

Taming the Machine:
Neo-Republicanism and the Modern Bureaucratic Administrative State

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Abstract

My thesis, titled “Taming the Machine: Neo-Republicanism and the Modern Bureaucratic Administrative State,” concerns the tension within the neo-republican political theory between the need to turn to a modern bureaucratic administrative state to institute non-domination and the fear that bureaucracy may itself represent a type of structural, impersonal, or agent-less domination. On the one hand, neo-republican political philosophers such as Philip Pettit and Frank Lovett conceive of domination as a structural relation *between agents*, namely, a relation in which one agent has the power to interfere arbitrarily with another agent. They therefore reject the notion of “structural domination” by impersonal forces. On the other hand, classical social theorists, such as Max Weber and Karl Marx, as well as republican theorists such as Hannah Arendt have often viewed subjection to impersonal bureaucratic rules as one of the distinctive modes of domination in modern society.

In the first chapter, I defend a systemic view of domination and apply it to the analysis of bureaucratic power. The systemic account of bureaucratic domination sticks with the agential principle while highlighting its impersonal and structural perspective. This explanation challenges neo-republicans’ exclusive focus on interactional domination and showcases why neo-republicans should be concerned with bureaucratic domination.

In the second chapter, I criticize the neo-republican view of democratic control over bureaucratic agencies through three separate arguments—the discretion argument, the insulated-body argument, and the usurpation argument. I argue that the current neo-republican approach, which centers upon legislation, fails to effectively constrain and guide the exercise of administrative power. Additionally, the notion of bureaucratic agents as insulated bodies

undermines the principle of non-domination. Finally, this approach systematically marginalizes meaningful civic engagement, which diminishes republican freedom in an alternative sense.

In the final chapter, I address the virtues required of bureaucratic officials to ensure compatibility with non-domination. Drawing on empirical evidence, I argue that neo-republican views on bureaucratic virtue are too narrow and fail to consider the complex demands on frontline agents. I propose a broader understanding of bureaucratic virtue that can foster non-domination in bureaucratic systems.

Résumé

Mon thèse, intitulé « Apprivoiser la machine: Le Néo-républicanisme et l'État administratif bureaucratique moderne », porte sur la tension au sein de la théorie politique néo-républicaine entre la nécessité de recourir à un État administratif bureaucratique moderne pour instituer la non-domination et la crainte que la bureaucratie ne représente elle-même une forme de domination structurelle, impersonnelle ou sans agent. D'une part, des philosophes politiques néo-républicains tels que Philip Pettit et Frank Lovett conçoivent la domination comme une relation structurelle entre agents, c'est-à-dire une relation dans laquelle un agent a le pouvoir d'interférer arbitrairement avec un autre agent. Ils rejettent donc la notion de « domination structurelle » par des forces impersonnelles. D'autre part, des théoriciens sociaux classiques, tels que Max Weber et Karl Marx, ainsi que des théoriciens républicains comme Hannah Arendt, ont souvent considéré la soumission à des règles bureaucratiques impersonnelles comme l'une des formes distinctives de domination dans la société moderne.

Dans le premier chapitre, je défends une vision systémique de la domination et l'applique à l'analyse du pouvoir bureaucratique. Le compte systémique de la domination bureaucratique conserve le principe agentiel tout en soulignant sa perspective impersonnelle et structurelle. Cette explication remet en question l'accent exclusif des néo-républicains sur la domination interactionnelle et démontre pourquoi les néo-républicains devraient s'inquiéter de la domination bureaucratique.

Dans le deuxième chapitre, je critique la conception néo-républicaine du contrôle démocratique sur les agences bureaucratiques à travers trois arguments distincts: l'argument de la discrétion, l'argument du corps isolé et l'argument de l'usurpation. Je soutiens que l'approche néo-républicaine actuelle, centrée sur la législation, échoue à contraindre et à orienter efficacement l'exercice du pouvoir administratif. De plus, la notion d'agents bureaucratiques en

tant que corps isolés sape le principe de non-domination. Enfin, cette approche marginalise systématiquement l'engagement civique significatif, ce qui réduit la liberté républicaine dans un autre sens.

Dans le dernier chapitre, j'aborde les vertus requises des fonctionnaires bureaucratiques pour assurer leur compatibilité avec la non-domination. En m'appuyant sur des preuves empiriques, je soutiens que les conceptions néo-républicaines des vertus bureaucratiques sont trop étroites et ne prennent pas en compte les exigences complexes auxquelles font face les agents de première ligne. Je propose une compréhension plus large de la vertu bureaucratique qui peut favoriser la non-domination dans les systèmes bureaucratiques.

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Introduction

“We are much less Greek than we believe. We are neither in the amphitheater, nor on the stage, but in the panoptic machine, invested by its effects of power, which we bring to ourselves since we are part of its mechanism.” — Michel Foucault¹

A distinctive characteristic of the modern state is the presence of a large-scale bureaucratic apparatus. Modern bureaucracy serves as an important institution for the state to successfully govern over an increasingly complex society with a mass population over a large territory. In light of the ever-growing role of modern bureaucracy plays in politics, many thinkers in the 19th and 20th century, such as Tocqueville (2010, 598), Hegel (1991, para. 287-297), Weber (1978, 217-226, 956; 1994, 145-190), Arendt (1969, 38), and Habermas (1987, 304-311), are concerned with the normative implication of this new phenomenon. From their perspective, the tide of modern revolutions, which declares the triumph of universal human rights and equal citizenship, does not emancipate the people entirely. Modern bureaucracy appears to become the source of a new kind of danger that threatens individual freedom and democratic self-government. Hannah Arendt (1969, 38), for example, suggests that “[t]oday we ought to add the latest and perhaps most formidable form of such domination: bureaucracy or the rule of an intricate system of bureaus in which no men, neither one nor the best, neither the few nor the many, can be held responsible, and which could be properly called rule by Nobody.” On Arendt’s view, modern individuals are dominated by the bureaucracy which appears as an impersonal, or agentless tyrant. In a similar vein, Habermas (1981, 307) describes modern bureaucracy as a rationally operating automata which effectively subsumes modern individuals under its objective force.

¹ Michel Foucault (2012, 217).

This study draws inspiration from these insights regarding individuals' experiences within the modern bureaucratic state. Although these theorists share a common intuition, there is a lack of clarity and consensus with respect to the precise meaning of their observations. In particular, the literature remains contentious on several aspects, including the nature of freedom and democratic government when threatened by modern bureaucracy; the validity of attributing domination to modern bureaucracy rather than individual agents; and the exact meaning of the concepts such as "the rule of nobody" or "tyranny without a tyrant." Moreover, the structure of modern bureaucracy has undergone rapid evolution in the last few decades and exhibits notable variation across different contexts. Scholars have raised concerns about the relevance of the classical Weberian model of bureaucracy that these theorists based their worries upon. For example, alongside with the Weberian model, we may identify other ones such as the liberal model, and the populist model of bureaucracy. Each is characterized by different levels of adherence to administrative procedures and degrees of politicization. These alternative models have their own mechanisms of accountability (Olson 2008; Bevir 2010; Rosanvallon 2011, 2018; Dahlström and Lapuente 2017; 2022, 56; Bersch and Fukuyama 2023; on non-Western bureaucratic models for example, see Zhou 2010, 2012, 2022 and McDonnell 2017, 2020). At the same time, the Weberian model oversimplifies the complexity within modern bureaucracy (Wilson 2000).

To narrow down the scope, I focus on neo-republicanism as a specific theory of freedom. Neo-republicanism, an influential contemporary political theory, defines freedom as non-domination, therefore providing a valuable platform for analyzing the abovementioned intuition concerning bureaucratic domination in two important ways. First, neo-republican theorists, exemplified by Philip Pettit and Frank Lovett, provide a sophisticated set of conceptual tools to capture the phenomenon of domination. They articulate the essential characteristics of domination — which differentiate it from other types of unfreedom — and the roles of agents and structures in domination. These tools enable us to analyze modern bureaucracies more clearly and analytically. Second, a central mission for neo-republican theorists is to illustrate the

possibility of institutionalizing non-domination in contemporary societies. As detailed in subsequent chapters, modern bureaucracy serves as a crucial institutional basis for such a project. Effective democratic control over bureaucratic agents is a critical step in the realization of non-domination. Therefore, examining bureaucratic domination from the perspective of non-domination allows us not only to understand the notion of the impersonal domination by modern bureaucracy but also to scrutinize the very project of neo-republicanism. If modern bureaucracy is a fundamental institutional basis for realizing non-domination but simultaneously is itself the potential source of a new kind of domination, the project of neo-republicanism may suffer from an intrinsic flaw.

Despite the abovementioned notes on the evolution of bureaucratic structure in the past decades, my discussion of modern bureaucracy still begins with the classical Weberian formulation in this thesis. Following Dahlström and Lapuente's (2022, 44) description, a Weberian modern bureaucratic organization in its ideal form has a jurisdiction defined in law or by administrative regulations. It has a hierarchical structure and is managed through written and traceable directives. Its operation is mediated by specialized, full-time administrative officials adhering to general, known, and stable rules. In modern bureaucratic organizations, the authority of bureaucrats derives from the organization's features, rather than from the current ruler, which is often found in patrimonial organizations. In addition, modern bureaucracy shapes demands and expectations about its officials' selection, training, remunerations, and careers. Such a form of organization is primarily an achievement of modernity and has gained widespread acceptance within both public institutions (such as modern states) and the private sector (such as firms). An important reason for starting with this perspective is that this is the model Arendt and other theorists envision when they evoke the machine metaphor to depict modern bureaucracy. Moreover, while there are a multitude of bureaucratic models, certain fundamental features of Weber's model — such as his emphasis on adherence to legal mandates and the professionalization of staff — are shared by other models and are favored by neo-republicans when conceptualizing the state. Therefore, it is appropriate to build upon Weber's model for

subsequent discussions. However, I aim to broaden the discussion in the next stage by examining alternative bureaucratic models and their normative implications for neo-republicans.

As such, I frame my thesis as a critique of neo-republicanism. It seeks to discuss the following key questions: Can freedom as non-domination be realized within the context of the modern bureaucratic state? Is it reasonable to speak of bureaucratic domination as a form of impersonal, agentless domination? Can the neo-republican view of the state provide an effective mechanism to control bureaucratic agents, thereby safeguarding democratic governance and citizens' freedom?

Here, a brief sketch of neo-republicanism will prepare us for the following discussion.² Republicanism refers to a loose tradition or family of thinkers in the history of western political thought. The writers in this tradition — such as Machiavelli, Harrington, Milton, and Americans of the founding era — share many common concerns: for instance, the importance of civic virtue and political participation, the dangers of corruption, and the endorsement of the rule of law. In building their arguments, these writers tend to draw upon examples from the Latin historians and philosophers such as Cicero. This thesis does not seek to grapple with the intellectual tradition of republicanism as a whole. I will focus on neo-republicanism as a specific reading of the classical republican tradition in contemporary political theory. The historian Quentin Skinner and philosopher Philip Pettit together initiated a research program which derives insights from this tradition and transforms it into an attractive contemporary political doctrine. Because an essential resource that Skinner and Pettit draw upon is the writings of Roman thinkers, their reading of republicanism is also called “neo-Roman republicanism” or “neo-republicanism.” For neo-republicans and their followers, the overarching ideal of this intellectual tradition is political freedom, understood more specifically as non-domination or independence from arbitrary power.

The research program of neo-republicanism consists primarily of two interrelated parts. The first part is concerned with the development of conceptual tools to define freedom as non-domination. Neo-republicans have dedicated considerable effort into articulating the

² I draw extensively upon Frank Lovett's entry on republicanism (2022b) in Stanford Encyclopedia of Philosophy.

foundational ideas of non-domination, including the definition of arbitrary power, the respective roles agents and social structures play in the analysis of domination, and possible measures to reduce domination. Proponents of neo-republicanism also demonstrate how this new perspective of freedom enables a deeper understanding of instances of unfreedom that have previously been overlooked. Simply put, domination is understood as a relationship between agents. An agent dominates another agent when he possesses the arbitrary or uncontrolled power to interfere with the choice of the latter. Thus, an agent is not dominated and free when he is not subjected to the arbitrary power of another agent. Social structures serve as an important basis for dominating power which facilitates domination but are not dominators as such. Domination is mitigated when such power is under effective control. External mechanisms, such as impartial laws, rules, or procedures that are commonly known by all relevant parties, are considered more effective constraints on power than internal ones.

The second part is concerned with the institutionalization of non-domination in contemporary conditions. Republicanism is inspired by the experience of the Greek and Roman *poleis*. However, it is neither feasible nor desirable to recreate such an experience in economically complex mass democracies characterized by reasonable pluralism. Therefore, an important task for neo-republican theorists is to conceptualize an institutional framework to promote non-domination in a new historical context. So far, republican theorists have offered valuable insights into the establishment of republican institutions across various domains, including the political, cultural, and social spheres at both domestic and international levels (see, for example, Laborde and Maynor 2008; Nierderberger and Schink 2013; Elazar and Rousselière 2019). Among these institutional frameworks, the blueprint of a republican state occupies the central place. The republican state is considered a fundamental component of the realization of republican ideals in modern world. From the perspective of Pettit, residing in a state is not merely a preference for people. Not only because people are unlikely to escape the worldwide state system in the foreseeable future (Pettit 2023, 1-2), but also because doing so is necessary

for safeguarding non-domination.³ Thus, since the realization of republican ideals is only possible within the framework of the state, the institutional design of a republican state becomes a crucial part in the writings of neo-republican theorists.

For neo-republicans, the state secures citizens' freedom as non-domination by using its coercive power to deter both foreign invaders and domestic offenders. However, the state can become a dominator itself if left uncontrolled. Therefore, it is mandatory to establish mechanisms for effective democratic control over state power. Neo-republican theorists in general emphasize the importance of the rule of law in this effort. As noted by Skinner (1997, 9-11), Renaissance Italian republican intellectuals were among the first to assert the idea of a distinct form of civil or political authority. Such an authority is independent from the will of a master and acts as the only source of coercive power within its own *civitas*. It will remain a free state when it imposes strict conditions on its rulers and magistrates. These rulers and magistrates must always remain answerable to the laws and institutions of the city which elects them, and act to promote the common good. In other words, the rule of law ensures that no one is the master of anyone else, and that public power is exercised to promote the common good of the city rather than the personal interest or aspiration of a particular person.

On Pettit's view, the mechanism of democratic control, which revolves around the rule of law, secures non-domination through two major ways. First, the state establishes a well-designed legislative procedure where citizens collectively craft laws that address the common good. This process operates across an array of deliberative forums rather than in a particular assembly. It thus fosters broader participation and avoids the pitfalls commonly found in majoritarian democracies. Over time, citizens will reach a shared understanding about the ideals that are relevant to all and transcend individual preferences throughout continuous argumentations in these forums. By doing so, laws formulated throughout this legislative procedure are expected to reflect the common good of the people. Second, the state implements a constellation of contestatory mechanisms. These mechanisms include channels that allow citizens to resist

³ For a critique of Pettit's preoccupation of the state, see Levy 2016.

abusive laws and policies that deviate from the common good and thus to exert ex-post control over the state following the conclusion of legislative actions. Additionally, they encompass checks-and-balances among state agents which prevent the concentration of power within a single body. Consequently, the crux of the institutional framework in the republican state lies in the design of the legislative processes. When structured properly, the legislature is capable of consistently formulating laws, procedures, objectives, which serve as yardsticks for the exercise of state power. Within this framework, the bureaucratic apparatus assumes a modest and secondary role as part of the executive branch. Its sole function is the mechanical implementation and strict adherence to the crafted laws, procedures, and objectives established through the proper democratic legislative process. By doing so, it ensures that state power is exercised in a non-dominating manner.

According to the abovementioned principles, neo-republicans may respond to the worry concerning bureaucratic domination in the following ways. First, according to the agent-centric principle, the subject can only be dominated by particular agents. Within this framework, individuals may be dominated by particular bureaucratic agents who are empowered by their positions in bureaucratic agencies. The notion that individuals are dominated by modern bureaucracy in an agentless or impersonal manner is based on a mistaken understanding of domination. The experience of encountering an impersonal force when confronting modern bureaucracy is better understood as a covert form of domination, where individuals struggle to fully grasp the operation of particular bureaucrats' dominating power. Second, neo-republicans may argue that the challenges in controlling modern bureaucracy are overstated. Bureaucratic agents are under effective democratic control and are non-dominating when (1) they act according to democratically formulated laws, procedures, and objectives; (2) contestatory mechanisms are implemented at different levels of the state for citizens and other stage agents to scrutinize and challenge bureaucratic power. In fact, modern bureaucracy may appear as an appealing organizational structure for the executive branch within the republican state. Its rational structure diminishes the arbitrariness of state power by enhancing its predictability and

reducing the influence of the personal judgments of individual bureaucrats. Moreover, the expertise of the agents allows the bureaucratic apparatus to efficiently implement the laws, policies, and objectives, which further enhance democratic control over the state.

Outline of the Argument and Thesis Roadmap

As a rejoinder to neo-republicans' remarks, throughout the chapters, I attempt to develop an account of bureaucratic domination within the neo-republican framework which addresses its structural or impersonal characteristics. Furthermore, I will explore the roles that modern bureaucracy plays in the republican state and ask whether it can be effectively controlled by the mechanisms neo-republicans conceptualize and thereby rendered non-dominating.

In the first chapter, I defend a notion of systemic domination and use it to analyze bureaucratic power. This defense maintains its commitment to conceiving domination as a relationship between agents, while at the same time attempting to address the structural and impersonal characteristic of bureaucratic domination that Arendt and other theorists are concerned with. To build my argument, I first distinguish between two kinds of domination. Domination at the interactional level arises when an agent, or multiple agents collectively, as the interferer possesses uncontrolled capacity to directly interfere with the choice of their subject. In contrast, domination at the systemic level occurs when an agent, or multiple agents collectively, as the interferer possesses uncontrolled power-over-structure to interfere with the choice of their subject. Power-over-structure refers to the capacity of an agent, or multiple agents collectively, to control components of a social structure such as laws, rules, and norms. Neo-republicans focus exclusively on domination at the interactional level. However, I contend that the unfreedom resulted by uncontrolled power-over-structure should also be characterized as a type of domination in the neo-republican sense as such. Therefore, even if an agent is not dominated at the interactional level, he can still be dominated at the systemic level insofar as he cannot resist or modify the structural components arbitrarily controlled by other agents. Next, building upon the notion of power-with and a case study of the *hukou* reform in China, I argue that subjects can

be dominated systemically by multiple agents collectively without necessarily forming a single group agent.

I then apply this distinction to the analysis of bureaucratic power and develop a systemic view of bureaucratic domination. Bureaucratic domination arises when an agent or multiple agents collectively have the uncontrolled power-over-structure to interfere with the choice of subjects mediated through the operation of a modern bureaucracy. Specifically, the dominating agent's uncontrolled power-over-structure is manifested in their capacity to control a set of components in a social structure—such as laws, rules, procedures, or objectives—impartially implemented by bureaucratic agents that the subject cannot effectively counter. In bureaucratic domination, the subject is not dominated by the interactional power of the particular bureaucrat he encounters, because the subject can control such a power by appealing to these components. However, he is still dominated at the systemic level by agents peripheral to this dyadic relation and having the uncontrolled power to impose these laws, rules, procedures, and so on, over him.

This systemic explanation of bureaucratic domination challenges neo-republicans' advocacy for impartial external mechanisms to reduce domination. It also explains Arendt's view of bureaucratic domination as agentless domination, or domination by structures, within the neo-republican framework. I argue that the experience of being subjected to an impersonal force in bureaucratic domination is primarily rooted in the fact that the dominating power in this case operates at the systemic level. When the subject focuses solely on the interactional power of individual bureaucrats, he may perceive himself as subordinated to abstract rules or an impersonal automaton, rather than to specific agents. This perception is further intensified when the systemic arbitrary power is exercised collectively by multiple agents without forming a single, identifiable group agent.

In chapter two, I showcase the inadequacies of the neo-republican view of democratic control over bureaucratic agencies. The pursuit of non-domination in contemporary conditions requires the republican state to provide the resources essential for socio-economic independence and social justice. The responsibilities that the republican state shoulders in turn necessitates a

large-scale bureaucratic apparatus which, if not properly organized, itself risks becoming a source of dominating. Nonetheless, I argue that the current model of democratic control, which centers upon legislation and is supposed to render the exercise of political power consistent with non-domination, fails to apply sufficiently to the bureaucracy, thus leaving it a potential source of domination. My critique consists of three arguments: the discretion argument, the insulated body argument, and the usurpation argument.

The discretion argument delves into concerns regarding the exercise of administrative discretion in the neo-republican framework. Administrative discretion is both inevitable and necessary for the proper functioning of bureaucratic agents, especially those at the frontline. Nevertheless, such discretion by the neo-republican definition cannot be bound by written laws, which conceptually renders it a dominating power. More importantly, when exercised in a proper manner, it can be conducive to the pursuit of many goals crucial for non-domination. However, Pettit's mechanism falls short in both sufficiently controlling and providing proper guidance for the exercise of administrative discretion. The insulated body argument grapples with the inherent tension between bureaucratic agencies conceived as insulated bodies and the legislature within Pettit's institutional framework. In his model, legislation serves as the primary avenue for democratic control over the state, wherein the people collectively deliberate on the common interests. Bureaucratic agencies are then expected to meticulously implement the mandates from these legislative decisions. However, Pettit also suggests that certain bureaucratic agencies can be conceptualized as impartial bodies insulated from the legislature to deliberate on critical public issues independently. I argue that this position is problematic for two reasons. First, using central banks as an example, I contend that the notion of insulated bodies relies on several problematic assumptions. Second, the concept of insulated bodies introduces a contradiction between the legislature and these bureaucratic agencies, posing a potential challenge to Pettit's legislation-centric vision of democratic control. The usurpation argument highlights the marginalization of civic engagement within Pettit's framework of the republican state. The bureaucratic apparatus in Pettit's model assumes a pervasive role in various important domains

of social life. Consequently, its extensive influence in public affairs leads to the systematic marginalization and trivialization of political participation of ordinary citizens. By drawing upon an alternative interpretation of republican freedom as non-usurpation, I argue that citizens are deprived of their freedom to meaningfully involve in public affairs and fall into a state of slavery in a different sense, even if the actions of bureaucratic officials align with the laws and meet the criteria for non-domination.

Using plebian republicanism for example, I argue that the existing criticism does not yet offer a satisfying remedy to Pettit's legislation-centric approach to democratic control. I propose an alternative model which accommodates the appropriate use of administrative discretion while enhancing democratic control and civic participation. This new model perceives both the law-making and law-implementation stage as integral parts of a larger deliberative process. By recognizing the law-implementation stage as a part of deliberative process, we can interpret administrative discretion not as inherently dominating but a potentially constructive element. When exercised appropriately, it contributes to the development of laws. Moreover, it also enhances democratic control and fosters civic engagement. The interaction between ordinary citizens and bureaucrats is perceived as a new form of civic engagement in this new model, which feeds into the deliberative process and thereby contributes towards the people's control of the state.

