Non-domination Without Rights? An Impossibility

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Abstract

What is the relation between non-domination and rights in the sense of claim-rights? This article argues that this relation is a tight one: rights turn out to be a *necessary constituent* of non-domination, or they are necessary, in a non-causal sense, for non-domination to come into existence and have its distinctive normative character. In particular, rights are necessary to constitute the following features of non-domination: the authority that non-domination signifies and the respect it demands; the kind of accountability that the non-arbitrariness condition of non-domination demands; and the robustness of non-domination. The article then suggests that rights, even if necessary for non-domination, are not also sufficient. It concludes by illustrating how the protection of rights often supports, rather than contradicts, other republican aims.

Key Words: Republicanism; Non-domination; Rights; Structures; Rights Conflicts

Non-domination flourishes when individuals are free citizens and the rights usually associated with this status are acknowledged and protected. Equally, when individuals are deprived of their rights and turned into slaves or stateless people, they are dominated. Indeed, republican freedom vanishes when individuals depend on the arbitrary will of some others, who, no matter their personal inclinations, retain a poorly constrained capacity to interfere with their subjects, whilst enjoying impunity. If so, there seems to be a close relation between non-domination and rights. Halldenius (2010) has then strengthened this impression by suggesting that there is a "structural affinity" between these two notions, this meaning that both embody a robustness-requirement, i.e., both non-domination and rights require protection from interferences in nearby possible worlds, no less than from interferences in the actual world (cf. List 2006). Yet, what relation, precisely, ties the two concepts? This paper seeks to answer this question.

I provide a new and distinctive answer to this question. I argue that the relation between non-domination and rights is *necessary* in a *constitutive* sense: rights seem strictly tied to non-domination because they are a *necessary constituent* of non-domination, the latter conceived of, at its core, as a status-notion (Lovett and Pettit 2018: 366–367). That is to say, much as "my duties

owed to my friend" "are simply part of what makes a relationship a friendship", such that "friendship without the relevant duties is an impossibility" (Cruft 2010: 451–452), in the same way rights are necessary, in a non-causal sense, for non-domination to come into existence and have its distinctive normative character. As such, the undominated status of republican persons has to be understood as involving, as a matter of necessity, the status of the right-holder.[1] Call this the *constitutive* view.

The constitutive view improves the existing republican literature in three respects. First, it shows that republicans should not simply look at rights as a very important means to either maximise non-domination or minimise domination, as argued, instead, by standard republicanism (see Pettit 1997 and Lovett 2010, respectively). Nor is it just that, as recently argued by Layman (2021: 140–146) — the author who has so far explored at greater length the relation between rights and republican freedom —, rights are necessary in the loose sense that they are needed to specify the options in regard to which individuals ought to enjoy non-domination. Rather, if I am correct, the necessity at stake is a tighter one: on the constitutive view, rights are the most foundational component of non-domination, and they make it possible to begin with.

Differently from Layman's view, moreover, on the constitute view rights are not also sufficient for non-domination — according to Layman, being guaranteed of not living at the mercy of another does not add anything to the notion of secure rights enjoyment (2021: 146–150). This is because, I shall suggest, the notion of non-domination tells us what rights are particularly important to best serve the republican cause, and how, substantively, they should be protected. Republican freedom is thus not redundant in the face of rights theory.

Finally, the constitutive view allows us to fully and straightforwardly account for the paradigms of republican freedom and unfreedom, thereby enhancing republicanism's explanatory power vis-à-vis some of its own tenets: the slaves and the stateless best exemplify domina-

[1] That *some* rights, namely, equal participatory rights, are intrinsically related to non-domination has been argued by Richardson (2002: 34, 48); Forst (2011: 111–112); and Bellamy (2007: 163); cf. Sec. III and IV. See also Pettit (2012), whose approach, however, oscillates between an instrumental view of rights and a view comparable to the constitutive view.

tion because they lack the most basic rights; equally, the acknowledgement of these individuals as right-holders creates the conditions of possibility for non-domination to come into existence and be realised.

The paper unfolds as follows. Section I provides a definition of non-domination and rights. Section II advances the constitutive view. Section III stresses the superiority of the necessity-claim here advanced over Layman's necessity-claim, and suggests that rights are not also sufficient for non-domination. Section IV addresses an objection. Section V summarises.

I. Non-domination and Rights

As said, I begin by clarifying what understanding of non-domination and rights, respectively, are employed in the paper. Non-domination turns to be primarily a status-notion (I.A). Rights are defined, conventionally, as valid claims (I.B).

A. Non-domination

What is non-domination? Non-domination is how republicans understand freedom and the core value that grounds their conceptions of justice (Laborde 2008; Lovett 2010; Pettit 2012). Non-domination starts flourishing when slavery is abolished and those previously subject to it are turned into citizens. Likewise, it is a kind of freedom that appears when women are enfranchised and their fate is not determined by men through patriarchal norms; or when workers can unionise, and have at least reliable and effective channels of complaint in case their bosses exploit them.

In more abstract terms, non-domination designates a condition of independence that individuals enjoy when they do not live at the mercy of others and institutions. And this can only take place, in Pettit's seminal definition, when they are robustly protected from others' capacity to interfere on an arbitrary basis (Pettit 1997: 52). As such, when individuals are undominated they do not to have "to toady and fawn, bow and scrape, placate and ingratiate" to get

their own way. Rather, they have "the ability to command attention and respect and so of his or her standing among persons" (Pettit 2002: 348, 351).

Differently from the standard understandings of freedom, republican freedom pertains to persons in the first place while concerning their options in a secondary sense. After all, the antonym of non-domination is, distinctively, arbitrary dependence and servitude, not just the inability to perform some actions. Thus, non-domination is, at its core, a status-notion (Pettit 2003; 2007; cf. Pettit 2011: 711–714; 2012: 82–87).[2] Yet, what does that mean, precisely? Why is this the case? Both questions are best answered by looking in more detail at the two core features of republican freedom: the *non-arbitrariness* condition (i) and the *robustness-requirement* (ii). It is precisely these features that push republicans to conceive of non-domination as a property to be primarily predicated of persons, and as a status in particular.

