

What Domination Can and Cannot Do.

Gender Oppression and the Limits of the Notion of Domination

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Abstract: This article challenges the view that gender subordination is rightly understood as a relation between agents, by focusing on Pettit's notion of domination. Pettit's notion of domination cannot capture gender subordination because the latter is not a relation between wills of agents. Gender subordination should be understood as a social structural relation between positions in the structure of gender. I propose the notion of oppression as a hierarchical relation between men and women as social groups to supplement the notion of domination for understanding the injustice of gender subordination.

Keywords: domination, gender subordination, oppression, social structure, gender, marriage.

Widely understood as a relation between agents – the dominating and the dominated – domination occupies a central place in discussions of injustice. But this centrality is misleading. It blinds us to the relations of domination that are not relations between agents, are not a matter of what agents *do* or *are in a position to do*,¹ but a matter of the relation they stand to each other as part of a social structure.²

Gender subordination,³ I argue in this article, is best understood in this social structural way, as a relation of superiority and inferiority between social groups, which domination fails to capture. I propose the notion of “oppression”⁴ as a better theoretical tool to help us recognize the injustice of gender subordination. As part of their subordination, women do suffer domination. However, to equate gender subordination with domination is to take the part (domination) for the whole (gender subordination). Doing so also misses the fact that the part (domination) cannot be understood without understanding the whole (gender subordination). For even relations of domination between

men and women cannot be understood in isolation from the larger context of the social relations between men and women as social groups. For example, even dominating relations between husbands and wives cannot be understood in isolation from the relation of privilege and disadvantage between men and women as members of social groups within which relations between husbands and wives are embedded.⁵ I use “social groups” and “positions in a social structure” interchangeably. “Men” and “women” are positions in the social structure of gender. Thus, to say that individual women are members of the same social group means that they occupy the same position in the social structure of gender.⁶

Here I focus on Pettit’s conception of domination not only because it is one of the most influential, philosophically sophisticated and well-defended conceptions of this sort, but also because he invokes the pervasiveness of gender subordination to gain support for his claim that his notion of domination is central to a theory of justice. This support dissolves if, as I argue, his notion of domination turns out to be unable to capture the nature of gender subordination.

Pettit states in no uncertain terms his view that non-domination is synonymous with social justice, that non-domination is the only concept we need to understand complaints of justice:

“The position for which I will be arguing in this chapter is, roughly, that the republican theory of social justice ... requires that people should enjoy freedom as non-domination in their relationships with one another, whether as individuals to individuals, as groups to groups, or as groups to individuals. ... Republican justice is primarily opposed, on this approach, to private domination.”⁷

“This suggests that in matters of social justice, freedom need be the only guiding good: it can operate as a regulative ideal for policy-making and a yardstick of justified criticism and protest.”⁸

And on the first pages of *On the People's Terms*, he connects this view – of the equivalence between justice and non-domination – to the domination of women. After stating that “the canonical complaint that the state should help to put right” is “the evil of subjection to another’s will,” Pettit invokes the image of the battered wife to awaken in his readers their intuitive repulsion at this subjection:

“Think ... of how you would feel as a student if you depended for not failing a course on the whim of an instructor. Or as a wife if you had to rely on the mood of your husband for whether you could enjoy an unmolested day. Or as a worker if you hung on the favor of a manager for whether you retained your job.”⁹

In invoking this image, Pettit relies on a view of gender subordination as equivalent to the condition of domination that wives suffer at the hands of their husbands or male sexual partners. This is a widespread picture, shared by some feminist theorists,¹⁰ whose appeal consists in its ability to isolate the source of subordination to the relationships between men and women and the social norms or laws that govern them as agents. But this appeal comes at the cost of separating relations between men and women from the larger social context in which they are embedded, and without which they cannot be understood. Domination, understood as subjection to the will of another, is unable to capture the features of the larger social context that make the subjection of wives a symptom of gender subordination, not its entire character.

In highlighting this inability, my argument strikes at the heart of Pettit’s theory of domination as a theory of justice. It also fills an important gap in discussions of domination, which have paid scant attention to this inability of Pettit’s notion of domination to capture the nature of gender subordination,¹¹ a fact especially surprising given the wide critical attention Pettit’s theory has otherwise received.¹²

There are two distinctive features of gender subordination that, I argue below, cannot be captured by Pettit's the notion of domination as a relation between agents. The first is that gender subordination *affects all women*, not only those with personal experience of, say, rape, domestic violence or a dominating husband. Gender subordination, then, is not a matter of the relationships women happen to have to other agents. When feminists talk about rape as violence against women, or violence that targets one *as a woman*, they do not mean that only women are raped, or that all women are raped. Rather, they mean that every time a woman is raped is a reminder *to all women* of the fact, well known to them, that they are members of an inferior social group. It is also a consolidation of that fact. Unlike violence against men, violence against women also involves their social status as women, i.e. the social status of the social group "women." This does not mean that men do not experience violence, but only that (white heterosexual) men's social status is not negatively affected when they experience violence. For instance, men experience violence in the context of wars as combatants, a violence that enhances rather than lowers their status. In contrast, violence against gay men, as well as black men, similarly to violence against women, is also a statement on their inferior social status. In short, gender subordination refers to a fact about all women, not a fact about the ability of some agents to act in relation to others. It is a feature of society, not of agents.

Secondly, gender subordination is a matter of *the asymmetry of social power between men and women* as positions in a social structure. Women have lower social power in virtue of being women, i.e. occupying the position of woman in the social structure of gender. The gender system assigns different roles to men and women; women are assigned the role of mother, daughter, caregiver, etc., while men are assigned the roles of 'productive members of society' or 'family breadwinner.' These roles are not only different. They are asymmetrically positioned in relation to

social power: men's roles are valued highly by society, women's roles are valued lowly; men's roles bring about higher power and respect than women's roles.¹³ What makes the differences between men and women problematic has to do with this asymmetry of social value and power, with the fact that women are constrained into taking women's roles ***and then, as a result, are considered second-class persons***, while men are constrained into taking men's roles, which come with high respect and power. Importantly for my argument below, gender creates constraints for both men and women, but the constraints men encounter contribute to their power and privilege, while the constraints women encounter contribute to their powerlessness.

This feature distinguishes my view of gender subordination from two other views prevalent in the feminist theory literature. On one of these views, gender subordination is a matter of domination: an agent (men as a group or individual men) dominates women (as a group or individually).¹⁴ As the asymmetry of social power between men and women is not defined in terms of actions of agents, my view departs from this view. It also departs from a second view, implicit in Iris Young's conception of oppression, according to which gender subordination consists in the institutional constraints to self-development encountered by women.¹⁵ The problem with this second view is that it implies that gender oppression constrains only *women's* self-development. But men too are constrained into particular roles. The difference between women and men is not that women are constrained while men are not, but rather that the constraints experienced by men contribute to their high social status, while the constraints experienced by women contribute to their low social status. My view improves over Young's by taking this asymmetry into consideration while preserving the idea that oppression operates through constraints.

The paper proceeds as follows. The first section presents Pettit's concept of domination as he originally presented it in *Republicanism* and further developed in *On the People's Terms*, and

focuses on the distinction between “invasion” and “vitiating” of freedom. The following three sections take “invasion,” “vitiating,” and “structural domination” in turn and argue that each of them leaves essential features of gender subordination unaccounted for. The final section proposes the concept of “oppression” as a better conception of gender subordination.

