CHAPTER 7

Subjects of Domination

For justice, in its core, regardless of the specific focus we choose, distributional or other, always demands an order of social relations free from arbitrary rule of some over others. Justice, I want to argue, is not primarily about evaluating end-states or distributions of goods regardless of how they came about; justice is a relational virtue of the actions, structures and institutions in which persons stand to each other as social and political subjects, be they structures of the production and distribution of material goods or of the exercise of political power. Otherwise, we would not be able to distinguish between a situation of persons being in grave material need because they are victims of a natural catastrophe and a situation of grave need because persons are subject to injustice in the form of exploitation.

—Rainer Forst

In the previous chapter, I argued that debates about cosmopolitanism, environmental issues, global poverty, and transnational migration have helped to draw into view the norm of all-affectedness as the central reference point for thinking about democratic legitimacy. It is easy enough to think that the principle of all affected interests exhausts the question of who should constitute the democratic polity. But the principle of affectedness also relates to questions of effective agency, that is, to the capacity to do things. It refers to the how of democracy as well the identity of who is affected. The translation of the all affected principle into the idiom of communicative action has two implications for how we think about the powers of democratic action. First, all-affectedness is no longer thought of as a legislative principle of adjudication but rather as a worldly norm around which political action is formed. And second, the embodiment of all-affectedness in organizational or institutional form is inextricably tied to the enactment of various types of representative agency.

Both of these issues raise further questions about how to theorize the influence of the people over common affairs. If people may be affected by patterns of action in various ways, then it is reasonable to suppose that people might in turn seek
to affect those patterns in a variety of ways. The reconfiguration of the idea of all-affectedness therefore draws into view the need to consider different forms of democratic control: popular control can be conceptualized as causal influence (the model here is elections, which turn out to be a disappointing model of democracy in many ways), as intentional direction (although the model of the singular will of the people is both too demanding and normatively problematic), and as a form of institutional control (by tracking preferences and justifiable reasons). These different forms imply different ways of imagining the relationships between influencing and exercising democratic power. Any given mode of democratic politics will likely combine different forms of control in different ways. And of course, any given combination of these forms of control will likely generate patterns of indirect consequence that engender further claims of affectedness—in short, they will potentially generate political evils of their own.

In this chapter I will argue that once we acknowledge the importance of practices of representation and multiple forms of democratic control in the re-fashioning of the idea of all-affectedness, then we should be able to see that the specific wrong against which claims of affectedness are made that is pertinent to democratic judgment is not exclusion, as is often presumed by critical spatial theorists. Rather, the importance of the all affected idea to democratic theory lies in the sense that some participants in a field of practice may be affected by actions over which they have no control, that is, that they may be arbitrarily subjected to the will of others—subject, that is, to domination. As a political principle, the all affected idea presupposes that those affected by an action should be able to exercise some effective agency in order to respond. Questions of power therefore arise around the actions that might generate claims of being affected and also around the legitimacy of the forms of effective agency that develop in response to these claims. In this chapter I trace the revival of the concept of domination as a central reference point for critical theories of democracy. I show how this concept is related to particular geographical themes in contemporary deliberative and pragmatist democratic theory. The thinkers I consider in this chapter present domination as a relationship that is both made more visible and takes on new forms under conditions of “globalization.” I will show how this theme in turn involves a specific focus on the idea of freedom as non-domination as the core value of democratic theory.

Domination is, of course, a long-standing theme in critical theory. The concept of domination is central to the self-understanding of critical theory as critical. It is, for example, the recurring theme of Theodor Adorno and Max Horkheimer’s *Dialectic of Enlightenment,* which contends that technological domination over nature is mirrored in the rise of political domination. In this tradition of thought, technological domination is expressed in the ascendancy of instrumental reason over other cognitive and affective faculties. More recently, Michael Walzer has argued that “domination” arises from the inappropriate “dominance” of practices,
principles, and resources drawn from one field of activity (the economy, kinship networks, bureaucracy) over activity in other spheres.4

The strand of contemporary critical theory that I will explicate in this chapter departs from this inherited conceptualization of domination in important ways. It is concerned less with providing a historical narrative of the integration of domination across technological, social, psychic, and cognitive fields. It is instead concerned with developing an immanent norm of non-domination as the core normative value of a theory of democratic justice.5 What is most distinctive about this presumption against domination and in favor of non-domination is that it involves a shift away from developing and applying egalitarian ideals of justice and toward theorizing about injustice. It involves, in turn, a shift in the understanding of the vocation of critical theory itself, an implication that I will explore further in chapter 8.

Before considering in more detail the significance of prioritizing injustice in democratic theory, I will pick up on a theme developed in chapter 6. I argued there that the translation of the all affected idea into a norm of communicative participation requires a decisive shift away from the assumption that all-affectedness is first and foremost an objective causal criterion, to be deployed either critically or legislatively. I will consider how geographical tropes are used by critical theorists to develop an understanding of all-affectedness as a political intuition that animates contestatory mobilization. Attending to the spatial grammar of critical theories of democracy suggests that there is more to the practical resonance of ideas of all-affectedness than implicit appeals to values of equal moral worth. These values are invoked against a specific form of wrong, the wrong of domination, which is understood in a specifically political sense as the arbitrary subjection to the will of others.

What Kind of Principle Is the Principle of All Affected Interests?

Robert Dahl can help us grasp the full significance of the idea of all-affectedness for a critical theory of democracy. For Dahl, “the principle of affected interests” remains the best available principle for thinking about inclusion in a democratic polity.6 In response to the question of “who should be entitled to participate in the government of a democratic association?,” Dahl argues that no single form of authority captures the essence of democracy.7 There are necessarily multiple dimensions of democratic politics, combined with other political modes.8 Dahl proposes that the relevant criterion in using democracy as a norm is the idea that “the demos should include all adults subject to the binding collective decisions of the association.”9 This is not a straightforwardly causal definition of the sort we considered in chapter 6. It is a political definition, one that emphasizes the expectations of participation that follow from being bound into relations of obligation.
Dahl observes that the classical formulation of “the boundary problem,” around which the all affected principle is formalized in political theory is not simply a problem of inclusion. There are in fact two boundary problems, the problem of inclusion and the problem of the scope of authority of the demos—what I called in the previous chapter being affected and affecting. Dahl is concerned with exploring the relationship between these two problems, that is, the relationship between “who ought to comprise ‘the people’ and what does it mean for them ‘to rule.’” He suggests that the principle of affected interests is relevant to both the aspect of rule and the aspect of the identity of the people: “For by the way in which we define ‘the people’ we shall automatically determine the way in which they can ‘rule’; and by the way in which we define ‘rule’ we shall necessarily set some bounds on how ‘the people’ can be constituted.” In seeking to negotiate the tension between the issue of inclusion and the issue of rule, Dahl is led to undertake his own disaggregation of the principle of affected interests.

For Dahl, the principle of affected interests is a simple idea that follows from claims such as “no taxation without representation”: “Everyone who is affected by the decisions of a government should have the right to participate in that government.” This idea, he explains, “is very likely the best principle of inclusion that you are likely to find. Yet it turns out to be a good deal less compelling than it looks.” Dahl identifies three problems with the idea of affected interests. First, as we have already discussed, there is the implication that the set of persons affected differs from one decision to another. Dahl takes this as one reason to recommend the idea of multiple units of democratic participation. Second, Dahl points out that “the people affected by a decision are by no means affected equally.” We have seen this issue considered in Shapiro’s elaboration of the strongly causal interpretation of the all affected idea. And finally, a further complication arises from the fact that “what affects my interests depends on subjective factors.” This third issue is the most significant contribution of Dahl’s discussion. As he observes, the subjective dimension “enlarges one’s interests and hence the possibility of being affected by the decisions of others.” This possibility shifts attention away from a strongly causal, objectivist interpretation of interests of the sort I discussed in chapter 6. Dahl does not attempt to contain the implications of this third issue by invoking a clear-cut distinction between having an interest and merely taking an interest. He strongly affirms that the subjective dimension is intrinsic to the all affected idea. And this affirmation is central to how Dahl approaches the dilemma of constituting the demos democratically: “There is no theoretical solution to the problem, but only pragmatic ones.”