(i) The idea behind the non-arbitrariness condition is straightforward: differently from liberals (Carter 2008: 64–66; List and Valentini 2016: 1058–1066), republicans think that not any kind of interference is detrimental to freedom; rather, only arbitrary interferences compromise it. The challenge is then to specify what counts as arbitrary. Although republicans disagree on this question, the general thought is that interferences are arbitrary when their source is a power that is not subjected to some appropriate checks and controls.[3] Consequently, satisfying the non-arbitrariness condition will involve having at ones's disposal some checks and control over the power one is subject to. As non-arbitrariness comes in degrees, the more and more appropriate these checks and controls, the less will power be arbitrary. In this sense, the introduction of, say, a system of laws will not necessarily make individuals unfree. On the contrary, if well-designed, in that individuals have some control over them and there are certain effective checks

[2] See also Richardson 2002: 28-36; Bellamy 2007: 159–162; Bohman 2008: 197–201; Laborde 2008: 2, 11–12, 16, 19; Schmidt 2018: 176–179; Gädeke 2020.

[3] For most republicans, only having a say in how power is wielded makes interference non-arbitrary. They then specify this say in different ways: Pettit 1997: 55-58; Richardson 2002: 47; Bellamy 2007: ch. 4; Laborde 2010. For Lovett (2010: 112), instead, any procedure that institutes reliable and effective external constraints makes power non-arbitrary. In Sec. II.B, Lovett's position turns out to be untenable.

in place, these laws will extensively *condition* individuals' life but will not *compromise* their freedom (Pettit 1997: 75–77).

(ii) The robustness-requirement too marks the distance of republican freedom from liberal freedom. While for the latter constraining actual interferences or, as contemporary liberals argue, reducing the probability of interferences (Carter 2008; Kramer 2008) increases freedom, republican freedom requires more protection still to be fully possible. In particular, it requires to reduce the *capacity* to interfere as such. This is why non-domination is a rather robust notion of freedom (Pettit 2011: 709–711; 2012: 67–69; cf. List 2006: 210–213; List and Valentini 2016: 1051–1058).[4]

Let me illustrate why, for republicans, freedom requires this level of security. If freedom appeared when actual interferences do not obtain, then slaves could make themselves free by adapting their preferences to those options that their masters actually leave open. Yet, freedom by adaptation is not freedom. In the same vein, if freedom were open to individuals when interferences are unlikely, then slaves could enjoy freedom by ingratiating themselves with their masters, thereby reducing the likelihood of their interferences. Yet, freedom by ingratiation is not freedom. It is just an ability that can be exercised conditionally on masters' goodwill or slaves' capacity to display gracious attitudes (Pettit 2011: 699–707).

Crucially, for republicans only non-dominating institutions such as free states can fully satisfy the robustness-requirement, thus defining and making possible republican freedom. Let individuals live in a pre-institutional setting and, be they virtuous or not, they will in any case depend on the continued goodwill of others for the enjoyment of their options, and so in a precarious way, without suitable and effective channels for redress. Conversely, put in place some appropriate institutions and individuals will at least have the possibility to enjoy their independence from others as a matter of certain common rules and public awareness, and so in a secure way, given institutions' coercive power (Pettit 1997: 67–68, 93–94, 106–109; 2012: 182–

[4] Republicanism's focus on the possibility to interfere does not imply that interference with *virtual* capacities (e.g., the capacity to play piano of someone who has never tried) can compromise freedom; rather, the relevant capacity "should be ready to be exercised" (Pettit 1997: 54).

183).[5]

Given this, it should not be now difficult to grasp why non-domination is to be conceived of, as a necessary condition, as a status-notion. It is the two core features of non-domination that push us in that direction. We can fully make sense of the fact that (i) individuals are free even if some appropriate institutions extensively condition their options (non-arbitrariness obtains), while, conversely, (ii) they are unfree even if others are very unlikely to interfere with them (republican robustness is lacking), only if we acknowledge that non-domination is primarily a status that individuals enjoy vis-à-vis others and institutions. Indeed, a status is a relatively stable normative position that a person occupies in a space which is delineated by certain constitutive rules (Searle 1995: 43–51). In the same way, non-domination designates a stable social position, and the normativity associated with it involves the recognition of the position-occupier (any human being) as someone who is properly independent, or whose independence is guaranteed (ii), from the arbitrary will of others (i).

In this respect, the amount of options that individuals have at their disposal is not all that matters when it comes to freedom — as maintained, instead, by liberals. Otherwise, a slave with a benign master would count as free. Rather, what matters primarily is that this amount and, more relevantly, the kind of options that individuals have open, as well as their mode of accessibility, reflect a standing-capacity on the part of individuals that is antinomic to subjection and servility, and allows guaranteed independence (Pettit 2007: 712, 715; cf. Pettit 2012: 82–87).

A caveat is needed at this point. The above shows that we should, as a necessary condition, understand non-domination as a status-notion, and that this status-understanding renders republican freedom distinctive. However, it might be that the notion of status does not deliver all that non-domination seeks to deliver, or, alternatively, domination can also occur in a non-status affecting way.[6] That is what I shall suggest later on (Sec. III). With this in mind, I turn to

[5] Notice that individuals would not live at the mercy of institutions, either, for the ones at stake are *appropriate* institutions.

[6] Pettit (1997; 2012) and Lovett (2010a) support this idea, whereas Gädeke (2020a: 214–219) understands non-domination as a status-notion only.

the second building block of this paper: the notion of rights.

B. Rights

Although in the following I shall talk about rights *simpliciter*, I will have in mind claim-rights only or "rights in the strictest sense" (Hohfeld 1913: 30), and focus on them *qua* moral rather than legal entities. That said, I define rights, conventionally, as valid claims *to* some Xs (typically, a good) that are addressed *against* some others, i.e., individuals and/or institutions (Feinberg 1970: 256–257).[7] This definition needs some unpacking.

First, for a claim to be a right there has to be a relatively precise object to which one has the claim; otherwise, we might have a goal but not a right. Second, to qualify as a right the claim must also have a direction: the claim must be against some others, or it must be correlated with some duties which are directed or owed to the right-holder in particular, rather than not owed to any specific other. These two features conjunctively define the claimability-condition that any claim is to meet for it to be valid and therefore count as a right.[8] The latter feature represents the so-called directedness of rights (May 2015). Given this, third, the violation of a right means that there has not just been a wrongdoing. Rather, someone in particular has been wronged (Thompson 2004; Cruft 2013: 201–202).[9] This someone, consequently, will rightly feel resentment rather than just frustration or despair (Strawson 2008: ch. 1). This is sufficient to grasp the notion of right. Yet, some further considerations are in order.