In the third and final substantive chapter, I argue that contemporary neo-republicans have a problematic view of the virtues that bureaucratic officials need in order to ensure the bureaucracy's compatibility with republican non-domination and freedom. On the neo-republican view, civic virtue is categorized as one of the internal mechanisms which are deemed less robust compared to external mechanisms in protecting non-domination. Virtuous bureaucrats in the neo-republican sense are the ones who are disposed to strictly adhere to democratically crafted laws, procedures, and objectives. Drawing upon empirical evidence, I argue that the neo-republican view of bureaucratic virtue rests upon an over-simplified understanding of the work environment of bureaucratic agents, especially those at the frontline. Bureaucratic virtue, alongside with other

internal constraints, is critical for bureaucratic agents to exercise administrative power responsibly in the absence of well-defined tasks, sufficient resources, and close external supervision. More importantly, it overlooks the plurality of the normative demands to which they are expected to respond beyond strict adherence to assigned mandates. These normative demands, including efficiency, respectful treatment of clients, and responsiveness to their particular needs, and so on, are crucial not only to the well-functioning of the agencies but also to the institutionalization of non-domination. Many of the goals essential to the promotion of non-domination, such as the cultivation of a vibrant public space, are only possible when frontline agents address these overlooked normative demands sufficiently.

Therefore, I propose an ideal bureaucratic virtue for neo-republicans which enables bureaucrats to navigate their tasks and to respond to a sufficient wide range of normative demands in a strenuous work environment. Such an ideal bureaucratic virtue can be cultivated within a healthy moral eco-system through various strategies at both the peer and managerial levels of the bureaucratic system. Neo-republicans may worry that this broader understanding of bureaucratic virtue undermines the role of legal institutions in controlling administrative power and fosters citizens' dependence on the subjective disposition of bureaucrats to receive public services. In response, I defend this version of bureaucratic virtue for its consistency with non-domination by appealing to the inter-subjective rather than purely subjective nature of bureaucratic norms and the virtues to which they respond.

Contributions

In summary, my thesis makes the following contributions to the existing scholarship. First, it employs a refined analytic framework based on neo-republicanism to formulate and explain the concern regarding the impersonal characteristics of modern bureaucracy.

Second, it contributes to the literature of neo-republicanism in three ways. It challenges and expands the current neo-republican conception of domination by defending a systemic view of domination. Next, it provides a sympathetic critique of the project to realize non-domination in contemporary conditions. It shows the multiple roles that the bureaucratic apparatus serves in

the republican state which are previously overlooked. Then, it reveals how the bureaucracy cannot be sufficiently controlled by the legislation-centric model of democratic control neo-republicans envision, which renders it a potential source of domination. To address the drawbacks in the current model, it proposes an alternative model which seeks to accommodate administrative discretion and simultaneously enhances democratic control and civic engagement. Finally, it criticizes the neo-republican view of bureaucratic virtue by showing how its narrow focus on law-adherence renders it incompatible with non-domination. Instead, I advocate for a broader understanding of bureaucratic virtue that enables officials to effectively navigate their tasks and to sufficiently respond to a wide range of normative demands. This approach underscores the equal importance of both external mechanisms and internal mechanisms in securing non-domination.

Notes on Methodology

This thesis employs two primary methods. I use conceptual analysis and logical argumentation in my examination of the neo-republican analytic framework. I also engage with social science and draw upon empirical cases to show how modern bureaucratic organizations function in practice. The engagement with abstract philosophical principles is a necessary step to generate a normative framework that direct our focus on certain aspects when evaluating political practices. For example, our normative assessment of how street-level bureaucratic officials utilize administrative discretion may change substantively depending on our understanding of domination and arbitrariness. But the analysis of concrete, everyday practices of street-level bureaucrats may illuminate certain limits of the neo-republican theoretical framework that a study of its philosophical principles may not reveal. For example, an exploration of how frontline operators actually interact with citizens and deliver welfare services may reveal some important holes, or theoretical limits within the neo-republican view of bureaucratic virtue. If the proper performance of their tasks and the achievements of goals crucial for non-domination require bureaucrats to use their discretion appropriately, then the

current neo-republican view of bureaucratic virtue, which emphasizes strict law-adherence, is problematic.

One may argue that this approach does not do justice to neo-republicanism as an ideal theory. Drawing upon empirical cases to show the difficulties of realizing non-domination in concrete situations does not invalidate the theoretical value of neo-republicanism. This theory can still function as an insightful critical tool to evaluate social phenomena. For example, because of the limitations in legislators' time, resources, and knowledge to formulate well-specified laws or objectives, administrative discretion, which appears to be inherently dominating, is inevitable for bureaucrats in the republican state. However, this challenge does not entail that non-domination as an ideal is not worth pursuing. Moreover, it is plausible to suggest that this challenge could be alleviated if legislators were better-informed and provided with more time and resources. Alternatively, neo-republicans may adopt a pluralist stance and concede that non-domination is one of the many values that are important for human flourishing. Its coexistence or conflict with these other values does not diminish its importance. Thus, while the pursuit of non-domination may entail trade-offs, such as a potential decrease in efficiency, it does not invalidate the value of non-domination or suggest that the project to institute it is flawed.

These concerns are reasonable and compelling. I agree with the rejoinders that neither the difficulties to realize non-domination nor its potential conflict with other ideals necessarily diminish its critical potential. Nonetheless, I defend the approach taken in this thesis for two reasons. First, neo-republicans are particularly concerned with the feasibility of their theory in contemporary conditions. They are aware of the institutional (a worldwide system of states), material (expansive social welfare and market economy), and cultural (pluralism and liberalism) settings of modern society and treat them as given grounds for the promotion of non-domination. This is most evidenced in Pettit's comparison between the conditions to realize non-domination in traditional societies and modern societies (Pettit 1997, 158-160). Therefore, drawing upon empirical cases to examine the challenges of realizing non-domination in contemporary concrete situations is both pertinent and constructive for neo-republicanism. Second, the

introduction of empirical cases reveals the inner inconsistency within neo-republicanism. For example, Pettit emphasizes the state's role in providing social welfare as an important foundation for citizens' social and economic independence. Nonetheless, Zacka's (2017, 56) analysis of welfare officials' practices shows that strict adherence to pre-determined criteria may prove counterproductive in such cases as these hard boundaries could exclude those genuinely in need. Instead, welfare officials are required to actively exercise their discretion, an inherently dominating power for Pettit, to discern their clients and address their specific needs.

Chapter One

Bureaucratic Domination: A Systemic Account

The Neo-Republican theory of freedom as non-domination has been one of the most influential theories of freedom in contemporary political theory. It provides us with a lens through which we can detect many new kinds of unfreedom that had previously remained unseen. A major debate in recent republican scholarship is whether republican theory can, or should, embrace the concept of structural domination. At the heart of the existing account of non-domination is an interpersonal principle: that is, only agents can dominate other agents. However, drawing upon phenomena such as exploitation in workplace, sexism, and racism, it occurs to many theorists that impersonal forms of domination are more significant features of modern life (for example, Einspahr 2010; Krause 2013; Bryan 2021; Gädeke 2020, 2021; Muldoon and Raekstad 2023).

Many readers of republicanism (Markell 2008; Thompson 2018; Garrau and Laborde 2015; Gourevitch 2013, unpublished) worry that the current agent-centered aspect of republican theory is built upon a pre-modern social ontology which works better in analyzing status-based orders, and direct, personal forms of rule. As Gourevitch (2024) points out, these concepts seem better suited to capture the chattel slave's total subordination to his master, the woman's subjection to the classical patriarch, and the subject's total subordination to the absolute monarch, rather than the modern subject's subordination to market exploitation and bureaucratic rule. Classical social theorists including Marx and Weber have all highlighted in their writings the impersonality or structural character of social domination in modern societies. More importantly, phenomenologically, the experience of unfreedom in modern life is not exclusively, or even primarily, of subjection to a particular will but also to impersonal forces. Given this fact,

Gourevitch contends that republicanism resting on an interpersonal account of domination is inadequate to address these modern experiences of unfreedom.

In recent years, scholars have dedicated considerable effort to developing a conception of structural domination and providing examples. Specifically, there has been extensive coverage of the subject's subordination to the capitalist market and oppressive social norms. However, in comparison, subordination to bureaucratic rule receives relatively limited attention in the literature. This omission is rather surprising, considering that many thinkers view the subjection to impersonal bureaucratic rules as a distinctive experience of unfreedom within modern societies. Hannah Arendt famously claims that "[t]oday we ought to add the latest and perhaps most formidable form of such domination: bureaucracy or the rule of an intricate system of bureaus in which no men, neither one nor the best, neither the few nor the many, can be held responsible, and which could be properly called rule by Nobody (Arendt 1969, 38)." The domination of modern bureaucracy is a "tyranny without a tyrant" (Arendt 1969, 81). In a similar vein, Habermas (1981, 307) describes modern bureaucracy as a rationally operating automata which effectively subsumes modern individuals under its objective force. Nevertheless, how to properly characterize such an experience, especially using the terminology of republicanism, remains controversial.

This chapter aims to address the existing gap in the literature by offering a systemic explanation of bureaucratic domination within the neo-republican framework which addresses its structural and impersonal characteristics. Bureaucratic domination arises when an agent or multiple agents collectively have arbitrary power at the systemic level, or the uncontrolled power-over-structure, to interfere with the choice of the subject mediated through the operation of a modern bureaucracy. Specifically, the dominating agent's uncontrolled power-over-structure, which I will explain shortly, manifests in their capacity to control a set of components in a social structure—such as laws, rules, procedures, or objectives—impartially implemented by bureaucratic agents that the subject cannot effectively counter. They arbitrarily control these structural components when they can generate, transform, reproduce, or repeal said components

to target the subject's choices in a way that the subject cannot effectively resist. These structural components are impartially implemented by bureaucratic agents insofar as they are publicly stated and their implementation is supervised externally, such as by an independently established court. According to this understanding, the subject in bureaucratic domination is dominated by agents such as legislators, policy-makers, interests groups and so on, who have the power to substantively shape laws or policies. These agents are peripheral to the dyadic relations between the subject and the bureaucrat but nevertheless control the structural background in which they interact. At the same time, the subject is also dominated by bureaucratic officials in virtue of their power to sustain the structural components through implementation or enforcement. In agreement with neo-republicanism, my explanation sticks with the agent-centric principle that only agents can dominate, and the dominator's power typically has its basis in social structures. But the structural aspect of my explanation diverges from the neo-republican account by also emphasizing that the subject is dominated by the dominator's arbitrary power-over-structure rather than interactional arbitrary power. Put more simply, the subject is still dominated by agents in systemic domination, albeit at a different level.

From this perspective, Arendt's claim that bureaucratic domination is a form of agentless domination—domination by bureaucratic structures rather than individual agents—is misleading. Although individuals may feel subjected to an impersonal force in bureaucratic systems, this does not mean they are not being dominated by an agent. Nor does it imply that the bureaucratic structure itself is the dominator. In other words, her claim is understood here as a description of the subjective experience of the subject rather than an accurate analysis of the social ontology of bureaucratic domination. Arendt's confusion is primarily rooted in her exclusive focus on domination at the interactional level rather than the systemic level. On the one hand, when the subject interacts with a bureaucrat who engages in law-enforcement or policy-implementation, it seems to the subject that he is not dominated by the latter because the bureaucrat's power is under the subject's control. For example, a welfare officer has the power to grant or deny the access of a client to an aid based on publicly stated criteria. But if the officer refuses to provide

the aid to a client who fits the criteria, the client can hold accountable this officer by appealing to his supervisor or an independent administrative tribunal on the basis of the criteria. On the other hand, the subject's choices are targeted by the laws or policies implemented by the bureaucrat which he cannot modify or resist. Consequently, it creates an impression for the subject that the arbitrary power in bureaucratic domination comes from an anonymous structure rather than particular agents. The subject fails to see that he is in fact dominated at the systemic level by the agents who have the arbitrary power to control these laws, policies, and criteria. At the same time, although he controls the bureaucrat's interactional power (through having recourse to appeal should the bureaucrat fail to exercise power in accordance with the publicly stated criteria), he cannot control his systemic power (the very act of enforcing these criteria). This impression is further aggravated when the arbitrary power to control the structural components is in the hands of multiple agents collectively rather than a single, identifiable agent. For example, the client encounters greater difficulties in recognizing the operation of dominating power if the qualifications to government aid in the previous example are determined by multiple agencies collectively instead of a single congressional committee alone.

Finally, the complex structure of modern bureaucratic organizations results in information asymmetry between the dominator and the subject. At the same time, uncontrolled power-over-structure typically involves arbitrarily assigning social status, authority, rights, and obligations to different agents. It allows dominators in bureaucratic domination to confer upon themselves the authority or privilege to determine, for example, how rules and procedures are defined and interpreted and to control the flow of information. These features together generate additional epistemological obstacles for the subject in understanding the inner workings of the bureaucratic machinery and accurately locating the dominator.

My explanation of bureaucratic domination is built upon the following three sets of conceptual apparatuses. The first set categorizes agents into three roles in my analysis of domination: the interferer, the peripheral agent, and the subject. An agent plays the role of interferer when he possesses the capacity to interfere with the choices of other agents. The agent

whose choices are interfered with becomes the interferee or the subject. The dyadic relationship between the interferer and the subject is normally situated within a background social structure, which empowers the interferer and disadvantages the subject. We can call agents who are peripheral to the dyadic relationship but help stabilize it by sustaining the background structure “peripheral agents” (Wartenberg 1990, 141) or “regulators.” (Vrousalis 2020). Consider Wartenberg’s (1990, 142-144) example of the relationship between a teacher and a student. If the student was not doing the work required, the teacher could attempt to get him to do the work by threatening to lower his grade significantly. In this example, the teacher is an interferer by virtue of his power to compel the student to choose a particular option (doing the required work) and the student is the subject or an interferee. But the teacher’s threat is only effective when agents outside of the classroom take the low grade as a sign that leads them to harm that student subsequently. For instance, a principal underpins the power of the teacher to interfere with the student when he will expel a student for receiving a low grade. In this case, we say the school principal serves as a peripheral agent to the dyadic relation between the teacher and the student.

The second set of conceptual apparatuses is the notion of power-over-structure. Power-over-structure refers to the capacity of an agent, or multiple agents collectively, to control components of a social structure. Social structures taken to be constituted by social relations between intentional agents that are stabilized by a set of background expectations, rules, norms, schemas, or practices enacted by other peripheral agents. An agent may use power-over-structure to interfere with the choices of other agents. In particular, when the subject displays a certain characteristic or acts in a certain pattern in this structure, his choices will be systematically targeted and interfered with. Recall Wartenberg’s example. A university administrator has the power-over-structure to interfere with the student’s choice to pursue further study by deciding the threshold of admission. If the student’s grade is under this threshold, the administrator will deny him the access to the opportunity to further his education. An agent’s power-over-structure can manifest in many aspects. He can control the structure by ways of genesis, reproduction, transformation, or repealing. For example, the administrator can create a new criterion, commit

to defending an existing criterion, changing an existing criterion, or forfeiting an existing criterion.

Combing the first and the second set of conceptual apparatuses, I defend a systemic view of domination. Building upon a refined version of Blunt's analysis of the site of arbitrariness, I differentiate between two kinds of domination. Domination at the interactional level, or interactional domination, arises when an agent, or multiple agents collectively, as the interferer possesses uncontrolled capacity to directly interfere with the choice of the subject. Returning to our example, let us say that the student wants to enter a university for further education. At the same time, the teacher alone has the final say on his grade and the student has no channel or publicly-known rubric to appeal or to contest the grade. Additionally, the university that the student aims to apply to uses the grade as the sole criteria to determine eligibility. In this case, the teacher has the interactional arbitrary power to interfere with the student's choice to enter this university. In contrast, domination at the systemic level occurs when an agent, or multiple agents collectively, as the interferer possesses uncontrolled power-over-structure to interfere with the choice of the subject. Consider another scenario where the university administrator endorses a norm that applicants from a particular racial background to which the student belongs are expected to achieve higher grades than others to be eligible for admission. The student has no measures to challenge the norm and its application. In the second scenario, we say the administrator also dominates the student's choice to enter this university, but in a different way. The arbitrary power of the administrator of this university is manifested in his power to modify the structure (adjusting the threshold to admission) at will in a way that, when the student displays a certain feature (in this case, belonging to a particular racial background), his choice will be targeted (he needs to achieve higher grade to be admitted than others).

In both cases, the student's choice to enter this university is subjected to other agents' uncontrolled power and is thus dominated, albeit at different level. Nonetheless, the current neo-republican framework recognizes interactional domination as the sole form of domination. Agents who exercise systemic arbitrary power, or uncontrolled power-over-structure, only

dominate the subject in a derivative sense. That is, they facilitate domination at the interactional level by shaping the structural background in which it takes place. For example, from the neo-republican perspective, the university administrator facilitates the teacher's domination over the student by recognizing the teacher's grade as a criterium for admission. In the following sections, I contend that systemic domination can be recognized as a form of domination as well. Thus, even when an agent is not subject to interactional arbitrary power in a dyadic relation, he can be dominated by peripheral agents, who have uncontrolled power-over-structure, at the systemic level. I will then apply this systemic perspective to the analysis of bureaucratic domination.

The final set of conceptual apparatuses is Abizadeh's (2023) notion of power-with. Power-with refers to the power of an agent to effect outcomes with the assistance of others. From the perspective of neo-republicans, multiple agents can only dominate collectively when they form a single corporate or group agent. That is, individual members share a joint intention to coordinate their individual actions to pursue shared goals based on common decision-making mechanisms and mutual obligations. However, Abizadeh shows that there are additional ways in which multiple agents can effect outcomes collectively even in the absence of shared intentions or goals and centralized decision-making mechanisms. Drawing upon his analysis of different types of power-with, I argue that multiple agents can collectively dominate the subject at the systemic level without forming a group agent. I will support my argument with a case study of the reform of the *Hukou* system in Chengdu as a municipality in China. This conceptual apparatus allows us to further explain the experience of being subjected to an impersonal force in bureaucratic domination. When the background structure is controlled arbitrarily by multiple agents collectively without forming a single, identifiable group agent, the subject is prone to believe that he is dominated by an impersonal and faceless machine.

I shall make two further remarks before I proceed to unfold my argument. First, in this chapter, I adopt a classic Weberian (Weber 1978, 956) understanding of bureaucracy in my characterization of bureaucratic domination. Following Dahlström and Lapuente's (2022, 44) formulation, a modern bureaucratic organization in the Weberian sense its ideal form has a

jurisdiction defined in law or by administrative regulations. It has a hierarchical structure and is managed through written and traceable directives. Its operation is mediated by specialized, full-time administrative officials following general, known, and stable rules. In modern bureaucratic organizations, the authority of officials is derived from the organizational features, rather than from the current ruler, which is often found in patrimonial organizations. In addition, modern bureaucracy shapes demands and expectations about its officials' selection, training, remunerations, and careers. Such a form of organization, from Weber's perspective, is primarily an achievement of modernity and has gained widespread acceptance within both public institutions (such as modern states) and the private sector (that is, in firms).

It should be noticed that my employment of the Weberian view of bureaucracy, which places emphasis on rational structure and bureaucrats' strict adherence to assigned laws, procedures, and objectives, aims to capture Arendt's description of modern bureaucracy as a machine-like organization. However, despite its influence, this view does not present a comprehensive and up-to-date picture of how bureaucrats actually work in practice. Also, this view has long been contested in the literature. For example, the Weberian model assumes that bureaucracies are responsive to their rulers. Perfect bureaucratic agents are machines where politicians push a button and tasks are performed automatically. They are responsible primarily for mechanically executing directives that are well-specified and given externally by supervisors such as politicians and legislators. However, empirical studies already show that this assumption explores very little the incentives of bureaucrats, which do not always align with those of their political masters (Dahlström and Lapuente's 2017, 19). Additionally, even if bureaucrats are dedicated to faithfully implementing orders from external agents, these orders are not always well-defined. The tasks of bureaucrats are often shaped significantly by other important factors such as situation imperatives, organization culture, personal judgments, peer expectations, and so on (Wilson 2000). Finally, I only cover a specific part of bureaucratic agents, which are the ones that operate at the frontline and interact with domestic clients on a routinely basis. This kind of agents may include police officers, teachers, welfare officers, intake workers, and prison guards,

and so on. Other kinds of bureaucratic agents, such as managers responsible for coordination and management, those whose tasks do not involve frequent interactions with clients (e.g., forest rangers), and those who interact with foreign personnel (e.g., diplomats) are not covered in the present discussion. While these other agents are equally important for the successful operation of bureaucracy, I put the spotlight on frontline workers for a reason; it is through interactions with them that the subject experiences and develops an impression of bureaucratic power, which is the key concern of this chapter.

Second, the utilization of the term “systemic domination” in this chapter differs from other influential accounts in the literature. It is thus crucial to clarify these differences and highlight my contribution. In general, critics are unsatisfied with the predominant focus of the current neo-republican view on dyadic relations in analyzing domination. By developing a systemic perspective, they seek to draw readers’ attention to its structural aspects. Laborde (2010, 56-58), for example, contrasts systemic domination with agent-relative domination. Her use of the term “systemic” emphasizes the structural basis of dominating power, and the constitutive role social structures play in domination. Gädeke (2020, 206-209), who also endorses a constitutive view of structures in domination, uses the term to refer to the systematic disempowerment suffered by the subject in a social structure even when he does not enter into a dyadic relationship with a particular dominator at the interactional level. On her view, such systematic disempowerment is a result of uncontrolled agential power, as the subject is forced to depend on the accumulated wills of all those who sustain and reproduce structural components such as patriarchal norms. However, she hesitates to label these as agents as dominators as such because their capacity to interfere seems not robust enough and they do not dominate the subject interactionally. Consequently, she refers to systematic disempowerment as “systematic vulnerability” to domination at interactional level. Blunt (2015) makes one step further and demonstrates that domination can occur at both the interactional level and the systemic level. Thus, what Gädeke sees as systematic disempowerment or “vulnerability” to domination can be understood as domination as such. The agents who control the structural components can be

conceptualized as dominators. But Blunt's illustration of systemic domination primarily focuses on law-making and does not explore other dimensions of arbitrary power-over-structure. Additionally, his view of systemic domination is limited to cases involving a single dominator and speaks little of how the subject can resist systemic domination.

The notion of systemic domination I defend in this chapter is built upon Blunt's insight but refines his formulation in two ways. First, I develop his distinction between interactional and systemic domination in a more articulated manner. Second, I expand the scope of his notion of systemic domination. I develop the notion of power-over-structure to explore various ways through which agents can target the subject's choices by controlling structural components, including their creation, reproduction, transformation, and even elimination. I also build upon the notion of power-with to accommodate the situations where multiple agents dominate collectively. Overall, my analysis of systemic domination is inspired by the previous accounts, and shares with them their concern about the role of agents peripheral to dyadic relations in constituting domination. My argument's strength, as well as its contribution to the debate, is that it provides a more articulated method by which we may perceive them as dominators rather than facilitators, and to explicate the operation of their dominating power. This move further broadens the scope of neo-republicanism and helps in developing a more comprehensive lens to identify and resist different forms of domination in contemporary societies.

To fully elaborate my argument, this chapter will be divided into four sections. I begin by providing a concise overview of the neo-republican view of non-domination with a specific focus on its structural aspect. Domination so understood refers to a social relation wherein an agent possesses uncontrolled capacity to interfere with the choice of another agent. Such relations of domination are typically embedded in and stabilized by social structures that empower the dominator and disadvantage the subject. These social structures are sustained by other agents who are peripheral to the relation of domination. While peripheral agents contribute to the sustaining of background structures that serve as an important basis for dominating power, they do not dominate the subject as such but rather facilitate domination.

In the second section, I defend a systemic view of domination. Building upon Blunt's analysis of the site of arbitrariness, I argue that that domination can arise not only at the interactional level, to which neo-republicanism is restricted, but also at the systemic level. Systemic domination obtains when an agent as the dominator possesses uncontrolled power-over-structure to interfere with the choices of the subject. Even when the subject is not dominated by another agent at the interactional level in a dyadic relation, he can still be dominated by peripheral agents at the systemic level. I will demonstrate why domination at the systemic level can be recognized as a form of domination as such and explain how this new perspective complements the current neo-republican framework.