Pettit’s notion of domination

According to Pettit, domination is the wrong of being subject to the will of another, subject to the possibility of interference in that relationship. Domination is a relationship between two agents that displays three features. A dominating agent

1. has the capacity to interfere
2. on an arbitrary basis
3. in certain choices that the other is in a position to make.¹⁶

According to the first feature, the dominating agent need not actually interfere, but only have the capacity to interfere. As slavery is Pettit’s paradigmatic example of domination, the benevolent master is the paradigmatic example of the non-interfering dominator.¹⁷ Even if one’s master fails to use his power of interference, one is subject to the possibility of his interference. It is the *insecurity* of one’s position that comes from being subject to the whim of another’s will, not actual interference, that constitutes domination.¹⁸

Interference *worsens* the choice situation of the interfered agent (it cannot make it better)¹⁹ and it does *intentionally* so; the interfering actions “are intended by the interferer to worsen the agent’s choice situation;” they cannot occur by accident; they have to be the sort of actions for which we can allege at least negligence.²⁰

This understanding of interference is related to a distinction fundamental, on Pettit's account, to the meaning of justice: the distinction between "things that happen to people" and "things that people do to each other."²¹ The former are not a proper contender for judgments of justice; any theory of justice has to allow for the existence of "the natural effects of chance and incapacity and scarcity," that stand outside requirements of justice. Only the latter – things that people do to each other – properly fall within the purview of justice.²²

According to the second feature of domination, not all interference is dominating. Some forms of interference are non-dominating because they are non-arbitrary, i.e. they are controlled by (or reflect) the will of the agent interfered with. In contrast, arbitrary interference reflects the will of the interferer.²³ For example, if I give you the key to my alcohol cupboard and make you promise to return it only at twenty-four hour notice, then, when you refuse to give me the key at a request for its immediate return you interfere with me but in a non-arbitrary, non-dominating way. Your interference is non-arbitrary because it reflects my will, not yours; you are my agent.²⁴

Finally, the third feature of domination says that the dominator need not affect all the choices one has, but only a certain domain of choices. Thus, domination has a greater or lesser range; one may dominate another in a certain range of choices.²⁵

More recently, Pettit introduced the distinction between vitiation and invasion of freedom to explain the distinctive wrong of domination. To make a choice freely between X, Y and Z, he says, is to use the personal, natural and social resources one has in order to satisfy one's will regarding those options, "whatever that will turns out to be."²⁶

There are two ways to reduce this freedom, which Pettit brings out through an example. Let us imagine, he says, that as you park your car in an unknown part of town, someone warns you that an impending hailstorm is likely to damage it. In response, you are likely to feel frustrated that you

cannot carry out your plans as you wished (and grateful for the information). But you will not feel wronged; your response will not include the type of moral outrage and indignation we experience when we are victims of injustice. In contrast, you would feel this kind of outrage if the same stranger issued a threat to damage your car. Our instinctive moral reactions track something important, Pettit believes. They tell us the latter is a case of injustice, the former is not.²⁷ The hailstorm vitiates, while the personal threat invades your freedom.

Pettit spells out the difference in the following way: vitiators are hindrances that affect the use of resources for *any purpose* and only consequent on this general fact, for the particular purpose of satisfying one's will. For instance, you may have a car that you use to drive into the city. But the car is short on fuel. Then you are hindered to use your car for *any purpose* and only consequent on this general fact you are hindered for the particular purpose of driving in the city.

Invaders, in contrast, are "hindrances that affect the use of your resources for the specific purpose of satisfying your will, and not in a generic way."²⁸ In the car example, invaders are "obstacles that specifically affect your driving it into the city centre, being triggered by your using it or trying to use it for that purpose."²⁹

Invaders, Pettit says, "are only triggered by your attempting – or the prospect of your attempting – to satisfy your will by using the resources at your disposal."³⁰ In contrast, vitiators "do not have to be triggered in this way; they materialize for reasons that are not connected to your attempting ... to satisfy your will."³¹

Importantly for my purposes here, Pettit thinks that this feature – the "triggering condition" – makes invaders "inherently inimical to freedom of choice," unlike vitiators, which are only "incidentally rather than inherently inimical."³² It is in virtue of this feature that invasion is equivalent to domination, or "subjection to another's agent's or agency's will,"³³ while vitiation

does not constitute domination. It plays an essential role in Pettit's argument for the equivalence between domination and invasion. This argument is instructive because it vividly shows why, on Pettit's view, this feature of invaders marks them as distinct from vitiators and also marks the distinction between "things that people do to each other" and "things that happen to people," thus grounding his assumption that "things that people do to each other" can only be understood as relations between wills of agents.

This argument shows, first, that subjection to the will of another is *one way* in which your choice may be invaded, because such subjection is a specific hindrance, a hindrance that "targets your ability to satisfy your will"³⁴ in which "their will competes with yours for control."³⁵

Secondly, the argument shows that subjection to the will of another is *the only way* in which choice may be invaded. Pettit's reasoning for this last point is worth citing at length:

"A hindrance that invades your choice between options has to be *triggered* by your seeking to satisfy your will in that choice, rather than materializing for independent reasons. *And while that triggering condition can be fulfilled in the presence of a will that competes with your own will for control of what you do, it is hard to see how it could be met otherwise. Your seeking to satisfy your will in a choice is hardly likely, for example, to trigger the appearance of a natural obstacle to your getting your way.* For these reasons we may identify invasive hindrances to choice with hindrances that reflect the will of another as to what you should do."³⁶

To summarize, the argument shows that invasive hindrances represent subjection to an alien will because only wills can be triggered, and invaders have to be triggered (by definition). Only wills can be triggered because *the only other type of hindrance* – a natural obstacle – cannot be triggered. The form of the argument is the following:

P1: Freedom is freedom of choice; to be unfree is to experience hindrances to one's freedom of choice.

P2: There are exactly two types of hindrances: wills of agents (or actions that reflect such wills)³⁷ and natural-like obstacles. Only wills can be triggered. Natural-like obstacles cannot.

P3: Invasive hindrances have to be triggered.

C: Invasive hindrances are hindrances that reflect the will of another.

Premise 2 says that humanly created social realities that do not reflect the will of an agent – as I argue gender relations are – belong to the same category as natural obstacles. Not all of these hindrances to freedom are natural obstacles. But when we consider *how* they hinder freedom of choice, they are similar to natural obstacles in that they do not reflect the will of an alien agent. This makes them not “inherently inimical” to freedom, and thus a less serious threat to freedom.

In light of this argument, Pettit defines invaders as “hindrances that reflect the will of another” and vitiators as any “factors that deprive you of resources required for freedom in that choice, or that limit the use to which you can put those resources, *without imposing the will of another as to what you should do.*”³⁸ Like natural obstacles, vitiators do not reflect the will of an agent.

To sum up, on Pettit's view, “vitiators” and “invaders” are two distinct categories of hindrances to freedom. They are also the only two types of hindrances possible. No third option is available. Further, only invasion represents an unjust reduction of freedom. Vitiating limits freedom of opportunity,³⁹ but does not create claims of justice.

Let me consider some objections⁴⁰ to this reading of Pettit's view. If vitiating does not create justice claims, one may ask, why is Pettit's theory of justice concerned not only with extending uninvaded choice, but also with guaranteeing a level of resources, which extend vitiating choice?⁴¹

The answer lies in Pettit's view of the value of invitated choice, the reason for which invitated choices matter for justice. On this view, in the absence of a guaranteed level of resources, one's uninvaded choice (freedom as non-domination) is threatened. So it is because lack of resources can threaten non-domination that securing a level of resources represents a legitimate concern of justice. Lack of resources should concern us *only when* it affects someone's freedom as non-domination and *only to the extent to which* it does so. Indeed, justice entitles people to *a level* of resources that secures them against domination, not uninvited choice *per se*. What makes uninvited choice a legitimate concern of justice, in short, is its connection to uninvaded choice. In contrast, what makes uninvaded choice a legitimate concern of justice is that uninvaded choice, i.e. freedom as non-domination, is the value justice should maximize.⁴² Sometimes Pettit puts this point by saying that non-domination is a gateway good: "a good whose realization promises to bring the realization of other goods in its train."⁴³ This shows that Pettit's theory can be concerned with securing uninvited choices even if in itself vitiating is not a violation of justice.

However, this strong relation between uninvited and uninvaded choice, an objector may continue, suggests that there are three, rather than two, types of things that limit freedom: invasion, vitiating and something in between, call it "invasion out of vitiating"?⁴⁴ After all, Pettit admits that the line between vitiators and invaders is not always "bright and clear," as when he brings up the example of the strike of the newspaper workers and wonders whether it invades or vitiates one's choice of reading the newspaper.⁴⁵ To speak of the strike, which is not a clear case of either "invasion" or "vitiating," we need a third concept.