The acknowledgment of the subjective dimensions of interests makes the idea of all-affectedness much more complex than it at first appeared. But this complexity leads Dahl not to abandon the idea or to contain it but to specify more precisely how it might best be used analytically: “If the Principle of Affected Interests, which at first glance looked as bright and clear as Sirius on a winter’s night, has turned
out to be a diffuse galaxy of uncountable possibilities, it is, nonetheless, not such a
bad principle to start with.” Thinking of the idea of affectedness as a starting point
for analysis is the crucial lesson to be drawn from Dahl’s discussion. In particular,
we should take seriously Dahl’s argument that the principle of affected interest
provides a focal point for claims-making against injustice: “It gives people who
believe themselves to be seriously affected by decisions at least a prima facie case
for participating in those decisions.”13 Appealing to the principle of affected inter-
ests puts the burden of justification squarely on those who wish to invoke other
criteria against those claims (principles of competency or economy, for example).

Dahl’s argument therefore begins to redirect our attention away from the task
of making the all affected principle into a robust principle of adjudication and
toward investigating how the principle is used as a worldly register of claims-
making. His presentation of the principle of affected interests as a good place to
start the analysis of the relations between the scope of rule and the identity of the
people points toward a revised image of the vocation of critical theories of demo-
cratic politics. The suggestion that the principle should be thought of as a resource
mobilized by actors involved in political contention reinforces my argument that
the conceptual transformation of the all affected idea in post-Habermasian so-
cial theory, by loosening the causal interpretation of affectedness, transforms the
principle from a monological criterion of adjudication into a performative register
through which practices of claims-making enact new spaces of democratic con-
testation. Once we see affectedness as a worldly norm, the critical task becomes
centered on the question of how capacities of being affected, of being moved, are
distributed and mobilized in political contention.

The idea of all affected interests, then, should be thought of as a worldly prin-
ciple. I make this case in order to integrate more fully Shapiro’s observation that the
concept of opposition is the neglected aspect of theories of democratic justice. It is
also the aspect of his own account of affected interests that is least well developed.
But his insistence on thinking of affectedness in terms of relationships of power,
once freed from the overly objectivist interpretation he retains, suggests that we
should not think of all-affectedness as a norm with which to determine the deci-
sions, interests, and influence of the demos. It is more productive to pursue the sug-
gestion that the all affected principle emerges as a medium of democratic opposi-
tion. And if we approach the all affected idea as a worldly principle, then we should
perhaps also approach academic treatments of the affected interests principle and
the boundary problem as formalizations of modes of judgment and justification
through which social worlds are actually coordinated and against the background
of which features of those worlds become problematic objects of dispute.14

The shift to understanding all-affectedness as a worldly register of claims-
making, anticipated by Dahl in the early 1970s, has been most fully developed in
recent strands of critical theory that focus on the contestatory energies of move-
ment politics. These strands of thought combine aspects of Habermas’s theory
of communicative action with insights from pragmatism, feminist theory, and republican theories of freedom and self-determination. One finds here an understanding of political action as enacted by social movements, advocacy coalitions, activists, and NGOs. Eschewing the temptation of satisfying the ontological need, theorists working in the vein of post-Habermasian critical theory tend to conceptualize democracy by reference to fallible empirical claims informed by contemporary social theory. The rest of this chapter elucidates further on this tradition of critical theory. We will see that democracy appears in this strand of thought as a risky means of mitigating the specifically political wrongs associated with domination, a form of harm that is conceptualized as particularly acute in a globalized world. The significance of the all affected idea for democratic theory lies here, in foregrounding the analytical and normative significance of claims against injustice arising from the arbitrary exercise of power, or domination.

Frames of Justice

My starting point in reconstructing the central importance of the idea of all-affectedness in the development of a critical theory of injustice is a consideration of Nancy Fraser’s account of democratic justice. Fraser makes use of and in turn challenges the adequacy of the principle of all affected interests and suggests an important revision that focuses attention on issues of domination in democratic theory. Fraser has refined her feminist-informed critique of Habermas’s original formulation of the public sphere concept into an argument concerning the multiple sources of injustice to which an emancipatory critical theory should respond. From debates in the 1990s with other feminist theorists such as Judith Butler and Iris Marion Young through to her dialogical engagement with Axel Honneth, Fraser consistently argues that there are two dimensions of injustice—one economic, one cultural. Defending an approach to theorizing justice based on “perspectival dualism,” she argues that a “politics of redistribution” is analytically distinct from a “politics of recognition.” In revising her thought, Fraser has come to argue that these two aspects are conceptually equivalent to class hierarchies and status orders. More recently, Fraser has added a third strand to her understanding of justice, an explicitly political strand focused on the “politics of representation” that is implicated in the politics of both redistribution and recognition. The politics of representation, in Fraser’s formulation, revolves around processes of “framing.” Framing, for Fraser, is the “deep grammar” of politics, the mechanism that determines what is considered a matter of justice, who are its subjects, and which actors are agents of redress or resolution.

The introduction of the third aspect of political representation is the occasion for the explicit spatialization of Fraser’s account of justice. As with other thinkers working through the tradition of critical theory, Fraser uses globalization and the
associated decline of the “Keynesian-Westphalian” order to pry open key concepts of democratic theory. She argues that these processes bring into view the analytical and normative problem of “framing.” The problem of framing is concerned with determining which jurisdiction and which criteria are appropriate ones through which claims of justice should be processed. For Fraser, the question of the frame is central to any and all issues of social justice. We can see in this refinement another version of what, in chapter 3, I referred to as a heuristic use of the distinction between politics and the political. In this case, the theme of framing leads Fraser to distinguish between two distinct sources of injustice: “ordinary-political injustices” characteristic of political life within the confines of territorial state and “meta-political injustices,” where the conditions in which the former are contested themselves become objects of dispute.

In Fraser’s view, spatial arrangements of power are central to the metapolitical framing of questions of democracy and justice. One of her reference points in elaborating on the importance of framing to the project of theorizing justice is the account of global egalitarian justice developed by Thomas Pogge. For him, the habit of addressing issues of justice from within a national frame is itself a fundamental source of injustice in the world. Pogge argues that in an integrated global economy the system of nation-states effectively disempowers the poor by containing their political claims within states that are effectively powerless over economic and political actors beyond their jurisdiction. For Fraser, the lesson to be drawn from Pogge’s work is that the Westphalian frame “gerrymanders political space at the expense of the poor and despised.” And in this sense, the national frame of justice appears as itself a source of significant injustice.

“Abnormal justice” is the name Fraser gives to the situation provoked by globalization, in which first-order justice claims—claims of redistribution, recognition, and representation—have become detached from their existing, nationally defined frames:

This is the case for each of three major families of justice claims: claims for socioeconomic redistribution, claims for legal or cultural recognition, and claims for political representation. Thus, in the wake of transnationalized production, globalized finance, and neoliberal trade and investment regimes, redistribution claims increasingly trespass the bounds of state-centered grammars and arenas of argument. Likewise, given transnational migration and global media flows, the claims for recognition of once distant “others” acquire a new proximity, destabilizing horizons of cultural value that were previously taken for granted. Finally, in an era of contested superpower hegemony, global governance, and transnational politics, claims for representation increasingly break the previous frame of the modern territorial state.

Fraser’s argument here starts from the observation that questions of justice are normally defined with reference to the nation-state. The citizens of nation-states
are assumed to be the subjects of social justice claims and the agencies of the nation-state to be the addressees of such claims. For Fraser, globalization generates a situation of abnormal justice by unsettling assumptions about what the object of justice claims is, who is entitled to address such claims, where and how those claims should be assessed, and who is obliged to respond to them. All of these issues of framing thus become the explicit focus of dispute and contestation. Fraser argues that situations of abnormal justice are made visible through the agency of social movements that have developed a “new grammar of claims-making” in which the focus of attention is on how first-order claims should be framed. In this account, social movements operating in transnational political space are key agents in making claims against the misframing of justice claims, thereby generating a politics in which the territorialization of justice in the Westphalian frame is itself an object of contention.

Fraser’s claim about the agency of social movements highlights two important methodological protocols of her reconstruction of critical theory around the idea of abnormal justice. Both aspects follow from the guiding imperative of classical critical theory: “to locate normative standards and emancipatory political possibilities precisely within the historically unfolding constellation.”22 First, she argues that her conceptual elaborations track broader shifts in practices of political activism. Her claim is that contemporary global justice activism problematizes the exclusively national-territorial framing of questions of justice as itself a potential source of injustice. The national framing disempowers some affected parties from participation in decisions that impact them and deny them recourse to effective avenues of accountability and redress. Second, and related to this, Fraser uses the social fact of globalization to specify fine-grained analytical distinctions in key normative concepts of democratic theory.