In the third section, building upon Abizadeh's (2023) analysis of power-with, I attempt to demonstrate that multiple agents can collectively dominate the subject systemically through coordination without necessarily forming a corporate or group agent. To support my theoretical argument, I will refer to Zhan Shaohua's (2017) empirical study of the reform of the *hukou*, or the household registration system, in Chengdu, a municipality in China, for illustration. The recent reform of the hukou system, a key tool for the Chinese government to regulate population mobility and maintain social control, in Chengdu has been driven by a tripartite alliance— local government, urban capital, and agrarian capital. Its purpose is to concentrate land and to force peasants to transfer their land rights. Through the transformation of the institution of the hukou system, this alliance thus dominates the peasants at the systemic level by restricting their choices regarding subsistence and migration. I argue that, although these three parties jointly intend to advance the reform, their respective individual interests differ, and their efforts were achieved without forming a single group agent or having one that had unilateral control over the whole process.

The notion of systemic domination forms a theoretical foundation for the subsequent discussion on bureaucratic domination presented in the fourth section, where I will analyze bureaucratic domination from the systemic perspective by identifying the dominators and the operation of dominating power. On my reading of bureaucratic domination, the subject is not

dominated by the interactional arbitrary power of the bureaucrat. Instead, he is dominated by the systemic dominating power of the agents, who are peripheral to the dyadic relation between the subject and the bureaucrat, but nevertheless have the uncontrolled capacity to generate, perpetuate, transform, or repeal the laws, policies, or objectives that are implemented by the bureaucrat. The bureaucrat also dominates the subject systemically by virtue of his uncontrolled capacity to implement or enforce them. In addition, I explain the experience of subjecting to an impersonal force and discuss why neo-republicans should be concerned with bureaucratic domination.

1. Non-Domination, Arbitrary Power, and Social Structure

To establish a solid foundation for our subsequent exploration of bureaucratic domination, it is essential to begin with an overview of the standard neo-republican theory. Specifically, I will focus on the structural aspect of domination.

Central to the neo-republican paradigm is the notion of freedom as non-domination. On this view, the freedom of an agent is consisted in the availability of the options from which she is capable of choosing. Specifically, an agent A is free when she can choose between any of the options available to her in virtue of the resources that she can use and access, regardless of whichever she happens to prefer. These resources encompass personal, natural and social ones (Pettit 2012, 29, 33). To be counted as a real option for the agent, it must pass what Pettit calls the “can-do assumption” (Pettit 2008, 104-105). That is to say, an option must each be something of which, in context, the agent can think, and can think rightly, “this is within my power of choice; this is something I can do”. Accordingly, A’s freedom of choice is hindered when any of these options is unavailable. A can no longer rightfully think this option, or alternatives to it, are available, and that the choice is up to her. Depending on their respective sources, there can be two types of hindrances to A’s freedom, which are vitiation and invasion (Pettit 2012, 37-39). A’s freedom is vitiated when she lacks the necessary resources to choose the preferred options. For instance, A may fail to travel to a particular location because of illness or unfavorable weather

conditions. In contrast, her freedom is curtailed by invasion when the hindrance is caused by the intrusive will of another agent, B. B may do so by making an impact on A's ability to make a deliberative choice so that the assumption of personal choice is undermined. Or, alternatively, B may impact on the specific options that fall within the domain of A's choice, by either removing or replacing one or another option from the set of options, thus reducing or altering the set of options faced by A (Pettit 2008, 106).

Call B who has the capacity to interfere with A's option an interferer and A, as the interferee, a subject. Interference is understood in an inclusive way to cover a variety or intentional or quasi-intentional interventions by one party in the choice of another (Pettit 2008, 110). The interferer becomes a dominator and dominates the subject when the interferer's capacity is not under effective control. Neo-republicans stress that it is not necessary that the dominator's capacity to interfere be *actively exercised* in order for domination to arise. In other words, an agent can be dominated even when he is not actually interfered with (Pettit 1997, 31-35; Pettit 2008, 102; Lovett 2010, 154-156; Pettit 2012, 33-34), so long as she is under a condition where arbitrary interference is still possible. Specifically, the dominator invigilates the choices of the subject, being ready to interfere should the subject not conform to a desired pattern or should the dominator have a change of mind. Thus, insofar as the power of the dominating agent is not sufficiently controlled, the subject remains in a state of domination regardless of whether such capacity is exercised. To firmly guard against domination, the mere absence of actual interference is not adequate. Moreover, since domination is defined by the presence of uncontrolled power to interfere, as long as such power is effectively controlled, interference does not necessarily compromise an individual's freedom. For instance, when a sports coach advises a student on their diet, the student's freedom to choose is being interfered with, but we would not say the student is dominated by the coach. This is because the coach's power to interfere is ultimately under the student's control—the student has hired the coach to improve their athletic performance. Similarly, when a person is stopped by a traffic police

officer, he is not dominated if the officer's exercise of coercive state power is subject to proper democratic control mechanisms.

Within the realm of neo-republicanism, there are two major perspectives on what counts as sufficient control. On Frank Lovett's interpretation (2010, 115; 2012), power is deemed properly controlled and thus non-arbitrary when it is exercised in accordance with publicly known and impartially administered rules. It ceases to be dominating because its exercise is no longer contingent on the will of the power-holder alone. In his more recent works, Lovett (2022; also, Ingham and Lovett, 2019, 778) develops a modified formulation, which maintains that power is suitably controlled and thus not arbitrary if it is common knowledge to relevant agents that, given the existing constraints, the interferer's capacity becomes ignorable. Take the example of a society where gender equality is strongly safeguard by laws. Technically speaking, even in such a society, it is always possible for a husband to interfere with his wife's choices, such as the one related to her employment, and thus dominate her. But we say the wife is not dominated in her choice to work when both she and her employer share common knowledge that any interference by her husband can be disregarded, given the existing constraints deployed in this society. In both accounts of Lovett, effective and impartial mechanisms, such as laws, rules and procedures, play vital roles in achieving suitable control over power. These mechanisms, the operation of which are not contingent upon the internal disposition or will of the dominator, are considered as more effective in constraining power.

Philip Pettit agrees with Lovett on the importance and effectiveness of these external mechanisms in controlling power. Nevertheless, he argues that power is arbitrary when it is not externally controlled by the agents subjected to it (Pettit 2008, 102-106; 2012, 57, 63). If the subject does not control the mechanisms which constrain dominating power, it entails that the subject will then depend on a third-party for safeguarding his own freedom. Consequently, he is exposed to a different kind of domination. Thus, the subject is not dominated when he can stop or redirect the interference should the interferer not conform to a desired pattern or should he have a change of mind.

Domination so conceptualized by neo-republicans is an interpersonal relationship. It is characterized by an agent's uncontrolled or arbitrary capacity to interfere with the choices of another agent. For neo-republicans, a paradigmatic example of domination is the relation between the slave-master and the slave. A slave-master has the capacity to coerce the slave to get something done at will which the slave cannot resist. Nevertheless, domination has a structural dimension, as the interpersonal relation is normally situated in a social structure. Here, I take social structure to be constituted by social relations between intentional agents that are stabilized by a set of background expectations, rules, norms, schemas, or practices enacted by other agents. As background social structures systematically empower some agents while disadvantaging others, they constitute an important basis for dominating power. Take Frederick Douglass' description of Mrs. Hamilton, a notoriously cruel slave-master, as an example (cited from Hasan 2021, 301; Pettit 1997, 54; Pettit 2012, 63-64; Lovett 2010, 36-38). Douglass recalls that although Mrs. Hamilton's treatment of her slaves, Henrietta and Mary, was generally condemned as disgraceful and shocking, the same people who condemned and censured her cruelty would at the same time firmly protect her right to cut and slash her slaves into pieces. In this example, Mrs. Hamilton's purported right is deeply entrenched in a web of social relations that extends beyond her and her slaves to the entire society of white people. In this example, these white people are the "peripheral agents", who are peripheral to the dyadic relation between Mrs. Hamilton and her slaves, but nevertheless stabilize it by enacting the components of the institution of slavery (e.g., social norms regarding the treatment of slaves and the private property rights of masters over slaves). Although these members of white society are not directly involved in Mrs. Hamilton's torture of the slaves, they are indispensable in the entrenchment of her power. By supporting the slave system, they thereby secured the privilege of Mrs. Hamilton as a slave-master.

One may ask whether it is reasonable to say structures can dominate people. In response, Pettit suggests that

We should recognize an indirect or structural form of domination as well as the direct or personal kind, willed or unwilled, that we have been describing. It is usually because of the ways a society is organized, culturally, economically or legally, that some people have such power in relation to others that they dominate directly, and dominate them without necessarily wishing for domination or even approving it. Thus, it is usually because of the way that marriage law or workplace law is structured that husbands or employers have a dominating power over their wives or workers. These modes of organization may vitiate, but not invade choice, as when they emerge for example from customary practice, but they can indirectly facilitate the worst forms of invasion and domination in a society” (Pettit 2012, 63; also see Pettit 2012, 44).

In other words, Pettit acknowledges that domination is often profoundly shaped by background social structures. But even though these structures may be the fundamental basis of dominating power, they only hinder freedom in a vitiating, rather than invasive, way. Therefore, it is mistaken from the mainstream republican view that social structures are the dominators. Only agents, rather than social structures, can dominate people. Using the example of an island with institutionalized slavery, Lovett (2010, 48-49) suggests that, in this scenario, if the slave-holders were to suddenly leave the island and never return, it would make little sense to say the slaves are still dominated. Because even though the institution of slavery still exists formally in paper, no one in the island would have the capacity to interfere with the choices accessible to the slaves. To recapitulate the standard neo-republican account, domination arises when an interferer’s capacity to interfere with the choice of the subject is not under effective control. Social structures, which are sustained by peripheral agents, facilitate domination by systematically empowering the interferer and disadvantaging the subject.

2. Power-Over-Structure and Systemic Domination

In this section, inspired by Blunt’s analysis of the site of arbitrariness, I propose a notion of power-over-structure and defend a view of systemic domination. The current neo-republican framework recognizes interactional arbitrary power, or the uncontrolled capacity to directly interfere, as the only form of dominating power. But I argue that arbitrary power at the systemic level, or uncontrolled power-over-structure to interfere, can be acknowledged as a form of

dominating power as well. Furthermore, I will anticipate and address potential concerns raised by neo-republicans over this expanded conception of domination.

Power-over-structure, as I construe, refers to the capacity of an agent or multiple agents collectively to control components of a social structure, including both formal ones such as written rules and informal ones such as norms. The control over structural components can take the forms of genesis, reproduction, transformation, or repeal. An agent can interfere with the choices of another agent using power-over-structure. When the subject displays a certain characteristic or acts in a certain pattern within this structure, his choice will be systematically targeted and interfered with by the power-over-structure. Consider again the example of a student who wants to achieve satisfying academic performance to enter a university. A university administrator has the power-over-structure to interfere with the student's choice in virtue of his capacity to decide the threshold of admission. The student's option to enter this university will be denied when his grade is under this threshold. In addition to adjusting the existing threshold, the administrator may exercise power-over-structure by creating new criteria (for example, students with particular racial background will be prioritized) or removing existing criteria (for example, only the grade from a particular evaluation system will be acknowledged). Call this type of interference "interference at the systemic level". An interferer's power-over-structure is uncontrolled when the subject cannot counter the interference. This may occur when the subject is dependent to a significant extent on the structure to achieve a preferred option. For example, apart from a specific evaluation system, the student does not have alternative options to evidence his academic performance for the admission. It may also take place when the subject does not have effective measures to resist or redirect the interference. For instance, the student does not have any means or channel by which to contest the adjustment of the threshold or to resist the imposition of discriminatory policies regarding enrollment. In contrast, the student's choice to enter the university can be interfered by a teacher who has the capacity to decide his grade. While the teacher's capacity is based on his position in the structure of the educational system,

he does not interfere through modifying structural components. Call this type of interference “interference at the interactional level.”

According to the standard neo-republican view showcased earlier, domination is restricted to uncontrolled interference at the interactional level. Interferers at the systemic level only dominate in a derivative sense by serving as peripheral agents and facilitating domination at the interactional level. In other words, while the university administrator also has the uncontrolled capacity to interfere with the student’s choice to education by adjusting the threshold, he is not seen as a dominator as such. Instead, he functions as a peripheral agent to the dyadic relation between the teacher and the student and facilitates domination by, for example, conditioning the student’s admission exclusively on the grade he receives from the teacher.

To illustrate why uncontrolled interference at the systemic level should be recognized as a form of domination as such, consider Blunt’s example of an ideal apartheid regime. In this regime, the white minority establishes discriminatory laws pertaining to other non-white populations. These laws are accompanied by an independent judiciary to ensure impartial and effective enforcement. As a result, the status of the discriminated-against is enshrined in law and protected by an effective and impartial legal system. In this scenario, the white minority interfere with the choice of the non-white people by exercising uncontrolled power-over-structure in the form of establishing discriminatory laws. Blunt suggests that the current neo-republican framework does not perceive this kind of arbitrary power as dominating. The power of the white minority in the apartheid regime can even be defended as non-dominating according to the current formulations which focuses exclusively on interactional domination.

On Lovett’s view of non-domination, domination is reduced when power is constrained by publicly known and impartially administered laws and procedures. From this perspective, individuals subjected to institutional discrimination in Blunt’s ideal apartheid regime are not dominated. Because in this case, the dominating power of the white minority is externally constrained by the impartial and effective legal mechanisms. In particular, any member of the discriminated-against population could anticipate the regulations prohibiting specific actions,

which are enforced with impartiality and procedural fairness. At the same time, it is common knowledge among the discriminated-against people that any attempt by the white minority to transgress the boundaries set by the laws in the face of public constraints can be safely disregarded. In other words, Lovett's proceduralist view of non-domination will not conceive the apartheid regime as an instance of domination. Moreover, domination is reduced by the impartial mechanisms deployed in the apartheid regime on this view. From Pettit's perspective, the minimization of the arbitrariness of power relies on effective control by its subject. Simply having impartial mechanisms that control the power of the white minority is insufficient to safeguard freedom; these mechanisms must be controlled by the discriminated-against population as its subject. But one may argue that if the white minority trespass the boundary set by the law in the ideal apartheid regime, the discriminated-against people can resort to the independent judiciary to check or redirect the interference. For example, if a white person attempts to force a black person living in a community legally reserved for black persons to sell his house to him, the black person can resist such a forced removal by appealing to the judiciary. It follows that the black person is not dominated by the white person because the power of the white person to interfere is under his control.

The discriminated-against population in this ideal apartheid regime, argues Blunt (2015, 17), should be seen as dominated at the systemic level even if they do not experience interactional arbitrary power. This is because the experience of the discriminated-against aligns with how neo-republicans characterized domination. The subject of domination is not "acting under [his] own will in adjusting to [his] environment." He is in a situation "where another will presume to rule over [his] actions" (Pettit 2012, 43). To enjoy freedom as non-domination, the subject must be capable of checking or redirecting the power of any other agent that limits the choices available to him. It represents, remarks Pettit (1997, 69), "a control that a person enjoys in relation to their own destiny and such control constitutes on familiar type of power: the power of the agent who can prevent various ills happening to them." Moreover, the subject cannot pass what Pettit calls the "eyeball test". A person is only free and not dominated "when they can look

others in the eye without reason for the fear or deference that a power of interference might inspire; they can walk tall and assume the public status of being equal in this regard with the best” (Pettit 1997, 60-61; 2012, 84-85). Apparently, the choices of the discriminated-against people in the apartheid regime are circumscribed or replaced. They cannot decide which dimension of their lives will be targeted by laws and how these laws are crafted. Nor they have the power to robustly protect themselves from “various ills happening to them” at the systemic level. Members of the discriminated-against population must also fail the eyeball test, especially the second half of the clause, because their choices have been interfered in a way that they cannot contest and are treated as an inferior part in society.

Pettit may concede that the discriminated-against people are dominated by the white minority. But they are dominated at the interactional level rather than the systemic level. For instance, when a white person prevents a black person from visiting a park reserved exclusively for white people, we say the black person is subjected to the white person’s *interactional* arbitrary power, which is empowered by the structures of the apartheid regime. The white person’s power to deny the black person’s access to the park is grounded upon his superior status in the regime, and is reinforced by the discriminatory laws which forbid black people from visiting that park. It thus seems that the interference in this case does not involve control over structural components and is not located at the systemic level. However, this objection starts with a problematic premise that “visiting a park reserved exclusively for white people” is a real or genuine option for the black person in the first place. It then proceeds to show that such a genuine option is then hindered by the interactional arbitrary power of the white person. But according to Pettit, an option is real for an agent when only he can rightfully think “he can do that” or “it is up to his choice to do that” by virtue of the resources available to him in a certain context. Yet, in the context of the ideal apartheid regime, the option to visit that park is not genuinely available to the subject due to *legal restrictions* that prevent black persons from accessing certain places, rather than the invasive will of the white person. To attribute the hindrance solely to the interactional arbitrary power of the particular white person overlooks the

systemic barriers present from the outset. In other words, this option remains unavailable for the black person due to systemic constraints imposed by the law, irrespective of the presence of interactional arbitrary power. Therefore, the black person in this case is in fact dominated by the white minority at the systemic level in virtue of their uncontrolled capacity to establish and implement discriminatory institutions.

Neo-republicans are not unaware of the unfreedom brought by an agent's arbitrary power-over-structure. However, they are reluctant to acknowledge it as a form of domination as such for primarily two reasons. First, as noticed by Blunt (2015, 15), Pettit conflates a moralized conception of non-domination with a normative conception of non-domination. In his earlier account, Pettit (1997, 55) suggests that non-domination consists in compelling the interferer to track the commonly-avowed interests of the subject. This conception of non-domination renders him vulnerable to the criticism that non-domination depends on a specific understanding of interest and is therefore subservient to external values. To address this confusion, Pettit refines the definition in his later work that non-domination is achieved when the interferer is externally controlled by the subject. Specifically, he emphasizes that arbitrary power should not be equated with illegitimate power. In his attempt to distance non-domination from a moralized understanding, Pettit unnecessarily dismisses something he previously acknowledged: the normative element of domination. That is, domination may consist in the arbitrary power of the dominator to create social structures which assign social status, duties, obligations and rights to the subject (Pettit 1996, 589-592; Blunt 2015, 10). This dismissal deprives him of the argumentative resources needed to address systemic domination.

Second, Pettit's definition of domination is grounded upon the distinction between invasive and vitiating hindrance. In defining the essential characteristics of domination, Pettit attempts to distinguish vitiation from invasive hindrance, the result of an invasive will targeting the freedom of choice of the subject. Neo-republicanism, he suggests, is concerned with invasive hindrance to freedom. However, Pettit concedes that the boundary between invasion and vitiation is not always clear-cut. In his remarks on vitiation, he speculates that the vitiation of choice

through the denial of resources may amount to a “structural form of invasion” (Pettit 2012, 43; Blunt 2015, 15). If a person cannot choose certain options due to a lack of resources, Pettit’s theory identifies this as vitiation. However, when the lack of resources results from the power-over-structure of specific agents targeting the subject’s capacity or exercise of that capacity, Pettit still categorizes this state of affairs as vitiation rather than invasion, even an invasive will lurks behind the social structure. In short, Pettit does not adhere to his own standard. Again, consider a scenario of a black individual aiming to visit a specific park but finding his journey impeded due to a lack of suitable transportation. If this hindrance is a result of an unforeseen snowstorm, it qualifies as an instance of vitiation. However, if it arises from discriminatory policies dictating that members of the black community must bear significantly higher transportation costs, then there are compelling grounds to classify it as invasion. This is because these discriminatory policies are crafted by agents with the intention to hinder the subject’s access to resources (in this case, transportation), thereby increasing the cost associated with a particular choice (visiting the park).

So far, I have established that systemic domination should be categorized as a form of domination in the neo-republican sense and demonstrated different ways through which systemic dominating power manifests (through the genesis, transformation, reproduction, and repeal of structural components).⁴ I have also explicated why systemic domination is not yet sufficiently captured by the existing neo-republican framework, which focuses primarily on interactional domination. Before I proceed to apply it to the analysis of bureaucratic domination, I must

⁴ Following in this systemic perspective, we may further question Pettit’s definition of the freedom to choose. Imagine the set of all logically possible options, *X*. Now imagine that *S*, a subset of *X*, is the set of all options available to me. According to Pettit’s formulation, if one of the options in *S* becomes unavailable, then the agent’s freedom is hindered. We may ask why the agent’s freedom of choice is not? already hindered by the fact that *S* did not originally include all items in *X*? What difference to freedom does it make if some item *Z* was originally part of *X* but not *S*, versus being removed from *S* subsequently? From the perspective of systemic domination, we may suggest that the fact that some items that are originally included in *X* but disappear in *S* is the result of vitiation, which can be caused by natural factors (e.g., disability) or systemic arbitrary power (e.g., discriminatory institutions that deprive an agent’s opportunity to education). Nonetheless, the strength of this argument may depend on what counts as “all logically possible options” at the beginning, and whether it leads non-domination to depend on an external value of completeness.

address potential objections from neo-republicans. Here I will grapple with three potential objections a neo-republican might make.

The first group of objections is concerned with the principle of agential power in neo-republicanism. They might argue that my approach comes at a phenomenological cost by shifting the theoretical focus away from the central concern of the paradigm. Psychologically, this experience of subjection is notably characterized by resentment and indignation (Pettit 2012, 43, 63; Lovett 2022, 112). Thus, investigating arbitrary power at the systemic level potentially obscures its theoretical thrust. The subject may presumably experience less frustration when subjected to faceless laws compared to confronting a visible master. Additionally, my inquiry might even lead to misconceptions about social structures, mistakenly attributing agential power to them and treating them as dominating agents. Therefore, republicans suggest that while the choice of the subject may be circumscribed by structural features of his social environment, it represents a different form of unfreedom, such as oppression, rather than domination (Lovett 2022, 49, 112).

In response, I suggest that the indignation and resentment provoked by subjection to a specific master cannot serve as a decisive criterion for identifying instances of domination. As Pettit (1996) acknowledges, the dominated is essentially characterized by the lack of anti-power. At the same time, Pettit concedes that individuals can be dominated without being consciously aware of it. Dominating power may operate in a covert and backroom manner (Pettit 1997, 42, 60). In other words, the particular psychological experience typically accompanies, but does not determine, domination. The dominated may not necessarily experience overt resentment. Furthermore, I propose that the concept of systemic domination does not imply a form of domination without agents. It maintains its commitment to the interpersonal framework but attempts to point out how dominating power may manifest at a different level. Thus, rather than diluting the insight of republicanism, I contend that it actually enhances the argumentative reach of the existing framework. By showing how arbitrary power can interfere with the choice of the subject through the mediation of structural components, neo-republicanism, bolstered by my

theoretical insights, can more effectively identify hidden masters behind these seemingly non-invasive structures.