In response, I start by reminding the reader of the distinction between the *meaning* and the *extension* of a concept. That the strike is not a clear case of either invasion or vitiating regards the extension of these concepts, not their meaning. It only refers to the fact that some cases are

marginal to the concepts they fall under. But this sort of ambiguity is not evidence that we need a third concept. It only shows that the meaning of a concept does not unambiguously determine its extension. This is not surprising given that the application of general concepts to particular cases involves judgment or interpretation, and that it may involve argument and disagreement. Moreover, in his discussion of this particular case, Pettit's makes clear that "on the line taken here we clearly have to say that ... it counts as a straightforward case of invasion." True, the strike differs from central cases of domination in one respect: the intention of the workers is not to impose their wills upon – to interfere actively and deliberately with – the readers deprived of the newspaper as a result of the strike, but rather to pressurize the management to respond to their demands and they pursue the strike "for the instrumental reason that that is the best way in which they can" do so.⁴⁶ We may disagree with Pettit on where this case fits in his conceptual scheme. But even if we were to successfully show, contra Pettit, that the strike is not a case of invasion, we would not have shown that his conceptual scheme includes a third concept.

However, it is true that Pettit opens up the possibility of a third concept in his discussion of "structural domination." It is often, he says, because of social modes of organization that some people have dominating power in relation to others. Although these modes of organization do not invade, but only vitiate, choice, we should recognize them as indirect or structural forms of domination.⁴⁷ I discuss Pettit's notion of structural domination in the section after the next and argue that it is not a genuine third concept. Given Pettit's theoretical need to distinguish between "invasion" and "vitiating" in a way that tracks the idea of domination as "subjection to the will of another," structural domination collapses in either invasion or vitiating. Before making this argument, however, I will assume that Pettit works with three concepts – "invasion," "vitiating,"

and “structural domination.” The next three sections take each of these concepts in turn and argue that none of them is able to capture gender subordination.

Gender subordination as invasion

Let’s start with a modified version of Pettit’s example of someone who parks the car in an unknown part of town. Let us say that, as I park the car, a stranger tells me that as a woman I should expect to be attacked or harassed on the street, so it would be better for me to drive away. I call this “the gendered threat,” to distinguish it from “the personal threat” – Pettit’s example of invasion – and from “the threat of the hailstorm” – Pettit’s example of vitiation.

If there are only two ways to limit freedom, then the gendered threat is either like the personal threat or like the hailstorm. Here I consider the possibility that it is like the former. There are good reasons to believe so. The personal threat removes an option – that of walking away from my car without fear that it will be damaged – and leaves me with two other options – that of leaving my car with the fear of being damaged and that of driving away.⁴⁸ Similarly, the gendered threat deprives me of an option – that of leaving my car and walking the streets of the neighborhood without fear – and replaces it with two other options: that of walking at the risk of being attacked or harassed and of leaving the neighborhood.

However, the gendered threat lacks an essential feature of invaders: it does not reflect a(n) alien) will, and as such there is no sense in which it is “triggered.”

To see this, let us consider that the gendered threat is something that all women experience rather than something that their actions (or the prospect of their actions) trigger. The risk of violence affects women whether they attempt or even desire to walk alone in the street or not. It affects women who experience violence and women who do not. Girls’ are told from an early age,

in more or less subtle ways, that they have reason to fear dangers boys do not. They are informed that women's world is unsafe in ways men's world is not. This is a fact about the world that women inhabit, a fact that everyone is well aware of, not something that women trigger through their actions.

Feminists think that such gender threats enable gender subordination. If gender subordination is a form of domination, as Pettit believes, then, in order to explain gender threats as part of gender subordination, Pettit would have to show that the fact that women are less safe than men reflects an alien will. Who could be the agent whose will is reflected in the gendered threat?

I will consider three possibilities: the actual or potential attackers, bystanders in an attack and the person warning me of the danger ("the warner").

First, consider actual and potential attackers. Let's take the case of a woman harassed on the street. The harassment may be physical, verbal, or both. There is a good case to be made that this person fits the profile of Pettit's invader: he deliberately and actively makes the situation uncomfortable for the victim. His action, which reflects his will, interferes with her freedom, i.e. worsens her situation, i.e. removes the option of travelling without being confronted with this discomfort.

However, there are two problems with this account.

First, it misses the central feature that makes an unwelcome verbal or physical interaction an episode of *gender* violence. It fails to explain why the exact same action, when addressed to a man, fails to constitute gender violence. Negative comments on a man's clothes, or even violence against a man, have a completely different meaning: a man cannot be demeaned for being a man, for there is no implicit social understanding that confers inferior status on men. Harassing a man cannot institute a gender hierarchy. It can institute a racial hierarchy, or a hierarchy around

sexuality, but this would show that there is an analogy between hierarchies along gender, racial and sexuality axes.

This suggests that domination by attackers cannot explain what needs to be explained: how gender threats constitute gender subordination. A separate explanation of the system of gender hierarchy is required.

The second problem is that it fails to acknowledge the contribution of bystanders to the effects of attackers. Attackers would not succeed in creating the gendered threat – in making the world less safe for women – unless people who witness episodes of violence or threats of violence failed to intervene or protest. Understanding gender threats and their contribution to gender subordination on the model of domination, with attackers as the dominating subjects, obscures the contribution of bystanders.

Let us then consider whether bystanders can be considered “dominators” in Pettit’s sense. For bystanders to be dominators, it would have to be the case that the attacker’s action (actual or potential) reflected their wills, that the attacker acted as their agent. But such a case would rather fit something we would call the “gang violence” model rather than the “attacker versus bystanders” model. Bystanders need not interact with the victim, and they may have a variety of reactions to the actions of the attackers; they may be indifferent to, annoyed by it, made uncomfortable by it, rejoice in it, or want to dissociate themselves from it. No matter how they feel about the desirability of the action, it is not their action; it does not reflect their will. Nevertheless, we feel that they bear some responsibility for the action. Our moral reaction confirms this: if they do not step in to stop the harasser, our moral outrage does not spare them; they could have made the victim feel safer but they did not. This is hard to explain on Pettit’s account, which holds that one can only be held responsible for things that reflect one’s will.

Finally, can we consider the warner – the person who warns me of the danger – as a dominating agent? If he does not back up the threat – which would make him an attacker – the danger does not reflect the will; rather, the threat exists independently of her will. But then, on Pettit account, he is exactly like the person who warns me of the impending hailstorm – someone who informs me of a danger independent of her will – and therefore bears no responsibility for the danger women are in.

Yet a feminist might disagree. Unlike the person who warns me of the impending hailstorm, this person has other options of action. She could offer help in case of need or make sure the potential victim has the phone number of the police. By not taking these other actions and instead warning me she says that I have to accept the fact of violence as given and respond to it in the only way a rational agent would: by avoiding it. If I continue to attempt to walk the streets alone, then I can only blame myself; I was “warned.” Warning is given at the expense of decrying the violence as unacceptable. In this way, the act of warning “says” that violence against women is something “normal,” something that does not deserve the response violence typically deserves, of being morally condemned and socially obliterated. Violence against women is something – like the hailstorm – that although unpleasant, we should accept. It is something that does not raise the same moral demands as violence against (white) men. And this, in turn, sends the message that women – the group that experiences this violence – are *a different, inferior sort of person*.

These are all norms that surround the violence against women and that explain its *gendered* character. They also explain how the warner is implicated in sustaining the gender threat. The warner normalizes the violence, her actions present it as something that has to be taken for granted. It is for this reason that she is responsible for the gender threat: for her contribution to imposing the norms that surround gender violence, not for imposing her will.

Similarly, the responsibility of bystanders for the gender threat is a function of their contribution to sustaining these norms. By protesting the violence or offering help to its victim, bystanders could act in ways that would send the message that the victim is the type of person against whom violence is unacceptable. Thus, when bystanders act to help the victim, they lighten the oppressive constraints the victim experiences. They have the power to weaken these constraints by weakening the norms surrounding violence. It is *this power to weaken norms*, not their power to arbitrarily interfere with me, that puts them among the agents that contribute to my situation, and that makes them responsible for it.

