Non-Domination and the Limits of Relational Autonomy

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Abstract: In this paper, I argue that relational autonomy theorists' attempt to accommodate social embeddedness within a conception of autonomy is at best conceptually messy, and at worst a category error. I argue that rejection of the liberal conception of autonomy due to feminist concerns is more helpfully answered by the neo-republican notion of freedom as non-domination. I contend that the conception of freedom as non-domination is able to capture the values that motivate the relational turn in moral and political theory and do so in a conceptually neater way than attempting to accommodate those concerns in our account of autonomy.

Keywords: relational autonomy, freedom as non-domination, feminist theory, procedural autonomy, substantive autonomy

1. Introduction

The general concern that feminist theorists raise regarding liberal conceptions of autonomy is that they are predicated on a problematic view of the individual as entirely self-sufficient and independent of her relationships with others. Feminists point out, on the one hand, that agency cannot be separated from interdependence, since large swaths of our lives, especially during the formative years, are spent dependent on others, and those relationships function to inform our preferences, our values, and our understanding of our selves. On the other hand, feminist theorists highlight that while some kinds of relationships function to enhance our autonomy, other kinds threaten or undermine it. What is needed is some basis on which to distinguish between the two.

Relational autonomy theorists seek to answer this challenge. The idea of autonomy as relational is predicated on a view of the individual as in some sense inseparable from her social environs. While the term "relational autonomy" does not pick out a discrete view, the conceptions subsumed under this umbrella term seek to account for the importance of social embeddedness on the ongoing development and maintenance of personal agency and also to distinguish between those social influences that contribute to, are consistent with, or constitute autonomy and those that detract from, are inconsistent with, or undermine the same.

In this paper, I argue that relational theorists face insurmountable challenges to unpacking autonomy in a way that allows for clear delineation between preferences grounded in productive socialization and those grounded in oppression. While feminist critiques of liberal autonomy have merit, the further attempt to accommodate social embeddedness within a conception of autonomy is at best conceptually messy, and at worst a category error. While many conceptions of autonomy are consistent with the observations that motivate the relational turn, attempts to incorporate those observations into the conceptual apparatus of autonomy either fail to adequately distinguish between productive and oppressive socialization, beg the question in attempting to make that distinction, or conflate the nature of autonomy with the conditions that promote it.

I argue that the aims of relational theorists would be better served by a reorientation towards the promotion of republican freedom understood as non-domination, and the institutional conditions for the same. I contend that the conception of freedom as non-domination is able to capture the values that motivate the relational turn in moral and political theory and to do so in a conceptually neater way than attempting to accommodate those concerns within a relational account of autonomy. Importantly, this need not amount to a denial of the importance

of autonomy. The arguments presented are agnostic with respect to whether autonomy speak remains valuable for some contexts. Rather, I seek to show that for the purposes of understanding and combating relations of oppression and subjection, freedom as non-domination provides a more useful conceptual apparatus than the ideal of relational autonomy. And moreover, it does so without having to take on some of the problematic claims about agency that relational theorists seem to have to commit themselves to.

The paper proceeds as follows. In Section 2, I briefly canvas some of the critiques of autonomy that motivate the relational turn. In Section 3, I explore the debate among autonomy theorists between procedural and substantive notions of autonomy, demonstrating both why substantive theorists find procedural accounts lacking and why substantive theories themselves are problematic. Section 4 introduces the cross-cutting distinction of internal and external accounts of autonomy, and argues that while external accounts seem better able to capture the concerns raised in feminist critique, they make a conceptual error in conflating autonomy with the conditions necessary for it. Finally, Section 5 introduces the notion of freedom as non-domination and demonstrates how this conception of freedom accommodates the feminist intuitions that motivate the relational turn.

2. Liberal autonomy and feminist critique

There is no single feminist critique of autonomy, but rather a family of concerns that have been raised with respect to the historical ideal. In this section, I briefly canvas some of those worries. Although space considerations prohibit a comprehensive overview, I hope this brief introduction to complaints about liberal autonomy will suffice to demonstrate both the inadequacy of this conception, as well as the need for a richer theoretical framework.

Perhaps the most familiar critique is that the ideal of the autonomous agent as independent and self-sufficient fails to recognize the essential interdependence of persons. It suggests the individual is in fact in total control over some private domain from which she can exclude others except by mutual agreement (Young 2004). But in reality, this picture privileges those who command sufficient resources to benefit from being unencumbered by moral obligations to others and shared institutions. Meanwhile, those who are more likely to be dependent on others due to the undervaluing of traditionally gendered practices and relationships are left without a basis for claims to fair consideration, as considerations of justice are construed as secondary to respect for autonomy (Sherwin 1998).

Liberal conceptions of autonomy also frequently portray agents as causally and psychologically independent of their relationships. Such conceptions obscure the relations of dependency upon which the development of our agency is predicated, and fail to acknowledge the extent to which individual identity is developed within, informed by, and possibly even constituted by social context (Donchin 2001).

Finally, many conceptions of autonomy are unable to account for the impacts of oppressive socialization on individuals and their preference formation. This is the crux of the objection levied by Catriona MacKenzie and Natalie Stoljar in their influential paper (2000), and also turns out to be a key point of contention between theorists who defend different accounts of autonomy. The next section expands upon this point.

3. Procedural and substantive autonomy

The practical upshots of feminist critiques of autonomy are borne out when we ask "What does it mean to respect someone's autonomy?" Within bioethics, the answer is generally unpacked via a

negative and a positive component. The negative component views any interference with competent decision-making to be impermissibly paternalistic, while the positive component imposes an obligation to foster decision-making capacity, as via the disclosure of relevant information and ensuring the requisite ability to engage in practical reasoning (Childress 1990).

