, it has to face the fact that the resources are currently shifting and that the state power is gradually being eroded.

Still, one could insist that the state *should* be better positioned to fight domination. This implies that even if it is gradually losing its resources (perhaps because of the growing corporate, private and transnational powers), societies should make an effort to re-empower thereby making its agendas more

successful. Perhaps we would like to see the state as the main anti-domination agent, due to its perceived neutrality. Yet to this it can be responded that even though the structure of domination remains the same, its *means* change. If the private power is responsible for most forms of domination, then instead of helping the state, we should empower various private parties in order to create a kind of 'check-mate' situation. Might not be the private power best positioned to fight other forms of private power? I think Pettit's intuition here is that even if the state is currently in a worse position to remedy domination, we *should* allow it to become the primary fighter in the battle, as the state option is *safer*. In this Pettit could be right. While there is always a limit on the accountability and transparency we can impose on private parties, no such limit seems to exist in the case of the state. Private persons have the right to act in their own interest (within constraints), but the state does not, if we assume, as many democratic theorists, that a state can never have interests of its own. Hence, the difference is that while the legitimate power of the state is based wholly on the interests of those whom it serves, private parties can hold legitimate power purely for their own benefit.

Consider now Pettit's desirability constraint on political ideals, according to which we

must expect any would-be political ideal to try and articulate the importance of something in which people clearly have an avowed or readily avowable interest: something whose absence in their lives will lead them to make a complaint (2004, 88).

Any supreme political ideal must be such that its absence would be a basis for a significant, if not *the most significant* social complaint, available to the participants in the public discourse (2004, 90-92). In the present context, the presence of domination would be a publicly recognisable ill the state should strive to avoid. In other words, it would be always legitimate to complain about domination and should this happen, most political efforts, directly or indirectly, would be directed against it. What is more, the domination complaint would be one that is hard to dismiss or downplay, subsuming a variety of other important complaints (2004, 90-92). To be sure, some groups may lack the means to articulate the complaint (e.g. children, people with special disabilities). In such a case, even though the presence of domination will not lead them to the relevant complaint, what matters is that it normally *would*, if only they possessed the required capacities.

There are two interpretations of this constraint. First, it could mean that the absence of non-domination and thus the presence of domination, when *seen for what it is*, would always be admissible to be complained about in the public discourse and would actually lead individuals to complain about it. This is problematic, since in many contexts domination will be acknowledged as legitimate, at least in the case of some groups. In fact, cases of beneficial domination might not be seen as admissible to

complain about at all. Consider the domination of women in Saudi Arabia. This is not only a case in which the domination complaint would not be seen as admissible and significant, but also one in which the dominated themselves might not have an *avowable* interest in raising such a complaint at all. They could see the relationships in question as essential for receiving crucial benefits, or as naturally sanctioned.

To this it can be replied that such cases fall short of demonstrating that non-domination is not suitable as a supreme political ideal, but what they demonstrate instead is that in some societies the access to the ideal will be privileged. Non-domination can be highly regarded and thus only accessible to certain classes of people (consider the French Revolution, where all citizens are regarded as free and equal, with a simultaneous restriction of this ideal to white propertied men). However, it can also be the case that a society sees domination on various levels as essential to its prosperity and cohesiveness. It is certainly not obvious that illicitness always accompanies the image of domination in the public eye. This is not necessarily because the society in question is unjust and thoroughly conservative. If certain practices are regarded by a society as conducive to success, but are also such that they can be only realised in dominative relationships, then domination will not be the likely subject of mass complaint.

Nevertheless, the contemporary socio-political systems might be thought of as drifting away from the acceptance of any form of domination. Hence, a different scenario is possible: domination could be present and indeed pervasive in a given society without its members seeing it as such. There will be many cases of domination that people are not willing to complain about at all, due to the aforementioned lack of transparency. As an example, in many states complaining about the public education system as a way of dominating people (suppose this is so for the sake of argument) might not be seen as discursively acceptable and reasonable.

In general, we have to be prepared to acknowledge that domination might not function as an admissible complaint, whether or not it is seen for what it is. The problem is as follows: should the evil in question turn out to be tightly connected with benefits and standard social practices, its eradication might be seen as absurd or too costly, and thus inadmissible as a form of complaint. My tentative conclusion is therefore that the feasibility and desirability constraints in the sense constructed above are problematic and ultimately inadequate.

IV. Conclusion

The present view restated and compared

This work comprised two main projects: to analyse the notion of domination and to examine whether the relationships that involve it can be ever beneficial overall.

In the first part, I argued that domination is to be defined structurally, as involving the following elements.

- 1) A dominates B if there is an imbalance of power between the two agents, such that A possesses greater power over B.
 - 'Power-over' is defined as the ability to affect (change or maintain) both the strategies agents choose from their opportunity sets and the shape of those opportunity sets.
 - The extent of power-over has been identified with one's dependency on another agent.
 - The subjective dependency on a relationship is the extent to which an agent is unwilling to leave the relationship, and is to be specified in terms of perceived exit costs.
 - The power structure in question is neutral in terms of its outcomes: one does not possess power over another only if this power can be used to their benefit.