To summarize, what makes violence against women oppressive is something the violence amounts to, but that is distinct from it. This is the sense that women are *a different, inferior sort of person*. When they face the risk of violence, women, unlike men, are also confronted with (and reminded of) *the sense that violence against them is acceptable, or to be expected*. They should have known that streets are not safe places for women. They should have known that their world is different, less safe than men's. But this means that it is okay for their world to be less safe. Women are not entitled to the same protection. They are *a different, inferior type of persons* against which violence is not that problematic, and therefore not that surprising.⁴⁹ Violence – actual and potential – plays a role in keeping this sense of women's inferiority into place. But it is in virtue of its *social meaning*, not in itself, that violence against women is an instance of gender subordination.

One could object by arguing that this sense of inferiority and superiority is no different than Pettit's idea of "asymmetry of status," a wrong distinctive to domination. According to Pettit, "domination will ... introduce a characteristic asymmetry of status. A relationship of domination leaves the dominated person in a position where it is likely to be a matter of common knowledge that he or she is exposed to the possibility of arbitrary interference and cannot, therefore, speak his

or her mind without risk of falling out of favour and cannot be ascribed a voice that claims the attention and respect of others.”⁵⁰ In contrast, “free persons can walk tall, and look others in the eye. They do not depend on anyone’s grace or favor for being able to choose their mode of life. ... [T]hey do not have to placate any others with beguiling smiles or mincing steps.”⁵¹

Pettit, this objector can say, can explain women’s inferior status as such “asymmetry of status” created by domination. For various reasons, physical or social, the objector would argue, women are dominated in society. Thus, it becomes a matter of common knowledge that womanhood is a badge of vulnerability, i.e. that women have an inferior status.

To see why this objection fails we need to be clear about what Pettit has to establish. His claim that domination is the fundamental wrong tracked by justice commits him to saying something more specific than that practices of women’s domination are widespread, and that these practices confer women an inferior status. He needs to establish that relations of domination, i.e. relations between a dominating agent and a dominated agent, are the root cause of women’s inferior status. Domination – invaded choice – has to do all the work of explaining the status hierarchy of gender. If other factors were involved in the explanation of women’s inferior status, then domination would not be shown to be the reason for women’s inferior status.

One consequence of this requirement that domination does not all the explanatory work is that the class of dominated persons coincides with the class of persons of inferior status. If *women’s* inferior status is to be explained as consequent on their dominated status, then all women and no men are dominated, i.e. subject to the will of another.

But what about the husband who is subject in (some of) his choices to his wife’s will? And what about powerful women – such as Angela Merkel, Hillary Clinton, K. Conway or Melissa Mayer – who, by any measure, enjoy a wide range of non-dominated choice? If women’s inferior

status is a consequence of their dominated status, then, on Pettit's account, the dominated husband partakes in women's inferior status, while powerful women do not. But this fails to explain the phenomenon of *gender* subordination. Even if his choices are dominated by his wife, the dominated husband is not subject to the gender constraints women are. He is not expected to take caring, undervalued, roles, he is not socialized to appear weak and fragile, and he is not associated with images of his body as a sexual object. To be sure, he is subject to gender constraints, but these contribute to his superior, not an inferior status in the gender hierarchy. He is expected to shed any appearance of weakness, fragility, or emotion, he is expected to take public roles, and he is expected to control women's bodies. In contrast, powerful women like Hilary Clinton are subject to gender expectations even while they enjoy a wide range of non-dominated choices. They are judged for the way they look, for their clothes, and are subject to the "double-bind" of strength and femininity. Their freedom from domination does not free them from the constraints of gender subordination.

Moreover, these cases suggest that one's freedom from domination is a contingent matter, something that can vary during one's lifetime, depending on the relationships one happens to be in. In contrast, gender constraints are systematic and inescapable; they do not depend on the particular relationships one happens to be in. A woman can escape her abusive husband, thus escape domination, yet she will continue to face gender subordination. Domination does not track gender subordination consistently.

The objector could argue that this reading does not do justice to Pettit's argument that non-domination is a common good, argument that explains why women who escape abusive husbands enjoy no more non-domination than women who are abused. For Pettit, one enjoys non-domination only when one is in a *secure* position regarding the other's ability to interfere to one. And one can

enjoy such security only to the extent to which those “in the same vulnerability class” enjoy non-domination. His example is that of women:

“Suppose that women are not protected, either by law or culture, from physical abuse by their husbands. You may be a fortunate woman whose husband is very unlikely to abuse you, . . . , but that difference between your situation and those of other married women does not mean that your fate in the non-domination stakes is quite independent of theirs. On the contrary. To the extent that any woman can be abused on an arbitrary basis by her husband, womanhood is a badge of vulnerability in this regard; in particular, it is a badge of vulnerability that you, fortunate though you are, must bear in common with others. You can only hope to escape domination in this respect to the extent that all women are enabled to escape domination. Your fate is intertwined with theirs.”⁵²

But what makes womanhood “a badge of vulnerability”? Or, to put this question differently, what constitutes women as a separate class? To answer this question, Pettit has to explain why *all* women *and no* men can be abused, i.e. dominated, in the relevant sense. This is a version of the question I considered above, in relation to Pettit’s notion of “asymmetry of status”. If what makes “womanhood” a badge of vulnerability is something exclusively about women’s dominated status, then Pettit has to explain why women’s vulnerability is different from dominated husbands’ vulnerability, i.e. why dominated husbands do not belong to the same class as women.

The only difference, as the first sentence in the paragraph I quoted above suggests, is made by norms – legal or social. Norms do not offer women the same protection they offer men, and in this way they constitute women as a separate class, one that bears “a badge of vulnerability.” This explains why even powerful women – the Hilary Clintons of the world – are part of the class of the vulnerable: the norms apply to them as much as to any other women.

However, this reply is not available to Pettit. In making it, he introduces considerations distinct from domination to explain gender subordination. Norms do not represent domination – invasion – in the relevant sense here, because they cannot be triggered as invading wills can. Rather, they exist independently of the wills of the agents. A marriage law that places husbands in a dominating position is *not* itself triggered by the actions of the wife. It also does not reflect the wills of husbands, for husbands may not want to have the dominating power conferred to them by the law. For these reasons, the law itself cannot constitute invasion of the will of the wife. It is true that such a law makes possible such invasion, by giving husbands dominating power (even against their wills). But the law cannot itself constitute such invasion. The notion of domination alone, it seems, cannot explain the inferior status conferred by gender.

This is a challenge to Pettit’s claim that domination – spelled out as invasion, i.e. subjection to the will of another – is the only concept we need to understand complaints of justice. I submit that his notion of “structural domination” is meant to answer this challenge. “Structural domination” is meant to explain why we can legitimately complain that social arrangements that do not reflect wills of agents are unjust.

Structural domination

Pettit introduces the notion of “structural domination” right after his discussion of “unwilled domination.”⁵³ Situations in which the dominating agent does not want to have the dominating power he has are situations of unwilled domination. The power of “the husband over the wife in a sexist culture” is unwilled in this sense because the husband may not want to have the asymmetrical power over his wife that the laws or customs of marriage confer to him.⁵⁴ Yet, he cannot escape having this power even if he does not want to have it. As he cannot escape having

this power, he is not responsible for having it. Therefore, he cannot be resented for being in this position. However, “the failure of the society not to rectify” the imbalance of power that gives him dominating power can be resented, as it often is, “as documented in oral and literary tradition”.⁵⁵

As such resentment is a sign of injustice for Pettit, he accepts that such “societal failures” can be properly called unjust. But this creates a problem for Pettit’s account, because only instances of domination – understood as invasion, i.e. subjection to the will of another – can properly constitute injustice, and “societal failures” are not obviously cases of invasion, or subjection to an alien will. Indeed, as we will see in the paragraphs I quote below, Pettit acknowledges that they are vitiating hindrances to freedom.

To answer this problem he introduces the notion of structural domination. This notion allows him to argue that – if we accept this form of domination – there is a sense in which these situations are instances of domination. Hence, the problem disappears. Although in these situations our resentment targets social failures rather than invasive hindrances, these situations are so closely related to domination that we can still say that domination is the only concept we need to make sense of social injustice.

I make three arguments about the notion of structural domination. First, I argue that it does not allow us to say that the social norms targeted by our resentment are unjust. Second, I argue that structural domination cannot capture the mechanisms of gender subordination. Third, I argue that, if we accept the notion on its own terms, we have to abandon the conceptual distinction – fundamental to Pettit’s central notion of domination as subjection to the will of another – between invasion and vitiation.