Following these two protocols, Fraser disaggregates the central idea of a critical theory of democracy, the concept of the public sphere, into a series of more precisely defined analytical distinctions. Globalization, she suggests, challenges the empirical assumptions on which Habermas based the normative claim made on behalf of public opinion in his critical theory of democracy. Fraser argues that Habermas’s original account of a critical theory of the democratic public sphere combines two dimensions of evaluation: an emphasis on the normative legitimacy of public opinion and an emphasis on the political efficacy of public opinion. In her account, global processes have disrupted the settled conceptualizations of the spaces in which criteria of both normative legitimacy and political efficacy are applied. According to Fraser, it has become difficult to maintain the assumption that the demos in which questions of legitimacy are settled is or should be equivalent to a national public. And it also has become difficult to maintain that the sole agent of legitimate will formation and decision making is or should be the nation-state and its surrogates.

The distinction between legitimacy and efficacy and the question of their rela-
tionship form the centerpiece of Fraser’s conceptualization of the democratic potential of transnational public spheres. Having introduced the distinction between legitimacy and efficacy of public opinion, Fraser moves on to further disaggregate and reconstruct the relations between different component parts of each concept. First she argues that the principle of legitimacy in public sphere theory, which rests on the value of inclusiveness and participatory parity, conflates two analytically distinct issues: membership and affectedness. For Fraser, “globalization is driving a widening wedge between affectedness and political membership.” In her view, in a globalized world, the principle of affectedness has priority over membership as a criterion of democratic inclusion. This claim follows from observable patterns of transnational political activism. In Fraser’s account, global justice activists are “appealing directly to the all-affected principle in order to circumvent the state-territorial partitioning of political space.” They do so, she argues, by engaging in a contestatory politics of representation that seeks to reframe the spatial scales at which the subjects, objects, and agents of justice claims are assembled into effective patterns of action. Fraser develops this understanding of the worldliness of the affected principle into a new and rather stringent principle that has to be met by transnational mobilizations to satisfy democratic norms: “Henceforth, public opinion is legitimate if and only if it results from a communicative process in which all potentially affected can participate as peers, regardless of political citizenship.”

In presenting a revised principle of critical evaluation that withholds automatic affirmation of expressions of activist commitment and energy, Fraser is making use of and revising her own principle of “participatory parity” as the norm upon which to anchor a reconfiguration of critical theories of democratic justice. Participatory parity refers to the simple idea that “justice requires social arrangements that permit all (adult) members of society to interact with one another as peers.” This simple-sounding idea has significant implications for how we think of the tasks of critical theory. Fraser suggests that the principle is “a powerful justificatory standard” but also that “it cannot be applied monologically, in the manner of a decision procedure.” In one sense, this argument is similar to one made by Habermas and Benhabib and discussed in chapter 6. But Fraser makes a stronger case for thinking about the idea of participatory parity as an idiom of public reason through which debates about contestation and justice are pursued. In making her case, she seeks to avoid two assumptions often made about the tasks of critical theory. The first is that a special kind of philosophical expertise is required to decide on questions of justice. The second is that those who are most disadvantaged or marginalized should determine whether and how they suffer from injustice. Fraser suggests that both suppositions are actually forms of monological reasoning, insofar as they involve “vesting in a single subject the authority to interpret the requirements of justice.” The task of critical theory, for Fraser, is to avoid the “authoritarian usurpation and self-effacing vacuity” associated with these two positions, respectively.
Having disaggregated the principle of legitimacy, in a second conceptual move Fraser argues that globalization also requires us to distinguish two aspects of the efficacy principle. In this case, the relevant analytical distinction is between the translation of public opinion into concerted action and the institutional capacity to act on the direction given by public opinion. In classical public sphere theory, the medium for the translation of public opinion is binding laws. And it is assumed that the capacity criterion has been met by the administrative capabilities of the sovereign state to transform public opinion into efficacious public action. Fraser does not actually have much to say about how globalization transforms our assumptions about the translation conditions of the public sphere. This issue does remain central to Habermas’s consideration of the constitutionalization of international law. However, neither Fraser nor Habermas considers in detail whether there might be weaker forms of translation other than law that are articulated by transnational publics.

Fraser herself holds that the primary challenge globalization presents to democracy is the question of whether the nation-state still has the capacity to steer its economy. As with other critical theorists, Fraser holds to an “externalist” account of globalization in raising the question of which agents now have the capacity to act effectively in response to the will of transnational publics to rein in global processes of accumulation. In her revised model of the public sphere, Fraser insists that any legitimately generated transnational network of public opinion must be matched by the creation of new “transnational public powers,” with the capacity both to act and to be held accountable. Her argument is therefore that transnational democracy necessarily requires more than just an expanded scope of contestation. It also requires new transnational regulatory, policing, and legal powers as well as transnational mechanisms of accountability. Fraser’s argument here is premised on another example of conceptual disaggregation. She identifies a divergence between different aspects of justice. On the one hand, the politics of framing expands the field in which injustice is contested. But on its own, contestation is not an adequate response to injustice: “The problem is that expanded contestation cannot by itself overcome injustice. Overcoming injustice requires at least two additional conditions: first, a relatively stable framework in which claims can be equitably vetted and, second, institutionalized agencies and means of redress.” Fraser argues that neither of the latter two conditions for establishing justice is met in the current conjuncture of abnormal justice, one that is characterized by expanded contestation on the one hand and “reduced means for corroborating and redressing injustice” on the other.27

The argument that transnational public opinion must be matched by effective transnational capacity follows from the idea that justice has to be done. In his reconstruction of a critical theory of transitional democracy, James Bohman makes much the same point, arguing, “Contestation is not what the dominated require.”28 But between these two thinkers there is a significant difference of emphasis. The
strong presupposition of Fraser’s argument is that the putative legitimacy of transnational politics depends on a parallel development of transnational authority structures to which such agents can address their claims. Fraser acknowledges that the two aspects of democratic publics, legitimacy and efficacy, were never actually perfectly aligned, but she claims that now the gap between them is particularly wide and deep. One might suppose that the lack of exact isomorphism before globalization is a good reason to suspect that the normative assumption in the original theory of the public sphere—that legitimacy and efficacy need to be territorially aligned—is actually conceptually and normatively problematic and not just empirically defunct in the twenty-first century. If public spheres have always been geographically messy assemblages of national and transnational practices, then there is no reason to suppose that equally messy contemporary configurations of local, national, and transnational politics might not in principle be able to approach criteria of democratic legitimacy and/or efficacy. As we will see, Bohman provides just such an alternative inflection to critical theory, one that does not presume that different fields of action have to be territorially aligned, nor indeed that they even have the same shape in the first place. But in order to appreciate the grounds for this difference of emphasis, we need to first attend more closely to the specific injury that both Fraser and Bohman presume to be at stake in discussions of democratic justice: the wrong of domination.

**From All Affected to All Subjected**

Fraser’s idea of frames of justice brings into view the implicit spatialization of key concepts of democratic theory. This is most evident in her claim that the idea of affectedness is used nowadays in political practice to frame questions of justice “without going through the detour of state-territoriality.” Fraser argues that activists are applying the all affected principle directly in framing justice claims. In so doing, she continues, contemporary activism challenges the established “grammar of frame-setting”: “Contesting their exclusion by the Keynesian-Westphalian frame, environmentalists and indigenous peoples are claiming standing as subjects of justice in relation to extra- and non-territorial powers that impinge on their lives.”29 We see here how the use of a specific spatial grammar allows Fraser to transform the very sense of all-affectedness. Fraser’s strong claim is that democratic criteria should be thought of not just as intuitive ideas implicit in practice but also as worldly mediums for explicit political contestation and mobilization.

The initial consideration of transnational public spheres in Fraser’s account of the scales of justice gave considerable weight to the idea of all affected interests. Her treatment of the all affected principle has been shaped by her insistence that the problem identified by the principle is not subject to a purely philosophical resolution. To presume that it is would be to reproduce a monological form of
reasoning in democratic theory. She argues that philosophical interpretations of the all affected principle, as well as empirical social science accounts of how consequences of action are distributed, should be seen as part of a broader public debate: “In general, the all-affected principle must be interpreted dialogically, through the give-and-take of argument in democratic deliberation.” In this dialogical formulation of the all affected principle, Fraser is not just intent on extending the scope of democratic legitimacy beyond the confines of the nation-state. She is relocating legitimacy within a different conceptual register. We have seen the same move in Habermas’s discourse ethics and in Benhabib’s critical revision of his account of democratic legitimacy. As with those thinkers, Fraser’s conceptual relocation of legitimacy transforms the meaning of the all affected idea from an objective criterion into a communicative-affective problem of identification, recognition, and capacity.