When we say that someone has a right we are also acknowledging that they have a moral status worthy of respect, and that the recognition and protection of their rights is the most straightforward way to show our respect. Furthermore, rights have a special normative force.

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[7] This is a general definition that will-, interests-, and demand-theorists can all share.

[8] The claimability-condition has been questioned by Tasioulas 2007: 88–95. For a rebuttal of Tasioulas' position, see Tomalty 2014: 3–7.

[9] That X can be wronged as for Y only if X has a right to Y is a staple in the literature on rights. *Contra* it, see Cornell 2015. For a persuasive rebuttal of Cornell's position, see Wallace 2019: 195–200.

Rights provide reasons that, while allowing for exceptions over a certain threshold of costs, are exclusionary, i.e., they exclude (at least some) reasons of other kind (e.g., general welfare) as reasons for violating the duty; and non-aggregative, i.e., the duty cannot be violated to prevent a greater number of rights-violations (Zylberman 2016: 371–372). Finally, rights demand the actual and secure enjoyment of their object or substance. If it were not so, we would just have the promise of a right but not a right proper (cf. Shue 1980: ch. 1).

Put in this way, it seems that non-domination and rights should stand in a close relationship: the former is about living as an independent being rather than by the grace of another, and this seems to be closely associated with the condition of someone who enjoys rights. Yet, what relation exactly connects them?

II. The Constitutive View

In this section, I shall show that the relation is *necessary* in a *constitutive* sense. To say that A is a necessary constituent of B is to say that A is an essential part of B, such that B without A is an impossibility, or that, equivalently, A is a necessary condition, in a non-causal sense, for B to exist and be the entity that it is.[10] I shall argue that rights relate to non-domination understood in the status sense in this way: they are a *necessary constituent* of non-domination, for they are necessary to establish, in a non-causal sense, some features of non-domination, or they *realise* them, and so republican freedom is possible only if individuals' rights are acknowledged and protected. Thus, the status of the republican free person is, as a matter of necessity, the status of the right-holder — and, as a consequence, rights are not simply an important means to deliver non-domination. Call this the *constitutive* view.

[10] On constitutive relations, I follow Cruft (2010: 451–452): "My duties owed to my friend […] are not simply useful *means* to get me to behave in a friendly manner. […] Instead, the duties are a *constitutive part* of friendship: friendship without the relevant duties is an impossibility […] because the duties are simply part of what makes a relationship a friendship. […] The duties themselves […] are a […] necessary constituent of friendship. Without such duties, the relationship would lack the directed normative character necessary for it to be friendship."

I shall develop the constitutive view by showing that rights are necessary to constitute, both singularly and conjunctively, three aspects of non-domination: first, the authority that non-domination signifies and the attached capacity to command respect (II.A); second, the peculiar form of accountability that the non-arbitrariness condition of non-domination demands (II.B); and, third, the robustness of non-domination (II.C).

A. Respect and Authority

The first argument that shows that rights are a necessary constituent of non-domination runs as follows. Undominated persons enjoy an important good: respect. For this good to be enjoyed, individuals need to be able to command it. This, in turn, presupposes that undominated persons are authorities. Crucially, rights are necessary to constitute the authority and ability to command respect that undominated persons should possess. Below, I expand on these claims.

Republican respect has two requirements. First, it excludes adaption: if I have your attention only on the condition of adapting my preferences to yours, I will not be respected, but I will rather live in deference to your tastes. Second, republican respect excludes ingratiation: if I have to sweeten you to catch your eye, again, I will not have your respect; rather, your attention will be the contingent achievement of your good mood or my ingratiating capacities (Pettit 2015: ch. 3). For these two requirements to be met, individuals should be able to command respect.[11] That is, respect should be the object of a moral injunction or rule that guarantees its independence from variations in my and your preferences, and individuals should have some control over this injunction or rule lest it count as arbitrary. Failing this, respect will simply be a nice gift of others, thereby not qualifying as respect proper.

In turn, this entails that republican free persons cannot be understood as passive recipients who "lack an independent voice" and so "may [just] happen to receive respect" (Pettit 1997: 91). Rather, free persons are to be conceived as authorities. By this, I mean, following Pet-

[11] Cf. Pettit 2002: 350: "To have the full standing of a person among persons, it is essential that you be able to *command* their attention and respect" (Italics are mine).

tit (2001: ch. 4), agents who are able to give and take reasons, and, relevantly, whose reasons count and are taken seriously by others, rather than being easily dismissed or considered in the modality of a nice concession at best.[12]

Given the above, the claim is that individuals can be authorities or reason-givers and reason-takers whose reasons count and who are able to command respect only if, as a necessary condition, they are right-holders. Consider: if individuals have rights, then the reasons they provide are strong and hard to ignore. These reasons are, as a matter of fact, binding — "you must listen to me!". Moreover, their normative force is such that, as said, they will be defeated only by particularly weighty considerations, in particular circumstances — and even these occurrences will not question individuals' voice as a voice worth hearing: it is just that this voice has been overridden by a "higher trump" (Dworkin 2011: 330, 473). As such, when individuals provide rights-based reasons these reasons cannot be easily dismissed but should rather be listened to and given special significance in others' deliberations.[13]

By implication, if individuals have their options open in terms of rights, they will be able to command respect.[14] In effect, rights confer upon their holders the *standing* to insist on the openness of their options, or they put them in the position to claim or press upon such openness (cf. Feinberg 1970: 251–253, 257). This power to claim excludes that respect can be expected by individuals, *qua* passive recipients, from some others in virtue of either their benevolence or some rules out of their control. On the contrary, respect can now be claimed by in-

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[12] Cf. Pettit 2005: 101–103: undominated persons "authorise one another as voices that are generally capable of providing reasons […]: as speakers who warrant and deserve a hearing, and as listeners who can acknowledge our claim to a similar hearing in turn." "Domination will […] lead others not to take seriously the words uttered by anyone in a position of subordinators and dependency."

[13] On the normative core of republican idea of authority cf. Forst 2013.

[14] This is sometimes acknowledged by Pettit himself: "[…] Being a person is inseparable from earning and receiving respect *as of right* […]" (Pettit 2005: 103). Italics are mine.

dividuals themselves, regardless of others' preferences, as I will stress further later on.[15]

If this is correct, then through the acknowledgement and protection of rights individuals are constituted as authorities proper, that is, agents whose reasons have to be given a proper place in others' deliberations and who can command respect. Hence, rights are a necessary constituent of non-domination.