What is structural domination? Pettit introduces it in the following way:

[W]e should recognize an indirect or structural form of domination as well as the direct or personal kind, willed or unwilled, that we have been describing It is usually because of the ways a society is organized ..., that some people have such power in relation to others that they dominate them directly, and dominate them without necessarily wishing for domination or even approving it. Thus it is usually because of the way that marriage law or workplace law is structured that husbands or employers have a dominating power over their wives or workers. *These modes of organization may vitiate, but not invade, choice*, as when they emerge for example from customary practice, *but they can indirectly facilitate the worst forms of invasion and domination in a society.*⁵⁶

And earlier in the same chapter he says:

[T]he invasion of choice is worse on the whole than its mere vitiation. But ... vitiating factors ... may put such limits on your range of choice that you are subject, as a result, to a greater degree of invasion on the part of others. Thus the way things are organized in a society may not be the work of will in a relevant sense and may not invade people's choices as such – it may be the unintended, aggregate consequence of how people are independently motivated to act – but it can impact on free choice in a way that is closely connected to invasion. *It may constitute a structure or pattern that facilitates the invasion by some people of the choices available to others.* It may amount to an indirect, structural form of invasion, we might even say, as distinct from the direct, personal form of invasion that it occasions.⁵⁷

I take the idea of structural domination to be invasion of choice made possible by vitiating factors. Sometimes a mode of social organization limits the options open to some people to such an extent that makes them vulnerable to the power of invasion of others. This makes that social arrangement unjust. But it is unjust because it leads to invasion, not in itself. If no such direct,

personal invasion were made possible by this limitation of choice, the existence of vitiating factors would not be unjust.

This is why we can rightfully resent the arrangement: because it puts us at the mercy of other agents (who may not even want to have this power, and may not intend to use it), not because it limits our choices. And this why it is a form of domination (i.e. invasion), not vitiating: the wrong is that of being subject to the will of another.

How exactly does vitiating *facilitate* domination? Having a limited set of options, I take the thought to be, makes it more likely that I will have to act in ways someone else wants me to; it will be harder for me to avoid doing what someone else requires me to do, because of the limited range of options I have.

Take the relationship of the worker and employer under a labor law that does not protect union representation, collective bargaining, and the right to strike. Because these options are closed off for the worker, and because the worker has no option but to enter a relationship with an employer, the employer can dictate the terms of the labor contract. The contract that governs their relationship reflects the employer's will, which makes the worker subject to the employer's will.

Or take the case of the wife under coverture law, where divorce is not available, fathers retain custody of the children in case of separation, and wives lack legal identity, i.e. they need their husbands' permission to sign a contract, undertake any economic activity, and any income or profit they acquire belongs to their husbands. The wife's range of options are limited to such an extent that makes her subject to the will of her husband. This is a fact that neither she nor her husband can escape.

There are three problems with this view. First, it does not allow us to say that the social or legal norms targeted by our resentment – marriage or labor law – are unjust. If the notion of vitiating is

to be kept distinct from that of invasion, as the theory requires, the view has to hold that the law itself does not constitute domination. Husbands may not want the power conferred to them by the marriage law, so this law is not a reflection of their wills. Rather, domination must be somehow *consequent* upon this vitiation. What is unjust is that, in virtue of the constraints of the law, husbands can impose their wills on their wives. That women cannot sign contracts and are not entitled to the fruits of their labor or custody of their children is not in itself morally objectionable. Even when husbands do not actually impose their wills on their wives, even when wives are not actually subject to anything more than the possibility of their husbands' interference, the only morally objectionable feature of the situation is this possibility, not the conditions of the relationship, not the actual asymmetry of power between them and their husbands. This sounds counter-intuitive and unnecessary. We should be able to say that the actual asymmetry of power – written into the law, and independent of the will of either husbands or wives – is unjust.

Second, the idea of structural domination misrepresents the problem of gender subordination as one of choice dominated by another agent. Marriage is a useful example in this respect too. Feminist theorists have argued that marriage plays an important role in the subordination of all women. I argue that it is a mistake to understand that role in terms of Pettit's notion of domination. On that understanding we are constrained to reduce this role to the dominating power of the husband, i.e. the husbands' power to arbitrarily interfere with their wives' choices. If this were the case, women would not experience the subordinating effects of marriage before marrying or if they never married. But, as Okin has shown, marriage creates gender constraints for women well before they actually marry, and affects both married and unmarried women. Marriage and accompanying norms about its value and demands influence the socialization of girls and boys into different roles,

which encourages girls to disproportionately prepare themselves for occupations that will allow them to also become wives, occupations that bring about less prestige, power and income.⁵⁸

Pettit could reply that these effects can be explained on his model of domination by drawing on Ann Cudd's "oppression by choice:" the idea that gender inequality is partly the result of women's choices.⁵⁹ Women's early choices of occupation, as well as decisions about sharing work inside and outside the home with their husbands, are responsible for their unequal position.⁶⁰

However, for this account to support Pettit's view, women's choices would have to be dominated, to reflect the will of another agent, a parent or a husband. But this is not necessarily the case. Women's early choices to prepare for occupations (teaching, for example) that will allow them to combine caregiving for their families with waged occupations do not reflect the wills of their parents, but are rather rational decisions given the expectations that women bear the larger share of the responsibility for caregiving and the social reality of the organization of work that assumes that workers have a wife at home.⁶¹ Parents and other family members may support girls' and young women's choices of non-traditional professions but have no more control over these social realities than the women themselves. Similarly, married women's later decisions to take longer times away from waged work do not reflect their husbands' wills, but are rational decisions⁶² given the social conditions⁶³ they face, such as the lack of quality socialized childcare, the availability of parental leave, women's early socialization into caring roles, etc. If these decisions reflect anything, they reflect social conditions, not the wills of particular agents. Husbands are as much at the whim of these social forces as their wives.

To summarize this second problem with Pettit's structural domination, I argued that marriage plays a role in the social mechanisms responsible for perpetuating gender hierarchy. But this role cannot be understood on the model of domination. It cannot be reduced to the dominating power of

husbands, parents or other agents over women's choices. Rather, it should be understood in relation to social conditions and processes: the norms and institutions defining marriage and other institutions that rely on marriage, such as the norm of the marital family as the main unit for raising children, norms that prescribe to women the role of wife, lack of socialized childcare, lack of material benefits for the work of raising children incurred by their mothers, etc.

Third, accepting the notion of structural domination as laid out by Pettit requires us to abandon the conceptual distinction between invasion and vitiating. Take the labor law example. On this reading, the lack of legal protection for union representation, collective bargaining and the right to strike *facilitate* rather than *constitute* domination. Domination is something over and above these legal conditions. Domination takes place when, say, the employer takes advantage of these legal conditions and imposes his will on the workers, for instance in labor contract negotiations. But if domination is something over and above labor law, it must be possible for the employer to *not* take advantage of the worker, to not impose his will on the workers.

What would such a case look like? The employer could make the workers' demands part of the contract. Then, one could argue, the labor contract would reflect the worker's will, and so there would be no domination. But one could also argue that this case is that of a benevolent dominator. Given the unavailability of collective bargaining, the employer is in a position that enables him to reject the workers' demands and dictate the terms of the contract. Even if he does not do that, even if he accepts the workers' demands and incorporates them in the contract, the workers demands are there by his leave. So the labor contract continues to reflect his will. Given the conditions of the law, the employer is the only person whose will can be reflected in the contract. But then the conditions of the law *are* domination. Domination is not something over and above these conditions, something they *facilitate*. The conditions of the law – vitiating hindrances – are

domination – invasive hindrances. The distinction between invasion and vitiating cannot be maintained.

That laws constitute domination is precisely right, Pettit could say. But this does not mean that there is no distinction between invasion and vitiating, for structural domination is not equivalent to invasion. Unlike invasion, structural domination does not require the triggering condition. Structural domination is a third concept. It has is similar to invasion in some respects, but it does not include a triggering condition. Marriage law itself is dominating in this structural, as opposed to the personal, sense because it confers dominating power (power to interfere arbitrarily) to those who occupy the legal position of husbands. Husbands have the power to interfere arbitrarily with their wives in virtue of the marriage law.