- 2) A's power is arbitrary, i.e. A has the capacity to arbitrarily interfere with B.
 - A's power is arbitrary if it is not forced to track B's objective interests.
 - The objective interests in question are to be specified in terms of an agent's capabilities to achieve functionings.

A dominative relationship does not have to be strategic in principle, since neither of the parties has to be aware of their mutual positioning.

What is more, one could never be dominated by impersonal forces (non-agents) such as structures or social norms. Such structures and norms can be seen as devices and the background environment that has been designed to facilitate domination by individual, or more often, collective agents. While domination can *feel* impersonal, one can never be dominated by non-agents such as systems, organisations, states, norms or culture. Rather, these are the frameworks in which relationships of domination occur, structures and devices which facilitate it and the workings of which can be always

traced to groups of agents. The collective agents may wield their power in a coordinated manner, intentionally controlling the weaker agents through appropriate design and use of institutions in a way that will disadvantage them.

In principle, agents of domination need not dominate consciously and need not be in any way organised as dominators. Their dominative position may not result from their knowingly controlling weaker agents, but from their membership in a given class that the social institutions empower. The dominators in question will be frequently born and socialised into their dominative positions, in virtue of their living in a society that endows them with power over other categories of individuals. This means they do not necessarily choose their roles (and it is plausible to assume that many social roles are not voluntarily chosen), but rather live their lives according to the norms of their society.

Let's compare this account of domination with those of Lovett's and Pettit's. The imbalance of power condition is something all three accounts, Lovett's, Pettit's and mine, share, albeit my notion of power-over is slightly modified to also comprise the ability to affect the shape of one's opportunity sets, rather than merely changing the strategies one chooses from them. Moreover, on my account the extent of dependency is proportional to the extent of power-over, while subjective dependency seen in terms of exit costs is proportional to one's willingness not to challenge the imbalance. In this sense, it does not see dependency specified as subjectively perceived exit costs as a necessary condition of domination. Dependency is instead conceptually incorporated into the notion of power-over, which is where Lovett's account and mine part ways. Contrary to Pettit and Lovett, I see the arbitrariness involved in the first dimension of domination as an agent's power not being forced to track the objective interests of the weaker party.

In the second part of this essay I have examined certain kinds of interpersonal relations involving a mixture of arbitrariness with non-arbitrariness. In such relationships, the benefits are provided within a framework that inevitably involves harms (which are here conceived as having one's objective interests violated, ignored, or treated with discretion).

I have argued that such exchange relationships cannot be considered as beneficial overall, because they violate the non-domination status, one of the conditions of well-being. As a result, even though domination might be a part of arrangements which involve beneficial aspects, it cannot contribute to human well-being and thus cannot be seen as beneficial overall.

Notions in the vicinity

We can now differentiate our idea of domination from a few other notions which, even though often used in its context, are separate from the concept under discussion.

Advantage over. Simply possessing an advantage over another individual does not make one a dominator. I may possess superior intellect, talents or beauty, but even the situation in which I use them for my own benefit and consequently worsen the situation of another is not a situation in which I dominate them. Suppose I compete for an opportunity to organise a prestigious event. While I am a talented organiser with a wealth of experience, my competitor is not. I win the competition and make my competitor worse off (suppose she badly needed the money offered for the service). It does not follow I dominate her, and this is despite the fact that: a) I am in a superior position and b) that my winning makes her worse off.

Structural determination. Suppose that given a set of social conditions, individuals are determined to undertake certain courses of action and to lead their lives in a given way. They are, in other words, embedded in a system of structural determination: a set of law-like arrangements and mechanisms that make things *bound to happen*. If agents are embedded in such fatalistic chains of social events, can they be said to be dominated by them? The *prima facie* 'yes' answer to this question would be presumably guided by the intuition that determination implies powerlessness and this in turn implies domination. But this answer is problematic for the following reason.

As we have seen, to speak of domination is to speak of power – the ability to affect, or the actual affecting of others. Now, as Steven Lukes points out, to speak of agents' power over other agents is to assume at the same time that even though structures constrain them, there is always the possibility that they *could have acted differently* (2005, 57). But in the case of determination, there seems to be no one to ascribe this power to: individuals embedded in structures do not have the powers to alter the chain of processes. If they are merely passively involved in a game governed by *laws*, they cannot alter anybody else's strategies for action. Hence, assuming that determination is *fate*, there are no agents of power (in the sense described above) who can dominate others and consequently, no one is dominated. As Lukes points out,

(...) *within a system characterised by total structural determinism, there would be no place for power* (2005, 57).

This could lead us to two separate conclusions. First, there is the conclusion that determination is incompatible with power, where power is seen as the ability to alter things. As has been noted earlier, agents will always be somehow limited by social structures, but not necessarily in a deterministic way. To be sure, individuals can dominate and be dominated through structural arrangements, but in order to make sense of this idea we need to conceive of these arrangements in non-deterministic terms, i.e. those which allow there to be some space for manoeuvre and where the future has not been entirely decided.