The second group of objections addresses the capability of the current neo-republican framework to accommodate the underlying concerns of systemic domination. Neo-republicans may argue that the apartheid example can be better interpreted as an instance of group domination in order to avoid the risk of treating social structure as dominating agents (Pettit 2012, 114-115). On this understanding, the white minority collectively employ the discriminating laws to dominate the majority. Next, if what Blunt is attempting to capture with the idea of systemic domination is a social structure that circumscribes the choices of the subject, then a critical analysis of interactional arbitrary power may naturally lead us to this destination. By analysing the constituents of dominating power at the interactional level, we can identify the social structure that empowers the dominator and disadvantages the subject. For instance, by analyzing the arbitrary power a manager possesses over an employee, it becomes clear that the manager is empowered by the organizational structure of the enterprise. Finally, the current neo-republican view on social justice already offers a way to rectify disadvantages created by background social structures (Pettit 2012, 63). Social justice in the neo-republican sense, as Pettit suggests, is concerned with “resourcing and protective measures in place that guard against personal domination in the sphere of the basic liberties to the extent of enabling people to pass the eyeball test. They are meant to reduce the incidence of domination between people and to nullify the institutional or structural factors that facilitate it” (Pettit 2012, 126). In other words, in a society which has instituted social justice in the neo-republican sense, individuals will have sufficient resources to counter all kinds of vitiating hindrances, whether they stem from natural causes or result from arbitrary power-over-structure. For instance, consider a young person from a community that has been historically under-funded due to apartheid policies. This youth might struggle to find quality employment due to inadequate education. On Pettit’s view, rectifying this situation involves increasing government funding and creating educational programs to provide more resources for the youth to make unvitiating choices in employment. In this case, inventing a

concept of systemic domination is unnecessary to address and to overcome structural disadvantages of the youth. In a nutshell, in consideration of these factors, there is no need to create an additional conceptual space analyzing systemic domination in order to address these issues within the existing framework of neo-republicanism.

In response to this group of objections, I argue that group domination and systemic domination refer to different aspects of domination (Blunt 2015, 18). Group domination concerns the locus of social agency to which we attribute agential power. It means that it is a group, rather than an individual, that plays the role of dominator in this relation. Systemic domination, on the other hand, is concerned with the site of arbitrariness, or in what ways the arbitrariness of the agential power is manifested. Therefore, we may speak of group domination at both the interactional and systemic level. For example, in Blunt's example of an idealized apartheid regime, the white population as a group exerts uncontrolled power-over-structure, or systemic arbitrary power, to dominate the discriminated-against population. Conversely, imagine a victim who encounters a group of robbers while travelling alone at night. These robbers force the victim to surrender all his belongings. In this scenario, the victim experiences group domination by this group of robbers at the interactional level. Therefore, it is mistaken to assume that systemic domination can be reduced to group domination.

Next, the existing neo-republican framework only addresses structural disadvantages in a superficial manner, leaving the subject not fully secured from domination. Neo-republicans, who focus exclusively on domination at the interactional level, view structural disadvantages as vitiating hindrances to freedom that can be mitigated by providing the subject with necessary resources. On this perspective, resourcing and the removal of structural disadvantages do not eliminate domination as such but only facilitate it by making the subject less vulnerable to arbitrary power at the interactional level. This perspective overlooks the possibility that structural disadvantages can be a result of uncontrolled power. As a result, even though the subject is provided with the resources to guard against interactional arbitrary power, he cannot control how such resources are determined and allocated, but is instead forced to depend on the will of others

for acquisition (also Azmanova 2016, 471; Gourevitch 2013). Such dependence renders the subject dominated. Consider the previous example of the youth residing in an under-funded community within the apartheid regime. Although the youth may have more access to educational resources through government programs, thereby potentially increasing their employment prospects, the authority to define what qualifies as “good” education and employment opportunities, as well as the allocation of these resources, remains predominantly in the hands of the white minority.

The systemic view of domination I defended overcomes this blindspot by perceiving structural disadvantages as a possible manifestation of dominating power. Therefore, resourcing alone is not sufficient to alleviate structural disadvantages. Moreover, the elimination of structural disadvantages does more than reduce vulnerability to domination; it is itself an integral part of securing non-domination. To comprehensively eliminate structural domination and robustly enjoy non-domination, the subject must have equal participation in the control of the structure in addition to mere resourcing. In this way, the idea of systemic domination complements the existing neo-republican framework.

The third set of objections concerns the scope of the notion of systemic domination. Neo-republicans may complain that this concept is both too broad and too narrow. It is too broad because it puts a wide range of agents into the same category. An agent, according to my explication, is categorized as a dominator as long as he is involved in any dimension of arbitrary control over a structure. Consequently, the subject is seen as dominated by numerous agents whose capacities and intentions vary significantly. Some agents, who exhibit a more determined and enduring will to interfere, are more actively involved in the control over structure by, for instance, creating new rules to serve their purposes. In contrast, some other agents, who merely benefit from the existing structure but without the intention to target the subject, may contribute to the reproduction of structural components simply out of habit. The notion of systemic domination lumps these agents together without adequately accounting for the differences in the intensity of their control over the structure (Lovett 2022, 45). Even if neo-republicans agree that

systemic domination does not equate to agentless domination and that agents are the ones dominating, this notion is still unsatisfying. It again blurs the critical experiences that the paradigm aims to capture: subjection to the will of a particular master. Under systemic domination, there appears too many masters.

This concern over the robustness and intensity of arbitrary power leads both neo-republicans and even some of their strongest critics to focus exclusively on dominating power at the interactional level, assuming that it is intuitively more robust than that at the systemic level. Consider again Douglass's description of Mrs. Hamilton as an example. While other white members of society dominate the choices of Mrs. Hamilton's slaves systemically through their creation and sustaining of discriminatory laws, their arbitrary power is assumed to be less robust than Mrs. Hamilton's. This is because her slaves are not only treated as generally inferior members of society but also as Mrs. Hamilton's private property specifically. Despite the fact that these peripheral agents disapprove of Mrs. Hamilton's cruelty, they have no right to intervene in how she treats the slaves. Therefore, these critics, such as Gädeke (2020, 206-209), suggest that unfreedom brought by systemic arbitrary power is at best categorized as systematic disempowerment that makes someone vulnerable to domination but not domination as such.

At the same time, the notion of systemic domination can be too narrow. As Lovett (2022, 44-45) suggests, many types of social structures, such as sexism, are not unilaterally controlled by anyone. Even though many agents can be said to have arbitrary power-over-structure, we may only consider dominators to be the ones whose power is robust enough to control the structure unilaterally. Blunt's example of the ideal apartheid regime presents a scenario where there exists a clear, identifiable dominating agent—the white minority as a group, or corporate agent—who has unilateral control or predominant influence over the structure. But such clear-cut cases are far from common in contemporary societies. Consequently, the notion of systemic domination is unappealing.

In response to this group of objections, I argue that, in a way similar to the situation at the interactional level, the intensity or robustness of domination at the systemic levels is also a

matter of degree. I tentatively concur with Lovett and Pettit (2018, 375) that an agent's dominating power is robust when his will is enduring enough to target the subject's choices across a sufficiently wide range of situations. The more extensive the choices that are covered, the more robust the dominating power is. In addition, I propose that the robustness of dominating power can be evidenced by the dominator's capacity to impose obstacles on the subject's resistance. Should a subject attempt to resist dominating power, the more effectively the dominating agent can prevent such resistance, the more robust their dominating power is. From this perspective, we can acknowledge that dominating agents at the systemic level have varying capacities, with some agents wielding more robust power than others. Agents who reproduce structural components out of habit have less robust systemic dominating power than those who actively maneuver structural conditions for successful domination.⁵ However, I suggest that we have good reasons to characterize them all as dominators in virtue of their roles in producing and reproducing systemic domination.

It is mistaken to assume that an agent's interactional arbitrary power in a dyadic relation is necessarily more robust than the systemic arbitrary power of peripheral agents in terms of targeting the same choice of the subject. For instance, it is difficult to claim that the power of a university administrator, who determines the criteria for admission, is less robust than that of a teacher who assigns grades, in terms of interfering with a student's choice to pursue further education in that university. Similarly, for an injured worker, regulation-writers, who have the authority to draft and interpret rules concerning what counts as disability, have no less, if not more, robust power over his options for compensation than frontline operating officers who access his eligibility. In other words, dominating power will not be less robust simply because it

⁵ I acknowledge that the current definition of dominators at the systemic level is still too vague and needs further specification. Inspired by Vrousalis's typology of regulation (2020, 45), it may not be sufficient to conceive an agent as dominator at the systemic level when he simply causally contributes to the reproduction or perpetuation of the structure that targets the subject's choices. Suppose an agent trips over a wire, causing the leader of the feminist revolution to fall under a bus, causing her to die, causing the patriarchy to survive. Vrousalis suggests that the agent in question has causally contributed to the reproduction or perpetuation of the patriarchy. But his tripping is an expression of maladroitness, rather than that of patriarchy. Therefore, it should not be counted as a case of systemic domination. Instead, the agent can only be counted as a dominator when he must somehow expressively uphold the structure. That is, this agent must be able to interpret his action as a move imbued with salient institutional meaning. I am sympathetic with Vrousalis's diagnosis but do not have a definitive answer at this moment.

is located at the systemic level. The concern over robustness should not prevent neo-republicans from recognizing unfreedom brought by systemic arbitrary power as domination as such.

3. The Locus of Social Agency: Individuals, Groups, and Teams

In the last section, I defend a systemic view of domination and anticipate three groups of objections from neo-republicans. I end with an objection concerning the desirability of the notion of systemic domination. If systemic domination can only be applied to cases where there exists a single, identifiable dominating agent who has the robust capacity to unilaterally control the structure, then its critical potential is significantly limited. This is particularly true in contemporary societies, where very few structures are unilaterally controlled by a single agent. In this section, I will attempt to show how the subject can be dominated at the systemic level by multiple agents through coordination but without necessarily forming a single group agent. To enhance its cogency, I will support my theoretical argument with an empirical case.

In the standard neo-republican account, only individual agents can play the role of dominator as evidenced in the paradigmatic example of the master-slave relation. Multiple agents cannot be properly conceptualized as a dominator unless they form a group agent. Like an individual agent, a group agent must have a reliable will that is rational, enduring, and consistent. Multiple agents form a corporate or group agent when they are organized to form common judgements about how things stand, maintain coherent and shared purposes across different situations, and coordinate their efforts to pursue these purposes according to their common judgments. A typical example of a group agent is a firm, which normally has hierarchical decision-making structures to ensure this profile and mechanisms, such as the prospect of promotion or termination, to motivate employees to conform (List and Pettit 2011, 24-31; Pettit 2014, 97-121; Pettit and Lovett 2018, 368-369).

In recent years, critics have raised questions about the possibility of polyadic domination and pushed neo-republicans to carve out more space in their framework for additional categories of social ontology that situate between individual agents and group agents. Some (Dowding

2011, 310; also, Simpson 2017, 2019) suggest that, if an agent could be interfered with by a (currently unorganized) collection of individuals acting together, then this agent is seemingly dominated by that possible coalition. This issue is commonly referred to as “the coalition problem.”⁶ In other words, a person is dominated by a collection of agents who possess the uncontrolled power to invade her by coordinating. The mere possibility of such coordination makes her unfree. Therefore, it seems that, one is dominated just by living among other people because of the presence of the risk of coordination. Simpson (2017, 38-41) accurately points out that neo-republicans must recognize this form of social agency in order to explain the possibility of democratic control over the republican state. On the one hand, the people cannot plausibly be thought to constitute a potential group agent. Because, separate from state mechanisms, the people seem to lack a way to decide who speaks on their behalf and to reconcile inconsistent attitudes. But on the other hand, they must possess an ability that individual members do not have for effective democratic contestation against the state. Simpson calls this form of social agency which has a certain degree of coordination but is less cohesive and demanding than group agency a “team.” Through forming as teams, the people are capable of engaging collectively in boycotts, protests, and revolution. Lovett and Pettit (2019, 376-377) reject the claim that the mere possibility of team formation renders the subject dominated. In addition to the convergence of the wills of individual members, two thresholds —the strategy condition and the awareness condition—must be met for a potential team to be qualified as a potential interferer. It must be commonly aware of by each individual members that their wills have converged and there exists a salient strategy of interference available to the team members. It is beyond the scope of this chapter to review comprehensively the coalition problem. However, this debate concerning alternative loci of social agency provides valuable insights into how multiple agents can collectively dominate, especially at the systemic level, and the relevant qualifications they must meet.

⁶ For critiques closely related to “the coalition problem” posed for republican theory, see also List and Laura Valentini (2016) and Kolodny (2019).

Drawing upon Abizadeh's (2023, 9-12) analysis of power-with, I argue that, in addition to forming a group agent, there are other ways through which multiple agents can coordinate to exert power-over-structure to interfere with the choice of the subject. Power-with is taken to be the power to effect outcomes in virtue of others' assistance. Importantly, Abizadeh argues that even without shared intentions or goals, there are numerous ways in which one may effect outcomes with others' assistance. He classifies these ways under three broad categories: joint intentional action, strategic coordination, and non-strategic coordination. Although not all forms of power-with will grant agents relatively robust power-over-structure, at least some will, in addition to the formation of a group agent.⁷ A typical example often cited in the literature is the capitalist market (for example, Gourevitch 2013; Cicerchia 2022). Private owners or employers collectively dominate workers at the systemic level by creating and supporting a system of unequal distribution of productive assets. This system allows private owners to have unequal control over the process of production and forces workers to depend solely on this system to sell their labor. Specifically, although these private owners share a joint intention to uphold this system, they do not need a centralized decision-making mechanism or mutual obligations as neo-republicans envision in order to exert robust control over the structure and dominate workers.

In this section, I will present another example of systemic domination by multiple agents acting together without forming a single agent. I will draw upon Zhan Shaohua's (2017) empirical study of the reform of the *hukou* system, or the household registration system, in Chengdu, a municipality in China. This case illustrates how multiple agents can collectively reform an existing institution to dominate subjects. While these dominating agents share a joint intention to advance the reform, their respective interests and specific goals differ. Additionally, although none of these agents have unilateral control over the reform process and there exists no centralized decision-making process that binds these agents, they collectively impose robust systemic arbitrary power over the choices of the subjects.

⁷ Robustness in this context refers not only to the dominator's capacity to cover a sufficiently wide range of choices and to impose obstacles upon resistance, but also to the possibility of multiple agents to overcome barriers against successful collective action. For a critique of Lovett and Pettit's conception of the two thresholds, see Sandven (2020).

I choose Zhan's study as an example to illustrate my theoretical argument of systemic domination for two reasons. First, in contrast to that of the capitalist market, Zhan's study concentrates on systemic domination in the public realm, which lays the foundation for our subsequent discussion on bureaucratic domination. Second, Zhan's study provides a solid ground to testify the validity and robustness of my theoretical argument. China — the context of Zhan's study — is normally portrayed as an authoritarian regime where the party-state⁸ assumes paramount power in shaping the social and political landscape in comparison to social actors. One might naturally predict that the reform process must be controlled by the party or a critical party member to whom other social actors were subordinated. Nevertheless, the reform process did not halt even when a senior party member who was in charge of the program was held accountable for corruption. It shows that even in the context of an authoritarian regime there existed occasions where multiple agents, including both government and social actors, collectively advanced government programs without any of them necessarily having unilateral control or forming a single group agent. The validity and robustness of my theoretical argument are therefore testified.

The hukou (household registration, 户口) system is an important institution which allows the Chinese government to regulate population mobility and maintain social control.⁹ Briefly speaking, in mainland China, all PRC nationals are classified by two inter-related criteria: residential location and socio-economic eligibility. The first classification is the *hukou suozaidi* (户口所在地, the place of hukou registration, based on a person's presumed regular residence. Each citizen is required to register in one and only one place of regular residence. The most common categories of the place of hukou registration are urban centers (cities or towns, or industrial and mining areas) or rural settlements (villages or state farms). The local regular hukou registration defines a person's rights for many activities in a specified locality. For example,

⁸ For an overview of the interplay between the state apparatus and the party system in China, see Li (2015). For our purposes, I understand the party secretary of Chengdu to be the leader of the municipality because these two institutions are highly integrated and, conceptually, the government is under the leadership of the party.

⁹ I draw upon Chan and Zhang (1999, 818-823) for this quick overview of the hukou system.

many types of urban jobs are still limited to local hukou holders only. The second classification is the *hukou leibie* (户口类别, the “status” or type of hukou registration), essentially referred to as “agricultural” and “non-agricultural” hukou. This classification also bears important relationship with a person’s socio-economic eligibility and their different relationships with the state. Specifically, residents with agricultural hukou have access to agricultural lands or property in rural areas.

As the hukou system links people’s accessibility to state-provided benefits and opportunities, it significantly affects personal life in many aspects. Since the reform era when enormous social and economic changes and increased rural-urban mobility have taken place, its power in controlling people’s lives has declined. However, it still serves as an important tool for the state to regulate population distribution and to achieve many other important objectives it desires. For example, in the post-Mao reform period, it prevented migrant workers from bringing their families into cities with them, thereby forcing the families to remain in the rural jurisdictions. This enabled the government to keep migrant workers’ wage rates lower, thus giving China a greater comparative advantage in manufacturing (Zhan 2017, 25). Additionally, by restricting social welfare to a smaller (urban) population, the hukou system helps to lower the government’s operating costs.

Since 2004, Chengdu, the capital city of Sichuan province and the second largest municipality in western China, inaugurated its hukou reform with a program called “rural-urban integration.” This city has the rural population of 6.8 million in 2000, which is twice the size of its urban population. The goal of this program is the transfer of land rights from peasants living in rural areas through “three concentrations:” (1) concentrating factories in industrial parks, (2) concentrating rural residents in dense multistory urban-like residential communities, which frees up new farmland, or relocating them to cities, and (3) concentrating farmland in the hands of large cultivators including specialized households and agribusiness companies. To facilitate the three concentrations, Chengdu announced in 2004 that the distinction between agricultural and non-agricultural hukou was eliminated. All residents within Chengdu’s jurisdiction were

provided with the same type of “residence hukou.” Next, it further relaxed the registration of urban hukou by removing any hukou quota, which was previously a means to control the growth of the urban population. Rural migrants from Chengdu were eligible for urban housing and hukou if they rented an apartment in an urban area for a year or exchanged their land rights.

This round of reform, argues Zhan, was advanced by a tripartite alliance—agrarian capital, urban capital, and local government. Agrarian capital refers to agribusiness companies, as well as to agricultural and food processing and marketing enterprises known in China as “dragonhead companies” (longtou qiye, 龙头企业). Urban capital refers to nonfinancial enterprises, such as industrial, construction, and real estate companies. Both urban and agrarian capital pushed for hukou reforms because their profits increasingly depended on the acquisition of rural land and the moving of rural residents into urban areas. In particular, urban capital benefits tremendously from land development during the expansion of cities, which normally encompasses real estate investment and other economic activities. Agrarian capital can lease farmland or make contracts with villagers when they move into urban areas in order to organize agricultural production on a large scale.

Local governments have the interests to advance the reform because it generates a large sum of revenue. They collect a large sum in taxes and land use fees from both agrarian and urban capitals. More importantly, they can negotiate for larger land conversion quotas and therefore expropriate more rural land for urban development. In the current Chinese system, land is classified by its usage into land for agriculture and land for construction. The central government has imposed strict restrictions on the conversion of agricultural land into land for construction in order to ensure food security. It imposes an annual quota for each local government on the maximum amount of land conversion and requires them to reclaim an equivalent amount of new farmland in its jurisdiction. Consequently, to convert farmland near cities for urban development, local governments are motivated to “create” new farmland by relocating rural residents to urban area and concentrating factories. In short, Zhan suggests that the three parties have formed a

tripartite alliance with a shared intention to reform the hukou system so as to transfer land rights from rural residents and promote a land-based mode of accumulation.

On the one hand, the reform of the hukou system in Chengdu was successful for the tripartite alliance. Chengdu's urban areas expanded dramatically by converting vast amounts of farmland, woodland, housing land, and so on, to urban uses. The rural population declined from 6.7 million to 4 million and the use rights of 3.6 million *mu*, or 240,000 hectares, of farmland, which amounts to more than half of the total amount, had been transferred by the year of 2015. More than one million *mu* of this was leased to agribusiness companies. The number of agribusiness and dragonhead companies in Chengdu with annual sales beyond 100 million yuan had thus grown from less than 10 in 2000 to 182 in 2014. In addition, fixed asset investments (FAI) such as infrastructure and real estate investments expanded dramatically as the ratio of FAI to GDP soared from 0.7 in 2003 to 0.9 in 2014. The reform also generated a significant amount of revenue for the Chengdu government, which increased 8.6 times from 2003 to 2014. Specifically, the income from real estate sales went up from 20.3 billion to 142.4 billion yuan.

On the other hand, this reform had immense consequences for the livelihoods of the peasants. Although the hukou reform extended access to many socio-economic benefits, such as unemployment insurance, reserved for urban residents to peasants, it forced them to depend on the agrarian and urban capitals for subsistence. Zhan suggests that this government-sponsored and capital-driven reform has been an uneven process that differentiates rural residents based on the value of land. Some rural residents who used to live near economically developed regions would receive a more handsome compensation package, many others who dwelled in remote areas only received a package that could not make up for the loss of land. What is worse, the hukou reform seriously limited economic opportunities in rural areas by transforming a diverse and vibrant rural economy into a monosector based on large-scale commercial farming controlled by agribusinesses. Prior to the reform, land was used in various ways by farmers such as factories, animal farms, grain crops, cash crops, small trades, fish farms, fruit trees, and so on. Specifically, rural industry in Chengdu had traditionally been highly developed. The small

factories in rural areas provided jobs for local laborers who would otherwise be unemployed in the city. For example, a small rural furniture factory that Zhan (2017, 46) visited provided jobs to a dozen of women with ages from 45 to 60. These jobs not only offered them the means for subsistence but also allowed them to return home routinely and take care of the children and the elderly. Nevertheless, a large proportion of rural factories were closed or relocated, forcing the workers to either work for agribusiness companies or migrate to cities or industrial parks. None of these new options offered them stable employment or a robust safety net.

One may argue that the local government of Chengdu, or even the incumbent party secretary alone, should be considered as the dominator, as it monopolized the authority to modify policies, broker land deals, and control the supply of land, which was the most critical resource for generating profits and revenue. Relatedly, one may question the robustness of the power of the tripartite alliance, as the coordination could easily break down if a critical agent were no longer involved. The preeminent power of the government to control the reform process is exhibited in the numerous corruption cases where companies bribed local officials to secure land deals. However, Zhan (2017, 30) suggests that understanding the new round of locally initiated hukou reform is difficult without considering the role of agrarian and urban capital. In particular, their involvement in land deals and urban development has generated substantial profits and revenue. This growth incentivized and provided resources for the government to incorporate rural populations into the city and cover the cost of social welfare for new residents. More importantly, because capital can move across local boundaries, local governments have to compete for investments, particularly from large capitals, by offering favorable conditions. For example, all local governments in China have established their own bureaus for business promotion to attract investment from outside their jurisdiction. Thus, it is inaccurate to say that the two capitals are under the control of the local government. The reform cannot be attributed to the will of a single senior leader. Li Chuncheng, the party secretary of Chengdu from 2003 to 2011, did play a critical role in advancing the hukou reform and the “three concentrations” policy. However, his success would not have been possible without support from real estate

developers and agribusiness companies. Zhan (2017, 43) further notes that even after Li was arrested for corruption and abuse of power, the reform continued. Despite Li's fall, all the abovementioned policies remained in place during Zhan's fieldwork. Therefore, it is inaccurate to claim that the local government or a single party leader had the unilateral control over the reform.

The robustness of the tripartite alliance's systemic dominating power was demonstrated not only by the fact that the reform program continued even in the face of a major party leader's disgrace, but also by the alliance's capacity to impose obstacles on peasants' resistance. For example, the government forced rural residents whose land was expropriated to accept urban hukou. Should a rural household refuse to sign an agreement on land expropriation and compensation, the government would demolish the house and seize the farmland. This was often accompanied by the deployment of a large number of security guards and even police to crush any resistance. Additionally, the government collaborated with capital to fragment resistance by differentiating rural residents based on land value. Those who received better compensation were less likely to join protests.