To illustrate this, consider the following scenario. In Bad Society slaves are dominated by masters. However, something akin to the Ten Commandments is introduced in it, and Bad Society turns into Better Society I. For simplicity, call the two resulting groups of individuals SI (slaves in Bad Society) and MI (masters in Bad Society), respectively. Better Society I is better because MI-members now act out of duty when it comes to SI's options. They leave them open, for it is an offence to God to do otherwise. High reputational costs would follow, too. As a result, SI-individuals enjoy nearly the same amount of options open to MI-members. They are far less abused, if at all.[16] How should we judge this change from a republican perspective?

Undeniably, the condition of SI-individuals has been improved, for both the arbitrariness of the power to which they are subject and the evils usually associated with domination (e.g., an ongoing sense of helplessness and uncertainty about one's fate; degrading treatments; and sometimes actual injuries, too)[17] have been reduced. Nonetheless, SI-individuals do not en-

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[15] One might wonder how it is possible that *moral* rights can, *on their own*, make the case that individuals are able to command respect. The thought is that on the *institutional* understanding of rights that I favour (Sec. III), rights, albeit moral, embody a robustness-requirement, which requires that the conditions for their secure enjoyment are in place — i.e., an institutional setting (cf. Pogge 2008). To have a moral right in this sense is then also to be able to effectively exercise it, and therefore to command respect. Alternatively, on an *activist* view, moral rights make it possible for individuals to command respect in that they transform them into "self-assertive political agents with the capacity to apprehend injustice and take independent action to stop it"; "the performative claiming of a moral right […] frames the addressee as someone who is unjust and to be opposed and calls on the people to aid enforcement through […] protests, petitions, strikes, vigils, boycotts and an array of other movement tactics" (Aitchison 2017: 347–348). I thank an anonymous reviewer for pushing me to clarify this point.

[16] I build this scenario having in mind Feinberg's (1970) Nowheresville.

[17] See Lovett's (2010: 130–133) more detailed analysis.

joy an undominated status yet. Indeed, in Better Society I SI-individuals have access to a wide array of options, yet vis-à-vis them they do not qualify as authorities able to give and take reasons which count, but rather as passive recipients whose freedom is a nice gift of God and MI. Nor, by implication, do SI-individuals command respect, for the attention they receive is just a function of MI's willingness not to offend God and not to face reputational costs, on which SI-individuals ultimately depend.

Through the introduction of rights, instead, this scenario would change considerably. So, provide SI-individuals with the very same options they have at their disposal after the introduction of the Ten Commandments, but this time acknowledge and protect their rights instead of adopting the Ten Commandments. SI-individuals now enjoy an undominated status for they can speak up and make sure that others do not ignore them, or they are in the position to command respect — "it is my due!; it is my right!". Likewise, SI-individuals can now provide reasons whose recognition is binding and not dependent on others' continued goodwill — "I am entitled to have some rest, it is not a gift due to your goodwill!".

At this point, someone might object that the transition from Bad Society to Better Society I needs not be the transition to rights because it could be that masters can be constrained reliably and effectively even without them. What if, then, we introduce in Bad Society some independent judges who force masters to leave slaves' options open, independently of the latter's claims? Would non-domination become a possibility for those who would otherwise be slaves? Let me better characterise this second scenario and discuss it.

B. Non-Arbitrariness as Accountability

Consider Better Society II and another two resulting sets of individuals, MII and SII. Better Society II is better because MII's power over SII's options is constrained by an independent body of judges. Desiring to forestall any possible manifestation of discontent of SII-members, these judges have consulted them, and improved their condition by delivering several verdicts that remove most if not all MII's privileges in matter of SII's options, despite not providing SII-in-

dividuals with rights. The verdicts are generally respected by MII-members because "the law is the law". As a result, SII-individuals enjoy a better life in which, to a large extent, they can get their own way.[18] Are SII-individuals undominated persons? They are not.

Although the arbitrariness of the power to which they are subject has been significantly reduced, and so more than in Better Society I, the agent who speaks with authority and commands respect is the body of judges rather than SII-individuals. That is, the former but not the latter provide reasons which must be taken seriously by others. Moreover, MII-members are accountable to the judges but not to SII-individuals. This means that, unlikely as this might be, should MII-members get back to dominating SII-individuals, the latter would not be in the position to ask for accountability and redress for actions of the former, in that these actions would violate judges' verdicts but not what SII-individuals themselves can command. As such, SII-individuals could at best point out the non-conformity of MII-members' behaviour with the verdicts.

More importantly, SII-individuals enjoy an improved condition just in virtue of judges' will, on which they depend. And this holds even if the judges have consulted SII-members, for it was completely up to the judges whether to consult them or not (cf. McCammon 2015: 1047). This implies that the body of judges is not accountable to SII-members: should the judges change their mind about the desirability of constraining MII's privileges, nothing would in principle prevent them from delivering verdicts in favour of MII again.[19] What is more, were this to happen, SII-members could not complain that they are dominated, as judges were supposed to constrain MII's privileges but not to grant SII-individuals independence proper. That being so, the argument on respect and authority stands up against the effective-constraints challenge: in the absence of rights, the introduction of effective constraints does not constitute republican freedom as a status.

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[18] This is a variation of an example provided by Lovett 2010: 116.

[19] One might object that the example is vitiated in that the constraints at stake are not so reliable and effective, after all. My reply is that judges' power is *de facto* reliable and effective. Yet, the protection it delivers is not robust enough, for it is not fully invariant across changes in judges' will, unlikely as these might be. See Sec. II.C.

Crucially, Better Society II puts in focus also a second feature of non-domination as a status notion, which is visible in Better Society I, too: accountability, as a distinctive property of the non-arbitrariness condition. This feature provides a further point of entry for showing that rights are a necessary constituent of non-domination.

Consider: as Better Society I and II make clear, for individuals to be undominated persons and thus have a voice that commands respect, the power to which they are exposed should be accountable to them in particular. For we can well reduce the arbitrariness of the power of M-members by making sure that J (some judges and, by extension, any relevant social agent) fully constrains them and holds them accountable. Yet, it is still the case that, if J itself is not accountable to S-members in particular, S-members live at the mercy of J, or J's power is arbitrary. This is because this power, even if effective, reliable and beneficent, still originates from J's will exclusively, and is only answerable to J's will. Thus, J turns out to be an outside authority vis-à-vis S, that is, an authority which does not show enough consideration for S's will, as if she were a no-count as for her practical reason, or someone whose word can only be heard thanks to a concession. In McCammon's words, J's power and, by implication, M's power is still *deliberatively isolated* from S. Yet in this manner accountability ends up being just a nice gift of the will of an alien other. In the affirmative, then, the only way to have a fully non-arbitrary power or to fully take into account individuals' will and voice is by making power itself directly accountable to them (cf. McCammon 2015: 1043–1050).