The second conclusion goes somewhat further and is based on the reasoning that led us to the first. If, in order to speak of domination we need to speak of power, and if, in turn, in order to speak of power we need to speak of individuals (or groups) possessing it (acting within structures), then it seems power cannot be attributed to processes, systems and laws *themselves*, i.e. it cannot be impersonal. While it could be indirect and operating through a variety of networks, it must be ultimately traceable to particular individuals or groups thereof.

Oppression. According to a well-known philosophical account of oppression due to Iris Marion Young, oppression cannot be strictly defined in terms of a set of exhaustive criteria (1990, 40). On a general level, oppression refers to

the vast and deep injustices some groups suffer as a consequence of often unconscious assumptions and reactions of well-meaning people in ordinary interactions, media and cultural stereotypes, and structural features of bureaucratic hierarchies and market mechanisms in short the normal processes of everyday life (1990, 40).

Young sees oppression as a cluster concept, which describes various phenomena such as exploitation, marginalisation, powerlessness, cultural dominance and violence (what she calls the five faces of oppression). Despite oppression being multifaceted in this way, Young points out that

all oppressed people suffer some inhibition of their ability to develop and exercise their capacities and express their needs, thoughts, and feelings (1990, 40).

The possession of the capacity to arbitrarily interfere in the life of another, in the absence of an exchange relationship, will not involve any of the two specifications given above - recall the examples of distant, disinterested and non-intervening dominators. Remember that domination essentially refers to a given *structure* of the relationship between actors, not its outcomes. In that case, the five phenomena Young lists can be seen as outcomes of such a relationship, rather than part of its structure. The mere

capacity for arbitrary interference does not structurally involve oppression (especially since the power of the dominator may remain unexercised and so none of the five social ills may materialise).

Oppression, however, will sometimes be part of the dominative exchange relationships. Let's look at the first characterisation listed above. Although I have not explicitly discussed the issue of whether domination as it attaches to exchange relationships is a kind of injustice, it is plausible to assume that if individuals are entitled to the development of their well-being and to have their objective interests tracked every time power is exercised over them, then the relationships in question will be unjust.

Still, while all forms of oppression might be forms of injustice, the converse is not true. In the case of exchange relationships, even though the second condition will always be present, it need not materialise through any of the five faces Young lists. Hence, while all exchange relationships by definition involve the inhibition of some of individuals' capacities (because of the harms involved), this will not always happen through exploitation, marginalisation, cultural dominance, violence or powerlessness. The dominated do not have to be excluded from any social practices, yet can be manipulated to think some of these practices are not appropriate for them. Notice also that being socially excluded or marginalised is different from being allocated a specific social role. Dominative exchange relationships can condemn people to specific subordinate roles without thereby excluding them. In fact, such roles can be 'glorified' and 'dignified', and seen as indispensable for the thriving of the community. In this sense, while Young's general specification of oppression makes it always present in exchange relationships, the particular phenomena she lists do not necessarily transpire in such relationships.

Non-domination: a radical perspective

One of my tasks in this work was to convey the thought that despite its *prima facie* appeal, the ideal of non-domination could turn out to be unconvincing in many contexts, disadvantageous in those areas where domination benefits individuals, and uneasy to realise. In system-relative terms, it could appear ambiguous, its realisation leading to benefit at the expense of significant sacrifice. Contrary to what theorists like Pettit suggest, valid political ideals do not always have to be seen as obviously desirable and their absence need not always be complained about. It is similarly difficult to see why they would have to be cost-effective and never cause problems in other areas of social organisation. If a given phenomenon is closely connected with the economic system of a society and more generally, part of its standard practices and values, it will not be possible to avoid any of the two consequences. After all, is it not the most problematic feature of strongly established unjust systems that fighting them often leads to the two consequences Pettit mentions? The abandonment of whatever is deeply ingrained in social

consciousness and structures will always turn out vastly problematic as far as feasibility, cost and social support are concerned. This will be especially so in the case of domination, since exchange relationships have been for centuries a source of benefits and have shaped human mentality, wants and expectations. As a result, anti-domination might not attract a unified adherence, especially because in many cases the agents of domination will refuse to acknowledge their power status. Given their role in the provision of benefits, they might feel attacked for serving others. After all, not all of those agents are self-appointed protectors. As I have argued earlier, some dominative roles are either unconsciously internalised or externally imposed. The consequence is that in system-dependent terms discussed above, the pursuit of non-domination will *harm* some aspects of individual and collective lives. Pettit's account is thus insufficiently appreciative of the appeal of dominative relationships.

Given the role of domination in the kinds of relationships discussed above, the political project of non-domination cannot take off the ground where there is fear of serious subversion and provoking discontent. After all, the potential challenging of domination in some areas might be felt as more of a bitter sacrifice, rather than an instant achievement of personal and collective happiness. It seems therefore that in order to propel a non-domination agenda, we need a significant amount of political radicalism. Crucially however, the radicalism in question might not have as its focus those aspects of domination that leave people oppressed in the way Young sees it. The radicalism of the project of non-domination must be directed at the overall social context within which arbitrary power is embedded. Hence, while the anti-domination movements in history have predominantly paid attention to the suffering of those subject to domination, the greatest challenge is to acknowledge and address the beneficial aspects of their predicament.

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