In short, the tripartite alliance—the local government of Chengdu, agrarian capital, and urban capital—collectively dominated the choices of peasants regarding subsistence and migration at the systemic level. Their systemic arbitrary power is manifested specifically in their uncontrolled capacity to modify the laws and policies of the hukou system. Even in the absence of a centralized decision-making process, they were motivated by a joint intention to advance the reform of the hukou system so as to expropriate farmland and to deprive peasants of their land rights. As a result, peasants were forced to relocate to urban areas and to depend on the capitals and government compensation packages for subsistence. This example supports my theoretical argument that multiple agents can collectively dominate subjects at the systemic level without forming a group agent in the neo-republican sense, nor with there being a particular agent with unilateral control over the process. This realization is particularly important for us to comprehend the experience of being subjected to an impersonal force when confronting

bureaucratic domination as a kind of systemic domination. When the subject is dominated systemically by multiple agents coordinated by different forms of power-with, it creates an impression that his freedom is deprived by an agentless structure.

4. Bureaucratic Domination from a Systemic Perspective

In the previous sections, I defend a systemic view of domination and demonstrate its compatibility with the current neo-republican framework. Moreover, I argue that an agent can be dominated at the systemic level by multiple agents collectively even when they do not form a group agent by drawing upon Abizadeh's categorization of different forms of power-with and Zhan's study of the hukou reform in Chengdu. In this section, I will analyze bureaucratic domination from this systemic perspective. I will explore the roles of bureaucratic officials and the characteristics of their power in bureaucratic domination as a kind of systemic domination. Then, I will explain the experience of subjecting to an impersonal force in bureaucratic domination and the reasons neo-republicans should be concerned with bureaucratic domination.

Bureaucratic domination, as I construe, arises when an agent or multiple agents collectively have systemic arbitrary power, or the uncontrolled power-over-structure, to interfere with the choices of the subject, mediated in this case through the operation of a modern bureaucracy. Specifically, the dominators in this case are those who have the capacity to control a set of components in a social structure—laws, rules, procedures, or objectives—which are then impartially implemented by bureaucratic agents, and which the subject cannot effectively counter. They are said to arbitrarily control these structural components when they can generate, transform, reproduce, or repeal these components to target the subject's choices in a way that the subject cannot effectively resist. These structural components are impartially implemented by bureaucratic agents insofar as they are common public knowledge and their implementation is supervised externally, such as by an independently established court.

When the subject interacts with a bureaucratic agent implementing these components, he is not dominated by the bureaucrat's interactional power because such power is under the

subject's control. For example, consider a client visiting a healthcare center for advice regarding health insurance. An intake worker informs him that, according to the relevant policy, he is not eligible for the government-funded medical insurance plan because it is reserved for residents in this locality only. In this case, the option of the client to access the insurance plan is removed by the policy rather than the interactional power of the intake worker. Meanwhile, the intake worker's interactional power can be controlled by the client by appealing to the policy or independently instituted supervising bodies such as a court.¹⁰ If a client, who is a resident in this locality, is denied the access to the medical insurance plan by an official, this official can be held accountable by the client.

Instead, the ones who dominate the subject's choices are those who have uncontrolled capacity over these laws, rules, procedures, or objectives through their genesis, reproduction, transformation, and repeal. Thus, dominators in bureaucratic domination include, in the first instance, agents such as legislators, congressional committees, and powerful enterprises in virtue of their capacity to substantively shape these structural components. These agents, while peripheral to the dyadic relations between bureaucrats and clients, control the structural background in which their interactions occur. Additionally, bureaucratic officials can be considered as dominators at the systemic level as well because of their capacity to sustain the structural components through their execution and enforcement.¹¹ Because while the subject can

¹⁰ In practice, however, even when the laws, procedures, or objectives are publicly-known and supervising bodies are in place, it is still challenging for the subject to control the bureaucrats' interactional power. This may occur when the bureaucrats have to follow objectives which are too vague or competing. For example, the staff at the Immigration and Naturalization Service (INS) in the United States are required to follow conflicting goals such as "keep out illegal immigrants, but let in necessary agricultural workers" (Wilson 2000, 206). Alternatively this dynamic may occur when bureaucrats are performing tasks that are esoteric and not observable in a straightforward way. For example, consider a doctor who performs a diagnosis for a patient. Although it is common knowledge to both the doctor and the patient that the goal of the diagnosis is to improve the health of the patient, it is difficult to tell from the perspective of the patient how and whether the doctor achieves this goal. Thus, a reasonable middle ground for the subject could be compelling bureaucrats to justify their actions in light of the existing public constraints. If the bureaucrat fails to do so, then we could argue that the subject is instead subjected to the bureaucrat's interactional arbitrary power. I will discuss the challenges for democratic control over bureaucrats more extensively in the next chapter.

¹¹ This is not to say that bureaucrats' power-over-structure is only confined to sustaining and reproduction. The executives of bureaucratic agency often have the power to negotiate with external supervisors and other agencies with regards to the objectives of the agency. For example, Wilson (2000, 240) suggests that J. Edgar Hoover, the head of FBI from 1935 to 1972, had long resisted the Congress's proposition to involve the FBI in narcotics investigations, not just due to a fear of corruption, but also a desire to avoid taking on a task already performed by

control a bureaucrat's power at the interactional level (such as, for example, whether a bureaucrat implements a policy in accordance with a publicly-stated procedure), he cannot control that at the systemic level (for example, whether or not a bureaucrat implements a policy at all). In comparison to that of the former agents, the systemic arbitrary power of bureaucratic officials is less robust. It is constrained by the organizational structure of the agency they work for and by supervisors such as politicians, legislators and powerful interest groups. They only possess such power to interfere insofar as they act as employees of this agency. The range of choices of the subject that bureaucratic officials can target is typically circumscribed by the division of labor in the bureaucracy and is under the direction of other agents. Additionally, the robustness of their systemic power is influenced by their budget and the resources allocated. For example, a police officer cannot perform the work of a school teacher or a welfare officer, even if he personally prefers to. At the same time, what constitutes the nature of his work, such as managing family quarrels or handing out tickets for traffic violations, is usually decided by managers or administrators rather than the police officer himself.

Conceptualizing bureaucratic domination from a systemic perspective provides insights into the experience of being subjected to a seemingly impersonal force within bureaucratic domination. First, bureaucratic domination does not entail agentless domination or domination by the bureaucracy. It is primarily grounded in the fact that the subject focuses exclusively on domination at the interactional level rather than the systemic level. On the one hand, when the subject interacts with a bureaucrat who engages in law-enforcement or policy-implementation, it seems to the subject that he is not dominated by the latter because the bureaucrat's interactional power is under his control. But on the other hand, the subject's choices are targeted by the laws or policies implemented by the bureaucrat which he cannot modify or resist. Consequently, it creates an impression for the subject that the arbitrary power in bureaucratic domination comes from an anonymous structure rather than particular bureaucratic agents. The subject fails to see

other organizations that would then become its rivals. In addition, bureaucrats can refrain from policy-implementation or the enforcement of law and thus facilitate the transformation and repeal of existing structural components in situations such as civil disobedience and revolution. But, as this chapter focuses primarily on those operating at the frontline, I am highlighting this aspect specifically.

that he is in fact dominated at the systemic level by the agents who have the arbitrary power to control these laws and policies.

Second, this impression is further aggravated when the arbitrary power to control the structural components is in the hands of multiple agents collectively rather than a single, identifiable agent. For example, the client encounters greater difficulties in recognizing the operation of dominating power if the qualifications to government aid in the previous example are determined by multiple agencies collectively instead of an office or a committee alone.

Third, the complex structure of modern bureaucratic organizations results in information asymmetry between the dominator and the subject. At the same time, uncontrolled power-over-structure typically involves arbitrarily assigning social status, authority, rights, and obligations to different agents. It allows dominators in bureaucratic domination to confer themselves with the authority or privilege to determine, for example, how rules and procedures are defined and interpreted and to control the flow of information. These features together generate additional epistemological obstacles for the subject in understanding the inner workings of the bureaucratic machinery and accurately locating the dominator.

With the characteristics of bureaucratic domination in mind, we can now turn to its significance for republicanism. To begin with, the use of modern bureaucracy enables dominators to control, discipline, and exploit subjects at a larger scale and reliable manner. Here, I draw upon James Scott's classic criticism of "administrative utopianism" for a more detailed elaboration. Administrative utopianism refers to an ambitious attempt by the modern state to use its administrative power to transform the society into an abstract, uniformed, and standardized object. It belongs to a larger movement which Scott calls "high modernism" that culminated in the 19th and 20th century. Participants of high modernism in general share a commitment to linear progress, the development of scientific and technical knowledge, the expansion of production, and the rational design of social order. This process is fundamentally dominating because the state attempts to reduce what it perceives as irregular, chaotic, and constant changing social reality to something more closely resembling the administrative grid of its observation. In

contrast, the society has little capacity to resist the coercive state administrative power. For instance, with the aid of a powerful bureaucratic system, the Russian czars and their advisors in the eighteenth and nineteenth centuries initiated a succession of schemes to organize the population (serfs, soldiers, workers, functionaries) into institutions based on hierarchy, discipline, regimentation, strict order, rational planning, a geometrical environment, and a form of welfarism (Scott 1998, 194). Other examples can be found in the massive social engineering under apartheid in South Africa, the modernization plans of the Shah of Iran, villagization in Vietnam, and huge late-colonial development schemes are embodiment of this movement (Scott 1998, 89). As stressed by Scott, what distinguishes the administrative state from previous pre-modern political entities is its rational and disciplinary character. More specifically, the modern administrative state not only seeks to subjugate social actors but also to establish a stable, continuous, and efficient governance. While the transformation of social institutions to facilitate dominators' control over subjects has been a shared goal throughout history, as pointed out by Scott (1988, 88), it is only "in more recent time that a state machinery that matches their ambition is invented: the consistent coercive, the fine-grained administrative grid, and the detailed scientific knowledge allows the states to undertake an even more intrusive experiments in social engineering."

Bureaucratic organizations also enable dominators to exploit their subjects continuously and efficiently. Exploitation, especially in this context, refers to the process in which an agent achieves some surplus good for its private or particular end at the expense of the common good. As noted by many critical republicans, such as Thompson (2018, 46-49) and Vergara (2022), exploitation has gradually become a global phenomenon due to the rapid expansion of the capitalist regime. On the view of classic republican thinkers, this pursuit of private interest is commonly associated with corruption and thus poses great threat to a virtuous republic. Bryan and Kouris (2022, 520-526; also, Gourevitch 2013) further emphasize that exploitation entrenches and reproduces the structural vulnerability of subjects. It creates unequal social and economic conditions which foster other relations of domination. For instance, in the capitalist

economy where exploitation becomes part of the basic economic fabric of a society, those who are exploited, such as workers, have little opportunity to establish their economic and political independence. Their disadvantaged position and their lack of control over resources make them more susceptible to interpersonal relations of domination. Furthermore, both exploitation and the vulnerability it generates disrupt the development of those capabilities and virtuous dispositions that republicans tend to associate with the practice of citizenship. In the absence of these civic virtues, non-domination remains fragile when facing institutional decay and prejudice. The critical role modern bureaucracy plays in enhancing dominators' capacity to exploit is evidenced by Scott's description of taxation and conscription. Taxation and conscription are two important aspects of administrative utopianism. Although pre-modern rulers were no less interested than their modern counterparts in exploiting their subjects, they typically ended up with over-exploitation, thereby failing to obtain desirable results. It is only until the invention of the modern administrative apparatus that governments could extract from their subjects a reliable revenue that was more closely tied to their actual capacity to pay (Scott 1998, 23-4, 36). Bureaucratic administration provides modern rulers with a set of fiscal tools to accurately measure, codify, and simplify social realities and reduce the complexity and variability of production (Scott 1998, 38). By doing so, the process of exploitation becomes routinized, efficient, and sustainable.

Furthermore, the examination of bureaucratic domination highlights potential shortcomings concerning institutionalizing non-domination in the existing republican framework. As I will explore more extensively in the subsequent chapters, the modern bureaucratic state serves as a fundamental institutional basis for achieving non-domination in contemporary societies. Establishing a large-scale and efficient bureaucratic administration is mandatory for securing citizens' social and economic independence within the republican state, as it facilitates the provision of essential social welfare and government programs. Additionally, modern bureaucracy, by virtue of its rational structure, provides an appealing organizational model and a convenient criterion for assessing the performance of public agents for republicans.

Presumably, it contributes to elimination of domination by reducing the uncertainty of power. At the same time, as long as bureaucratic officials strictly adhere to pre-established rules, laws, or procedures, their actions are considered as non-dominating. Thus, although republicans stress the importance of democratic control over bureaucratic agencies in designing the republican state and institutionalizing non-domination, they generally focus more on the action of individual bureaucratic officials. However, from the perspective of systemic domination, it is evident that a modern bureaucratic structure does not necessarily diminish domination. Without proper control over how the impartial mechanisms in modern bureaucracy are created and operate, bureaucracy has the potential to covertly perpetuate domination even in the absence of interactional arbitrary power. This aspect often eludes scrutiny within the current republican framework, as it is typically interpreted as a form of vitiation.

5. Conclusion

In this chapter, I engage with the puzzle in the neo-republican literature concerning bureaucratic domination. On the one hand, according to Hannah Arendt as a republican theorist as well as other classic social and political thinkers, modern bureaucracy has morphed into a unique dominator that is characterized by its facelessness and impersonality. On the other hand, bureaucratic domination has not been seriously discussed by contemporary neo-republican theorists. To address the gap in the literature, I develop a systemic account of bureaucratic domination.

First, I defend a systemic view of domination. Domination can arise at both the interactional level, on which the current neo-republican account is focused exclusively, and the systemic level. Systemic domination arises when an agent as the dominator possesses uncontrolled power-over-structure to target the choices of the subject. I demonstrate how dominating power at the systemic level operates, what roles agents may play in systemic domination, why systemic domination can be recognized as a form of domination, and, finally, how this systemic perspective complements the current neo-republican framework. I also argue

that the subject can be dominated at the systemic level by multiple agents collectively through forms of coordination while not necessarily constituting a group agent. Next, I apply this perspective to analyze bureaucratic domination. Accordingly, bureaucratic domination does not entail agentless domination. Rather, it is grounded primarily in the fact that the subject is dominated at the systemic level. Although the bureaucrat's interactional power can be externally controlled by the subject, the subject is still dominated by the agents who have the systemic arbitrary power to control the structural components that are implemented and enforced by bureaucrats. It thus creates an impression for the subject that he is dominated by an impersonal automaton rather than particular agents. This impression is further aggravated when there exist multiple dominating agents rather than a single, identifiable one. Moreover, the complex structure of modern bureaucracy and the authority of the bureaucrats make it even more difficult for the subject to comprehend the operation of bureaucratic power and to identify the dominators.

Given space limitations, it is inevitable that the systemic account of bureaucratic domination presented in this chapter is incomplete. For example, the analysis of how to resist systemic domination remains incomplete in my current demonstration. In addition, the discussion on locus of social agency will benefit from further elaboration. For instance, when the subject is dominated by multiple agents collectively through coordination, it is unclear that whether the subject is dominated by many dominating agents, or by a team formed by many agents (so that there is only one dominating agent). Moreover, to enhance the appeal of the notion of systemic domination, it is important to explore whether multiple agents can collectively exercise robust systemic dominating power through other forms of power-with, such as strategic coordination. Lastly, the current account of bureaucratic domination is based on limited observation of modern bureaucracy. A more comprehensive explanation would require consideration of various types of bureaucratic agents and a broader exploration of bureaucratic organizations across different sectors (such as private companies) and regions (including bureaucratic organizations in other countries).

Chapter Two

Democratic Control Over Bureaucratic Agencies in the Republican State

The question of how the people can govern themselves in a way free from domination is a central theme in contemporary neo-republicanism. Neo-republicanism, which conceptualizes freedom as non-domination, has garnered significant attention in recent years within political theory. A neo-republican perspective on democracy constitutes a crucial component of this paradigm. It addresses the ways through which the people can effectively wield control over the state, which serves as a fundamental cornerstone for safeguarding non-domination.

This chapter offers a critical analysis of Philip Pettit's account of neo-republican democracy and its corresponding institutional structure, which is the most articulated and representative one in the neo-republican scholarship. Freedom as non-domination, argues Pettit, is best secured when individuals live within a well-instituted state. The state protects citizens from arbitrary interference from others and remains at the same time under their proper control. A neo-republican theory of democracy, accordingly, elucidates the conditions under which citizens properly control the state and delineates how these conditions ought to be institutionalized in practice. The legislature, as I attempt to show throughout the chapter, receives the preeminent focus in Pettit's institutional arrangement. A well-arranged legislative process allows citizens to collectively deliberate on common interests and to craft laws that translate the common interests into the guidance of state actions.

Pettit's approach to democratic control over the state, centered on the legislative process, has faced widespread critique within the literature. Some argue that his design of the legislative process is flawed, as the laws it produces may not only fail to eliminate domination resulting from biases and other oppressive social norms but may, in fact, contribute to the consolidation

and reinforcement of such forms of domination (e.g., Krause 2013; Coffee 2015; Watkins 2015). Furthermore, some emphasize the significance of socio-economic issues, such as the unequal distribution of wealth and access to the means of production, which may not be directly addressed by legislative measures but are integral to securing democratic self-government and preventing domination (e.g., McCormick 2011; Thompson 2018; Gourevitch 2013). Moreover, some contend that Pettit's approach is not sufficient to guard the common people from the influence of powerful actors and therefore advocate for the establishment of additional plebian offices in the state which allows more immediate popular control over state institutions and elites (e.g., McCormick 2011, 2013; Vergara 2022).

This chapter contributes to the scholarship from a different perspective. My focus is directed toward a frequently overlooked segment of the state—the bureaucratic apparatus. In the pursuit of non-domination in contemporary conditions, I argue that the republican state must evolve into a highly bureaucratic state. The state must function as a welfare state and take the responsibility of providing citizens with essential resources necessary for securing socio-economic independence and instituting principles of social justice. In addition, because Pettit prioritizes the state, rather than social actors, in instituting non-domination, the state has greater involvement in the regulation of various aspects of social life. The magnitude and the scope of these tasks necessitates the presence and efficient operation of a large-scale bureaucratic apparatus. Building upon this premise, I further argue that Pettit's legislation-centric mechanism of democratic control fails to sufficiently control the bureaucratic apparatus in the republican state. My critique consists of three separate but interrelated arguments. Let us call them the discretion argument, the insulated body argument, and the usurpation argument.

The discretion argument delves into concerns regarding the exercise of administrative discretion in the republican framework. Administrative discretion is both inevitable and necessary for the proper functioning of bureaucratic officials, especially frontline operators. Nevertheless, such discretion by definition cannot be bounded by written laws, which renders it a conceptually dominating power for Pettit. More importantly, when exercised in a proper manner,

it can be conducive to the pursuit of many goals crucial for non-domination. However, Pettit's mechanism falls short, both in sufficiently controlling and in providing proper guidance for the exercise of administrative discretion.

The insulated body argument grapples with the inherent tension between bureaucratic agencies conceived as insulated bodies and the legislature within Pettit's institutional framework. In his model, legislation serves as the primary avenue for democratic control over the state, wherein the people collectively deliberate on the common interests. Bureaucratic agencies are then expected to meticulously implement the mandates from these legislative decisions. However, Pettit also suggests that certain bureaucratic agencies can be conceptualized as impartial bodies insulated from the legislature to deliberate on critical public issues independently. I argue that this position is problematic for two reasons. First, using central banks as an example, I contend that the notion of insulated bodies relies on several ambiguous assumptions. Second, the concept of insulated bodies introduces a contradiction between the legislature and these bureaucratic agencies, posing a potential challenge to Pettit's legislation-centric vision of democratic control.

The usurpation argument highlights the marginalization of civic engagement within Pettit's framework of the republican state. In Pettit's model, bureaucratic agencies assume a pervasive role in various important domains of social life. Consequently, their extensive influence in public affairs leads to the systematic marginalization and trivialization of the political participation of ordinary citizens. By drawing upon an alternative interpretation of republican freedom as non-usurpation, I argue that citizens are stripped of their freedom to meaningfully involve themselves in public affairs, thereby falling into a state of slavery in a different sense. Moreover, this is true *even if* the actions of bureaucratic officials align with the laws and meet the criteria for non-domination.

Expanding on this critical analysis of the shortcomings in Pettit's legislation-centric approach, I contend that the remedy does not lie in implementing an exhaustive array of institutional checks on bureaucratic agencies. This approach, which views strict adherence to

laws as the sole criterion for evaluating the actions of state agents, portrays the relative autonomy of bureaucratic agents—something I will demonstrate to be both necessary in practice and even normatively desirable for non-domination —as inherently detrimental to democratic control. More importantly, it needlessly restricts the scope of civic engagement and democratic supervision in public affairs. Therefore, a refined model of democratic control within the neo-republican framework should depart from an oversimplified conception of bureaucratic administration as an institution secondary to the legislature and the rigid separation between law-making and law-implementation. It should recognize both phases as integral components of an ongoing and ever-evolving deliberative process in which all relevant actors—legislators, bureaucratic officials, and social actors— collaborate on the exploration of common interests. As such, this new framework perceives bureaucratic agencies who retain a certain degree of autonomy as important contributors, rather than potential threats, to the development of laws. It also fosters a more diverse and effective form of democratic supervision and civic engagement. Beyond legislation, citizens’ dynamic interactions with bureaucratic officials during the provision of public services can now be perceived as a new site of political participation which generates valuable feedback into the process of deliberation.

To comprehensively articulate my argument, this chapter is structured into the following sections. Initially, I will provide a concise overview of Philip Pettit’s neo-republican theory of non-domination and democratic control. This section will demonstrate that Pettit’s approach to democratic control is inherently legislative-centric in its orientation. Moving forward, the section will elucidate the role played by the bureaucratic apparatus within Pettit’s model. Given the multiple functions entrusted to the state in the promotion of non-domination, I will underscore the inevitable presence of a substantial bureaucratic apparatus that cannot be disregarded. These two introductory sections will lay the groundwork for the subsequent critical analysis presented in the third section. Here, I will present a three-fold critique of Pettit’s legislation-centric model of democratic control, encompassing the discretion argument, the insulated body argument, and the usurpation argument. Together they will demonstrate the insufficiencies of Pettit’s approach

in controlling bureaucratic agencies. This tripartite critique will also form the basis for my proposal for a refined version of democratic control within the neo-republican framework in the fourth section. By scrutinizing Pettit's view on democratic control and its institutional basis, this chapter aims to contribute to a more nuanced understanding of realizing non-domination in contemporary conditions.

1. Non-Domination and Democratic Control

Central to neo-republicanism is the ideal of freedom as non-domination. According to Pettit, a person is free when she is not dominated by another person. Domination refers to a social relationship whereby an agent has the capacity to wield arbitrary power over another agent. A paradigmatic example neo-republicans typically invoke for illustration is the relationship between a benevolent master and a slave. Intuitively, we will agree that the freedom of the slave is constrained even in the absence of actual interference from the master. The mere benevolent disposition of the master and his forbearance from interfering do not automatically entail the freedom of the slave. This is because the master still possesses the power to interfere should he so please, while the slave has little measure to resist. To capture such an intuition, Pettit argues that to robustly defend one's freedom, we should not only guard against actual interferences but also potential ones. Accordingly, Pettit aims to distinguish his view of freedom from the influential account of freedom as non-interference. The latter, often labeled as a negative view of freedom, has become the most commonly accepted view of freedom since the nineteenth century as the result of the influence of Beetham and Parley (Pettit 2012, 10). Against this mainstream account, Pettit's goal is to revive the long-forgotten understanding of freedom as non-domination rooted in a rich intellectual tradition.