The feminist critique of this understanding highlights the individualist emphasis on the patient as the focal point of agency and responsibility. This view eschews the relationships of interdependence within which individuals are embedded, and prioritizes rational decision-making over other legitimate sources of values and preferences. The result is an understanding of autonomy that views conversations with family members about medical decision-making as potential threats to agency (Ho 2008) and fails to make space for an agent to redefine her values in light of her relationships and her role in sustaining not only her own autonomy competency but also that of others within her personal network (Donchin 2000).

Whereas liberal conceptions of autonomy don't make space for the legitimate influence that social embeddedness can have on individual preferences, relational autonomists claim that self-definition and an agent's preferences and desires are necessarily intertwined with her relations with others. However, feminists are also concerned to ensure that the social influences that inform individuals' preferences and values are not oppressive, and want an account of autonomy that can "make visible the impact of oppression on a person's choices as well as on her very ability to exercise autonomy fully" (Sherwin 1998, 33). One fundamental question the relational theorist is left to answer is thus how to determine which social relationships and influences are to be respected and considered a legitimate part of self- and preference-formation, and which are oppressive and thus a threat to the same.

A central debate within autonomy theory thus surrounds the ability of various conceptions to provide an adequate basis for making such a distinctions (Benson 1991; Mackenzie and Stoljar 2000; Stoljar 2000). Much of this debate contrasts substantive views of autonomy with procedural. In this section, I introduce several procedural and substantive accounts of autonomy, in order to more explicitly demonstrate how substantive relational theorists think procedural accounts fail.

The core feature of procedural accounts is that they do not place substantive restrictions on the content of autonomous preferences; they are "content-neutral" (Christman 1991, 22). What matters, rather, is whether preferences and values have survived, or could survive, the right kind of critical reflection. John Christman, for example, provides an historical account according to which autonomy requires reflective non-alienation from one's preferences. A preference is autonomous on this view if, were an agent to reflect on the history of that preference's development – how she was socialized to hold it, what influences and conditions gave rise to it – she would not simultaneously feel constrained in her actions by the preference but also want to repudiate it (Christman 2009, 142-49). But this view is vulnerable to the following worry of relational theorists: If an agent has truly internalized oppressive norms such that they inform her preferences, she may very well not reject their influence on those preferences when she considers them. In other words, an agent's critical reflection on the development of her preferences might itself be tainted by oppressive socialization (Stoljar 2000).

Marilyn Friedman defends a view similar to Christman's, in which an agent must reflectively endorse her "deep and pervasive" motives and desires. Not only must an agent reflect on her values and preferences and endorse them, but her choices and actions must to some extent be caused by such reflection (Friedman 2003). Friedman explicitly recognizes the threat

that oppressive social conditions might pose to autonomy formation, both by restricting the ability to identify what is valuable and by causing agents to positively value oppressive conditions themselves. However, she ultimately rejects the idea that choices and actions grounded in adaptive preferences need necessarily be considered non-autonomous. According to Friedman, "[e]ven adaptively deformed preferences can be the bases of autonomous behavior if they represent what someone reaffirms as deeply important to her upon reflective consideration" (25). Friedman worries that any conception of autonomy that is likely to label the choices and actions of the oppressed "non-autonomous" invites additional disrespect of their choices and, ultimately, invasive paternalism. Moreover, she argues that labeling adaptive preferences inauthentic undermines the ascription of value to preferences that reflect traditionally feminine roles.

Ultimately, the objection that relational theorists have to Friedman's account is the same as that to Christman's, only perhaps more so: Not only is this account unable to pick out values and preferences formed on the basis of oppressive socialization, but it explicitly declines to consider such preferences non-autonomous. While this is a bullet Friedman is prepared to bite, biting it appears to deprive autonomy talk of one of its core purposes. While Friedman focuses on the role of autonomy ascriptions in protecting agents from invasive paternalism, she does so seemingly to the detriment of the value of the conceptual schema for distinguishing between values and preferences that reflect our true selves from those that reflect unjust social circumstances.

The inability of procedural accounts to provide a distinction between autonomous and non-autonomous preferences that reflects the difference between preferences formed in response to productive rather than oppressive socialization is a major driving force behind the relational

push toward substantive theories of autonomy. At least some substantive accounts of autonomy attempt to make just such a distinction, but they do so by explicitly ruling out specific preferences or values, or by requiring preferences or values to reflect particular normative content – they might require the ability to correctly distinguish between right and wrong, for instance, or to identify the (objective) dictates of reason (Benson 1994; Mackenzie and Stoljar 2000). For example, in motivating the push towards substantivism Natalie Stoljar argues that some preferences run afoul of the "feminist intuition": the intuition that preferences that are influenced by oppressive norms of femininity cannot be autonomous (Stoljar 2000). The feminist intuition is likely to suggest that a woman's preference for breast enhancement surgery, for instance, is not autonomous because it is influenced by patriarchal norms about feminine appearance.[1]

Such so-called "strong substantive" accounts appear to resolve the tension enumerated above, but they do so at a cost. Specifically, these accounts must import judgments about the value or truth of specific preferences, and in doing so they appear to put the cart before the figurative horse. Accounts of autonomy are typically taken to inform considerations of which agents are autonomous, or which of an agent's choices are autonomously made, and so should be respected. In other words, most accounts of autonomy seek to provide judgments of the form that "Sharon's preferences do not reflect her autonomy and therefore should not be accorded special respect". What strong substantive accounts give us, instead, is the judgment that "Sharon's preferences do not warrant special respect, and therefore should not be considered autonomous." In doing so, such accounts either privilege particular (and controversial) views about the nature of the good life, or conflate agency with other important normative concepts such as moral responsibility or rationality. (I revisit this concern at the end of Section 4.)