That being so, the further claim is that rights, because of what they are, are necessary for constituting the direct accountability that non-domination requires. For recall what I have said about rights (Sec. I.B): claim-rights entail and are entailed by the correlative directed duties of others. They thus create a particular relation of accountability between the right-holder and the duty-bearer, that is, a relation in which right-holders in particular can demand accountability, rather than expect it from some, perhaps friendly, external others, or in which accountability is

owed by the duty-bearer (cf. Feinberg 1970: 247–248).[20] This is due to the directness of claim-rights.[21]

Take then again Better Society II and provide SII-members with rights. As a result, SII-members are now no longer dependent on the will of a body of officials not accountable to them. They can, in fact, demand that the officials respect their rights and ask for redress should they fail to do so. SII-individuals enjoy, consequently, an undominated status.

Notwithstanding, an objector might still not be convinced. They might notice that re-

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[20] In greater detail, the thought here is that, if, as Darwall (2006: 5–9, 18–20) puts it, you have a claim-right not to have your feet stepped on by another, and another steps on them, you will not simply point to the undesirability of this state of affairs. Rather, you will have the authority to address the infringer in particular, as the peculiar agent who is causing pain to you, and press the demand the he, specifically, remove his foot ("You owe accountability to *me*"). Complementarily, the infringer, *qua* duty-bearer, will be held accountable not just, let alone distinctively, for breaching the impersonal norm "do not cause gratuitous pain", but, rather, from depriving you of something that is owed to you, and that you can demand ("I owe accountability to *you*").

[21] Some agents, such as some disabled people, are only partly able to directly ask for accountability, and can only partly be held accountable. Other agents, such as some non-human animals, are below the accountability-threshold. And some agents such as the children fall between these two categories. This, however, does imply that they are excluded from the domain of the right-holders. The notion of direct accountability has purchase in these cases, too. In the former case, it requires that the social environment maximally enhance their deliberative capacities, so to approximate as closely as possible the accountability-threshold. If we consider the non-severely disabled, this might imply putting in place some fora where they can deliberate about their status and the (putative) factors that impinge on it, and granting them considerable decision-making power in the policies to which they are subject — notably in care homes (O'Shea 2018: 143–145). Differently, when it comes to those agents who are below the accountability-threshold, we will have to demand accountability, be held accountable, and display reactive attitudes *on their behalf* or *vicariously* (Darwall 2006: 29; Strawson 2008: 15). This possibility has been outlined by Paez (2021: 15) with regard to non-human animals. On how this could be done if we consider future generations and their interest in not to be particularly vulnerable to domination because of the degradation of the environment, see Krause 2020: 458–459. For the children, it will likely be needed a mix of deliberative enhancement and vicarious accountability. On how this might be done, see, for instance, Gheaus 2021.

publicans usually emphasise the relevance of the balance of power for non-domination (e.g., Bellamy 2007: 195–207). So, they proceed, a stable and lasting balance of power between M-members and S-members could perhaps make the latter free in the status sense, independently of their rights — which, as a result, would not be a necessary constituent of non-domination. Below, I argue that this is not the case. While doing that, I shall also introduce the final argument in support of the thesis that non-domination without rights is an impossibility: the robustness-argument.

C. Robustness

Take Better Society III. In it, SIII-individuals are not granted rights. Yet, MIII's power over SIII has been reduced to a minimum by a recently formed union of SIII-individuals that is effectively able to counteract MIII's power — through agreements, compromises, and sometimes force. In Better Society III, SIII-individuals are empowered and, again, the amount of domination suffered by them is significantly reduced. However, do SIII-individuals enjoy the status of undominated persons? No.

The reason is that the protection that SIII-individuals enjoy vis-à-vis their options does not provide the kind of invariance that the robustness of non-domination as a status notion requires. To recall it (Sec. I.A), such robustness requires that, regardless of what your actual preferences are and what you actually choose, and regardless of the disposition of others (whether they like you and/or your preferences or not), the relevant set of options be in any case accessible to you, and so in virtue of how the surrounding institutional context is structured. An illuminating way to put this is that, as List (2006) has argued, individuals' options are robust if they are open to them not just in the actual world but also in all the relevant social worlds accessible from the actual one (i.e., those in which I or you change preference) — call this the *double* invariance of freedom as non-domination (see also Pettit 2011: 709–711; 2012: 67–69; and List and Valentini 2016: 1048). It is precisely this counterfactual requirement that Better Society III is unable to meet. Indeed, SIII-individuals have access to their options only to

the extent that their preference to remain in the union remains constant and the option not to leave is not chosen. However, let it change (there certainly is a nearby possible world accessible from the actual one where this might occur), thereby making the union weaker, and all S-III-individuals will *ipso facto* leave at the mercy of M-III members, or depend on their preference whether to interfere with them or not. Hence, even if stable and effective, the balance of power of Better Society III only delivers a kind of contingent or *de facto* freedom (it just holds in the actual world), not a robust one.

That said, notice now that the invariance we are looking for is the invariance of rights. As said (Sec. I.B), rights are demands for the actual or secure enjoyment of their object or substance. And this means, as List has shown (2006: 211), that the notion of right captures what an agent can do invariantly across changes in both their will and the will of another about what they should do; or, equivalently, what an agent can do in all the nearby social worlds. This is because rights, when guaranteed as they should be, make the case that your options are reliably open to you in virtue of how the social world is configured rather than the disposition of some. To exemplify: if I have a right to free expression and this right is guaranteed, then the option to freely express my thoughts remains open to me even if I decide not to use it (because, for instance, I have come to believe that this option contradicts my religious beliefs) or if a majority of my fellow citizens start to think that my thoughts should better remain confined to my head rather than publicly expressed.

If this is true, then rights are necessary to constitute and deliver the invariance of non-domination. Thus, the status of the undominated person is to result from a bundle of options that, as a necessary condition, are granted and guaranteed in terms of rights. By implication, the status of undominated persons is necessarily the status of the right-holder.