What, then, counts as arbitrary and dominating power? Pettit's definition of arbitrariness and domination has evolved over time. In his early writing, Pettit adopted a forced-to-track-interest conception of non-domination. He suggests that "[u]nder this conception of arbitrariness, then, an act of interference will be non-arbitrary to the extent that it is forced to track all the

interests and ideas of the person involved-these may take inconsistent demands-at least forced to track the relevant ones” (Pettit 1997, 55). According to this formulation, power is exercised non-arbitrarily and therefore not dominating when the power-holder is compelled to track the interest of the subject. Nevertheless, Pettit later turn to an account of arbitrariness which is grounded on the notion of control. Accordingly, power is dominating when the power-holder is not controlled by the subject. While both formulations share a concern over effective checks or constraints on the power-holder, Pettit makes two substantive modifications in the new account, both of which are relevant for the subsequent discussion on democratic control.

First, the revised definition underscores that for power to be non-dominating, it is imperative for the subject to be the one controlling the power-holder. This adjustment addresses a potential pitfall inherent in the initial formulation. While the original account stipulates that the power-holder must be compelled, it fails to specify who performs this compelling action. Under this formulation, if the power-holder is compelled by any third party, domination is reduced. However, in this case, the subject becomes dependent on the benevolent will of the third-party to constrain the initial power-holder, which results in another instance of domination, and she remains unfree. The refined control thesis eliminates this potential pitfall by explicitly requiring that the power-holder must be compelled by the subject herself, thereby establishing a more stringent criterion for non-domination.

Second, the revised formulation aims to mitigate an ambiguity present in the initial definition. Notably, the new formulation omits explicit mention of tracking the relevant interests of the subject. This omission is deliberate, considering the notion of “relevant interest” may carry a value-laden or moralized connotation, as noted by Pettit (2012, 58). In other words, non-domination depends upon an independent notion of the objective good or objective interest. The inclusion of this concept could potentially lead to unnecessary and burdensome controversies surrounding what qualifies as the relevant interest. Moreover, the emphasis on tracking the relevant interest opens the door to a potential form of paternalistic domination, allowing power-holders to justify their actions based on a purported understanding of the objective interest of the

subject. The revised formulation sidesteps these complexities by paying more attention to the power of the subject to control and counter the power-holder. Nevertheless, as I will elaborate more extensively later, an exploration of what constitutes the interest of the subject remains a crucial element for Pettit's theory that cannot be easily circumvented, particularly with regards to democratic control over the state.¹²

The elucidation of Pettit's concept of non-domination lays the foundation for the subsequent exploration of democratic control. Domination is correspondingly diminished when the exercise of dominating power is under the control of the subject. According to neo-republicans in general, the power-holder is more effectively controlled when subject to external constraints, such as widely-accepted impartial laws, rules, and procedures (Pettit 2012, 63). The very definition of non-domination implies that individuals cannot truly be free unless they exert firm control over the government under which they live. In other words, the promotion of non-domination requires the establishment of a well-instituted democratic state. As a powerful entity, the state can effectively deter potential dominators and safeguard the freedom of its citizens. At the same time, a well-structured democratic system allows citizens to control the exercise of state power, preventing the state itself from evolving into a dominator. In essence, democratic control over the state is intrinsic to the realization of non-domination within Pettit's framework.

The people¹³ exercise control over the state, according to Pettit (2012, 239), when they have an individualized, unconditioned and efficacious influence that pushes the state in a direction that they find acceptable. This can be achieved by a democratic mechanism that operates at two dimensions. Drawing upon the terminology Pettit employed in his earlier work (Pettit 2000), these two dimensions are labeled the authorial dimension and the editorial dimension. In the authorial dimension, citizens function as the authors of the state's action. State power is under effective democratic control and non-dominating when its exercise is guided by the commonly accepted reasonings in a community. Thus, a pivotal role of the authorial

¹² For criticism connected to the evolution of Pettit's definition of domination, see Christman 1998, Costa 2007, McMahon 2005, and Pettit's response in Pettit 2006, 2012 58, n34.

¹³ In this chapter, I use "citizens" and "the people" interchangeably.

dimension of democracy is to articulate these commonly accepted reasonings and to translate them into laws and policies that guide the subsequent actions of the state. These reasonings will emerge as citizens engage in an ongoing and well-designed process of collective deliberation. Initially, individuals may advocate for their own self-interests, but over time, they will gradually identify reasonings that everyone can agree are relevant to them (Pettit 2012, 253-256). These commonly accepted reasonings, or norms, are considered as the embodiment of the common good or the public interest and ultimately become the basis of legislation (Pettit 2012, 243-5, 307-8). An example of such a reasoning is the justification for the state imposing certain taxes or punishing offenders (Pettit 1997, 55). While a particular citizen would prefer to avoid being taxed or being punished when she violates the law, citizens as a whole will find these practices commonly accepted. In the authorial dimension, each individual citizen must enjoy equal access to the deliberative and the subsequent legislative processes, where they can “speak for themselves and for the groups to which they belong” (Pettit 1997, 115). Additionally, they have the equal opportunity to express their (albeit indirect) consent to the substance of laws and policies through processes such as elections and representations.

In contrast, the editorial dimension of democracy is where citizens engage in contesting laws and policies that deviate from commonly accepted reasonings. In this dimension, citizens function as the editor of laws. Pettit argues that democracy has traditionally been associated exclusively with the authorial dimension. It offers little insight into how citizens can effectively exert effective ex-post control over the state by resisting laws that deviate from the commonly accepted norms and, consequently, become dominating. Also, this view of democracy assumes that citizens only govern themselves democratically through majoritarian legislative actions (Pettit 2012, 283, 304). Under this model, individual citizens, and social minorities, compared to more powerful social actors, often have little effective measures to influence the direction of the state. On Pettit’s view, the editorial dimension of democracy addresses these gaps and is a distinguishing feature of neo-republicanism. Pettit suggests that

The non-arbitrariness of public decisions comes of their meeting, not the condition of having originated or emerged according to some consensual process, but the condition of being such that if they conflict with the perceived interests and ideas of the citizens, then the citizens can effectively contest them. What matters is not the historical origin of the decisions in some form of consent but their modal or counterfactual responsiveness to the possibility of contestation. ... On this model, a government will be democratic, a government will represent a form of rule that is controlled by the people, to the extent that the people individually and collectively enjoy a permanent possibility of contesting what government decides. (Pettit 1997, 186)

Specifically, to institute both the editorial and contestatory dimensions of democracy, Pettit proposes a decentralized form of decision-making, advocating for the distribution of legislative authority across multiple deliberative forums instead of consolidating it within a single majoritarian assembly (Pettit 2012, 286). This decentralization is designed to make the decision-making process more open to inputs from individuals and minority groups, thereby avoiding a monopoly of the final decision by any one agency. Additionally, he (Pettit 2012, 260) proposes that, alongside with the deliberative forums, the republican state should establish checks-and-balances among different state agents and contestatory avenues at different levels for citizens to exert ex-post control.

In short, Pettit's approach to democratic control primarily revolves around legislation. It is through legislative actions that the commonly accepted norms are explicitly outlined and transformed into concrete guidance for the state's actions. While Pettit underscores the significance of the editorial dimension in the neo-republican perspective on democracy and endorses a decentralized legislative process, he does not diminish the centrality of legislation. Instead, these measures are crafted to address the problem of majoritarianism and empower citizens to more effectively ensure firm control over the state by challenging and revising potentially abusive laws.

2. Instituting Non-Domination in the Bureaucratic State

In the previous section, I presented a brief introduction of Pettit's view on non-domination and democracy. Democratic control over the state is an integral part of the realization

of non-domination. The citizens' control primarily operates through a two-dimensional model of democracy, which centers on legislative processes.

The existing literature examines the predominant emphasis on legislation within Pettit's model of democratic control. Numerous scholars have highlighted concerns that the legislative process so designed may not yield laws truly reflective of the common interest. The legislative process identified by Pettit proves insufficient to modify prevailing dominating norms, such as sexism and racism (Coffee 2015), and may inadvertently reinforce these norms when endorsed by the majority (Krause 2013; Victoria Costa 2013, 932; Marin 2018). At the same time, Pettit's contestatory mechanism, intended to empower oppressed minorities, is criticized for providing limited remedies and, in some cases, proving to be counterproductive. Social minorities' claims often fail to align with the "received, popular criteria" in society, given indifference or outright hostility from the majority. As a result, their claims are excluded from the recognized "commonly avowable" interests which are expected to be translated into laws and be tracked by the state. For an example, consider the criminal justice system in the United States which has long been utilized as a site for institutionalized oppression of Black Americans as a group (Watkins 2015, 527; Victoria Costa 2007, 299).

Nevertheless, so far, few studies have explored the roles of other state agents in the republican state and their contributions to the promotion of non-domination. Specifically, both Pettit and his major critics approach the bureaucratic apparatus through a similar lens. That is, they all emphasize a dichotomy between law-making and law-implementation. In the neo-republican perspective, an ideal state is one governed by the "empire of law." Consequently, the prevailing assumption is that non-domination is most likely to materialize in a framework where ideal laws and policies are crafted through well-design procedures and then are faithfully executed by bureaucratic agents (Pettit 1997, 208). Bureaucratic agencies are typically categorized as a kind of subordinate state institution falling under the executive branch, entrusted with the proper implementation of well-crafted laws and policies. While many critics highlight the inadequacy of relying solely on the law to eliminate domination and point out flaws in the

legislative procedure within Pettit's model, they, akin to Pettit, perceive the bureaucratic apparatus as an agent secondary to the legislature.

Before proceeding to explore why the legislation-centric approach falls short in controlling the bureaucratic apparatus, we must establish the expected roles it is meant to perform in Pettit's conception of the republican state. This crucial undertaking is the primary focus of this section. I aim to demonstrate that, according to Pettit's model, the bureaucratic apparatus must assume a substantial scale, and must function as more than mere law-implementation for two interrelated reasons. First, to effectively institute non-domination in contemporary conditions, the state is tasked with providing citizens essential resources necessary for securing their socio-economic independence and realizing principles of social justice in their lives. The magnitude and scope of these tasks necessitates the presence and efficient operation of a large-scale bureaucratic apparatus. Second, the emphasis Pettit places on the state over non-state social actors in promoting non-domination further contributes to the substantial size of the the bureaucratic apparatus.

To begin, the bureaucratic apparatus shoulders the responsibility of providing individual citizens with the resources essential for their social and economic independence. Domination occurs when others possess the arbitrary capacity to interfere with one's choices. In safeguarding against domination, Pettit insists on the importance of not only having measures to deter potential dominators but also possessing the resources to reduce vulnerability to external influences (Pettit 2012, 127). These resources encompass personal, natural, and social elements (Pettit 2012, 69-70). For example, a person with limited mobility due to a disability may be more reliant on others to realize their freedom of movement, rendering them more susceptible to the influence of others and consequently more vulnerable to domination. Yet, in an environment where facilities for accessibility are widely accessible, such dependence and vulnerability are mitigated. To ensure citizens have the necessary resources is critical not only for preserving their independence but also for the realization of social justice in the neo-republican sense. In a just society, individuals can enjoy their "basic liberties," manifested in their capability to freely make

important choices, and have a publicly established and acknowledged status in relation to others (Pettit 2012, 87-88). The accessibility of these essential resources to each individual serves as the foundation for safeguarding these basic liberties and maintaining equal status.

Furthermore, the specific resources considered necessary for individual independence hinge upon the social and historical context. In contemporary societies, Pettit suggests that “as society has become more complex, and as the demands of successful social living have multiplied, so the standard necessary for assured access to a decent quality of life—the standard necessary for socio-economic independence—has risen too” (Pettit 1997, 158). In essence, enjoying non-domination in contemporary societies is contingent on a broader array of social and economic conditions as compared to previous points in history.

On Pettit’s view, it is the state that assumes the responsibility of providing citizens with necessary resources. This stance may raise questions about the capability of other agents, such as private enterprises in the market, to supply these resources. One may argue that these agents, such as private enterprises, are more efficient than the state in fulfilling certain tasks. In fact, the preference for the state in promoting non-domination is a distinctive characteristic of Pettit’s interpretation of republicanism. Core political ideals in the republican tradition, such as mixed-constitutionalism, and the rule of law, inherently presume the existence of a state. Pettit not only considers the state as a historical necessity but also a precondition for achieving republican liberty, a viewpoint that persists in his latest account of the state (Levy 2016, 680; Pettit 2023). From his perspective, the state not only possesses greater power but also is considered more sensitive to common interests. On the one hand, corporate entities have proliferated dramatically in modern society and serve as significant sources of employment. However, on the other hand, these non-state corporate agents, despite their societal contributions, pose a potential threat as salient dominators. Individuals, according to Pettit, are vulnerable to the influence of both these entities and other group members. Unlike the state, these entities lack an inherent obligation to track the common interests of their members and the community as a whole. For instance, multinational corporations might misuse their power by arbitrarily determining working

conditions for their workforce, disregarding the negative impacts on the local community and the environment (Pettit 2012, 116). Additionally, non-state group agents often lack organizational structures that facilitate stringent scrutiny by their members. Even though social groups operate through the actions of individual members, these members, acting in isolation, may be unclear about the aggregate effects of their actions (List and Pettit 2011; Pettit 2012, 115-6).

Consequently, Pettit worries that members of non-state corporate agents lack effective measures to hold their organizations accountable without state intervention.

Because of this, non-state, social actors contribute to non-domination in a way that is both secondary in importance to the law, and parallel to the law in substance and goals.¹⁴ For example, in demonstrating the character of civil society, Pettit (1997, 280) suggests that “[t]he laws that advance the claims of the republic, institutionalize its forms, and establish regulatory controls need to be supported by civil norms—need to be supported by widespread civic virtue, by widespread civility—if they are to have any chance of being effective; the legal republic needs to become a civil reality.” In other words, because legal and political institutions possess limited capacity to “identify and sanction all offences against republican laws and norms,” they must be supplemented by virtuous non-state actors who are “committed enough to perform in that role or to support the efforts of the authorities” (Pettit 1997, 280). Through the proliferation of republican social norms, virtuous non-state actors impose a secondary and “soft” form of sanction against offenders that parallels the “hard,” coercive and institutional ones imposed by the state.

To conclude, Pettit’s conceptualization of the state assigns the state the primary role of providing the essential resources for citizens in contemporary conditions. Additionally, given his

¹⁴ One may argue against my characterization of Pettit’s articulation of non-domination as a state-centric program. For instance, in his more recent account, Pettit places greater emphasis on extra-institutional forms of democratic control and stresses the ontological priority of the people over the state (Pettit 2012, 287). It appears that Pettit acknowledges the potential of non-state actors in promoting non-domination independently of the state. Nevertheless, I argue that the dilemma faced by non-state actors still persists. The issue does not solely revolve around the capability of non-state actors in comparison to that of the state. But rather, without state intervention, social actors are consistently vulnerable to domination by other social actors. This concern is highlighted particularly in discussion on the “coalition problem” in the literature, which is touched upon in the first chapter (Dowding 2011; Simpson 2017; Sandven 2020; a rejoinder by Pettit, Pettit and Lovett 2019, 780).

preference for the state as the locus of promoting non-domination, this stance entails a significant and comprehensive influence of the state deep into society. The bureaucratic apparatus, which serves as the vehicle for state power, then plays a critical role in this framework. Consequently, the bureaucratic apparatus so conceived must be of a colossal size and perform functions beyond mere instrumental law enforcement.¹⁵

3. Democratic Control Over Bureaucratic Agencies

In the previous section, I establish that, on Pettit's neo-republican view, legislation is the primary avenue through which citizens exert control over the state. The state is considered under proper democratic control when its actions adhere to the laws and policies crafted by well-designed legislative processes. Meanwhile, citizens and other agents have sufficient channels to contest abusive laws and policies. Furthermore, I also delineate the characteristics of bureaucratic agencies and how they function in Pettit's conception of the republican state. In this section, I will proceed to articulate a three-fold criticism that addresses the shortcomings of the legislative-centric approach in adequately controlling the bureaucratic apparatus as conceived in his model.

3.1 The Discretion Argument

My first argument concerns the exercise of administrative discretion within Pettit's framework. I attempt to show that Pettit's approach fails to both effectively control

¹⁵ For greater accuracy, two important qualifications needed to be made with regards to this claim. First, it is not a novel idea that modern bureaucracy can play a positive role in the functioning of the state beyond mere enforcement of the law. For instance, Evans and Rauch (1999) suggest that effective Weberian bureaucracies contribute to economic growth (for a recent study on non-Weberian model and non-Western context, see McDonnell's (2017, 2020) work and Zhou (2010, 2012, 2022) on China's model). Nonetheless, as Olsen (2008) notices, there has been "ups and downs of bureaucratic organization" in the past decades. During the 1970s, there was a movement that called for de-bureaucratization, a movement which claimed bureaucratic organizations were plagued by inefficiency, stagnancy, irresponsibility, and so on. But with the success of "developmental states" in East Asia, a well-organized modern bureaucracy was again embraced as one of the essential catalysts for good governance. It is beyond the scope of this chapter to give a complete review of the relevant literature. Second, not every kind of bureaucratic agency will dramatically expand in order for the state to efficiently deliver the public services that Pettit envisions. For instance, the number of police officers, public school teachers, and medical workers will increase as a result of the state's effort to enhance law-enforcement and to promote public health and public education projects. However, other bureaucratic agencies, such as those whose tasks involve redistribution, may not experience similar rapid expansion.

administrative discretion and provide adequate guidance for its appropriate exercise, which is crucial for realizing many goals essential to non-domination.

According to the Merriam-Webster's Dictionary of Law, discretion is "the power of a public official or employee to act and make decisions based on his or her own judgment or conscience within the bounds of reason and law."¹⁶ In Black's Law Dictionary, when applied to public functionaries, discretion is understood as "a power or right conferred upon them by law of acting officially in certain circumstances, according to the dictates of their own judgment and conscience, uncontrolled by the judgment or conscience of others."¹⁷ In short, we may say administrative discretion is a kind of power that a public agent exercises with a view to advancing certain policy goals or ends within certain boundaries. Discretion has been a subject that is long undervalued by political theorists. It is usually seen as a residual, derivative category of law which does not have its own subsistence (Pratt 1999, 1-2). This prevailing assumption is best captured by Dworkin's doughnut metaphor: discretion, like the hole in a doughnut, does not exist except as an area left open by a surrounding belt of restrictions. With regards to how public agents advance laws or policies, it is conventional to distinguish between two kinds of discretion. Here, I am relying on Heath's (2020) categorization. The first involves cases in which the law, or a derived set of regulations, rules, or procedures, is reasonably specific, and discretion arises primarily in the *application* of these rules. This is the form of discretion usually exercised at the street or "site" level. For instance, social workers may have a set of "eligibility criteria" to access whether elderly members of the community can have in-home support services. In principle, the goal of this type of discretion is merely to ascertain whether certain factual circumstances obtain. Yet determining these facts involves a considerable degree of judgment. The second type involves cases in which the civil service is charged with providing a *specification* or *interpretation* of the law, or is charged with developing rules to achieve objectives set out in the law. Binding rules may take the form of "regulations", "bylaws," or "orders"; less binding ones

¹⁶ <https://www.merriam-webster.com/dictionary/discretion#legalDictionary>. Accessed September 23, 2024.

¹⁷ <https://thelawdictionary.org/discretion/>. Accessed September 23, 2024.

may be “directives,” “guidelines,” “manuals,” “rulebooks,” or “standard operating procedures”. For example, in the United States, the mandate of OSHA (the Occupation Safety and Health Administration) “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions” requires significant elaboration to be applicable in practice at all. As Heath suggests, OSHA has undertaken a series of rule-making exercises in which it proposes regulations governing specific workplace hazards, and then goes through various onerous procedures before it adopts a set of rules (Heath 2020, 264-265). In the meanwhile, with regards to the justification of discretion, we can differentiate *de jure* and *de facto* discretion. In the former case, discretion is intentionally delegated and often explicitly documented in the statute. In the latter case, the discretion that arises is not official but is wielded in practice by bureaucrats on the ‘street level’ (Heath 2020, 269; Zacka 2017, 34-35).

It is widely acknowledged by neo-republicans that, due to the inherent limitations of the legislature, a certain degree of discretion must be entrusted to public agents. Crafting comprehensive legal statutes demands considerable time and resources from legislators. Moreover, even in an ideal scenario where laws are meticulously formulated, no system of explicit rules can comprehensively cover all possible contingencies and circumstances. Therefore, for the proper functioning of government and the advancement of the law, public agents are vested with a certain degree of discretion (Lovett 2018, 11-12, 23). However, discretion is also conventionally understood as inherently inimical to law. It is portrayed as “the unruly shadow of law, a space that is, to varying degrees, unconstrained by legal reasonable calculation and aims to apply general legal or legalistic rules” (Pratt 1999, 3). Despite being developed to advance the objectives set by laws, the definition of this power implies that it is essentially wielded by agents who rely on their judgment and will to make decisions and cannot completely be bounded by laws. As forcefully emphasized by Pettit (1997, 162), “[h]owever the welfare needs of people are serviced under state that promotes overall freedom as non-domination, they must not be serviced in a manner that itself involves certain forms of domination [...] It must not have the aspect of a gift that may be withdrawn at anyone’s whim:

[...] not at the whim of a street-level bureaucrat.” Therefore, if strict adherence to laws crafted by democratic legislation serves as the yardstick for evaluating the behavior of bureaucratic officials, administrative discretion conflicts inherently with the realization of non-domination. Pettit’s worry about the dominating nature of discretion is well-justified. In fact, “arbitrariness” is explained in the dictionary as discretionary decision-making. A decision is arbitrary when it is “subject only to individual will or judgement, without restriction; contingent only on one’s discretion; uncontrolled or unrestricted by law; tyrannical; despotic” (Random House 1987, 107). Additionally, other political theorists, such as Dicey (1915, 110) and Goodin (1988, 184-223), echo Pettit’s concern that discretionary decision-making by public servants is the antithesis of law and is inherently associated with arbitrary might and coercion.

If discretion is inherently dominating, it seems that its inevitable presence in the republican state renders the project to institute non-domination vulnerable and less appealing. In general, neo-republicans may propose two approaches to alleviate the tension between discretion and non-domination. First, from a pluralist perspective, neo-republicans, such as Lovett (2022, 151), may concede that non-domination is one of the many important political ideals that we aim to pursue. Discretion can be thus seen as valuable for reasons external to non-domination. Second, neo-republicans can conceptualize a technical or instrumental view of discretion. Discretion is limited to a technical or instrumental sense when bureaucratic agents would only exercise such power to seek the most effective means of achieving democratically controlled ends and of applying democratically controlled rules based on their specialized knowledge (Heath 2020, 264-269; Zacka 2017, 34-35; Lovett 2022, 151). Meanwhile, the people as the subject of discretion must have effective measures for ex-post control (Lovett 2022, 153). Let us grant that discretion is non-dominating if its exercise is under these constraints; this will still require a democratic legislative body capable of generating well-specified laws, objectives, and procedures, which provide clear guidance for the exercise of discretion and criteria for evaluating bureaucratic performance. Additionally, there must exist a mixed constitution implementing

checks-and-balances among state agents, and contestatory channels empowering citizens to challenge misuses of discretion.