Weaker substantive accounts sidestep this worry by predicating autonomy not on the holding (or not) of particular values, preferences, or abilities but rather on the possession of some perspective about the self, such as self-worth or self-respect. Paul Benson's recent work, for example, predicates autonomy ascription on the possession of what he calls "agential voice". Roughly, an agent must recognize herself as an appropriate authority on her choices and actions, competent enough to articulate and defend her values and decisions (Benson 2014).[2]

This view is promising in that it highlights that oppression can function by undermining individuals' (and in particular, women's) sense of themselves as worthy or capable of defending their own agency. However, ultimately such weak substantive views don't fare any better than their procedural counterparts in distinguishing oppressive socialization from authentic self. Consider an example introduced by Anita Ho: After due consideration, a patient hospitalized for severe respiratory failure indicates that, if needed, he would prefer to forgo resuscitation and other life-saving measures. Upon learning this, the patient's wife asks to speak with him alone, and after that discussion the patient reverses his previous decision. Following this, the care team's debate revolved around whether the involvement of the patient's wife's was threatening the patient's autonomous decision-making (Ho 2008).

Ho argues that clinicians and ethics consultants ought to make room in their deliberations for the idea that autonomous decision-making might frequently be enhanced, rather than threatened by, consideration of and consultation with loved ones. Not only can patients be aided by family in the sifting of complex and frequently overwhelming medical decisions, but the value that they place on those relationships themselves might constitute a significant part of their own self-understanding, such that confrontation with the potential impacts of medical decisions on their loved ones is relevant information in making an autonomous decision.

But consider the case were the roles switched: the patient is a woman with children, who reverses her decision after talking with her husband. Moreover, consider that the woman, when pressed, is adamant about her decision and presents her reasons forcefully and with apparent respect for herself as an authority about her own values and preferences. Given this, she meets Benson's weak substantive criteria for autonomy ascription, and we ought to respect her revised preferences as expressed.

This need not be problematic – after all, a woman can certainly autonomously change her mind after conversing with her husband as easily as a man can after consultation with his wife. But the swapping of genders in the example primes us to consider alternative interpretations of the situation. Maybe the patient does see herself as competent to defend her decision, and asserts that competence effectively as I've suggested. This needn't rule out the possibility that her preferences are in fact the result of oppressive socialization. She may value quite fiercely her role as a mother and caregiver to her children, but that value may be predicated on an upbringing so focused on the role of the wife and mother in the family that she was realistically quite constrained in the views she might come to hold about the value and role of her contributions to the home. Moreover, she might continue to value and prioritize those preferences even when confronted with facts about how she came to hold them.

As I've described her, this patient appears to meet the criteria provided in each of Benson's, Christman's, and Friedman's accounts. But the story as told pushes us to consider that her preferences and choices may nevertheless be the result of oppression. The upshot is that weaker substantive theories such as Benson's will be vulnerable to the same difficulty as procedural accounts in distinguishing oppressively-formed or adaptive preferences from those that are the result of a productive socialization. The weak substantivist appears to require

something from the strong substantivist's toolbox, namely, a criterion to apply to the contents of preferences themselves. The problem, of course, is that such a fallback opens the door to the criticisms levied above.

4. Internal and external conditions

Without canvassing every alternative conception of autonomy, I hope to have shown there are important promissory notes left unfulfilled by relational theorists – promissory notes that perhaps can't be fulfilled within this conceptual framework. Most importantly, where one of the primary goals of relational theories is to bring social relations into our understanding of an agent's autonomy, such theories nevertheless seem unable to distinguish between social relations that function to inform, define, or promote the authentic self, and those that function to obscure, oppress, or otherwise interfere with it.

However, each of the accounts I've discussed is, in a certain sense, an account of the *internal* conditions for autonomy. They posit claims about necessary mental states, views of the self, or histories for the ascription of autonomy. Marina Oshana points out that although such internalist views of autonomy can have relational components, they are nevertheless completely subjective. In other words, whether an agent can be described as autonomous or not depends entirely on features (including historical features) of her internal mental state. The implications of this are twofold: first, two agents with the same psychology or mental states are autonomous to precisely the same degree. And second, following from that, these accounts are not able to speak at all to the impacts on autonomy of external conditions such as social relations (Oshana 1998).

Oshana uses a series of cases to argue that in addition to internal, subjective criteria, there are external factors that are relevant to autonomy ascription. For example, she considers a conscientious objector who accepts a prison sentence rather than contributing to war efforts. Although the objector accepts the sentence in accordance with deeply held convictions, she nevertheless lacks control over her life once imprisoned. The objector is thus, per Oshana, not autonomous.

Oshana's core claim is that autonomy demands more than just the critical reflection and procedural independence that so-called internal views require. To be fully autonomous, an individual must also have access to an adequate range of options from which to choose,[3] and social relations that allow her to pursue her conception of the good in a secure and unforced manner. "Not being subject to the dictates of others, or not being severely constrained, or not [sic] having an adequate range of options might only be causally necessary for meeting the internalist's conditions – for being what one might call a 'rational planner'. But they are constitutively necessary for being autonomous" (Oshana 1998, 97).