In Fraser’s further specification of the theme of abnormal justice, however, her treatment of the idea of all-affectedness undergoes an important revision. We have seen that she rejects both the principle of membership and a moralistic humanism as appropriate criteria with which to evaluate the framing of justice. And having initially recommended the all affected principle as a way of developing an adequate alternative, Fraser moves on to reject the principle. She does so on the grounds that it evaluates the legitimacy of frames by tracking the collective entanglement in causal relationships. Fraser’s objection to this interpretation of the all affected principle is twofold. First, she suggests that “by conceiving relations objectivistically, in terms of causality, it effectively relegates the choice of the ‘who’ to mainstream social science.” This is to succumb to the temptation to determine all-affectedness monologically. Second, she argues that the principle “falls prey to the reductio absurdum of the butterfly effect, which holds that everyone is affected by everything.” We have already seen other variations of these same objections. But Fraser provides a strongly political response to both problems and in doing so begins to specify the central concern of a critical theory of democracy. In her view, a public of the affected is formed not simply by entanglement in structures of causal interdependence, by national identity, or by status as a human person. What turns people into “fellow subjects of justice,” according to Fraser, is “their joint subjection to a structure of governance, which sets the ground rules that govern their interaction.” On these grounds, and in place of the earlier argument that the all affected principle should be applied directly, Fraser now recommends what she calls the principle of “all-subjected” as a criterion of democratic evaluation. According to this norm “all those who are subject to a given governance structure have moral standing as subjects of justice in relation to it.” The “all-subjected” norm requires an expansive concept of a structure of governance, one that extends beyond formal institutions to include entrainment in market processes. Fraser presents the idea of all-subjected as a determinate principle that can be applied to the evaluation of processes of political framing. In her account, it is an idea that
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valorizes the expanded contestation of frames while also addressing the two imperatives that follow from the idea that justice has to be done: those claims need to be found to be warranted, and binding decisions based on them need be put into practice.

The all-subjected norm does not necessarily avoid the problems of regress, indeterminacy, and incoherence that Fraser and others ascribe to the all affected interests principle. In important respects, Fraser’s all-subjected norm might actually be more restrictive than all-affectedness as used by thinkers such as Thomas Pogge or Iris Marion Young, against which she proposes it as a preferable alternative. Fraser’s concern with aligning issues of legitimacy and efficacy and with reconstructing stringent criteria of democratic evaluation leads her to rehabilitate a classical ideal according to which all those subjected to rule within the boundaries of a state should have a say. She then scales this ideal upward, as it were, beyond the level of the nation-state to global structures of governance. But in seeking to avoid some of the problems associated with the all affected principle in this way, Fraser does not adequately distinguish two distinct issues that I discussed in chapter 6: the overly causal interpretation of affectedness and the overly objectivist interpretation of interests. The all-subjected norm retains a strong trace of the assumption that it is possible to categorically determine those who have a direct stake in resisting injustice and to prioritize them over those who are less directly implicated. The trace is evident in the invocation of a strong contrast between being subjected as against merely being affected. In retaining this strong claim to be able to delimit who is subjected from who is merely affected, the all-subjected norm inadvertently risks reinstalling self-interest as the primary motivator of political action against injustice.

Despite this reservation, Fraser’s introduction of the all-subjected norm as a guide for thinking about the politics of injustice is significant because it begins to specify the particular wrong that is made visible by the geographical turn in critical theories of democracy. She has commented that she now prefers the idea of subjection to that of affectedness because it is “a powerful term, laden with offensive connotations, deeply engrained in modern history, and resonant for populations across the globe.” It is here that Fraser’s all-subjected norm is most significant, in drawing into view the degree to which claims against injustice circulate through passionate and emotively resonant discourse. Yet here, too, her formulation of the all-subjected norm threatens to work against its own potential force because she presents it as a strongly determinative principle of evaluation. Nor does Fraser explicitly explicate the particular value that the all-subjected norm installs at the heart of her theory of democratic justice. We might call it the value of freedom, although that lacks a certain degree of discrimination. To clarify the specific value at the core of critical theories of democratic justice that remains only implicit in Fraser’s account of the all-subjected norm, we need to consider strands of thought that more directly elaborate on freedom as non-domination.
Responding to Structural Injustice

Fraser’s concern to avoid the problems of moralism, regress, and objectivism associated with the all affected idea lead her to an overly restrictive account of her preferred alternative concept of all-subjectedness. The real significance of loosening the causal interpretation of all-affectedness, as I argued in chapter 6, lies in moving our analysis beyond the search for categorical determinations of the identity of interested parties that the all-subjected norm retains. Restricting the dynamics of justice claims only to those directly subjected to governance structures might well contribute to misunderstanding important aspects of the dynamics of justice movements. Acknowledging the entanglement of having an interest, taking an interest, and affecting that I discussed in the previous chapter is better suited to the task of understanding how claims of injustice are articulated, how they resonate, and how they get processed. The democratic ethos, Judith Shklar argues, “assumes that we all have a sense of injustice.” We should take seriously Shklar’s suggestion that “people who take up the political causes of the wretched of the earth often do not have to suffer from a personal sense of injustice.” Although this may well sound like an endorsement of the sort of moralism that Fraser is keen to avoid, the stronger implication is that the politics of injustice enrolls a variety of actors who are differently positioned in relation to structures of power. In affirming this view, I turn to the account of structural injustice and of political responsibility developed by Iris Marion Young. As we have seen, Young is one of Fraser’s targets in her critique of the idea of all-affectedness. But Young actually provides a more nuanced understanding of the articulation of varied forms of agency through which injustice is problematized than does Fraser in her account of the all-subjected norm.

As with other theorists considered in this and previous chapters, Young makes analytical distinctions to pick out discrete aspects of grand concepts such as justice or democracy and then raises questions about how they are actually combined in practical contexts. In her groundbreaking work *Justice and the Politics of Difference*, Young defines justice not simply as a matter of who gets what but in terms of power relations and the ability to influence decisions and interactions in a number of spheres of activity. She argues that power should be conceptualized as a relation, not as a thing to be possessed or distributed. Recognizing this conceptual move, something of a taken for granted position in much social theory nowadays, is crucial to appreciating the central place Young accords to domination as a source of injustice. Domination, for Young, refers to “structural or systematic phenomena that exclude people from participating in determining their actions or the conditions of their actions.”

Young does not suppose that domination can be neatly reduced to forms of either class power or status, as in Fraser’s theory of justice. Young’s analytical distinction between oppression and domination, along with her insistence that they
are in practice always combined in structural situations of injustice, undermines any clear-cut opposition between reason and affectivity, universality and particularity. In her dual definition of injustice, oppression is “the institutional constraint on self-development” and domination is “the institutional constraint on self-determination.” Domination is the more obviously political concept by virtue of its reference to practices of participation. But the idea of oppression opens up a more capacious sense of the political. For Young, oppression is a condition experienced by collective groups, insofar as it is reproduced through institutionalized patterns of norms. The concept therefore implies an expansive understanding of the processes through which autonomy is curtailed, through forms of culturally sanctioned denigration, normalization, silencing, or violence. Young makes issues of embodiment, felt experience, and plural forms of expression central to the experience and articulation of injustice, rather than treating them as matters to be controlled through rationalized bracketing. As she puts it, “Justice cannot stand opposed to personal need, feeling, and desire, but names the institutional conditions that enable people to meet their needs and express their desires.”

Young’s emphasis on justice as an institutional phenomenon accords with the argument of John Rawls, for whom the primary subject of a theory of justice is “the basic structure” of society, not evaluations of people’s virtues or patterns of interaction. Young’s work certainly deepens the definition of the basic structure to include a range of nondistributive issues, such as the social division of labor, structures of decision-making power, and processes of cultural normalization. But nevertheless the Rawlsian traits only serve to throw into relief the significance of Young’s revival of critical theories of democratic justice, as distinct from ideal theories of a Rawlsian type. Across the sweep of her work on structural injustice and on political responsibility, Young recasts the methodological protocols derived from Rawls’s seminal account of justice as fairness. Rawls deduces normative principles to assess actually existing states of affairs, he uses a model of monological hypothetical reasoning, and he seeks to arrive at a universal ideal of a well-structured society.