Nevertheless, I argue that both approaches are unsatisfying. The institutional checks proposed by neo-republicans in the second approach are not as effective as they predict in terms of constraining discretion. Consequently, even discretion in the technical sense is dangerous to the effort to institute non-domination. On either view, discretion is at best a necessary evil, or a kind of power valued only for reasons external to non-domination.

To begin with, empirical studies showcase that, even under ideal conditions, democratic legislative actions may fail to generate concrete recommendations or directions capable of meaningfully guiding subsequent actions for bureaucrats. Take the citizen panel assembled by the City of Edmonton as an example (Heath 2020, 76-77). The panel was assembled in collaboration with researchers at the University of Alberta, as part of the Alberta's 2010-2011 budget exercise. The panel consisted of forty-nine randomly selected citizens, who met on Saturdays for a period of six weeks to give recommendations to guide the city's budgeting process. They were given presentations by city officials, along with access to budget documents, growth projections, infrastructure plans, and so on. In other words, these citizen representatives are well-informed about the issues with the assistance of officials and experts, and are given ample time for collective deliberation. But after intensive discussion and deliberation, this panel only provided vague and sometimes contradictory imperatives. For example, the citizens called for "a change in thinking if we are to increase livability. A change in thinking should be achieved through both incentives and disincentives created by the public and private sector." On Heath's interpretation, the call for a "change in thinking" does not specify what change is. Meanwhile, when citizens demand that such change should be effected "through both incentives and disincentives created by the public and private sectors," they do not indicate effectively what are to be excluded. What is worse, most of the points are conjunctive, in a way that would allow them to be used to support any policy or its opposite. Heath's example shows that even a well-organized democratic deliberative process does not necessarily yield directives clear and

concrete enough to guide bureaucratic actions.¹⁸ Thus, the capacity of democratic legislation to control the exercise of administrative discretion should be not overstated.

Moreover, other branches of the state have a variety of techniques in their repertoire to check officials in the executive branch. But on the other hand, instead of actively deploying these techniques they often refrain from using them. The effectiveness of these techniques depends on issue-areas and context as well. The existing literature on legislative oversight already sheds important light on the measures that the legislature can employ to guide and to scrutinize the behavior of the executive. For example, as the classic writings of McCubbins et al. (1987) and Arnold (1987) on the dynamic between the Congress and the executive in the United States suggest, Congress can use statutory and non-statutory techniques to influence administrative decisions. Congress could straightforwardly use the original legislation authorizing a program to specify quite precisely how an agency is to administer the program under every imaginable condition. Alternatively, Congress can write very general legislation in the first instance, and then use subsequent reauthorization bills to provide even more precise specification for how an agency should act. The annual appropriations process provides another instrument for control. Congress can use appropriations as both carrot and stick, such as providing additional funds for bureaucrats who produce pleasing decisions and withholding funds for those who do not. Finally, it can insert very precise prohibition bills in appropriations bills that forbid agencies from spending any money to study or implement various options. In terms of non-statutory techniques, Congressional committees can hold extensive public hearings to inquire about past, present, and future decisions. These same hearings can be used to communicate congressional views about how administrative officials should adjust their decisions to accommodate congressional preferences (McCubbins et al. 1987; Arnold 1987, 280).

The effectiveness of these measures is limited by many factors. As mentioned earlier, an important reason why administrative discretion is created in the first place is that bureaucrats are assumed to be expert about their policy responsibilities than legislators and elected politicians

¹⁸ For potential counter-examples, see Lacelle-Webster and Warren's (2021) recent discussion of the potential of citizen assemblies to learn, deliberate, and break through gridlock issues.

who create their bureau. Delegating authority to bureaucrats alleviates their burden to craft detailed statutes. But influencing and monitoring bureaucrats' behavior also take time and resources. The same limits on time and resources which necessitate delegation also severely restrict the ability of elected officials to monitor and control administrative decisions (McCubbins et al. 1987, 247). Meanwhile, these measures themselves might create additional costs for political actors. For example, some form of sanctions upon bureaucrats require legislation, which demands the coordinated effort of both Houses of Congress and the president. The introduction of legislation creates the additional problem that can reopen long settled, but still contentious, aspects of a policy that are unrelated to the compliance problem. In other words, imposing legislative sanctions risks other undesirable legislative outcomes from the perspective of elected officials (McCubbins et al. 1987, 252).

Second, Congress may influence administrative decisions by modifying administrative rules and procedures. These rules and procedures increase the flow of information between bureaucratic agencies, affected parties, and Congress, therefore reducing the information asymmetry between these actors. For example, the Administrative Procedure Act of 1946 requires that all agencies provide notice of proposed policies, invite comments and participation from all interested parties, and weigh carefully all evidence submitted to them. The Freedom of Information Act of 1966 requires that agencies open their records to the public. Together these two acts permit interested parties to watch and participate in agency decision-making, to petition to Congress and to appeal unfavorable decisions to the courts. In essence, such administrative rules and procedures force bureaucrats to hear and consider the full range of policy preferences that Congress itself would hear if it had retained jurisdiction over these decisions (Arnold 1987, 280-281). In addition, they enhance wide-scope democratic participation and inclusiveness as well. Powerful social groups tend to exert disproportionate influence over administrative decisions by purchasing expert legal and political representation. But Congress can curb such influence and compel the executive to treat all interests equally by changing the pattern by which the interests are presented. For example, bureaucrats are required first to conduct studies to

identify how those interested parties who may be poorly represented are affected by all proposals on its agenda, and then to incorporate their findings into its decision-making process, which ideally balances against the influence of more powerful actors. Alternatively, Congress can require administrative agencies to provide funding for disadvantaged groups that otherwise might not participate effectively in administrative hearings (Arnold 1987, 281). A successful example of procedural innovation with broad impacts is the National Environmental Policy Act. This act allows a coalition of environmental interest groups, who are in a disadvantaged position relative to other power agents, to join friendly congressional committees to stand together against attacks in a hostile forum where other interests usually triumph. And it forces bureaucratic agencies to run a cost-benefit analysis which is too costly for environmental interest groups (Arnold 1987, 283).

While these techniques seem to offer Congress a more promising solution to control administrative power, their effectiveness depends on issue-area and context. Take consumer groups as a notable example. Bureaucratic agencies are required to subsidize groups that would otherwise not actively or effectively participate in agency decision-making. Consumer groups are a favorite target for such subsidies because they are poorly funded and organized compared to producer groups. When the consumer movement was at its height, Congress created many programs to address the issue. But many of these programs were vulnerable and did not last long because their funds were reviewed by unfriendly budget examiners or congressional committees. The bureaucratic agencies therefore had little resources to support these programs. In other words, administrative rules and procedures also only provide an imperfect solution to the problem of democratic control of bureaucracy (Arnold 1987, 284).

Similarly, although the judiciary is entrusted with the authority to review the actions of bureaucratic officials, the courts' capacity to supervise is plagued by similar problems. As Heath (2020, 290) points out, on the one hand, judges are always tempted to assert their authority over the executive and are met with little obstruction. On the other hand, surprisingly, they exhibit a certain degree of restraint in practice. In particular, many of the epistemic difficulties that

prevent the legislature from writing detailed statutes occur with even greater force in judicial review undertaken by non-specialized courts. These problems are specifically pronounced in jurisdictions where judges have limited ability to appoint their own experts, so must rely on litigants to put forward expert testimony, which is typically contested by the other side. The answer to the fundamental question about what the correct degree of restraint is far from settled, as evidenced in the development of administrative law. Heath (2020, 290) argues that the idea that judicial review might serve as an alternate route to the control, or abolition, of administrative discretion has not been realized. Instead, courts have insisted that, when the executive exercises its discretion, it should respect the rule of law. In other words, rather than seeing themselves as guardians of the rule of law, judges have instead asked the executive to develop its own commitment to those principles.

Finally, ex-post bottom-up contestatory mechanisms offer citizens more avenues for democratic supervision and enable what Lovett calls “responsive control.” But their effectiveness remains questionable. In fact, as documented by Heath (2020, 66), since the early 1980s there have been several waves of movements of civil-service reform, which challenged the traditional ministerial accountability that runs up the organizational hierarchy, through the minister and parliament, and then back to the voting public through periodic elections. These movements aimed to promote a new model of governance that pushed government to respond more actively to the needs of its citizens by encouraging more popular participation and shifting towards an outcome-based evaluation. A notable example of these movements is the New Public Management initiated under Prime Minister Thatcher in the United Kingdom. It involved breaking up traditional departments and making parts of them independent agencies that would no longer be under direct ministerial control but would explicitly form a contractual relationship with the government. For example, the funding of public institutions may become activity-based instead of global budgets. It would depend on the number of clients they served, whether it be the number of students enrolled in a university, the number of surgical procedures performed in a hospital, or the number of the driver’s licenses renewed. It is expected that when the income of

bureaucrats hinges upon popular evaluation, it will create incentives for them to be more attentive to public views. Overall, the goal of the reform is to enhance the role of the people in influencing the behavior of bureaucratic agents.

However, to evaluate and monitor the performance of bureaucrats, citizens must have reliable information about what they are doing. Unfortunately, as repeatedly suggested by the rich discussion on the classic principal-agent problem, the shirking problem, and the moral hazard problem (for a brief review, see Dahlström and Lapuente 2017, 24-46), the information needed is often difficult to be obtained and comprehended, especially when administrative tasks are complex, and their outcomes are not directly observable. Wilson (2000, 207-218) acutely points out that it is far from common that the activities of bureaucratic agents, let alone their results, are immediately accessible to either managers or the public. For instance, a school administrator cannot watch teachers teach (except through classroom visits that momentarily may change the teacher's behavior) and cannot tell how much students have learned (except by standardized tests that do not clearly differentiate between what the teacher has imparted and what the student has acquired otherwise). Similarly, some of the activities of diplomats (for example, private conversations with their counterparts in a foreign government) are not observable and many of the outcomes (for example, changes in foreign perceptions of a country's interests or in foreign attitudes toward a country's initiatives) cannot easily be judged by the public.

Even when the activities of bureaucrats are observable, it is difficult to evaluate their outcomes. For example, the work of the counselors at a juvenile reformatory can be observed. But only time will tell if their work has had a positive effect, and by then the youth will be back out on the street. As a result, what citizens know about what bureaucrats do and their performance is very frequently only conveyed by bureaucrats themselves. It creates a predicament for citizens that they are forced to rely on the bureaucrats' own sense of responsibility. Furthermore, as regard bureaucratic oversight, the general public faces additional difficulties, such as the collective action problem, in ways that the legislature and judiciary do

not. The fact that some citizens share similar interests and concerns does not automatically entail that they have sufficient organizational capacity to effectively influence the behavior of public agents. A prominent example in the Canadian context is the dairy supply management system¹⁹, a government-supported mechanism which imposes domestic quotas on the product of milk and eggs for commercial sale. The system has the effect of driving up the price of dairy products quite significantly by limiting entry into the market. While not unchallenged, this system has been enforced for decades because dairy farmers are highly organized and extremely vocal compared to food manufacturers and ordinary consumers (Heath 2020, 181). While these poorly represented and organized groups can rely on the government subsidy and support to collectively influence administrative decisions, from the neo-republican perspective, such reliance again renders these citizen groups dominated, as their organizational capacity now depends on the benevolent will of state actors.

I have highlighted the pitfalls of both approaches neo-republicans may propose to control discretion. Based on empirical evidence, I show that, even understood in a restricted sense, the effectiveness of Pettit's democratic control is contingent upon issue-areas and context. It follows that administrative discretion appears as an intractable component in the republican state which poses a persistent threat to non-domination. Consequently, neo-republicans may retreat to a position that administrative discretion can only be minimized rather than eradicated and are therefore forced to accept a pluralist approach. However, I attempt to argue that proper exercise of administrative discretion is essential for achieving many critical goals for non-domination. I will focus on two of them, showing how proper exercise of discretion facilitates individual citizen's access to government programs and promotes civic participation. Unfortunately, Pettit's approach falls short of providing adequate guidance to the exercise of discretion.

When exercised properly, administrative discretion facilitates, rather than impedes, the assessment of citizens to government benefit programs, which republicans consider a pillar of social justice and a precondition for individual independence. More specifically, it achieves this

¹⁹ The official website of the Canadian Dairy Commission: <https://cdcccl.ca/index.php/en/canadian-dairy-commission-2/>. Accessed September 13, 2024.

by helping frontline workers to respond to the particular needs of individual clients and to include all those who have a legitimate claim to government benefits. Neo-republicans commonly assume that well-designed legislation can craft laws that establish clear boundaries, which promote transparency and consistency in their implementations. Bureaucratic agents, especially frontline operators, then sort clients and actions into categories defined by laws. By contrast, fuzzy boundaries are considered an undesirable result of legislative limitations. Administrative discretion is introduced for bureaucrats to clarify the meaning of laws and their applications in concrete situations so as to accommodate contingencies and particularities. However, Zacka (2017, 55) draws upon the example of the inspectors from the Equal Employment Opportunity Commission (EEOC) and suggests an alternative interpretation. Instead of an unfortunate product, fuzzy boundaries can be seen as a mechanism deliberately permitted by legislators to advance their intended goals. It is mandatory for the inspectors from the EEOC to follow the American with Disabilities Act's (ADA) definition of disability in the course of their work. The definition specifies what counts as disability with respect to an individual:

- (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being *regarded* as having such an impairment.

Both clauses A and B demarcate clear boundaries and indicate the primary role of the medical record in determining disability. In contrast, clause C is more expansive. Zacka suggests that this clause is designed for the inspectors to assess whether potential employers perceive the job candidate as disabled. However, as employers may not offer reliable reasons and the assessment of these reasons is not objectively measurable, the application of this clause necessarily involves significant discretion, and is therefore more difficult to review by supervisors. Despite this drawback, lawmakers decide to keep this clause as they are committed to the belief that cases that are alike in all relevant aspects should be treated alike. In other

words, those who are regarded as disabled in practice suffer the similar consequences of disability in finding jobs as those who fall under the clauses A and B, even if they lack the medical record. They are effectively similar to the clients covered in the first two clauses. While inspectors have to access the similarity along many dimensions, some of which may be more subjective and less measurable, this practice helps to include those whose substantive interest is at stake (employment) to be covered in the program. In a nutshell, Zacka's demonstration entails that the appropriate use of discretion facilitates the state's provision of public services to those who have particular needs. More importantly, it diminishes, rather than increases, the arbitrariness of state power as well-defined and clear rules with hard boundaries can in fact exclude clients with equally legitimate claims.

Second, the proper exercise of discretion can foster civic engagement, which not only increases the people's awareness of the importance of non-domination but also enhances democratic control over the state. Pettit predicts that civic engagement will naturally occur when the people are driven by the pursuit of self-interest and a sense of patriotic spirit. Instead, as revealed by studies on policy feedback (Pierson 1993; Schneider and Ingram 1993, 1997; Gidengil 2020; Lipsky 2010, xi), the incentives of the general public are significantly influenced by their previous interactions with government programs. While these programs provide tangible material benefits to clients, it is often overlooked that they also influence how citizens perceive and comprehend government actions. They convey messages about the legitimacy of their interests, the extent to which their concerns are valued by society, and the types of attitudes and participatory behaviors deemed appropriate. Crucially, as Schneider and Ingram (1999, 340-343) point out, these messages are subject to varying interpretations across different social groups, thereby influencing their subsequent patterns of civic participation. Clients who derive a positive image from a program—feeling valued and respected—are more inclined to engage actively in public affairs. Conversely, those who receive negative signals about their characteristics and the political landscape may withdraw from participation. They infer from these negative experiences that they are an unworthy member of society whose behavior is a problem for others, whose

concerns bear little legitimacy, and whose participation in public affairs, seen by themselves as intrinsically corrupt, is futile. As a result, even with their substantive interests at stake, they often fail to claim the benefits from government programs.

These findings provide a compelling rationale for assigning to frontline officials a broader scope of discretion, provided they are well-motivated.²⁰ It enables officials to be more attuned to factors influencing citizens' perceptions of the government, their public conditions, and civic engagement in general. Specifically, going beyond the mechanical implementation of prescribed goals and procedures, officials can more effectively communicate ongoing policies, tailor government programs to meet specific needs, and engage citizens in a more meaningful and responsive manner.

3.2 The Insulated body Argument

The insulated argument grapples with the inherent tension between bureaucratic agencies conceived as insulated bodies and the legislature within Pettit's institutional framework. In his model, legislation serves as the primary avenue for democratic control over the state, wherein the people collectively deliberate on the common interests. Bureaucratic agencies are then expected to meticulously implement the mandates from these legislative decisions. However, Pettit also suggests that certain bureaucratic agencies can be conceptualized as impartial bodies insulated from the legislature to deliberate on critical public issues independently. I argue that this position is problematic for two reasons. First, using central banks as an example, I contend that the notion of insulated bodies relies on several ambiguous assumptions. Second, the concept of insulated bodies introduces a conflict between the legislature and these bureaucratic agencies, posing a potential challenge to Pettit's legislation-centric vision of democratic control.

On Pettit's view, democratic control over the state is essential for the realization of non-domination. However, democracy is not without its flaws and can give rise to forms of domination against its own citizens. In his earlier work, Pettit advocates for a "depoliticized" form of republican democracy. He maintains that what underlies contemporary electoral-

²⁰ I will explore this topic more extensively in Chapter Three, where I will flesh out what counts as an ideal bureaucratic virtue in the republican sense.

representative democracies is an assumption that identifies democracy as a system through which citizens collectively assert their will. This collective assertion of popular will is primarily manifested in a majoritarian assembly in which legislative power is exclusively vested. Democracy so structured often suffers from three pathologies—popular passion, politicians’ moral aspirations, and sectional interests—that compromise the common interests of the community. For instance, politicians, driven by the need for re-election and being responsive to personal or party interests, may neglect the broader public good (Pettit 2004, 53). Additionally, individuals and social minorities are vulnerable to the overwhelming power of the majority and have few effective measures to influence state policies (Pettit 2012, 304).

To address these issues, Pettit advocates for a different conception of democracy which envisions democracy as a system that empowers and disseminates values or reasons commonly supported by the people (Pettit 2004, 58-59). This new perspective calls for the establishment of independent bodies, such as central banks, courts, ombudsmen, and boards in the state. They are characterized by their insulation from passionate biases and partisanship which commonly reside in the legislature. These independent bodies are considered to be more impartial than “politicized” institutions such as electoral forums. Their presumed independence and impartiality positions these bodies to deliberate on public issues crucial to the community’s common interests. Pettit argues that, if the proposals of these insulated bodies are accepted by all relevant parties in the deliberative process and withstand scrutiny and contestation, even though they operate independently of the legislature, they are considered reflective of common interests and align with democratic principles. More specifically, these insulated bodies contribute to the advancement of common interests within Pettit’s two-dimensional democracy in two primary ways. First, they actively participate in deliberative processes to determine public affairs deemed “too dangerous to leave in the hands of representatives,” who might be “tempted to let their choices be dictated by inappropriate considerations” (Pettit 2004, 63). Examples include roles as auditors, statisticians, equality commissioners, or census bureaus. Second, they function as integral components of the contestatory dimension by alleviating the contestation burden for

other agents. Operating as consultation agents, they provide individuals with an ex-ante opportunity to question proposed laws and decrees and serve as platforms for democratic contestation (Pettit 2004, 62-63).

Pettit's call for the establishment of insulated bodies to counteract pathologies inherent to democracy and to secure common interests has sparked criticism within the literature. Until now, scholars have criticized Pettit's narrow conception of democracy which equates it solely with majoritarian rule where divided opinions compete for electoral victory (McCormick 2004). Therefore, he reaches the conclusion that the public good in democracy cannot be secured except with the introduction of a constellation of dispassionate, impartial, and competent bodies (Urbinati 2012, 2019). However, Pettit not only overlooks the contentious nature of these supposedly impartial bodies and procedures (Bellamy 2007, 146-175; 2016), but also fails to address their lack of accountability (Urbinati 2010, 74). Others worry about potential conflicts between different sub-state agents in Pettit's model (Levy 2016, 683-4; Watkins 2015, 253). On the one hand, Pettit suggests that different government branches should act in a coordinated way such that the state can "speak with one coherent voice" (Pettit 2012, 284). On the other hand, he remains silent regarding which voices will prevail should disagreement arise between the legislature and the insulated bodies, given both parties have the authority to deliberate on critical public affairs.

While the existing criticisms are appealing from a theoretical point of view, few of them show how depoliticized bodies work in practice to lend credence to their assertions. In addition, critics pay relatively little attention to its implications for the conceptualization of bureaucratic agencies in Pettit's framework. Against this backdrop, I propose a two-fold criticism regarding the democratic accountability of insulated bodies as conceptualized by Pettit. Drawing upon the example of central banks, I first argue that Pettit's conception of depoliticized and insulated bodies rests on several problematic assumptions.²¹ To begin with, he inadequately addresses why agents within these bodies would consistently make decisions in conformity with the shared

²¹ I draw extensively upon Jose Fernandez-Albertos's (2015) review of this topic in this section.

values of the society as a whole, given their individual preferences and political insulation. Next, the criteria for determining which critical state affairs should be delegated to insulated bodies is far from settled. Moreover, Pettit overlooks the ways in which external political actors still exert influence on these supposedly insulated bodies by manipulating concerns over their agents' professional trajectories and controlling the power to appoint personnel or modify mandates. He also fails to consider how these insulated bodies might, in turn, use their authority to influence political affairs outside of their designated mandates. Second, I argue that, if legislation serves as the primary means through which people exert control over the state, the establishment of bodies that are insulated from the legislature appears to cripple effective democratic control. Regardless of the actual functions these bodies may perform, their insulation from the legislature renders them potentially dominating agents in Pettit framework. Unfortunately, the potential remedies that Pettit might propose do not solve these two problems.

First, the creation of relatively autonomous central banks to regulate policies regarding interest-rate and exchange-rate serves as a typical example of an insulated body on the neo-republican view (for example, Lovett 2022, 151-154). From an economic perspective, the delegation of monetary policy to a politically independent central bank has long been theorized in the literature (for a comprehensive review, see Alesina and Stella 2010). As summarized by Fernandez-Alberto (2015, 218), economists start with an assumption that monetary authorities can provide a temporary boost to the economy. As this temptation is anticipated by rational agents, the boost will translate into inflation with no gain in output or employment (Kydland and Prescott 1977; Barro and Gordon 1983). Thus, to remove the inflationary bias associated with the inherent time inconsistency of monetary policy, this policy should be delegated to a conservative central bank (Rogoff 1985). Next, for this solution to work, the delegation must be perceived as credible, which in turn requires the monetary authority to be politically independent and capable of resisting pressures from electorally motivated officials. When the central bank is conservative and the delegation is credible, inflation will be contained at no real cost with regards to output or employment.

The unelected and politically-insulated nature of the central bank naturally leads one to question its accountability, especially in a democratic setting. According to a common justification which Pettit also makes use of, monetary policy making is understood as a fundamental technical activity. As Drazen (2002; cited from Fernandez-Alberto 2015, 224) suggests, this justification rests upon two underlying assumptions. First, politicians are always tempted to manipulate monetary policy and such manipulation is relatively easy to implement. Second, different interest groups will reach a consensus on what monetary policy that is not short-sighted would look like. According to this technocratic view, insofar as there exists such a consensus on monetary policy, it is reasonable to depoliticize it and to delegate the authority to an agent (i.e., the central bank) that endorses that consensus view. Central banks are expected to implement the optimal monetary policy given the existing macroeconomic conditions and the government's economic policies.