While Oshana is right to look to external factors in order to account for the impacts of social embeddedness, her error is in thinking those features ought to be folded into a conception of autonomy. First, as Christman argues, her account ultimately commits her to a kind of perfectionism, because the ideal of individualism is reified in its requirement that agents always be able to break from the influence that social context and others have on them. Moreover, if agents cannot be said to be autonomous within the context of unequal power relations, the specter of far-reaching paternalism is raised (Christman 2004).[4]

But Oshana's view also entails that individuals living under oppression simply cannot be autonomous. She considers a woman living a subservient life, who values and prefers this

lifestyle, has adequately reflected upon her values, and came to hold those values via an historically sound process – in other words, she meets all of the internal criteria for the ascription of (procedural, and probably weak substantive) autonomy. We are to contrast two versions of this story: in one, the woman lives in a society in which, should her values change, she could alter her life choices and opt instead to be more independent. In the contrasting case, the woman lives in a fundamentalist society where the alternative lifestyle is not a live option. Oshana points out that in each of the two cases, by stipulation, the woman's mental state is the same – and thus on an internalist view the two women must be equally autonomous. But the presence or absence of the option to change her lifestyle makes a substantive difference that is relevant to ascriptions of autonomy.

The problem with drawing the distinction this way is that it predicates agency on options, and implies that those who are oppressed are not capable of autonomy. On Oshana's account, even should the subservient woman living in a fundamentalist society form a preference for an alternative lifestyle, and engage in active resistance to her oppressive circumstances, we could not call her "autonomous" because although she may experience periods of autonomous choice, she is not self-determining globally over those domains of her life that are most important (Oshana 2015). Yet an agent forming preferences in contradiction to, and in spite of, oppression is a paradigm of autonomy. While Oshana is right to focus on the impacts of external, social features on an agent's choice set, it seems a mistake to classify this constraint on options as autonomy-limiting, rather than limiting in some other respect. More directly, Oshana seems to have collapsed the distinction between autonomy and the conditions for autonomous choice – or autonomy on the one hand, and freedom on the other.

Moreover, a similar conceptual confusion seems to inform the substantive critique of procedural accounts of autonomy. The strong substantivist worries that procedural and weaker substantive accounts can't make the right sense out of the feminist intuition that preferences which are influenced by oppressive norms can't be autonomous. Yet the answer the strong substantivist has is to criticize the content of the preferences themselves: a woman can't autonomously want a breast enhancement, or it is irrational or a moral mistake to think such a thing is valuable. The difficulty is that the feminist intuition relies on the existence of problematic social norms to inform these judgments: in the absence of patriarchal norms about feminine beauty, for example, a woman's desire for breast enhancement would fail to trigger any suspicion regarding her autonomy. (If this seems unlikely to occur, we can imagine a post-patriarchal utopia in which body modifications of all types are explored by persons of all demographics.) The example highlights that there is nothing independently objectionable about the preference (or at least, nothing autonomy-threatening), and that rather social context is the primary driver of the feminist intuition. Which is to say: the intuition supports criticism of external social features, not a critique of the preferences themselves as non-autonomous *because somehow objectively wrong*. The latter would require independent argument against (in this instance) the rationality or value of exploring body modification, an argument that itself would need to draw on substantive claims about the nature of the good life.

To make the point another way, it's not clear on what basis the substantive theorist can distinguish between true or valuable preferences and false or disvaluable ones. Appeal to the influence of oppressive norms on the preferences that agents come to have, if taken to its logical conclusion, would seem to undermine all preferences, since we are all clearly socialized within oppressive social structures. But this is no more helpful for identifying autonomy than it is to

point out that all of our preferences are acquired as a result of our socialization and therefore can't be "truly ours" in some deep sense (Barclay 2000).

I take it that part of Friedman's point in biting the adaptive preference bullet is precisely this point. We are all socially embedded beings whose values and preferences are formed with respect to, and on the basis of, our social surroundings. It doesn't make sense to talk about the "true self" that I would have been had I not been oppressed in some way that in fact I was – that self doesn't exist, and we can have no insight into who she might have been or what she would have valued. Nor can we criticize the preferences that have been formed within existing circumstances as "non-autonomous" because we don't actually have knowledge of which preferences are formed *for what reasons.* Maybe a woman desires a breast enhancement because of patriarchal norms. Perhaps she desires it for other, independent reasons. Maybe it is some combination. What the feminist intuition licenses is disregard for any preference that may have been influenced by oppressive gender norms. But absent some independent criterion by which to assess which preferences are "right" or valuable, it's not even the case that we could identify clearly which preferences are suspect and which are not. And any account of "rationality" or the good life on which such a distinction was predicated would itself seem to license rather significant disregard for individuals' views about what is or is not in their interests.

Where relational theorists are right to want an account of autonomy that can recognize the role of social embeddedness on agency, the further demand that such an account be able to distinguish between authentic and inauthentic self, or oppressed and unoppressed preferences, is a one that an account of autonomy can't meet in a non-question-begging way. What we can have, however, is an understanding of how oppressive conditions constrain the options that are

available to individuals – an externalist account that speaks not to persons' agency, but to their freedom.

5. Freedom as non-domination

I have argued that the relational theorist's search for an account of autonomy that can distinguish between autonomous preferences and those formed on the basis of oppressive socialization is ill-fated. Procedural accounts are unable to address the fact that oppression may impact not only preference-formation, but also individuals' considered views about those preferences even when confronted with robust information about how those preferences are formed. And substantive accounts beg the question against conceptions of the good that don't conform to a particular worldview in a manner that seems anathema to the function of an account of autonomy in informing which preferences ought to be respected, staving off pernicious paternalism, and grounding claims to self-governance. I have also argued that an externalist approach such as Oshana's – while accurately identifying the role of social relations in oppression – is conceptually confused in conflating autonomy with freedom.