As Alison Jaggar observes, Young departs from each of these protocols. She does not start from a prior model of an ideal society, beginning instead “by reflecting on particular injustice.” She does not seek to control for the messy pluralism of commitments and passions that differently placed people bring to “the conversation of justice.” She treats such differences “not as an epistemic disability but rather as an epistemic resource.” And finally, she does not appeal to ideal images of society to assess real situations but instead “reflects on what is actually valued by real people struggling with specific existing injustices.” In short, Young’s approach is not simply a matter of augmenting Rawlsian ideal theory with a touch of nonideal theory. It marks a fundamentally different approach to the vocation of theorizing about justice, one that aims to find in actually existing situations of injustice the resources that point toward the possibility of democratic transformation.
This explicitly critical mode of theorizing is evident in Young’s elaboration of the constitutive relationship between justice and power relations. And it underwrites the two distinct strands of her work on democratic justice: her conceptualization of structural injustice and her theorization of political responsibility. The first concept is focused on understanding the plural sources of harm to which expressions of injustice give voice. The second concept provides an account of how to analyze actions and mobilizations that seek to address structures of injustice. Let us consider the significance of both concepts in turn.

Young’s account of structural injustice is premised on the argument that injustice is not identical to forms of harm that arise from individual interactions or even those that arise from specific actions of states or other corporate actors. Injustice is, for her, not a matter of either individual fault or unfair policy. Two issues follow from this argument.

The first issue pertains to the way in which social scientists often approach issues of social justice. One of the strong implications of Young’s work is that evaluations of injustice should not be reduced to descriptive accounts of inequality between individuals or groups. One reason for this follows from accepting at least the plausibility of what Rawls calls the “difference principle,” according to which certain forms of inequality are not necessarily inconsistent with principles of democratic equality, if they are intended to and actually do bring the greatest benefit to the least advantaged. This principle makes some people queasy, because it seems to be the basis for a justification of inequality. But it can just as easily be interpreted in a strongly egalitarian way “by emphasizing its tilt toward the least advantaged rather than its justification of inequality.” One way or the other, the point of the difference principle is that simply describing the unequal or uneven distribution of benefits resulting from a decision, policy, or process does not, in and of itself, tell us whether the pattern is fair. Identifying patterns of inequality does not provide a sufficient basis for making a judgment about the justifiability of a state of affairs: “It is the causes and consequences of some pattern of inequality, rather than the pattern itself, that raises issues of justice.” Even more fundamentally, simply mapping inequality as if that were equivalent to exposing injustice does not meet the requirement of treating seriously the standpoints of those who are systematically disadvantaged about the meaning of the injustice they experience and feel.

The second issue that informs Young’s argument about injustice not being reducible to either individual fault or bad policy is of more philosophical significance. The idea of structural injustice challenges the assumption that determining matters of justice and injustice is just a matter of sorting relations between luck and responsibility. This is the core assumption behind a broad tradition of so-called luck egalitarianism associated with thinkers such as John Rawls, Ronald Dworkin, G. A. Cohen, and Robert Nozick, among others. In luck egalitarianism, matters of justice are conceptualized by determining the difference between those
actions that affect people as matters of luck and those for which they bear some responsibility as intentional actors. Luck, in short, refers to that range of factors for which one is not responsible. This way of framing injustice keeps the analytical focus squarely on determining degrees of control or lack of choice in patterns of interaction. It is a form of reasoning that generates disputes over whether bad luck can and should be forestalled and compensated for. This way of addressing injustice forms the terrain of disputes between liberal and conservative political visions, and it keeps the debate squarely focused on questions of what people are owed as their due.

The inequalities in resources and opportunities called “bad luck” by luck egalitarians are, from Young’s perspective, actually rooted in institutions, rules, and social relations. They are, in this sense, structural sources of injustice. She argues that making judgments about injustice requires developing “plausible structural stories” to account for the production of resilient patterns in the ways in which institutions, rules, and interactions operate to the systematic disadvantage of some participants. It is worth pausing a moment to specify just what Young means by “structural” in her discussion of structural injustice. We can glean this by attending to her argument against the proposition that the concept of gender in feminist theory is rendered redundant and exposed as irredeemably “essentialist” by sophisticated theories of identity and subjectivity. Young insists that gender retains its importance because it is a concept of structural analysis, in the sense that it directs attention not to attributes of a person but to the variables that position people in relationships and shape their understandings of their capacities within those relationships. In this spirit, Young argues that structures need to be approached from the point of view of patterns and positions that shape people’s lives: “We take a structural point of view on social relations when we try to see how the actions of masses of people within a large number of institutions converge in their effects to produce such patterns and positions.” From this point of view, we can say that structural injustice “exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them.” In this understanding, structural injustice represents a specific kind of harm that is distinct from the forms of harm and vulnerabilities that arise from individual action or particular examples of unfair or repressive policy.

The insistence on not collapsing institutional analysis into the analysis of individual interactions is central to Young’s work on the politics of justice, and it marks her distance both from the individualism of mainstream political philosophy and from strands of poststructuralist feminism and cultural theory. Her insistence on thinking structurally in the sense outlined above, where structure is not a concept of determination but a process word, is the conceptual glue linking
her account of structural injustice and her later account of political responsibility. The concern in both cases is to not reproduce a discourse of blame and guilt by applying a single standard of justice to both social structures and individual action. Once again, the Rawlsian trait in Young’s work is evident in the way in which her account of political responsibility is concerned with interpreting the possibilities of transformative action, not elaborating an ethics. It is a supplement to her critical diagnostic concept of structural injustice. Her conceptualization of political responsibility responds to the question “How should moral agents think about our responsibility in relation to structural social injustice?”

In answering this question, Young theorizes political responsibility as a shared practice in which questions of justice are related to the evaluation of individual-level conduct and interaction in a nonreductive way.

To appreciate that the move between Young’s focus on structural injustice and her later work on political responsibility is not a move from politics to ethics, we need to recognize how her critique of the distributive paradigm of social justice marked the explicit revival of notions of political justice in critical theory. In recalling this key contribution of her work, Rainer Forst argues that the fundamental difference between the concepts of distributive and political justice lies in the fact that the distributive approach focuses narrowly on what people have. It neglects issues of power, or “the questions of the relative social and political standing of persons with respect to each other—the issue, in short, not of what you have but of how you are treated.”

Starting from the question of how people are treated involves thinking of issues of political justice as motivated by “the fundamental impulse against arbitrariness.” In this understanding, struggles against injustice take as their target forms of domination, defined as “arbitrary rule that lacks legitimate grounds.” If we follow Forst’s explication of her work, we can see that Young’s account no longer makes questions of justice dependent on what one is due. Questions of justice are about struggles against being oppressed and against being dominated.

Forst’s appreciation of Young’s contribution to making political justice a central reference point for critical theory captures why an account of political responsibility is the natural accompaniment of Young’s focus on structures of injustice. The importance of both concepts lies in facilitating the capacity to discriminate between different positions within structural patterns of unequal power, and in particular being able to discriminate between misfortune and injustice. Michael Walzer once remarked that justice is “an art of differentiation.” He meant that it is important to be able to judge the difference between the imperatives and norms characteristic of different “spheres of justice.” In important respects, Young, as well as Forst and other critical theorists, seeks to cultivate exactly this sort of sensitivity. But Young’s attention to domination and oppression signals that her primary concern lies not in differentiating between distinct spheres of justice so much as in discriminating between forms of harm that raise questions of justice.
(because they concern domination and oppression) and those that call for different forms of remedy and response. If domination and oppression are made central to understanding claims for justice, then action motivated by generosity or moral responsibility should be distinguished from action that is a response to injustice.54 In this view, a democratic approach to these questions needs to be sensitive to different forms of harm and the different modes of claims-making through which they are problematized. It is this project that Young outlines in her work on both structures of injustice and political responsibility.