Provide then SIII-individuals with rights and actually guarantee them, as rights require. SIII-individuals will now have their options open to them in all of the relevant social scenarios accessible from the actual one. The point of rights is indeed to constrain others' very capacity to interfere arbitrarily: let then some SIII-members leave the union, thus making it weaker, in any case, such individuals, *qua* right-holders, will still be entitled not to be subject to MIII's do-

minion. And this entitlement will be respected if rights are guaranteed by effective institutions (see Sec. III). SIII-individuals will therefore enjoy an undominated status, or they will be agents who are *sui juris*, namely, independent and secure of this independence (Pettit 2005: 105).

Given this, let me add, the fact that *sometimes* a good balance of power might be more stable than rights does not challenge the argument just advanced. For one thing, the stability achieved would still be contingent in a way in which the protection of rights is not — it would just hold in a particular world, as just shown. For another, rights security is a scalar notion, not an on-off matter, and perfect rights security is unattainable (cf. Shue 1980).

In sum, I have argued that rights are a necessary constituent of non-domination. This is because only rights can constitute, singularly and conjunctively, some features of non-domination: the authority that non-domination signifies and the attached capacity to command respect; non-arbitrariness as direct accountability; and robustness. With this in mind, it is now time to compare the constitutive view with an insightful analysis of the relation between rights and non-domination, which has been recently advanced. This will allow me to stress both the distinctiveness and the advantages of the constitutive view.

III. Necessary in the Right Way and Not Sufficient

Recently, Layman has argued that rights are necessary and sufficient for non-domination. Thus, non-domination is just liberty within rights. Below, I shall suggest that Layman's necessity-claim is not successful or, if successful, it is in any case weaker than the one defended here; and that his sufficiency-claim does not stand up to close scrutiny. I shall discuss these claims in turn.

Layman's necessity-claim is justified as a way to address a problem that the notion of domination allegedly has: that of over-inclusion. The idea is that human life is rife with relations of dependency where an unequal power that can be exercised arbitrarily obtains (think of relations of care). Yet, it is said, it is implausibile to look at them as by de fault dominatory (Friedman 2008: 252–257).[22] To avoid false positives, we thus need "some kind of normative bridge

[22] For a different formulation of this problem, see Simpson 2017. For a reply, see Lovett and Pettit 2018.

between a general domain within which arbitrary power matters […] and particular actions and choices within that must be free from arbitrary power. […] It must say something not just about what is important in human lives, but about the particular claims that people may issue to one another in virtue of what is thus important. […] This, though, is just to say that we need to know what rights a person has […]" (Layman 2021: 144–145).

As it can be seen, much of the force of Layman's necessity-claim derives from domination actually having a problem of over-inclusion. For were this problem not to arise in the first place, then rights would not be necessary in his sense. So, is so-called *cheap* domination (McCammon 2015) a problem for republicans? I shall not provide a conclusive answer to this question. As anticipated (Sec. I.A), however, let me suggest, following Lazar (2021), that some *precautionary* and *strategic* reasons speak against the idea of limiting the scope of domination so to include only important choices. If plausible, these reasons weaken Layman's necessity-claim.

First, we should stress that our intuitions and criteria for distinguishing what is important from what is trivial are fallible and not static, but develop over time. This means that what was considered unimportant yesterday might turn out to be relevant today or in the future. By excluding seemingly innocuous interactions as possible instances of domination today, we might then end up not scrutinising behaviours that — we come to appreciate over time — are wrong, after all. Think of, in this regard, the position of many republicans of the past on women's options: they were dominated options, we now know, yet those authors looked at them as mundane options, which were not worthy of a normative analysis (cf. Lazar 2021: 13). But if so, then a principle of *precaution* warns us against the proposal to narrow down the scope of domination.

Second, as I shall exemplify in a moment, the iterated arbitrary interference with certain trivial options might, cumulatively and over time, impact on individuals' undominated status. In this sense, a perspective focused exclusively on important options and on non-domination as a status might show an indirect concern for them. Yet, this indirect perspective might make it *harder* for us to spot these trivial cases, and might turn out to be *less* fine-grained when it comes to suggesting how to address them. It is therefore diagnostically and practically *strategic* to classify them as instances of domination from the start.

To illustrate, consider a psychiatric patient whose nurses have some discretionary power over ordinary options such as when they are allowed to use the phone, to have dinner, or to go to bed. These options do not seem not particularly important. Yet, as O'Shea (2018: 136–138) has stressed, the reiterated interference with them might ultimately compromise patients' equal status — it might induce in them sentiments and behaviours of servility, deference, and disempowerment. Significantly here, if non-domination is only about individuals' status and important options, it will be more difficult to identify these minor forms of arbitrary power (should the discretionary power over the time of phone calls count or not?), and overcome them — to do this, we will need a close examination of these relationships of power, while, arguably, an approach focused exclusively on status and important options, even if demanding as I shall stress later on, will only be able to provide more general recommendations (Lazar 2021: 7–9).

These reasons are, arguably, insufficient to show that the problem of cheap domination is actually not a problem for republicans, and that, therefore, Layman's necessity-claim is not entirely persuasive. Yet, even if we think that this claim does succeed, it is still the case that republicans should not be content with the kind of necessity that it defends. For if I am correct, rights are necessary for non-dominion at a more fundamental level: they make it possible to begin with rather than just helping circumscribe its scope. In other words, there are stronger justifications for understanding rights as necessary for non-domination, which do not appeal to any independent standard "external" to it (the aspects of well-being or the capabilities to which individuals have a right), but just make reference to some of its features. The latter is the tightest necessity-claim. That clarified, let me address Layman's sufficiency-claim.

Layman's sufficiency-claim runs as follows: "if R is a right, this just means that R calls […] for security within its scope […]. And security […] is counterfactually robust: To the extent that my rights are secure, it is the case both that (a) my rights will remain unviolated […] in many possible worlds […], and that (b) possible worlds that do include rights violations also include sanctions for the violators" (2021: 149). Hence, since the demand for counterfactual robustness via entrenchment that non-domination advances is already contained in the notion of rights' security, the former notion is *superfluous* in the face of the latter. I shall now suggest

that Layman's sufficiency-claim does not stand up to close scrutiny, for non-domination seems to deliver a surplus that the notion of right, *per se*, does not contain, nor can provide.