In fact, most procedural accounts of autonomy are quite consistent with an emphasis on the importance of social relations in preference formation. As Andrea Westlund points out, although the content of the principle of respect for autonomy is often unpacked problematically, most contemporary accounts of autonomy can make room for the idea that the capacities necessary for autonomy are importantly informed by a process of socialization that involves significant interdependence with others (Westlund 2009). This opens the door to an interpretation of relational autonomy as merely a shift in emphasis in discussions of personal agency.

Where the content of the principle of respect for autonomy is at issue, however, what we are discussing is how best to ensure the conditions for autonomous choice. Maintaining a distinction between autonomy as personal agency and freedom as the conditions for autonomous choice helps to maintain a conceptual clarity that is lost when the two are collapsed. What I seek to do in the remainder of this paper is defend the claim that the relational theorist's concerns are well-matched with a focus on promoting a particular kind of freedom: freedom as non-domination.

In contemporary discussions, respect for autonomy is often couched in terms of freedom as non-interference: we are free to the extent that no one interferes with our pursuit of our preferences and desires. Philip Pettit, along with others who place themselves under the rubric of "neo-republican", argues that freedom as non-interference is insufficient to protect what we value most about freedom (Pettit 1997; Pettit 2012). This conception is both, on the one hand, too narrow in what it construes as an invasion of freedom, but on the other hand, also too broad in the interferences it construes as threatening to it. Although there are many competing accounts of neo-republicanism, in what follows I rely on the work of Pettit and leave aside questions of interpretation internal to republicanism.

The conception of freedom as non-interference requires an account of what might be interfered with.[5] A defender of this conception might claim that an agent's freedom in the choice between a set of options is limited only when the agent's preferred action is removed. In other words, Sam would interfere with Taylor's freedom to choose between X, Y, and Z only if Taylor's preferred action is X and Sam somehow made it costlier (or not possible) for Taylor to perform X.

The problem with this account is that it calls Taylor free in two very different circumstances. In one circumstance, Taylor is free just to the extent that Sam doesn't interfere with her preferred action X. But in another circumstance, Taylor is free even if Sam interferes with her access to X, if Taylor just revises her preferences to prefer Y instead. Now, when Sam prevents Taylor from doing X, her preferred option Y is still available. The upshot is that on this interpretation, the conception of freedom as non-interference cannot distinguish between cases in which a person is free because left alone and cases in which a person is "free" because she has adapted her preferences to account for a choice set that has been altered by another's will. In other words, it seems to call an agent acting on adaptive preferences just as free as one who is unconstrained in her choices.

Above, I made the case that Friedman's willingness to embrace adaptive preferences as potentially unproblematic for autonomy was correct, primarily because there is no counterfactual version of the self to which we can appeal in determining which preferences may have been formed in response to different social circumstances. Here the relevant counterfactual is not about the agent's preferences but about what her option set looks like. The removal of an option that she had preferred may or may not be a threat to her autonomy, but it is clearly a restriction of her available actions. That she is able to revise her preferences, either intentionally or unconsciously, to prefer another of the (remaining) alternatives does not change the fact that freedom to pursue what she (initially) preferred was restricted.

A way to avoid this problem is to specify which interference is freedom-limiting in a different way. This approach claims that Sam interferes with Taylor's freedom in the event that Sam does something to make it costlier or to prevent Taylor from performing *any* of the initially available actions, regardless of whether the action Sam intervenes on is Taylor's preferred one.

By changing Taylor's option set in any way that functions to reduce it, this claim goes, Sam also reduces her freedom.

This broader account of interference accommodates worries about adaptive preferences that present themselves to the more limited account. However, this broader conception is nevertheless vulnerable to a similar worry. Suppose Taylor is Sam's spouse, and suppose the laws and customs in their society allow Sam the power to prevent Taylor from exercising particular choices without negative consequences for Sam. Perhaps Sam is permitted to prevent Taylor from driving, or from taking a job outside of the home. Suppose further that because Sam cares about and respects Taylor, Sam chooses not to prevent her from doing these things. Nevertheless, Taylor is vulnerable to Sam's whim as Sam could change his mind at any time without any penalty or consequence for himself. Perhaps Taylor worries that if she upsets Sam or if Sam has a bad day, Sam will revoke her access to a car or force her to leave her job.

In the scenario as described, Sam is not interfering with Taylor's option set, and so is not interfering with her freedom on even the broader account of interference. But that lack of interference doesn't seem to provide Taylor with a robust kind of freedom. Just as adjusting our preferences to reflect a more limited option set is inconsistent with freedom, so is being in a position of vulnerability to another's whim. Even if Taylor can protect her options by ingratiating herself to Sam, true freedom would not condition her choices on her willingness or ability to placate someone with power over her. Meaningful freedom, according to Pettit, requires that the power to interfere arbitrarily be removed. In this sense, conceptions of freedom as non-interference are too narrow in what they construe as invasions.

I also said that such conceptions of freedom are too broad. This is because freedom as non-interference portrays *any* interference with an individual's choices as freedom-limiting. Yet

there are many such interferences that don't limit our freedom but in fact function to promote it. The legal regulations of a democratically elected state can be seen to function in this way. Take, for example, the law in the U.S. that you may only drive on the right side of the road. This *is* an interference, and one that is coercively enforced: if you drive on the wrong side of the highway, you will likely be arrested, or at least receive a hefty fine. However, this interference is what provides you (and others) the freedom to drive from place to place without concern for head-on collisions with other motorists. By interfering with you, the state *increases* your effective freedom.