But in the absence of a triggering condition, it is hard to see a similarity between structural and personal domination, and thus a reason to call the constraints that laws represent “domination.” What gives personal domination its character – and what makes it, on Pettit’s view, a particularly serious hindrance to freedom, more serious than vitiating and serious enough to make it synonymous to injustice – is the triggering condition.⁶⁴ In the absence of a triggering condition, an obstacle to freedom exists for independent reasons, reasons unrelated to an agent’s will. This follows from Pettit’s commitment to Premise 2 of his argument for the equivalence between domination and invasion that I discussed above. Such an obstacle falls straightforwardly into the category of “vitiating factors.” Structural domination is not a third conceptual option; it collapses into vitiating.

To accept this conclusion, Pettit has two conceptual options. He could accept that mere vitiating can be unjust, which would make his theory consistent with the claim that unjust norms are proper objects of resentment. Alternatively, he could abandon his view that resentment is

properly felt toward social arrangements like laws or customs, which would enable him to maintain his view that mere vitiating is not unjust. Each of these options has unacceptable consequences for Pettit's theory. The first requires him to abandon a claim central to his theory: the claim that domination is the only notion required to understand complaints of justice. The second requires him to accept that his theory cannot accommodate cases of structural obstacles to freedom. In the next section I discuss these options in relation to gender subordination.

Gender subordination as vitiating of choice

In this section I consider the possibility that Pettit's view could accommodate gender subordination as a form of vitiating. I argue, first, that understanding gender subordination as vitiating would fail to capture the power asymmetry between men and women that, as I argued in the beginning of this paper, is central to gender subordination. Second, continuing the discussion at the end of the previous section, I argue that understanding gender subordination on the model of Pettit's notion of vitiating would require Pettit's theory to abandon some of its central claims.

What would it mean to understand gender subordination as vitiating? Vitiating factors restrict one's choices in virtue of factors that are independent of an agent's will. Gender norms are a good candidate for such vitiating factors. Thus, to understand gender subordination as vitiating means that the problematic aspect of gender subordination is that it restricts women's options through gender norms. On this view, the problem with women's situation is that women have a limited range of options. As men and women are subject to different expectations, options that are open for men are closed for women. Access to positions of political power is one example. Even if they are formally open to women, positions of political power are de facto closed because of the combined effect of the set of norms and institutional arrangements that constitute the gender

system, such as norms that socialize girls in supportive rather than leadership roles, norms and social arrangements that encourage women to take primary responsibility for childcare, gender segregation, etc.

The first problem with this view of gender subordination is that it cannot capture the *asymmetric* nature of gender. It cannot capture the asymmetry of social power between men and women.

Gender creates constraints for both men and women, but these are **asymmetric** in that they place women overwhelmingly in positions of low power and men in positions of high power. “Vitiating” can capture the notion of constraint, but does not capture the peculiar effects of these constraints: women are constrained into taking women’s roles **and, as a result, are considered second-class persons**, while men are constrained into men’s roles **and, as a result, are considered first-class persons**.⁶⁵

To say that gender subordination is a matter of women’s constrained (vitiating) choices implies that the difference between men and women is that men encounter fewer or no constraints. But this is mistaken, because men’s options too are constrained (vitiating) by gender norms to a similar degree. A gender norm that mandates a role for women also closes it for men. Men cannot cry or otherwise show weakness in public, and cannot make childcare their primary concern without opening themselves to humiliation and ridicule.

Rather, the difference between men and women is one of the social power one incurs in virtue of the gender constraints one encounters. Men’s vitiating choices put them in positions of power, respect, and privilege. Men **benefit** from the gender constraints they encounter. That men cannot cry in public contributes to their being seen as strong and responsible, and contributes to the respect they command. That they are excluded from caring roles and constrained to take on public

roles gives them power, and contributes to their position of capable persons, the type of person involved in important pursuits, who makes important contributions and is entitled to respect.⁶⁶

I call this differential effect of gender constraints on men and women the **asymmetry of power** between (the positions of) men and women, which is not captured by the notion of vitiating. It is rather a matter of the differential social value that different roles, defined by different activities, have. Roles and activities that women are constrained into (the roles of primary caregivers, for example) are given lower social value than the roles and activities that men are constrained into (public roles, for example). To capture this asymmetry of power we have to look beyond the notion of constraint to that of the norms responsible for the social value of different activities and to the idea of a systematic interaction between norms that confer social value and norms that create gender constraints. In the next section I propose a concept of oppression that would combine these notions, and thus would improve over domination in our understanding of gender subordination.

Before doing so, I consider the implications for Pettit's theory of understanding gender subordination as vitiating, i.e. as the restriction of women's options by gender norms. The first implication is that mere vitiating will have to be accepted as unjust, contrary to its central tenet that domination (invasion) is the only concept necessary to make complaints of justice. Otherwise we would have to say that women's subordination is unjust only when it leads or contributes to domination.

This modification of the theory will bring about other, wider changes to the theory. For instance, it will affect Pettit's distinction between what people do to each other and what happens to them, which Pettit takes to be equivalent to the distinction between things that reflect an agent's will (agent that, for this reason, can be blamed for them) and things that do not reflect a will (things that, for this reason, nobody can be held responsible for).

If oppressive social constraints like the ones faced by women are to be admitted as unjust without being reduced to reflections of a (dominating agent's) will (for reasons I explained in the sections above), then the theory has to admit a third type of facts, facts that can be characterized as "things that people do to each other," because they depend in some sense on human action, but that are not reflections of agents' wills. In other words, the theory will have to abandon the assumption that human agency is equivalent to control by an agent's will, and, consequently, the assumption that responsibility is equivalent to blame.

What is (gender) oppression?

Oppression is a relationship between social groups that manifests itself through constraints and enabling conditions. Oppressive constraints have four features.

1. They affect individuals as members of a *social group*.⁶⁷ A woman is oppressed *as a woman* not in virtue of her personal traits.

But not all constraints that affect one in virtue of one's social group are oppressive. Men are treated as men in constraining ways without being oppressed.

2. In addition, oppressive constraints are *systematic* in the sense that their oppressive character is a matter of *the systematic interaction or relationship* between a set of norms. Oppression is not simply a matter of the constraints created by norms taken one by one, but of the peculiar sort of constraints created by a system of norms, i.e. by norms in relation to each other. Frye calls this feature "the double bind" experienced by the oppressed. Young women, for instance, are caught in this bind regarding sexual activity. If a woman is heterosexually active, she is seen as loose and unprincipled. If she is inactive she is open to harassment for being "frigid" or "uptight." Either option is a bad option.⁶⁸ Another example is that of norms that push women

into caregiving roles. What makes them oppressive is not a feature intrinsic to them, but rather a feature of the system of norms, of the systematic interaction between different norms: the interaction between, on the one hand, the set of norms that assign women to caregiving roles and, on the other hand, the set of norms that assign childcare low social value. Were the latter sort of norms to change, were caregiving to be valued highly, women would not be oppressed even if they continued to be restricted to the caregiver role. (Similarly, kings may be restricted to a very limited role, yet they are not oppressed, because the restrictions enhance their power.) Oppressive constraints are systematic in the sense that their oppressive character is a matter of the *relation* between a set of norms, a matter of *the combined effect* of these norms.

3. Further, oppressive constraints consign one to a *position of powerlessness*. In virtue of the constraints they experience as women, women are consigned to a *position of powerlessness*. In the example of norms that assign women to caregiver roles, this condition spells out the thought that by being assigned to the caregiver role women are also subjected to norms that assign *low social value* to the activities to which they are assigned. Men, in contrast, are consigned to activities that are assigned *high social value*. This bestows *benefits* on men and *disadvantages* on women. The social processes through which oppression operates include constraints, but oppression is not itself simply a matter of constraints. Rather, it is a matter of *how constraints contribute to one's group social power*.⁶⁹
4. Finally, *there is a relationship between women's powerlessness and men's power*. Both result from the same social processes. Norms that assign women to a sphere of activity block men's access to that sphere. Norms that exclude women from an area of activity assign men to it. Norms that make childcare women's responsibility exclude men from childcare. While women are excluded from positions of public power, men are excluded from childcare responsibilities.