We can see, then, that there is a significant continuity between Young’s insistence on thinking of injustice structurally—rather than as an effect of either individual interactions or instrumental actions—and the differentiation of modes of action that is the concern of her account of political responsibility in her later work. If the idea of structural injustice is central to Young’s case against luck egalitarianism, then we can see her account of political responsibility as a necessary supplement to this argument. In important respects, her concept of responsibility represents another inflection of the theme of all affected interests, and one that is far less “objectivist” than Fraser’s characterization of Young’s approach suggests. This inflection of the theme of affectedness can be seen in the way that her account contrasts with other accounts of responsibility by not being backward looking. Young suggests that a retrospective disposition characterizes "liability" models of responsibility.55 Like Fraser, who reconceptualizes ideas of all-affectedness as part of the grammar of social movement activism, Young also draws on examples of contemporary social movement and community mobilization to recast responsibility away from the notion of a prescriptive decision rule. But in contrast to Fraser’s representation of the limits of the all affected principle, Young argues that theorizing about spatially extensive networks of political responsibility is not just a matter of demonstrating that people are inadvertently implicated in all sorts of other worlds by their routine actions. The lesson of Young’s work is that theorizing about political responsibility in a global world requires more than just telling stories about spatially extensive networks of connection and entanglement. To put it in the terms used in the previous chapter, it requires an analysis of the ways in which different actors are affected by the structures in which they find themselves placed and also of their different capacities to affect change in and through those structures.56

We can now see the significance of Young’s “social connection” model, in which political responsibility is understood to arise from the different ways in which various actors can be implicated in structural social processes.57 For Young, the normative significance of spatial relationships of entanglement and interdependence requires further elaboration by tracing out patterns of claims-making, justification, and vindication. She uses the fact of geographical connectivity to fundamentally problematize the parameters of reasoning about action that often remain somewhat taken for granted in traditions of spatial thought. Rooted
in her idea of structural injustice, Young's social connection model is meant to assist in practical reasoning about possible courses of action in light of the fact of global interdependence. Young argues that there are plural “parameters of reasoning” about responsibility, and she presumes that action against injustice is not restricted to those who are directly subject to either domination or oppression. Her forward-looking account of taking responsibility emphasizes issues of power, privilege, interest, and capacity for action. Young's differential understanding of political responsibility therefore displaces the opposition between individual and collective responsibility that shapes so much social science and radical thought on the geographies of spatially extensive political action. Young calls her alternative a model of “shared responsibility,” in which responsibility is distributed across complex networks of causality and agency. Her concern with differentiating the different forms of practical reason through which to determine what sorts of action follow from the demonstration of spatial interconnectivity is indicative of a commitment to thinking of the subjects of justice as free and equal citizens.

Young's work is central to the prioritizing of injustice in critical theories of democracy. It illustrates how this shift relies on what I call a heuristic sensibility, one that is concerned with developing concepts that help to orient new pathways to finding things out. In Young's conceptualization of structural injustice, she aims to specify the forms of harm to which subjects might be vulnerable in order to clarify when questions of domination are actually at stake. And in her account of political responsibility, she seeks in turn to differentiate between the forms of agency available to subjects to act in response to those harms. In both cases there is an implicit norm of freedom at work in Young's discussions. She defines structural injustice in terms of patterns that constrain people's ability to determine the course and purposes of their own actions; the same sense of the structuring of action is evident in her account of how people are variously positioned to act in response to structural injustice. Neither account supposes that the answer to situations of domination is simply to lift restrictions on action. The implicit sense of democratic freedom at work in Young's political thought is concerned with the distribution of capacities to act and with securing the institutional conditions of agency. This leads us to the specification of the understanding of freedom at work in critical theories of democratic justice.

**Contestation and the Value of Non-domination**

A recurring theme in Young's account of structural injustice and political responsibility is the idea that injustice arises as a specific kind of harm, the wrong of domination or oppression. In her work on political responsibility, Young develops this theme of domination by adapting Philip Pettit's notion of freedom as non-domination.
Pettit’s reconstruction of republican political theory, building on but also departing in significant ways from the revival of ideas of civic republicanism in the work of writers such as Hannah Arendt and Quentin Skinner, has helped to make concepts of freedom central to recent democratic theory. The appeal by critical theorists of democracy such as Young or James Bohman to Pettit’s work rests on his development of a conception of freedom distinct from Isaiah Berlin’s well-known concept of negative and positive liberty, in which freedom is understood as either the absence of interference or mastery over the self. Pettit develops a third notion of liberty, as one of non-domination or the absence of mastery by others rather than the absence of interference. Pettit’s notion of non-domination is a more structural understanding of freedom than the one presented by Berlin. The idea of non-interference refers to actions in discrete situations, whereas domination refers to having arbitrary sway over others, or being under someone else’s thumb. Domination is a form of “subjugating power,” according to Pettit, involving being able to interfere on the basis of interests and opinions that are not shared by the people affected. More so than in the work of both Young and Bohman, domination for Pettit remains an interactive phenomenon, involving an agent as bearer and an agent as victim. In this understanding, domination does not necessarily require interference, nor does interference necessarily imply domination. Non-domination and non-interference are, by extension, different ideals, and they respond to different forms of harm.

Young uses Pettit’s idea of non-domination to distinguish between two dimensions of freedom as self-determination. Her argument does not oppose the good of collective relations to the bad of individualism. It is rather about differentiating concepts of freedom and then working through their implications for both individual and collective agency. The first notion of self-determination is what Pettit calls freedom as non-interference, and for Young it “presupposes that agents have a domain of action that is their own which is independent of need for relationship with or influence with others.” Young contrasts this with an alternative notion that “recognizes that the agency and capabilities of any individual or group is relationally constituted.” This second view is consistent with a feminist tradition of theorizing about “relational autonomy.” This idea acknowledges that being a free, self-governing agent is a thoroughly social phenomenon and therefore requires the cultivation of one’s values and needs in terms of intersubjective relationships and recognition of mutual dependencies. Young therefore translates Pettit’s distinction between a liberal notion of freedom as non-interference and a republican notion of freedom as non-domination into a distinction between accounts of individualist autonomous agency, on the one hand, and relational accounts of autonomous agency, on the other. The concept of freedom in the latter sense “means regulating and negotiating the relationships of people so that all are able to be secure in the knowledge that their interests, opinions, and desires for action are taken into account.”
Young’s use of Pettit’s political philosophy to embellish her own account of the value of self-determination illustrates the importance of the value of non-domination to critical theories of democracy. In fundamental respects, Young’s understanding of domination in institutional and structural terms actually presupposes a stronger notion than Pettit’s idea of non-domination. If domination involves not being able to affect one’s own actions or their conditions, then freedom of action is relative to being able to define and realize one’s needs and interests. This sense of what Lawrence Hamilton calls “real modern freedom” implies that freedom is a mode of power, in that it requires that actors are able to determine what they want to do and that they have the capacity, the power, to bring it about.68 The proposition that “freedom is power” nicely captures the structural imagination that underwrites Young’s account of injustice.

The reason to underscore Young’s engagement with debates over republican theories of freedom and power in developing her account of democratic justice is to make clear that she is not simply seeking to replace a philosophical account of individual autonomy with an empirical appeal to social relations or an ontological account of the relational constitution of selves. She provides instead a more precise interpretation of why the fact of relationality matters politically. Young moves beyond the standard way in which interdependence and relationality are given a political interpretation in social theory. If both individuals and groups are embedded in extended relationships with people and things, and if this means that they are affected by and affect others through their actions, then the political significance of this does not really lie in exposing the charade of individualism or egoism, or even in revealing the entanglements of human and non-humans and thereby challenging Cartesian dualisms. The political significance of the fact of relationality—of connection, in Young’s terms—lies in drawing into view how interdependence and entanglement expose people to specific forms of harm. Primary among these forms of harm, for Young, is being subjected to domination and oppression.69

Before proceeding further in considering the importance of the concept of non-domination to the prioritization of injustice in democratic theory, it is necessary to specify two important aspects of Pettit’s reconstruction of republican theory. First is the connection he makes between freedom as non-domination and contestatory forms of democracy. And second is the distinctive account of justice that he develops on the basis of this ideal of freedom.

Pettit’s account of freedom as non-domination is a republican idea, and republican theory often has a certain elitist tinge to it. But Pettit makes non-domination central to his concept of contestatory democracy, in which opposition is given a central role in a theory of democratic government. Like Shapiro, Pettit suggests that the idea of opposition, of making governing institutions answerable to the challenges of individuals and groups, “has consistently played a secondary role to the idea of putting government under popular, collective control.”70 He suggests
that the latter idea has come to dominate the meaning of democracy, not least under the sway of deliberative theories of democracy. The idea of contestation is central to Pettit's attempt to square a republican suspicion of the state as a threat to freedom as non-domination with a democratic assumption that states are crucial agents of effective popular will. Contestation is, in short, made into the medium for rendering the state nonarbitrary in its operation. Pettit presents this contestatory view of republican freedom as a critical tool that is “not designed merely to vindicate democracy as we know it.” He does not consider democracy as simple majoritarianism nor simply defend a version of constitutionalized liberalism that protects freedom against violations by the majority. Rather, he uses contestation to articulate a specific account of freedom with an account of effective government.