Democratically-imposed legal restrictions are, on this view, controlled by those upon whom they are imposed. The rule of law, although it does restrict the options available to those under its domain, is thus not a threat to freedom but a prerequisite to living freely without fear of unchecked arbitrary aggression from others. Institutional structures can and should be designed specifically to protect vulnerable parties from domination, and contrary to non-interference views of freedom, the restriction of a potential oppressor's ability to dominate is not itself a reduction of the kind of freedom that we have social, moral, and political obligations to promote.

Freedom as non-domination is thus orthogonal to freedom as non-interference. To have freedom in this sense requires not that you not be interfered with, but that others not have a power of *uncontrolled* interference with your choices. Your freedom can be restricted in the absence of interference (as when someone is in a position to interfere with you on a whim), and your freedom can be maintained or promoted even when you are interfered with, as long as you have the requisite kind of control over the nature of that interference (Pettit 2012, 58-59). In the driving example, the interference is not uncontrolled as long as the relevant law is imposed in accordance with legitimate collective decision-making procedures. Controlled interference might

also be exemplified by an individual's chosen healthcare power of attorney directing care in accordance with the wishes that were expressed by a currently incapacitated patient while she was still capacitated.

At this point, it might help to step back and ask what it is that relational theorists are trying to achieve with a different approach to autonomy. Broadly, the goals of relational theorists can be sorted into three categories (recognizing that not all theorists share each of these goals). First, there is a theoretical project that is largely descriptive in nature. This project seeks to explicate the nature of the authentic self or autonomous preferences while simultaneously giving sufficient attention to the role of socialization in the formation of that self or those preferences. I have above argued that this project is untenable: there is no way to disentangle the myriad social influences on the self from that self, nor can we usefully distinguish between preferences that are formed on the basis of productive socialization from those formed on the basis of oppression. At best, we can be attentive to the role of socialization in the formation of the self and all of our preferences, and ensure our theories can accommodate it.

Second, there is a practical project. This project seeks a conception of autonomy that can inform decisions about whether and when to accord privileged status to the preferences of specific individuals. But in seeking to design institutions and determine whether particular interventions on agents' choice sets are warranted, we're limited in our epistemic access. In general, theorists, policymakers, and physicians are not in a position to assess the internal mental state of an agent with respect to her preferences and desires. While there often exists some rough access to knowledge about, for instance, the presence of coercion or threat, the ability to identify manipulation or oppressive socialization is far rarer and more vulnerable to infection by the assessor's own values and biases. Thus in seeking to protect agents' autonomy in specific

settings, we are provided not only a theoretical toolbox that cannot well determine whether values or preferences are innocent or suspect, but also an applied toolbox that makes such assessments difficult even were the theoretical piece nailed down.

Seemingly the strongest account we can give of relational impacts on agency point to the external conditions for autonomy rather than to the nature of authentic self or innocent preferences. These external conditions are also both most epistemically accessible to others and most likely to be within the control of those tasked with designing social institutions or respecting individual autonomy in particular contexts. Moreover, when social institutions and relationships are characterized by non-domination, the circumstances in which we might worry about someone's autonomy are much more circumscribed. We might still worry about rare cases of intentional brainwashing (as contrasted with oppressive socialization) as threats to individual agency. And we would still want physicians to respect their patients' wishes. But absent conditions of domination, we would no longer worry whether the wishes that patients express are *really theirs.*[6] The upshot is that whatever concerns we have to protect and promote autonomy, we seem best able to address them by seeking to implement social institutions that protect us from domination.

Finally, there is a political project. Relational theorists want an account of autonomy that can help to highlight oppression and the role of liberal ideals in cementing patriarchal norms. But here is where the project seems most conceptually confused: Although feminist critiques of liberal autonomy help to highlight where liberal ideals entrench certain norms of oppression, what is most relevant to dismantling oppression is the ability to identify the external conditions that constitute it and the institutional interventions that can best protect against it. The conflation of the internal capacity for autonomy and the external conditions for forming and exercising it

thus represents a step in the wrong direction for promoting this aim. What is needed is a conception of freedom that can fill this gap.

Michael Garnett proposes a view of autonomy that is itself grounded in the republican tradition that I suggest a turn towards (Garnett 2014). On Garnett's view, autonomy just consists of counterfactually robust freedom from subjection to a foreign will, where subjection to a foreign will is understood in a manner derivative from the republican understanding of domination. Per Garnett, there are very many different "autonomy traits" that one could have in order to ensure this robust freedom, some of which consist of institutional features of the social order within which one finds oneself.

While sympathetic to Garnett's view, ultimately he stops short of following it to its natural conclusion. According to Garnett, what distinguishes his view from the account of freedom I've put forward above is that he is promoting it as a personal ideal rather than a political one. But if this is the case, then my worry is that Garnett is making a similar mistake as Oshana in conflating the external conditions for autonomy with autonomy itself. After all, if one way to "be more autonomous" is to live under the right kinds of institutions, that seems straightforwardly to be a claim about external contextual features rather than internal features of an agent. If instead we recognize that Garnett is discussing two different things under the same rubric – some (internal) features of the individual that make her more resistant to external control that comprise autonomy, and some (external) features of institutional structures that help to provide the same kinds of protection that comprise freedom – then we very quickly to arrive at the view I've defended above. Ultimately, my claim is that it is a focus on the external conditions that can best promote the aims embodied in the political project of feminist theorists.