While women's access to paid employment and positions of public power is constrained, men's is imposed. In this sense oppression is relational; it is a relation between social groups, which are positions in a social structure. The social positions that stand in a relation of oppression to each other are constituted in relation to each other, through constraints that operate on those inside as well as those outside the group.

To summarize, gender oppression is a social relation between men and women as social groups, in which the benefits of social power that accrue to men are related to the disadvantages that accrue to women. Generalized to other social groups, oppression is a social relation between an oppressed and a privileged group, in which disadvantages accrue to the oppressed group and benefits to the privileged group.

Conclusion

The notion of domination is useful in capturing a wide range of social ills. It is a mistake, however, to think that it is able to help us understand all social ills. This article argues that gender injustice, a deep and serious form of injustice, widespread in contemporary societies, cannot be well theorized without supplementing the notion of domination with that of oppression.

“Oppression” improves over “domination” by theorizing the notion that injustice is located in the social hierarchy between social groups rather than in the capacity for acting or actions of agents.

¹ Authors otherwise very different from each other share this assumption. See, for instance, Rainer Forst, “Noumenal Power,” *The Journal of Political Philosophy* 23 (2015): 111-127, and Frank Lovett, *A General Theory of Domination and Justice* (Oxford: Oxford University Press, 2010). Forst defines power (of which domination is a sub-species) as “the capacity of A to motivate B to think or do something that B would otherwise not have thought or done” (p. 115). Several recent

accounts of domination, developed in part to address issues of gender and racial domination, have maintained this basic assumption that domination refers to the quality of a relationship between (individual or collective) agents. Thus, Gwilym David Blunt's "On the Source, Site and Modes of Domination," *Journal of Political Power* 8 (2015): 5-10 defines domination in the following way: "A social relationship *or institution* is dominating if X, an agent, possesses the *personally or socially constituted* capacity to arbitrarily interfere, *either interactionally or systemically*, in the choices available to Y, a dependent agent" (19). Similarly, Christopher McCammon's "Domination: A Rethinking," *Ethics* 125 (2015): 1028-1052 offers D4 and D5 as the definitions of domination for individual dominators and collective dominators respectively. Both D4 and D5 refer to domination as the quality of a social relationship between two social actors. In D4, these social actors are A and B, two individuals (1047). In D5 these social actors are B, an individual, and S_A, a group whose members are A₁, A₂...A_n (1049). A dominates B in D4 when A has "impositional power" and can wield it "from a position of deliberate isolation," with both "impositional power" and "deliberate isolation" defined in terms of what A can do (1041, 1046). D5, which McCammon thinks is "the right account when we're talking about dominating power possessed by groups" (1050) defines domination as a quality of the relation between *the members* of S_A and B, an individual. This relation is one of domination when the members of S_A, either individually or collectively, have "impositional power" and can wield it "from a position of deliberate isolation" (1049). Later in this article it will become clear why my understanding of group oppression as a structural relationship is distinct from both of these conceptions of domination, as it has nothing to do with the power *to act* possessed by the actors that stand in that structural relationship. Feminist discussions of male domination also often make this assumption. On this point, see note 10 below.

² Haslanger, “Oppressions: Racial and Other,” in *Resisting Reality. Social Construction and Social Critique* (New York: Oxford University Press, 2012), pp. 311-338 argues that racial and gender oppression should be understood in this way. For a discussion of the notion of social structure, see Douglas V. Porpora, “Four Concepts of Social Structure,” *Journal for the Theory of Social Behaviour* 19 (1989): 195-211.

³ For now I use the terminology of “gender *subordination*,” rather than that of “gender domination” or “gender oppression,” to refer to gender inequality as a relatively neutral term between the other two, given that I argue that the concept I call “oppression” represents a better description of the phenomenon of gender inequality than Pettit’s notion of “domination.”

⁴ On oppression, see Ann Cudd, *Analyzing Oppression* (Oxford: Oxford University Press, 2006); Marilyn Frye, *The Politics of Reality: Essays in Feminist Theory* (Freedom, CA: Crossing Press, 1983), pp. 1-16; Iris M. Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), pp. 37-65; Sally Haslanger, *Resisting Reality*, pp. 321-336.

⁵ See Elizabeth Brake, “” in Elizabeth Brake (editor), *After Marriage. Rethinking Marital Relationships* (Oxford: Oxford University Press, 2016) for a recent argument of this sort.

⁶ See Cudd, *Analyzing Oppression*, pp. 34–54; Haslanger, *Resisting Reality*, pp. 323–325; Young, *Justice and the Politics of Difference*, pp. 42–48.

⁷ Philip Pettit, *On the People’s Terms*. p.77.

⁸ Philip Pettit, *Just Freedom. A Moral Compass for a Complex World* (New York, London: W. W. Norton & Company), p. xix. Pettit goes on to saying that non-domination should be taken as the guiding good also in matters of “political justice,” i.e. relation of citizens to their government, and international justice.

⁹ Philip Pettit, *On the People's Terms. A Republican Theory and Model of Democracy* (Cambridge, UK: Cambridge University Press, 2012), p. 1-2

¹⁰ For a classic example see Carole Pateman, *The Sexual Contract* (Stanford, California: Stanford University Press, 1988). Often feminists discussing male domination refer ambiguously to both a relation of personal domination and a social relation between groups. See for example Jennifer Einspahr, "Structural Domination and Structural Freedom: A Feminist Perspective," *Feminist Review* 94 (2010): 1-19, pp. 11-12. Nancy Fraser, "Beyond the Master/Subject Model. On Carole's Pateman's *The Sexual Contract*," in *Justice Interruptus. Critical Reflections on the "Postsocialist" Condition* (New York&London: Routledge, 1997), pp. 225-235 is an exception as she distinguishes between these two senses of male domination and highlights problems with the idea of personal domination. Anne Phillips, "Survey Article: Feminism and Republicanism: Is This a Plausible Alliance?," *The Journal of Political Philosophy* 8 (2000): 279-293 is another exception, especially in her discussion of Mary Wollstonecraft (289-290).

¹¹ This is not to say that feminists have not engaged Pettit's work critically or that there are no exceptions to this lack of attention. Einspahr, "Structural Domination," M. Victoria Costa, "Is Neo-Republicanism Bad for Women?," *Hypatia* 28 (2013): 921-936 and Marilyn Friedman, "Pettit's Civic Republicanism and Male Domination," in Laborde and Maynor, *Republicanism and Political Theory* (2008): 246-268 have pointed to the limitations of Pettit's concept for addressing feminist concerns. However, each of these arguments has different implications for Pettit's theory than my own. The first two argue that Pettit's theory is compatible with a modified conception of domination that would accommodate feminist concerns. In contrast, the implication of my argument is not only that Pettit's notion cannot thus be modified, but also that assessing his notion of domination for its ability to accommodate feminist concerns reveals tensions in Pettit's theory.

Friedman argues for a notion of domination that goes beyond Pettit's, but she maintains the view that I criticize here, that domination is a relation between agents. Krause, "Beyond Non-Domination" is an exception because it points to the inability of Pettit's notion to capture the phenomena of oppression. However, like Pettit and unlike me, she thinks of oppression as primarily a relationship between agents and a form of unfreedom. Against Pettit she argues that the dominating agents are multiple and do not dominate intentionally (Krause, "Beyond Non-Domination," p. 190-191). This is an important point, but different from mine. Even though the social reality of oppression is sustained by the action of various agents, oppression is not a matter of what agents *do* to each other (intentionally or unintentionally), but a social fact about the relation between the positions they occupy in a social structure.