Pettit's assertion that the republican model of freedom can inform a theory of democratic government requires an acceptance that there will be “sites at which public authorities make decisions and exercise power.” The fundamental challenge from a democratic perspective is how to render decisions nonarbitrary so that they can be “owned” and “identified with” as emanating from “a form of decision-making in which we can see our interests furthered and our ideas respected.” Pettit's answer to this challenge is to argue that ensuring contestability is the best way to control for arbitrary power. What makes it possible to own a public decision that avoids the aspect of arbitrariness is “the fact that we can more or less effectively contest the decision, if we find that it does not answer to our relevant interests or relevant ideas.” If decision making is not to jeopardize the freedom as non-domination of members of a polity, then “it must be subject to the constraints of a contestatory form of democracy.”

The second important aspect of Pettit's work to the task of centering democratic theory on the priority of injustice is a distinctive understanding of justice. Pettit's account of republican justice rests on the idea that “arrangements between citizens should be designed to promote people’s equal enjoyment of freedom as non-domination.” In this definition, Pettit shifts questions of justice away from the strongly egalitarian grounds favored by Rawls to the grounds of freedom as non-domination. Pettit affirms a version of political justice that is concerned with the equitable distribution of the power to exercise effective agency. In turn, he argues that democratic legitimacy is secured if one “looks after” equal freedom as non-domination in relations between states and citizens, which is best done by institutionalizing contestability at different scales and through multiple agents.

We can see, then, that the understanding of freedom at work in Pettit's account is a thickly political one rather than a thinly liberal one. It is this that attracts the attention of critical theorists of democracy wary of the overly consensual undertones of paradigmatic deliberative democracy. In the terms we have been using in this book, Pettit redraws the all affected idea in terms of owning and identifying with decisions that are nonarbitrary. In so doing, he translates the all affected principle into a norm of effective contestability. The idea of freedom as non-domination
rests on a precise definition of domination as the arbitrary subjection to the will of others. This definition allows for a wide scope for interventions of all sorts as presumptively legitimate, insofar as they are not arbitrary, where this means that the exercise of power is subjected to reasonable public scrutiny and contestation. In this view an element of democratic coercion might be perfectly consistent with freedom, because state action is not necessarily always to be understood as a form of domination. Not all centralized, hierarchical, coercive action is equivalent to domination. Nor does Pettit make the principle of legitimacy dependent on an image of consensus or contractual agreement. Legitimacy is premised instead on the possibility of effective contestation. In short, Pettit makes a reconstructed republican notion of non-domination central to imagining the possibility that the exercise of power is necessary and justified for the expansion of freedom.

As concepts of non-domination and freedom increasingly become central in critical theories of democracy, a precise reason for affirming the value of contestation and opposition emerges. Contestation is not the essence of democracy. To suppose that it is risks mistaking its central importance to democratic politics. The value of contestation arises from the recognition that democracy is a response to domination but also intrinsically raises a risk of domination of its own, insofar as those responses also require the exercise of effective concerted action. There is no need to think of this as a contradiction, a paradox, or an expression of some deep ontological structure of antagonism. It is simply a matter of being able to imagine democratic politics as multifaceted, combining different rationalities and norms.

My argument in this chapter is that by attending to the conceptual disaggregation of aspects of normative political concepts made possible by the use of spatial grammars in critical theories of democracy, we can see just how important the broad value of non-domination has become to this tradition of thought. The focus on domination is implicit in Fraser’s all-subjected norm and is much more explicitly thematized across the arc of Young’s work. But it is in the work of James Bohman that the concern with domination is disclosed by working through a series of geographical tropes. In Bohman’s work we also find this theme most explicitly linked to a theoretical commitment to “the priority to injustice.”

**Indeterminate Geographies of Domination**

There is a specific geographical imagination at work in contemporary critical theories of democracy, one in which consideration of extended spatial relations is used to disclose particular configurations of power and the forms of harm with which they are associated. In particular, the theme of domination has emerged as the centerpoint around which theories of democratic justice are reconstructed. There is a distinctively political sense of domination at work in critical theories of democracy, a sense that departs from the epistemological and historical assump-
tions behind an earlier account of domination found in the work of the Frankfurt School. When we recognize this departure, we can see that the emphasis on domination and non-domination involves a significant reorientation in the vocation of critique in this tradition. Both the focus on domination and the focus on a new form of critique are exemplified by the account of transnational democracy developed by James Bohman, an account that is a refinement of his own pragmatist interpretation of deliberative democracy.80

In a pragmatist spirit, Bohman conceptualizes democracy as a form of inquiry involving co-operative problem solving.81 In this understanding, the emergence of new “social facts” serves to problematize existing assumptions about democracy or to reveal hidden assumptions. He presents his theory of transnational democracy as a pragmatist account “to the extent that it sees new social facts as demanding a new normative and conceptual understanding of democracy and its political geography.” Globalization, for Bohman, is a process that “highlights the need for philosophical work to free democratic theory from the conceptual straitjacket of its historical exemplars.”82 More precisely, according to Bohman we should shift attention away from worrying about the constitution of the demos to a broader concern with how publics are formed around problematic situations. Bohman uses geographical themes to address much deeper questions of how to think about complexity, heterogeneity, and pluralism in democratic theory.83

Like Young, Pettit, and Shapiro, Bohman explicitly focuses on the distinctive harm associated with domination. He understands domination as a form of structural exclusion rather than as an explicitly tyrannical form of rule. Like Young, Bohman draws on Pettit’s ideas, in his case to argue that freedom as well as justice and recognition are crucial features of a critical theory of democracy.84 But moving beyond Pettit’s ideas, Bohman seeks to develop what he calls a transnational republicanism that makes struggles against domination the central feature of an account of distributed democratic agency.85

Bohman seeks to extend Pettit’s theory of republican freedom in two ways. First, he rejects the restricted, bilateral view of domination as an exercise of arbitrary power by one actor over another that Pettit posits, in favor of a more structural view more akin to Young’s. Bohman’s innovation here is to develop a more dispersed view of the sources of potential domination. Second, he suggests that it is necessary to address a broader range of harms, including socioeconomic inequality and poverty, which accentuate the forms of arbitrary rule that contravene Pettit’s norm of non-domination. In these two moves, while making Pettit’s norm of non-domination central to his own analysis, Bohman decisively shifts to arguing that injustice should be the primary concept in a reconstructed theory of democracy.

From his avowedly pragmatist perspective, Bohman holds that political action is generated by shared experiences of domination, where domination refers not just to tyranny or arbitrary interference but more fundamentally to specifically
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modern situations of “rule by another, one who is able to prescribe the terms of cooperation.” And as for Fraser, globalization is the social fact that for Bohman makes these aspects of domination especially clear. The focus on non-domination as the key criterion of democratic judgment follows from an understanding of democracy as a reflexive order “in which people deliberate together concerning both their common life and the normative and institutional framework of democracy itself.” This definition implies that a fundamental condition of democratic politics is the equal status of citizens as participants in the political domain. Using a formula similar to Fraser’s principle of participatory parity, Bohman refers to this basic criterion of democracy as the “democratic minimum,” which he defines as “the achievement of a normative status sufficient for citizens to exercise their creative powers to reshape democracy itself according to the demands of justice.”

Democracy therefore requires not just freedom from domination but more specifically the capacity to initiate deliberation, or to put it another way, the power to address and make claims against those who seek to exert authority. This capacity to initiate deliberation is “generative of political power,” Bohman argues, more so than contestation on its own. Focusing only on contestation threatens to leave in place established institutionalized patterns, whereas the idea of initiating deliberation introduces an element of creativity into the critical theory of democracy. For Bohman, making democracy more democratic, more just, depends on the “dynamic and creative interaction between freedom of initiation and democratic accountability.”

Bohman’s pragmatist, problem-oriented perspective leans heavily toward the communicative criteria of democratic control and away from the authoritative criteria of administrative efficacy that Fraser insists must also play an important role in an account of transnational democracy. Accordingly, for Bohman, democracy requires a plurality of forums and arenas operating at different scales and levels. In Bohman’s view, understanding the potentials of transnational democratic agency requires a shift in the conceptualization of the subject of democracy, away from the singular demos tied to the sovereign integrity of a territory and toward a more plural view of multiple démoi. For him, the problem of democratic domination “is overcome so long as the capacity to initiate deliberation about the terms of democracy itself is distributed among the démoi of various units and levels.” The proposed shift from the demos to the analysis of multiple démoi is meant to decenter state-centric, juridical concepts of democracy. It does so while drawing the principle of non-domination into the center not of an ideal theory of democracy but of a pragmatist inquiry of how democratic agency is actually exercised in practice.