While notions of freedom as non-interference are subject to many of the same kinds of worries that feminists levy against liberal conceptions of autonomy, the framework of freedom as non-domination can do much of the political work that relational theorists are interested in. First, it can provide justification for economic redistribution and more broadly ground claims of those in typically subservient roles – whether in the home or in the workplace – to a sufficient stock of resources to negotiate for their interests in relationships characterized by power differentials. Second, it provides a relational framework capable of identifying the freedom-limiting aspects of structural oppression, without being committed to a view of the self as pre-determined and static. And third, because the lens of domination doesn't require us to assess the authenticity or origins of individuals' preferences, it can comment on freedom and recommend institutional measures designed to minimize domination without undermining the agency of the oppressed or risking pernicious paternalism.

First, relational theorists reject the idea that individuals are generally characterized by a wide zone of independent control, recognizing that this ideal is only achieved by those who command the greatest stock of resources, whose positions become privileged within the non-interference framework. Because interference is characterized as the greatest threat to freedom within this paradigm, any attempt to impose on agents obligations to others is construed as freedom-limiting. The republican framework, conversely, explicitly recognizes the ways in which socioeconomic disparities can put individuals in positions of domination over others, and characterizes interventions designed to limit that domination – even when it involves restrictions on the dominating party – as freedom-promoting rather than freedom-limiting (Pettit 2012, 75-129).

Domination can often be traced to economic dependence or threat advantage (one party's "relative willingness to contract if [her] proposal is not accepted" (Wertheimer 1996, 67)), thus the republican model as recommended by Pettit suggests significant restriction of inequalities that often underlie relationships of domination as well as the provision of insurance schemes to guard against induced crises (Pettit 2012, 77-92, 112-14). Redistribution along republican lines has the ability to undermine employer threat advantage, such that employees are empowered to negotiate for better labor conditions and are not beholden to employers.[7] And a focus on alleviating economic dependence can help to address other forms of domination, such as those found within the home in societies characterized by significant inequality in the distribution of care work along gendered or other lines.

A second key insight of relational autonomy theorists is that we are all essentially interdependent, with our options constrained by the social relations within which we find ourselves. The conception of freedom as non-interference fails to capture how relationships can constrain options even in the absence of explicit interference – referring to specific *actions* as freedom-limiting, but silent about the nature of *relations.* The domination theorist, on the other hand, is explicitly attentive to the role of relations, and the ability of relational features of social contexts, to constrain choice sets even in the absence of interference by the dominating party.

We might nevertheless worry that the domination framework misses something important that relational theorists pick out, namely, the role of informal and uncoordinated social structures and individual behaviors in determining which options are available to individuals. Where the domination framework focuses on the ability of one individual to arbitrarily interfere with another, it seems to overlook how individuals' options can also be constrained by social

structural processes that are the culmination of very many uncoordinated actions and social norms.

One question here is whether every constraint on one's choice set is a restriction of freedom. There are several kinds of resources that an agent must have secure access to in order to make a free choice, including both natural and social resources. Pettit makes a distinction between what he calls "invasive" and "vitiating" hindrances to free choice. While vitiating hindrances introduce barriers to the use of one's resources for any purpose, invasive hindrances restrict the use of resources for particular purposes. Although both invasive and vitiating hindrances limit an individual's freedom of choice, subjection to another's will always constitutes an invasive hindrance and is more pernicious due to that subjection (Pettit 2012, 37-40).

While some social structural processes are the result of intentional behaviors intended to bring about particular states of affairs, many are instead the unintended consequence of the combined, uncoordinated actions of many people acting in pursuit of their own interests. They may even be contrary to the interests or intentions of the individuals whose behaviors reproduce them. Regardless of how they come about, social structural processes introduce real constraints on the options that are available to us, very frequently in ways that are associated with our positions within society, how we are related to others, and how those relations condition and constrain the expectations that others have for us and our expectations for them (Young 2011, 51-59).

Because many (probably most) social structural processes introduce constraints on our option sets that are not intended or willed by other agents, in Pettit's terms they appear to constitute vitiating, rather than invasive, hindrances. Although restrictions of freedom, they are

less pernicious in that they don't involve the subjection of one individual's choices to the will of another.

But there is room to push back on this. We might question whether social structural processes – even those that are the unintentional upshot of very many uncoordinated actions – are truly not a manifestation of another's (or very many others') will. Even when individual actions are not consciously aimed at perpetuating structural barriers to certain groups' choice sets, motivated group interest is capable of generating and sustaining what Charles Mills refers to as "miscognition" about the ways that individual actions contribute to and sustain structural inequalities (Mills 2007). Insofar as social structural processes such as patriarchy and white supremacy are built and sustained upon a form of willful ignorance that enables members of privileged groups to maintain their privileged status at the expense of those in traditionally oppressed groups, some agency may be attributed to the perpetuation of those structures, and such hindrances may be construed as invasive – and so dominating – after all.

Importantly, however, invasive hindrances need not be intentionally imposed, and the line between vitiating and invasive hindrances is not a clear one. The domination framework has room to accommodate the ways in which structural features of our material reality can restrict individuals' option sets and, thereby, their freedom. And it can also reflect the various extents to which structural constraints manifest domination of one group by another versus material constraints that have merely been generated by the incidental combined histories of very many individuals and groups over time.

Moreover, unlike the lens of autonomy, freedom as non-domination need make no claims about the nature of agency. An individual can be described as dominated (or not) without making any commitments about the nature of the self, whether it is fully formed, or whether it holds

fixed or stable preferences. Feminists such as Nancy Hirschmann argue that relationships don't only constrain options, but also contribute to how we define ourselves in ways that impact which options we perceive to be attractive or worthy of pursuing – that there is a dynamic interplay between self and social structure that defies our ability to pinpoint what (or who) precisely constitutes the "self" when "self" is understood to denote a static, unchanging nature (Hirschmann 2003, 77-102). Hirschmann takes this as reason to reject existing conceptions of freedom – including freedom as non-domination – in favor of a constructivist account of freedom that reflects multiple layers of social construction.