¹² There are three types of criticisms of Pettit's theory of non-domination. One engages with Pettit's historical claims. Contra Pettit's argument that republicanism, whose primary concern is non-domination, is an alternative to liberalism, Charles Larmore argued that the concept of non-domination is a central part of the liberal tradition, in figures such as Locke (Charles Larmore, "A Critique of Philip Pettit's Republicanism," *Philosophical Issues* 11 (2001): 229–243). While Pettit places Machiavelli squarely in the republican tradition concerned with non-domination, John McCormick argued that Machiavelli's primary concern is with the competition of power between ordinary people and elites (John P. McCormick, "Machiavelli Against Republicanism. On the Cambridge School's 'Guicciardinian Moments'," *Political Theory* 31 (2003): 615–643 and John P. McCormick, *Machiavellian Democracy* (New York: Cambridge University Press, 2011), pp. 141–169). A second set of criticisms involves conceptual issues around the nature of (non-)interference and (freedom of) choice (Hillel Steiner, *An Essay on Rights* (Oxford: Basil Blackwell, 2004); Ian Carter, *A Measure of Freedom* (Oxford: Oxford University Press, 1999); Matthew Kramer, *The*

Quality of Freedom (Oxford: Oxford University Press, 2003); Christopher McMahon, “The Indeterminacy of Republican Policy,” *Philosophy & Public Affairs* 33 (2005): 67–93). A third set of criticisms points out the limits of the concept of non-domination, arguing that domination cannot capture important wrongs, such as racial, gender and sex domination (Sharon R. Krause, “Beyond Non-Domination: Agency, Inequality and the Meaning of Freedom,” *Philosophy & Social Criticism* 39 (2013): 187–208), imperialism (Patchen Markell, “The Insufficiency of Non-Domination,” *Political Theory* 36 (2008): 9–36), structural forms of domination (Clarissa R. Hayward, “What Can Political Freedom Mean in a Multicultural Democracy? On Deliberation, Difference, and Democratic Governance,” *Political Theory* 39 (2011): 468–497), or the subordination created by the system or wage-labor (Alex Gourevitch, “Labor Republicanism and the Transformation of Work,” *Political Theory* 41 (2013): 591–617).

¹³ For two versions of this view, advanced in relation to very different concerns, see Frye, *The Politics of Reality*, p. 10-13 and Chandra Mohanty, “Under Western Eyes: Feminist Scholarship and Colonial Discourses,” *Feminist Review* 30 (1988), p. 68.

¹⁴ See note 10 above.

¹⁵ Young, *Justice*, p. 37-38.

¹⁶ Pettit, *Republicanism. A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997), p. 52.

¹⁷ Pettit, *Republicanism*, p. 22.

¹⁸ Pettit, *Republicanism*, pp. 5, 33, 85.

¹⁹ Pettit, *Republicanism*, p. 52; Pettit, *On the People’s Terms*, pp. 53–54.

²⁰ See Pettit, *Republicanism*, p. 53. While actual interference is intentional, domination is not always so, because one can occupy a position that enables one to interfere arbitrarily without wanting to do so. See *Republicanism*, p. 63 and *On the People's Terms*, p. 62.

²¹ Pettit, *Republicanism*, p. 53.

²² Pettit, *Republicanism*, p. 53.

²³ See Pettit, *Republicanism*, p. 55; Pettit, *On the People's Terms*, p. 58. Pettit's original account of 'arbitrary' interference was ambiguous between two senses. For an excellent discussion of this ambiguity, the role the two meanings play in Pettit's larger theory and an investigation of whether Pettit can avoid the ambiguity and the concern of paternalism raised by one of the meanings, see Markell, "The Insufficiency of Non-Domination." I read the account of 'arbitrary' as 'uncontrolled interference' in Pettit's more recent work as an attempt to remove this ambiguity and to respond to the concern that the account is paternalistic. While I think that it remains an open question whether this attempt is successful, this question does not affect my argument here.

²⁴ Pettit, *On the People's Terms*, p. 57.

²⁵ 'The husband may dominate the wife in the home, the employer dominate the employee in the workplace, while that domination does not extend further.' (Pettit, *Republicanism*, p. 58.)

²⁶ Pettit, *On the People's Terms*, p. 37.

²⁷ Pettit, *On the People's Terms*, p. 43.

²⁸ Pettit, *On the People's Terms*, p. 38.

²⁹ Pettit, *On the People's Terms*, p. 38.

³⁰ Pettit, *On the People's Terms*, p. 38.

³¹ Pettit, *On the People's Terms*, p. 38.

³² Pettit, *On the People's Terms*, p. 38. In "Keeping Republicanism Freedom Simple. On a Difference with Quentin Skinner," *Political Theory* 30 (2002): 339-356, p. 352 Pettit makes this point by saying that nonintentional limitations are a secondary evil that condition without compromising freedom. For more on the distinction between conditioning and compromising freedom see *Republicanism*, pp. 26, 76, 83, 94, 104.

³³ Pettit, *On the People's Terms*, p. 39.

³⁴ Pettit, *On the People's Terms*, p. 38.

³⁵ Pettit, *On the People's Terms*, pp. 38–39.

³⁶ Pettit, *On the People's Terms*, p. 39 (emphasis added).

³⁷ See also Pettit, "Keeping Republican Freedom Simple," pp. 349-350 for this assumption.

³⁸ Pettit, *On the People's Terms*, p. 39 (emphasis added).

³⁹ Pettit, *On the People's Terms*, p. 45.

⁴⁰ I am grateful to an anonymous reviewer for the comments that formed the basis for these objections.

⁴¹ Pettit, *On the People's Terms*, p. 84

⁴² See Pettit's discussion of the eyeball test in *On the People's Terms*, pp. 84-87, 77. His discussion of the eyeball test in relation to someone who needs a wheelchair on page 86 is particularly illuminating in this respect.

⁴³ Pettit, *Just Freedom*, p. xix. See also *Republicanism*, pp. 90-91, where Pettit speaks of this feature of non-domination as the feature that makes it a primary good.

⁴⁴ I am grateful to an anonymous reviewer for suggesting this possibility.

⁴⁵ Pettit, *On the People's Terms*, p. 40.

⁴⁶ Pettit, *On the People's Terms*, p. 40.

⁴⁷ Pettit, *On the People's Terms*, p. 63.

⁴⁸ Pettit, *On the People's Terms*, p. 51.

⁴⁹ For a similar idea see Glenn C. Loury's idea of stigma as 'the nonattribution of common humanity' in *The Anatomy of Racial Inequality* (Cambridge, MA: Harvard University Press, 2002), p. 81.

⁵⁰ Pettit, "Keeping Republican Freedom Simple," p. 350. See also *Republicanism*, p. 61, 71, 166.

⁵¹ Pettit, *On the People's Terms*, p. 82

⁵² Pettit, *Republicanism*, p. 123.

⁵³ Pettit, *On the People's Terms*, p. 62.

⁵⁴ Pettit, *On the People's Terms*, p. 62.

⁵⁵ Pettit, *On the People's Terms*, p. 63.

⁵⁶ Pettit, *On the People's Terms*, p. 63 (emphasis added).

⁵⁷ Pettit, *On the People's Terms*, p. 44 (emphasis added).

⁵⁸ Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989), pp. 142-146.

⁵⁹ Cudd, *Analyzing Oppression*, pp. 146-152.

⁶⁰ Okin, *Justice, Gender, and the Family*, Chapter 7.

⁶¹ Okin, *Justice, Gender, and the Family*, Chapter 7.

⁶² Cudd, p. 148-149.

⁶³ Haslanger, "Social Structure, Narrative and Explanation," *Canadian Journal of Philosophy* (2015), p. 4-5.

⁶⁴ "Invaders are inherently inimical to freedom of choice in the sense that they are only triggered by your attempting – or by the prospect of your attempting – to satisfy your will by using the

resources of your disposal.” Pettit, *On the People’s Terms*, p. 38. See also the paragraph that runs from p. 38 to p. 39 and pp. 43-44.

⁶⁵ Indeed, the mere fact of social constraint cannot be problematic, because any society constrains human action to some degree. This is why Pettit is right to think that vitiation per se is not unjust. The question is what *type* of constraints is a matter of justice, which is another way of saying that we need a category that is neither domination nor vitiation to capture the distinctive injustice of gender.

⁶⁶ See Frye, *Politics of Reality*, pp. 14–15 for this point.

⁶⁷ See footnote 6 above.

⁶⁸ Frye, *Politics of Reality*, pp. 2–7.

⁶⁹ For a similar idea see Nancy Fraser’s idea of status in *Fortunes of Feminism. From State-Managed Capitalism to Neoliberal Crisis* (London & New York: Verso, 2013), p. 162.