Consider, first, an implication of Layman's thesis. If *any* rights theory is just a theory of non-domination, then there cannot be something like a *distinctively* republican theory of rights. In other words, there is no criterion internal to non-domination that allows us to pick out certain rights as the "right rights", that is, the rights that are particularly important or even essential for non-domination, and are distinctive of this notion. Thus, much as on Lovett's view (2010), a society that enforces the rule of law and certain individual rights will *ipso facto* count as non-dominating, regardless of the substantive content of the rights enforced. And yet, we might want to avoid this result.

Think of, in this respect, a society that enforces the rights that are necessary for individuals' well-being, or that seek to secure the conditions for a minimally decent life. As it has been noticed, individuals might well have their well-being ensured or lead a decent life even if they do not enjoy equal political rights (cf. Buchanan 2010). Given the above, Layman cannot but consider the underlying approaches to rights as theories of non-domination — at best, he could criticise them for specifying a narrow range of non-domination. Nevertheless, an approach to rights that does not envisage equal political rights or that does not give them a particularly important role does not simply have a range-problem; rather, it seems a non-starter from a republican perspective, for it does not deliver non-domination to begin with.

Indeed, as many republicans have insisted (Richardson 2002; Bellamy 2007; Forst 2011; Pettit 2012), if individuals do not have an equal say in the coercive power imposed on them, then this power is an alien force to them. All the grounds rules that establish the contours of their individual as well as collective life are decided in a condition of deliberative isolation, or they are the product of another, external and possibly unilateral, will. Importantly, the very content of individual entitlements is defined without considering individuals' say on the matter, and their practical reason. As such, individuals' undominated status is not possible, and it can only resurface if individuals are granted the kind of control over the political power that only equal political rights make materialise. If so, then it seems that non-domination *does* add something to

the notion of right: it helps us identify, substantively, what rights matter for enjoying an undominated status.

The non-redundancy claim in further supported by a second remark. The idea, now, is that non-domination not only tells us what substantive rights should be acknowledged, but it also leads us to pick out one particular way in which rights should be secured, among the many plausible ways in which this can be done. Let me show this.

Layman (2021: 137–138) defends a sanctions-based account of the notion of secure rights enjoyment, according to which a right is secure if there are in place credible threats of sanctions for prospective violators, and these threats are sufficient to dissuade agents from violating rights. How should we judge this account?

To begin, notice that it unveils once again the "right-rights" problem: an effective system of, say, legal sanctions could in effect coexist with some disempowering informal social norms ("women are inferior") on which agents are dissuaded from acting; problematically, however, the persistence of these social norms signals that the society under consideration has not acknowledged women's right to have a say in the social meanings attached to them. For the sake of the argument, though, let us put this problem aside. Further, let us grant that effective sanctions are needed to deliver secure rights enjoyment and non-domination — at least, as I clarify below, an "objective" measure of them. Even so, the problem is that republicans should *substantiate* the notion of secure rights enjoyment in a richer way.

First, if we just focus on sanctions, we run the risk of losing sight of, again, the distinctiveness of republican freedom. After all, the point of sanctions is to render the arbitrary interferences of agents *unlikely* (cf. Gädeke 2020: 216). Yet, the emphasis on the unlikeliness of interferences is characteristic of liberal, not republican, freedom. Second, this narrow focus might also give the misleading impression that domination is an evil brought about by single wrongdoers. Yet, as republicans have, in different ways, stressed, domination is a feature that pervades the entire society. More precisely, domination is a power that is *enabled* by the ways in which the society is organised, culturally, economically and legally, and it is reproduced by a variety of agents who, whether internationally or not, contribute to upholding it (Pettit 2012: 63; see also

Lovett 2010: 43–49). Think of our contemporary democracies: man can dominate women in virtue of a set of norms, beliefs and practices that systematically empower them and disempower women, and that are sustained in the entire society, as well as, possibly, mirrored in the laws, too (patriarchy). And that is why an approach that, like republicanism, seeks to constrain the very possibility to arbitrarily interfere with others, "is designed in great part to target such structural domination" (Pettit 2012: 63), rather than just sanctioning those who end up acting on their basis (Gädeke 2020: 218).

If so, an immediate implication is that also when it comes to delivering security in matter of rights enjoyment we will have to address, in the first place, the structural factors that make possible and sustain agents' capacity to undermine individuals' enjoyment of the object rights. And this seems plausible: after all, if we consider a society such as, say, the contemporary US, we might want to bring to the fore the fact that what ultimately allows many to frustrate Black people's access to the object of rights is the entrenched racism of the American society — as well as, of course, the US government's failure to remove it.

More generally, then, from a *distinctively* republican perspective, secure rights enjoyment will demand that we dismantle (through the modification of legal norms, social standards and habits, to mention but a few possible solutions) the structures that keep reproducing the background conditions for domination and that uphold agents' capacity to undermine individuals' access to the object of rights. That will be the *primary* aim rather than just sanctioning people — important as this task may be for the cause of non-domination. And this, in turn, will lead us to conceive of republican rights as moral and yet institutional claims from the start, for only encompassing and strong (non-dominating) institutions will be capable of transforming the society in such a significant measure (cf. Pogge 2008).[23]

It might be objected that this reasoning succeeds only insofar as we accept a narrow

[23] This does not imply that one's enjoyment of the object of rights will *never* be undermined. But that is not particularly problematic. Even on a republican view, institutions can only deliver *reasonably* secure enjoyment of rights. We can in any case expect that others' interference with individuals' enjoyment of rights will not be frequent in a society where the social roots of domination are adequately addressed and sanctions work well.

notion of sanction. After all, as Pettit (2014) has argued, robust sanctions do not merely aim at reducing the probability of interferences by attaching high costs to them. Rather, they also require disapproval and reprobation of the community.[24] I agree that robust sanctions should work in this way. However, my point is that, when we recommend this, we are already employing the notion of non-domination, and so acknowledging that, to deliver this freedom, we need not only deterrence but also broader structural changes — the required disesteem on the part of the community would otherwise be hardly possible. The notion of sanction I target is then narrow only in the sense that it is not already informed by the structural concerns that non-domination adds to it. Pettit makes this clear: "Admission-cost regulation does replace the option of interference that would-be offenders may access by an option of interference-with-a-threat-of-penalty and it may thereby make interference into an option that is ineligible in the view of most. It may provide in that sense for a measure of objective security" (2014: 141). "But the status of the free person […] has an intersubjective as well as an objective side. Not only does it require you to be securely safeguarded against others; it also requires this safeguarding to be registered as a matter of common awareness" (2014: 138). And for this to be the case, we will need not only "an effectively supportive law", or, more generally, an effective system of sanctions, but also the "corresponding norms or morals" (2014: 139), which in turn cannot but be the product of the structural interventions outlined above.[25]

To summarise: the notion of secure rights enjoyment simply requires that the options covered by rights be enjoyed here and in all the relevant social scenarios accessible from where we are now. Beyond this, to specify what a secure rights enjoyment concretely amounts to, we need some *substantive* principles or features that the notion of right, *per se*, does not contain nor can provide. And, naturally, these principles or features will stem from one's theoretical frame-

[24] I thank an anonymous reviewer for drawing my attention to this question.