The centrality of the themes of domination and non-domination in Bohman’s account of transnational democracy follows from his understanding of both the problem and the promise of globalization. In specifying the problem, Bohman argues that global processes generate situations in which more and more people
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are exposed to domination: “The current distribution of global political authority produces situations in which many people lack the very minimum of normative powers and control over their own rights and duties: they lack the capacity to make claims of justice and to initiate deliberation, and in lacking this power are subject to normatively arbitrary political domination.” Although this argument is similar to Fraser’s, Bohman presents a much more exact statement of the specifically antidemocratic harm generated by globalization. And he does so in a way that shifts attention decisively to the various modes of influence that can be generated by public action in response to this form of harm.

What is most innovative about Bohman’s account of democracy is his reconceptualization of the all affected principle in terms of “indeterminate effects.” This reconceptualization complicates any straightforward, objectivist calculation of domination along the lines implied by Fraser’s proposal of using the all-subjected norm as a determinative principle of democratic inclusion. Bohman proposes that global processes are primarily characterized not so much by their spatial and temporal extension but more specifically by their indefinite qualities. Rejecting a convergent view of globalization, Bohman emphasizes the differential consequences and patterns of inclusion in global processes: “A normative theory is better served by seeing how global activities do not necessarily affect everyone, or even the majority of people, in the same way. Rather, the sorts of social activities in question affect indefinite numbers of people.” With this emphasis, Bohman transforms the objection concerning the differential exposure of subjects to being affected by global processes into a strong principle of critical analysis. Both “differences in affectedness” and the indefinite quality of affectedness mean that affected actors cannot be easily individuated. From Bohman’s perspective, the indefinite character of affectedness under globalization necessarily means that some actors are implicated in the activities of others without having consented to their inclusion. The phenomenon of “interdependence via indefinite social activity” therefore describes the conditions for domination across national boundaries: “Interdependence via indefinite social activity thus establishes the scope of political obligation precisely because the circumstances of global politics emerge through nonvoluntary inclusion in indefinite cooperative schemes.” In short, Bohman’s notion of “interdependence via indefinite social activity” effectively transforms the principle of all affected interests into a norm of non-domination.

We can see, then, that the problem with globalization from Bohman’s perspective is that it expands the potential scope of domination, understood as the “nonvoluntary inclusion in indefinite cooperative schemes.” But if globalization expands and multiplies situations of domination, then herein also lies the promise of expanded and reconfigured styles of political action. In contrast to Fraser and much like Dryzek, Bohman sees more potential in globalization for effective democratization without the need for new institutional configurations. His argument is that the democratic institutions required to secure non-domination are al-
ready nascent in a putatively globalized world and that no institutional scaling-up of the kind envisaged by Fraser is necessary.

For Bohman, the sorts of reasoning required by a complex, integrated world are better addressed by forming decentered, dispersed, and overlapping institutional fields than by seeking to reconstitute a singular demos or a unified public at a larger spatial scale. He sees transnational democracy as “democracy across rather than beyond borders.” Transnational democracy emerges around two related processes: the proliferation of multiple démocratie of different scales and scope, on the one hand, and the development of what Bohman calls a distributive public sphere on the other. He envisages a democracy of démocratie and distributive publics exercising a different kind of influence than that classically envisaged by models of highly integrated public spheres, generating a singular legislative will that is effectively communicated to a centered site of effective authority. Bohman does not pursue Fraser’s line of reasoning, whereby the scales and shapes of public communication should ideally be made congruent with those of sites of effective authority. His image of decentered démocratie and distributive publics lends itself to an interpretation in which public communication enacts a democratic function primarily through seeking to influence rather than exercise authority.

Although Bohman presents his account as a theory of transnational democracy, it might be more appropriate to interpret it as using the figure of globalization to conceptually reconfigure the relationships between different aspects of democratic theory and practice. Bohman’s strongest claim is that democracy should be theorized primarily in relation to the principle of “freedom as self-determination.” This contrasts with the ideal model of self-legislation prevalent in much democratic theory. The image of a people giving themselves their own laws always generates difficulties when it comes to the practical facts of institutional complexity and issues of numerical or spatial scale. But the significance of Bohman’s understanding of democracy extends beyond the specific issue of the spatial extension of social interactions. Bohman’s contribution is to take an understanding of what he refers to as “the new circumstances of politics” and use it to justify a critical norm of democracy: the maximization of self-determination of those affected in relation to the interdependencies into which their actions are woven. If this, like ideas of all-affectedness, sounds a little idealistic and unmanageable, then it is important to emphasize that the pragmatist dimension of Bohman’s argument transforms our understanding of why matters of democratic justice arise as issues in the first place. In the revised view traced throughout this chapter, the questions of inclusion and membership for which the theme of affectedness is most often invoked as a solution should not be thought of as foundational questions of democracy at all. They emerge only in problematic contexts where the effects of actions and the identity of those affected are uncertain in a way that feels salient to participants. In short, not all interdependencies raise democratic questions, only those where self-determination—that is, issues of domination—arises.
as a problem. Of course, this formulation might seem to raise the question of how to decide whether a situation of domination actually pertains. We will see in chapter 8 how giving priority to injustice in theories of democracy helps to flesh out an answer to that question.

**Toward the Priority of Injustice**

Chapter 6 traced some of the ways in which critical theories of deliberative democracy reformulate the all affected principle in an action-theoretic register. This chapter has developed this revision further by tracing how conceptual transformations of the all affected idea through a spatial grammar of globalization and transnationalism draw into view a particular form of harm against which democratic politics is understood to be a response and bulwark—the wrong of being subjected to arbitrary direction by the will of others. In her discussion of transnational public spheres, Nancy Fraser develops the idea, already anticipated in important ways by Robert Dahl, that all-affectedness should be understood as a register of oppositional claims-making against arbitrary subjection. Iris Marion Young also develops an account of injustice centered on the specific harm of domination arising from structural patterns of disadvantage, prejudice, and exploitation. And James Bohman takes the well-worn argument that all-affectedness cannot be objectively tracked and turns it into a strong argument that global processes inherently carry the risk of exposing people to arbitrary rule.

Each of these theorists shifts the norm of all-affectedness away from a strictly objective, causal interpretation of a standard to be applied monologically to settle questions of democratic inclusion. They favor instead dialogical models in which affectedness emerges through a range of communicative registers of claims-making. Across the work of the thinkers considered in chapters 6 and 7, the idea of all-affectedness retains its significance because it is recast as a worldly principle, one used to coordinate, justify, and problematize existing social relations. Understood in this spirit, the idea, Archon Fung suggests, still captures something important about contemporary democratic sensibilities across a whole range of issues: “The principle of affected interests remains one of the most firm and widespread democratic intuitions. The sensibility that people should be able to influence decisions that affect them grounds not only commitments to representative government, but complaints about the democratic deficits of organizations like the European Union, World Trade Organization, and Royal Dutch Shell corporation. It drives demands for participation not just upward from the nation-state, but also outward—into corporations and nongovernmental organizations—as well as downward—into local governments, administrative agencies, communities, and neighborhoods.” Here Fung presents the all affected norm not as a solution to questions of institutional or constitutional design but as a dy-
dynamic principle that alerts us to exclusions and guides adjustments and reforms. It provides a vocabulary for making complaints and articulating demands. Fung’s suggestion implies in turn that the all affected idea can serve as a heuristic to guide the analysis of the ways in which a broad array of non-state actors formulate democratic claims in a world in which a variety of both state and non-state actors impinge on people’s lives. He returns us, then, to Dahl’s proposition that the all affected norm is a good place to start asking questions about the scope and quality of democratic inclusion.

The reorientation of democratic theory around concepts of domination, which has been the focus of this chapter, alters the way in which the vocation of critical theory is viewed. It should turn attention away from a primary concern with establishing or applying strong normative principles of ideal justice. In a more pragmatist spirit, the concern with the value of non-domination focuses attention instead on developing a more reflexive idea of critical theory, understood as a means of informing inquiry into the dynamics of domination and felt experiences of injustice. Chapter 8 elaborates on the significance of this reorientation of the tasks of critical theory.