But while Hirschmann's critique seems to identify a limitation of freedom as non-interference (in which the agent and her existing preferences are taken as basic building blocks), the critique misses the mark with respect to non-domination. As demonstrated above, the neo-republican framework is quite capable of accommodating the role that social structural processes play in constraining the option sets that are available to individuals. There is no reason why this analysis cannot be extended farther – to recognize the complex interplay between social structural processes and the preferences that are formed (and that are able to be formed) by those functioning within them.[8] This is because the domination framework need make no assumptions about the nature of agency at all. The concern for neo-republicans is not the nature of the self or preferences or interferences with such, but rather the nature of relationships of power and how those relationships function to limit which options are available to various decision-makers. This model is perfectly consistent with the recognition that which options are seen to be live will itself be a product of relations and processes of domination.

Finally, the lens of freedom as non-domination, in eschewing debates about the nature of the self, can provide insight into the nature of oppression and subjection without undermining the

agency of the oppressed. For example, this framework allows us to describe the difference between Oshana's two subservient women while also preserving a more accurate account of the status of a woman who is oppressed but fighting her oppression. The subservient woman who maintains the option to change her lifestyle is free in a way that the subservient woman in a fundamentalist society is not: her option set is not constrained by others in a manner uncontrolled by her preferences. The oppressed woman who is fighting her oppression is also not free, but we are not constrained by this account to also disregard her agency by calling her and her preferences "non-autonomous". Separating our conceptual schema for autonomy from that for freedom allows us to distinguish these cases with more nuance and greater fidelity to the nature of both internal mental states and the external constraints on the actions available.

Conclusion

Relational theorists brought to the forefront important concerns about liberal conceptions of autonomy and their focus on the individual as independent, self-sufficient locus of values. Feminist critiques of the individualist model have motivated significant advances in the way scholars approach the nature of agency and understand social embeddedness. But ultimately the conceptual frameworks introduced to accommodate these observations have failed to provide unambiguous guidance about how and when to value social embeddedness, which values and preferences to respect, and when social relations threaten agency.

I've argued that the neo-republican conception of freedom as non-domination provides a framework that can do the work that relational theorists seek in a way that doesn't require us to grapple with the metaphysically difficult notion of the "true self", nor to attempt to disentangle which preferences are formed on the basis of oppressive social norms and which are "innocent"

in the relevant sense. The feminist may find this account unsatisfying: after all, it seems obvious that we *do* have preferences that are formed on the basis of oppressive socialization. And the substantivist's critique of procedural theories also seems correct: we very frequently *do* come to identify quite deeply with our preferences, even those that are formed on the basis of that same oppressive socialization. However, the substantivist can't provide an account of what makes those preferences non-autonomous without begging the question against specific preferences in a vicious way. The best she can do is appeal to something like the feminist intuition or the notion that such preferences are in tension with reason, and ultimately (I've argued) such observations boil down to complaints about external circumstances rather than critiques that impugn the (internal) autonomy of agents. Moreover, attempting to delineate between those preferences that are troubling in this way and those that aren't is fundamentally in tension with respecting individuals' abilities to identify their own values and to pursue their vision of the good life.

I have suggested that a reorientation towards the republican ideal allows us to sidestep this problem. In particular, promoting freedom as non-domination does not require us to distinguish between those preferences that are problematic and those that are not, but rather to intervene on the conditions of oppression that are likely to lead to such worrisome preferences in the first place. If effective, social institutions designed to minimize vulnerability in the form of domination would therefore seem to obviate much of the need for autonomy speak in discussions of oppression and social hierarchy. Although there is no guarantee that preferences that the feminist identifies as grounded in oppression will not persist within republican institutions, in the absence of conceptual tools to clearly identify which preferences are problematic and which are not, the relational theorist's concentration on autonomy serves only to distract from the political project of dismantling the norms and institutions that generate and reinforce them, and ultimately

to license new ways to disregard the agency of those who are already oppressed. Embracing non-domination as an ideal instead allows us to refocus intellectual as well as political efforts on effecting the kinds of social change that can best function to reduce oppression while continuing to promote individuals' abilities to pursue their vision of the good life.

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Notes

1. I'm grateful to an anonymous reviewer for suggesting this example.

2. I here focus on Benson, but the argument I offer would apply just as forcefully to other weak substantivist accounts such as Andrea Westlund's that ground claims of autonomy in an agent's responsibility to hold herself responsible (and answerable) for her desires, beliefs, and commitments (Westlund 2009).

3. Here, Oshana's view is quite similar to that of Joseph Raz, although Oshana considers her conception of autonomy to be less demanding than Raz's (see Raz 1986, 369-429).

4. The latter point echoes the concern enunciated by Friedman in her refusal to disallow adaptive preferences as autonomous, mentioned above (Friedman 2003).

5. The following discussion of how to conceptualize constrained options draws heavily from Pettit (2002, 28-45).

6. I'm grateful to Derrick Gray for pushing me to clarify this point.

7. Although Pettit focuses on state institutions to mitigate relationships of domination, others have used his framework to argue for different workplace organizational schemes to do the same (see Hseih 2005; Dagger 2006).

8. Jennifer Einspahr makes a similar case in her account of patriarchy as a form of structural domination (Einspahr 2010).

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