[25] This structural perspective, then, warns us that the notion of secure rights enjoyment should possess, at least from a republican perspective, not only an objective or outcome-oriented side (you actually enjoy the object of your rights), but also a relational side — i.e., one should securely enjoy rights in virtue of wider symmetrical relations in which they stand.

work (e.g., liberal or republican) and allow for reasonable disagreements — within the framework and among different frameworks. Crucially, non-domination adds a substantive feature of this sort to the notion of secure rights enjoyment, and in particular a feature that is primarily structural rather than just sanctions-based, and is therefore not redundant vis-à-vis it.

IV. Rights in Conflict

Before concluding, it is worth addressing an objection. One might wonder whether the protection of rights, albeit necessary for non-domination, conflicts with other republican aims. For instance, a robust rights protection might collide with individuals' capacity to control the power imposed on them — e.g., entrenched property rights might lead to the unfulfillment of the basic needs of a few, who would thus be unable to exercise their political agency. Conversely, were we to give particular prominence to the democratic control of individuals, then unwise collective decisions might unduly restrict or violate the rights of some, thereby dominating them.

Alternatively, robustly protected rights might jeopardise any substantial attempt to dismantle the social norms and practices that make possible domination — e.g., a robust right to free expression might represent an obstacle to the realisation of a society free from patriarchy; yet, this right is crucial for protecting individuals from the arbitrary interference of the state. In short, then, do rights-protection on the one side, and democracy or the attainment of certain relevant social goals on the other, pull into different directions? If so, what should we do when conflicts of this sort surface?[26]

So stated, the question seems to concern the potential conflict among rights and the trade-offs that might arise. As such, there hardly is a definite answer to it. First, to fully address it, one should know the precise content of the rights at play. For if, say, the right to free expression did not include hate speech, then its protection would likely not pose a serious risk to the attempt to establish a non-patriarchal society. Likewise, it might also be needed an analysis of the specific circumstances at stake — are the resources scarce, or do they abound?; do the con-

[26] I thank an anonymous reviewer for raising this question.

flicts take place in normal or troubled times? Additionally, it is part of the respect due to republican free persons as authorities who are the ultimate judge of their life to have the last word on how to best solve these conflicts — within certain limits, however.

The thought is that, regardless of how individuals concretely solve them, the solutions should be such that they do not jeopardise the most basic entitlements that individuals possess. I have in mind the already recalled entitlement to a minimum of control over the power to which individuals are subject, or to a democratic minimum, but also the entitlements to basic freedoms and to subsistence (Shue 1980). The justification is that on the republican view freedom is coterminous with citizenship (Pettit 1997: 108), and it is not possible to minimally function as a citizen if these basic entitlements are unfulfilled (Laborde 2010). Thus, if strong property rights truly impinge on the capacity of some to have their basic needs met, then these rights should be curtailed.

Notice, however, that the conflicts that the question highlights are perhaps not that acute. Actually, rights-protection and democracy or the attainment of certain relevant social goals might support one another. Consider the case of democracy. Following McCormick (2011), it might well be that rights, notably to material resources, go unprotected precisely because political equality is not realised well for all. For if the many and the poor do not have their voices properly heard by their governors and fellows, their interests and rights will likely be neglected. On this view, then, the only way to deliver a robust rights-protection is by *strengthening* rather than curbing democracy and individuals' equal participatory rights.

Interestingly, that democratic control and a robust rights protection are mutually supportive is also confirmed if we look at a constitutional model of democracy, rather than the populist one supported by McCormick. Following Pettit (1999), the point of constitutionally entrenched rights is, in fact, not to neutralise the *authorial* dimension of democracy, that is, the control of the political power that individuals exercise *qua* parts of a collective. Rather, their main rationale is to provide individuals with a further form of control of state power, which is

complementary to the former, but is more individualised, and *contestatory* in character[27] — "you cannot this to me; this decision should be rediscussed and possibly modified".[28]

Consider, then, the alleged contrast between the guarantee of some rights and the dismantlement of the social norms and practices underlying domination in the status affecting sense. This contrast would be concerning only if rights were *absolute* — i.e., they can never be overridden. But that is not the case. On the constitutive view, rights are best understood as *trumps*: given their robustness, they should be resistant to appeals to the general welfare or any other all-things-considered justification as reasons for violating the corresponding duties; yet, as mentioned, they can be trumped by a "higher trump" (Dworkin 2011: 330, 473).[29]

To illustrate, take the right to free speech, and suppose that it also protects hate speech: if the competing interests are particularly grave and urgent (violence on, say, a religious minority is widespread and systematic), the unfulfillment of some of the corresponding duties will be justified, and none will be dominated (certain forms of speech might justifiably be discouraged, limited, and sanctioned). In normal circumstances, though, this will not be necessary. After all, to prevent the domination that this right might enable, it is perhaps more effective to invest more money in the right to education, or in the way public media convey information, rather than curtailing it — possibly provoking defensive reactions and polarisation.

To be clear, this is not to deny that the protection of rights will sometimes come into conflict with other republican aims. It is to stress that these aims often support and require the protection of rights, and that when genuine conflicts arise, they are not as acute as one might have thought, and diverse equally reasonable solutions are available.

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[27] Admittedly, Pettit himself (2004) has sometimes misleadingly suggested that constitutional rights are a bulwark *against* democracy.

[28] For a full defence of this claim, see Lafont 2016.

[29] *Contra* the idea of republican rights as trumps, see Bellamy 2007: 30–38.

V. Conclusion

In this paper, I have investigated the relation between non-domination and claim-rights. I have argued rights are a necessary constituent of non-domination, the latter understood as a status-notion. I have then suggested that rights, while necessary for non-domination, are not also sufficient. Finally, I have illustrated how the protection of rights often supports, rather than contradicts, other republican aims. These reflections, I hope, will elicit further and better informed discussions on non-domination and rights.

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