Nevertheless, this justification, as Fernandez-Alberto suggests, rests upon several ambiguous assumptions. For a start, the scope of the consensus that different interest groups may reach is obscure. It is unclear whether such a consensus is well-defined or a loose set of prescriptions which leave considerable room for discretion. Should the latter be true, central bankers' own preferences become relevant in their decisions. As Stiglitz (1998, 218; cited from Fernandez-Alberto 2015, 224) argues, if central bankers' values and preferences matter in policy making, one may wonder why they would act in accordance with the shared values of their society as a whole, particularly if they are politically insulated.

Next, the criteria for determining which state affairs are critical and technical and therefore should be delegated to insulated bodies is controversial. In addition to making monetary policies, the central bank is often tasked with financial regulation. However, the question of whether financial regulation should be in the hands of central banks is far from settled. Moreover, many of the characteristics that justify the depoliticization of monetary policy apply to other issue areas, such as fiscal policy (Lohmann 2006). Yet, empirical studies show that fiscal policy remains primarily in the realm of electoral politics (Fernandez-Alberto 2015, 227). In

other words, what constitutes a critical and technical public affair is often controversial in practice.

Finally, the technical justification fails to notice the covert interplay between insulated bodies and external political agents. Such an interplay not only allows external agents to influence the decisions of these bodies but also enables the bodies themselves to affect and even actively shape the broader political landscape. Consequently, efforts to insulate these bodies from the legislature may inadvertently lead to their capture by powerful interest groups or decrease their accountability. Adolph (2013) conducts a comprehensive study of central bankers by tracing their career trajectories of 600 monetary decision makers in 20 countries during five decades. His research shows that concerns about their future careers render these decision-makers particularly susceptible to the influence of “shadow principals.” These shadow principals are those who are outside of the formal relationship between political authorities and legally independent central banks, yet nevertheless have the power to control their career trajectories after leaving the central bank. Furthermore, elected politicians commonly use the power to appoint personnel or to modify mandates as tools to control central bankers (Havrilensky 1988; Chappell et al. 1993, 2004; Chang 2006; cited from Fernandez-Alberto 2015, 225). More importantly, these politically-insulated bodies can use their authorities and the interplay between different issue-areas to influence other political affairs. Consider the spillover effect of central bank policy and its interplay with fiscal policy. The effects of the central bank’s actions on macroeconomic outcomes hinge considerably upon policy actions that are beyond its control. It is therefore natural that the central bank is tempted to strategically use its authority to strengthen its own leverage or to advance its employees’ goals beyond their policy area. As Fernandez-Alberto (2015, 227) stresses, in practice, monetary policy has budgetary consequences and is always conducted in cooperation with fiscal authorities, which are controlled by elected politicians responding to voters (Bodea 2013). According to Moser-Boehm (2006)’s survey of 24 central banks, in about half of the cases, central bankers meet with government officials to discuss and coordinate monetary and fiscal policy. Specifically, in the European context, the European Central Bank

(ECB) explicitly makes their monetary stimulus commitments conditional on the national governments' fiscal stance. Irrespective of the potential merits of such a policy, it effectively enables the central bank to gain control over a policy area that is outside of its original legal mandate, creating or exacerbating clear distributional and political conflict. Central banks and other supposedly technocratic institutions may even actively shape the broader political landscape in which they are situated. According to Singer (2004, 2007; cited from Fernandez-Alberto 2015, 227), the Basel Accord serves as a good example of how financial regulators end up transforming the institutional regulatory framework in order to secure their autonomy from domestic political pressures.

Second, if legislation serves as the primary means through which people exert control over the state, the establishment of bodies that are insulated from the legislature appears to cripple effective democratic control in Pettit's sense. Regardless of the actual functions these bodies may perform, their insulation from the legislature renders them potentially dominating agents. At least some bureaucratic agencies, such as the aforementioned central banks, can be categorized as insulated bodies in this institutional arrangement. However, conceptualizing these bureaucratic agencies as insulated bodies introduces a contradiction in terms of their relationship with the legislature. On the one hand, bureaucratic agencies are expected to faithfully adhere to, and implement mandates crafted by, the legislature. On the other hand, according to this new perspective, they are entrusted with the authority to circumvent the legislature and perform certain critical state functions. This dual role presents a challenge to Pettit's model, as these bureaucratic agencies, in their insulated position, become dominating and can undermine the very democratic control they are meant to uphold.

Pettit acknowledges the challenge of controlling insulated bodies. He suggests that to reliably fulfill their tasks, these bodies should be "forced to be impartial" (Pettit 2004, 63). While he does not explicitly explain how it is achieved, based on his phrasing, we may say there are two major options. First, devices such as deliberative polls provide insulated bodies with "an excellent sense of the balance of informed opinion in the society as a whole" (Pettit 2004, 58-9).

These devices shield the insulated bodies from intense lobbying while still ensuring openness to popular concerns during their deliberations. Second, the contestatory mechanism compels these bodies to justify their decisions “by strict guidelines that have had to be accepted by those on all sides of politics” (Pettit 2004, 53). If they fail to give “democratically persuasive reasons for their decisions,” they will “certainly face a public and political outcry” (Pettit 2004, 53).

However, I argue that these two approaches suffer from intrinsic flaws and do not meet Pettit’s own criteria for robust democratic control. First, the social input provided by polls and other similar mechanisms does not automatically result in the optimal policy that the insulated bodies aim for. This is because policies have distributional effects and inevitably create winners and losers in society. At the same time, insulated bodies unavoidably face trade-offs when conducting policies. For example, it is common that central bankers have to find a balance between inflation and employment, or between domestic and international stability. What appears to central bankers to be a reasonable option will not necessarily be favored by the general public. Second, even if deliberative polls and other similar devices may provide these insulated bodies with better social input, they lack the power to compel the insulated bodies in a specific direction. As shown in the case of central banks, agents in these bodies have their own preferences and are susceptible to the influence of powerful shadow principals. If these devices are truly effective in shielding these bodies from the influence of powerful external agents and increasing the responsiveness to popular demands, it is unclear why they cannot provide the same remedies to politicians and representatives. Insofar as the politicians and representatives are secured by these devices from the pathological passions Pettit identifies, the insulated bodies, which are designed to overcome these passions and to safeguard common interests, are redundant and unnecessary in the first place.

In contrast, the contestatory mechanism possesses the power to compel the insulated bodies to justify their decisions publicly. Nevertheless, I contend that its supervisory power is weakened by the constitutive role these bodies play in the contestatory mechanism. Specifically, according to Pettit, beyond deliberation, these insulated bodies play a crucial role in “easing the

contestatory burden in a democratic society” (Pettit 2004, 63). Acting as consultation bodies, they respond to questions concerning proposed laws and policies; as hearing bodies, they facilitate challenges to the validity of existing laws and decrees (Pettit 2004, 62-63). Such involvement suggests a significant influence in the contestation process. For instance, they may determine which claims are considered as reasonable and thereby shape public perception of specific issues. As these insulated bodies are integral to contestory processes, it appears that the effective functioning of the latter hinges paradoxically on their operation. As such, one may question how the contestatory mechanism can thoroughly scrutinize these bodies.

3.3 The Usurpation Argument

The usurpation argument posits that, even if bureaucratic administration, as conceptualized in Pettit’s model, meets his criteria for non-domination, it still results in a deprivation of citizens’ freedom, placing them in a state of slavery. Drawing upon Markell’s alternative interpretation of republicanism, I argue that citizens experience unfreedom as usurpation imposed by bureaucratic administration in Pettit’ model. Such unfreedom is exhibited by the systematic marginalization of their involvement in public affairs.

Markell (2008, 24) suggests that Pettit’s account of freedom as non-domination only responds to one of the two important dimensions of concern about human agency in the republican tradition. The republican view of domination is grounded upon a generalization from the paradigmatic example of slavery. On one influential interpretation, rooted in the legal tradition and endorsed by Pettit, slavery is an institution in which one human being can become the property of another, a master or dominus, and thereby become subject to arbitrary power. Accordingly, the agency of the slave is undermined when the master’s course of action is solely determined by his whim and is irresponsive to the interest of the slave. Freedom as non-domination so understood is concerned with effective control over the power-holder. Nevertheless, Markell (2008, 25) suggests that there is another dimension in slavery that Pettit overlooks in his interpretation. This dimension is rooted in the experience of Roman magistrates and citizens under the permanent dictatorship of Augustus. The rule of Augustus evoked

resentment and resistance among the magistrates and citizens because he not only subjected them to the prospect of arbitrary interference but also deprived them of their active involvement in political life. On this perspective, people can also be enslaved when they are deprived of their involvement in affairs that affect them. Slaves live in a world where they are under the supervision of parent-like figures and treated as children. The field of situations in which any conduct of the slaves' part might be called for is significantly narrowed. In contrast to arbitrary interference, Markell defines unfreedom in this dimension of slavery as usurpation. Power in the case of usurpation is problematic not because it is arbitrary or uncontrolled but rather it is unduly concentrated. It establishes an unequal distribution of involvement among the power-holder and the subject.

The concept of usurpation is not alien to the intellectual tradition of republicanism. According to Markell (2008, 25-6), for instance, Livy and Cicero, two important Latin writers that neo-republicans frequently draw upon, associate usurpation with the loss of liberty, or the loss of something actively done. Recognizing the dimension of usurpation in slavery does not negate or replace domination. Instead, it sheds light on the multiple dimensions of slavery and complements Pettit's account of republican freedom. Specifically, this new perspective highlights how republican freedom can be undermined by an ostensibly benevolent ideology of improvement or development under which existing social and political activities are gradually displaced by a world-narrowing power. More importantly, Markell (2008, 26) acutely points out that the expansion of such usurping power does not necessarily assume an uncontrolled character; instead, it may be strengthened by refining its arbitrary or uncontrolled elements. A notable example is the imperial rule of British colonizers in Asia. The East India Company undertook reforms in the name of the rule of law and the security of private property. These practices subsequently expanded the rule of British officials in colonial administration (Markell 2008, 27).

Markell's interpretation of republican freedom as non-usurpation sheds important light on how the bureaucracy in Pettit's model may deprive citizens of their freedom, even if it satisfies

the requirements for non-domination. In particular, citizens' freedom as non-usurpation is eroded upon because their involvement in public affairs is systematically marginalized or rendered trivial by the bureaucracy. As mentioned in the earlier sections, social actors are viewed as less reliable agents than the state in the advancement of non-domination. They contribute to non-domination in a way that is both secondary in importance to the law, and parallel to the law in substance and goals. As a result, as Watkins (2015, 516) points out, the development and regulation of civil society is analyzed from the lens of public policy and its proper implementation, rather than how social actors alone use their agency to resist domination.

Consider Pettit's description of public space. He envisions a vibrant public space as a platform where citizens can openly communicate and access unbiased information. However, the creation of such a public space is seen not as an autonomous goal for social actors, but rather as a responsibility of the state in its policymaking role (Pettit 1997, 165). Specifically, the state is expected to involve itself in tasks like equitable land distribution, environmental planning, the establishment of transportation and communication networks, and the promotion of community-based broadcasting services (Pettit 1997, 165). In essence, extensive and thorough state intervention, undertaken by bureaucratic agencies, is the institutional prerequisite of a vibrant public space.

Pettit could raise three objections against my employment of Markell's criticism. First, substantial state intervention does not entail marginalization of citizen participation, as citizens wield significant influence over state actions indirectly through democratic legislation. What bureaucratic agents perform is the implementation of laws that reflect the collective will of the citizenry, rather than that of a dictator as in Markell's examples. Second, he acknowledges the issue of paternalism and the dependency mentality that could potentially stem from the expansion of bureaucracy in modern welfare states (Pettit 1997, 160). But, as long as government programs operate within well-established routines and are not contingent on the will of any particular agent, he argues, paternalism is avoided (Pettit 1997, 161). Third, Markell's interpretation implies that civic involvement in public affairs is intrinsically valuable to the

realization of republican freedom. Republican freedom so understood appears too demanding and less attractive in the context of a modern pluralist society. Therefore, while Markell's delineation of usurpation enriches our understanding of the republican intellectual heritage, it is less helpful in the development of a cogent theory of republicanism in the contemporary context.

To address these concerns, I suggest that the involvement of citizens in public affairs is still usurped and trivialized by bureaucratic officials despite citizens' access to democratic legislation. According to Pettit's articulation of the insulated bodies, citizens' engagement with public affairs is seen as inevitably tainted by partiality and other pathologies. The insulated bodies, including certain bureaucratic agencies, are more reliable than elected representatives and ordinary citizens in performing several state functions, especially those critical to securing the common goods. Next, Pettit's diagnosis of paternalism is intricately tied to his control thesis. Accordingly, paternalism signifies a problematic relationship where citizens rely on the arbitrary will of a specific public agent for public welfare. In other words, the focus of his analysis lies on uncontrolled administrative power and the need for institutional constraints. Without questioning the centrality of the bureaucratic apparatus in the provision of social welfare, Pettit's response sidesteps the more fundamental question concerning active civic involvement in this process. Finally, civic involvement, as Markell remarks (2008, 29), can be valuable even only for instrumental reasons. Ongoing civic involvement contributes to the realization of non-domination by enabling and sustaining the contestatory practices that Pettit counts on to be a check against arbitrary state power. It also reminds citizens about the importance of their freedom, and better prepares them to resist potential dominators. In this vein, even if Markell's criticism rests upon a principle that is external to Pettit's view of non-domination, it at least complements Pettit's perspective in an appealing way.

4. Deliberative Bureaucracy: Towards a Refined Framework of Democratic Control

In the previous section, I present a three-fold criticism against Pettit's model of democratic control over bureaucratic agencies. Pettit's approach, which centers upon democratic legislation, is not sufficient to control and guide the exercise of administrative power. Additionally, by virtue of their predominant role in public affairs, the bureaucracy systematically marginalizes and diminishes the significance of civic engagement. Consequently, the bureaucracy as conceived in the republican state nevertheless becomes a dominating agent.

Critics have raised objections to Pettit's perspective on democratic control. While concerns about democratic control over state agents have been widely discussed in the literature, they share with Pettit an oversimplified view of bureaucratic agencies, which weakens the strength of their diagnosis. This section aims to highlight the existing gap in the current debate and proposes a refined version of democratic control within the republican framework. I attempt to show that, to advance non-domination in contemporary societies, modern bureaucracy serves as an essential cornerstone. Therefore, a refined conception of democratic control within the neo-republican framework should aim for a nuanced balance, allowing for a certain degree of bureaucratic autonomy while also enhancing democratic control and fostering meaningful civic engagement.

Consider plebian republicans, which are one of the most vocal critics of Pettit and offers an alternative compelling interpretation of republicanism. Plebian republicanism, as Vergara (Vergara 2022, 27, 38) suggests, is distinguished by its focus on the socio-economic conditions of freedom and the impact of material inequality on political power. In addition, it approaches the structure of politics through the lens of the struggle between the rich few and the poor many. Primarily building on Machiavelli, plebian republicans stress the transhistorical and transnational view of oligarchy (McCormick 2013). That is to say, the domination of the few oligarchs over the many is not eliminated with the triumph of modern democratic revolutions whereby universal rights and equal citizenship are widely recognized. Subordination and oppression between different social classes persist in contemporary constitutional democracies, albeit in a more covert form. Contemporary electoral apparatuses are inadequate to effectively combat

oligarchical domination. Even worse, they allow the few to perpetuate such domination with impunity while leaving the many vulnerable, with their class identity blurred and without effective collective measures to resist oppression.

From the plebian point of view, Pettit's version of republican democracy is flawed in two main aspects. First, Pettit's account of non-domination perceives inequality in socio-economic conditions as a facilitating factor rather than a direct source of domination. It conceives individual rights, especially those related to private property, as absolute against the state and others (Vergara 2022, 37-38). Therefore, interference by the state to redistribute wealth, relatively depriving a rich minority to empower a majority, would be a form of domination as it does not "track the interest of those affected." Consequently, the constitutional framework Pettit proposes does not offer new tools to control those who have become too powerful due to exploitation through legal means and, nor can it prevent further oligarchic overgrowth and systemic corruption. What is worse, Pettit's model risks justifying and reproducing oligarchic domination on democratic grounds. Second, Pettit's model only provides indirect measures for ordinary people to exert influence over public affairs. The democratic institutions Pettit envisions, on Vergara's view, are either judicial or technocratic, and the burden of alerting them to instances of domination depends on citizens' 'virtuous vigilance' rather than on direct popular exercise of a monitoring function.

To rectify these drawbacks, plebian republicans redeem the populist dimension of the republican tradition and envisage a number of alternative democratic institutions which enable more direct popular control and counter the oligarchic rule of the few. The ideal Machiavellian constitutional structure has institutions for plebeians to exercise decision-making power during normal politics. But more crucially, it has the extraordinary power to intervene in the basic constitutional structure and to create new institutions and rules so as to periodically renew the republic and liberate it from oligarchic domination (Vergara 2022, 27). An iconic plebian institution in this model is the People's Tribune. For example, McCormick (2011, 173) proposes to incorporate a People's Tribune in the current constitutional order in the United

States: a collective class-specific office composed of fifty-one non-wealthy citizens selected by lottery, with the power to veto, call referenda, and initiate impeachment proceedings against public officials. The advantages lottery has over election in selecting the members of the Tribune are its capacity to “[keep] economic elites from monopolizing public offices” and to “[materialize] the principle of equitable political participation among citizens.” At the same time, aleatory selection of members to the Tribune for short periods of time would not only make it easier to counter political corruption but, more importantly, has a pedagogical function. It offers equal opportunity to common citizens to experience civic participation and exercise political power in an immediate manner (Vergara 2022, 38-39).

Moreover, to institute plebian power, the People’s Tribune is entrusted with the constitutional prerogative to counter other branches of government and corrupted office-holders. Inspired by Machiavelli’s idea of mass trial and avenging power, McCormick advocates for the establishment of popular courts that have the power to punish corrupted wealthy agents or political officials. Vergara (2022, 38) proposes a similar version of the Tribune office. This branch is composed of a sovereign network of local councils and a subordinate Tribune office to act as an enforcer of the popular will, as well as an effective anti-corruption institution. Such a council system would allow the people to directly exercise political counterpower through new prerogatives to initiate, veto, and repeal law and policy, recall representatives, propose constitutional reforms, and initiate a constituent process to write new basic rules. Vergara’s “people-as-network” would constitute an institutional deliberative popular sovereign with the strongest authority to judge the domination coming from the powerful few.

As plebian republicans are primarily concerned with the impact of socio-economic inequality on political power, another fundamental part of their project is conceiving a novel framework to regulate material power in the republic. Accordingly, contemporary plebian republicans are emphatic that a reform in the current economic structure, for instance the capitalist labor market, is necessary (Gourevitch 2013, 2015; Cicerchia 2022). In addition, some republicans (Leipold et al., 2020; Muddon 2022) who are inspired by the socialist tradition

conceive republican freedom more broadly as a kind of collective autonomy, and highlight the need for the people to control collectively the means of production as a pre-condition to resist domination. Specifically, this requires that the autonomy of local communities should be respected in the institutional design of the state, and we should embrace a novel conception of property and public good which overcomes the oligarchic bias in the current liberal constitutional order. As Vergara (2020, 76-94) suggests, to moderate the initial mandate of the state to protect the private accumulation of property, a material republican constitution would need to incorporate a pro-community principle. Such a principle would recognize the diversity of informal popular organizations, and force the state to protect and foster community life and self-management. It would stand against the logic of the private accumulation of property that currently dominates within the capitalist mode of production. To this end, in addition to an overarching pro-community principle, the plebian republican constitution would need to recognize and regulate the different types of property and public goods, especially communal and collective rights to the use and benefit of land and other natural resources, as well as the inappropriable nature of unique ecosystems and public goods.

The criticism raised by plebian republicans is insightful and comprehensive for our current purposes. Undoubtedly, The People's Tribune bolsters democratic control over bureaucratic agencies by facilitating more immediate and direct popular power in both the legislative and judicial branches. The laws are expected to be more responsive to the voice of the poor many rather than captured by a few wealthy elites. The aleatory selection of its members promotes broader and more inclusive civic engagement. Moreover, plebian republicans advocate for reforming the socio-economic structure to highlight the autonomy of local communities, rather than a few wealth elites, in controlling the means, resources, and processes of production. In addition to enhancing civic engagement, this move grants more space to social actors to determine which resources are essential for their socio-economic independence and how these resources should be allocated. By doing so, it reduces their dependence on state institutions,

especially bureaucratic agencies, and assigns them a greater role in the promotion of non-domination.

Even with these insights, I argue that the institutions and structural reforms envisioned by plebian republicans only partially alleviate the difficulties of democratic control over the bureaucracy. Similar to neo-republicans, plebian republicans implicitly endorse a view prevalent in the discussion on the moral hazard problem (Miller 2000; Miller and Hammond 1994; North 1990; North and Weingast 1989; Holmstrom 1982; cited from Dahlström and Lapuente 2017, 23-24): politicians or civil servants, in virtue of their privileged position, will inherently pursue their own interests at the expense of the common good. Following this assumption, bureaucratic agents are categorized as potential oligarchs alongside politicians and wealthy social actors. Administrative power is perceived as dominating when it deviates from democratic imperatives. However, this assumption risks oversimplifying the complexities of democratic control over bureaucratic agencies by casting the unreliable nature of public servants as the main problem. In reality, a significant part of the difficulties lies in the nature of administrative tasks themselves. As mentioned earlier, bureaucratic agents, especially frontline operators, are often operating in an environment where objectives are vaguely defined, constituents are divided, their actions are not directly observable, and the outcomes are not immediately accessible or objectively measurable.

Plebian institutions are expected to function better when agencies are embedded in an environment where interest groups compete for agenda-setting. For instance, as Wilson (2000, 307) suggests, an important reason why the United States Congress fails to effectively control OSHA despite its constant effort is division among the representatives. Industry and labor unions quarrel incessantly about the desirability, feasibility, and the cost of OSHA rules. The establishment of the tribunitian offices can lend greater weight to policies that favor worker protection against business interests. Nevertheless, the introduction of these offices cannot solve all the problems relevant to workers' interests. For instance, there does not exist a straightforward answer to the question of what constitutes a healthy worker or the long-term

effect of OSHA regulations on worker health. Cases where workers are injured by a machine lacking a safety feature or where someone falls off a poorly designed ladder are more readily accessible and more easily addressed. The causes (the machine lacks a safety feature, and the quality of the ladder is poor) and effects (for instance, the worker's leg is broken) in these cases are clear. The cost is easily calculated (for instance, the worker spends a number of days in the hospital and loses a certain amount of wages). Thus, legislators have an easier time commanding OSHA agents to enforce these sorts of basic, clear safety rules (for instance, workers should use equipment with good quality). Ironically, however, some risks that are more serious and detrimental, such as exposure to toxic chemicals, are much more difficult to assess by regulators. Imagine a worker who has been working in a chemical plant for two decades later develops cancer. In this case, not only is the cause of the cancer likely to be uncertain and controversial, but also the cost of the disease could be hard to calculate. While the Tribunitian offices can demand that OSHA agents strictly enforce rules that reduce workers' exposure to chemical X, it is hard for them to directly provide guidance to questions such as "how much should be reduced," "over what length of time," and "with what likely benefits" (Wilson 2000, 72). These challenges partly accounted for why OSHA has long been criticized for prioritizing safety concern over health hazards. As John Mendeloff (1979; cited from Wilson 2000, 72) points out, this tendency is due to the inherent difficulties in addressing health hazards, rather than pressures from insidious business interests or distorted personal values of OSHA agents.

The effectiveness of these offices may also vary across different issue areas (Wilson 2000, 310). Consider the Food and Drug Administration (FDA). As Wilson (2000, 306) suggests, the FDA is regularly criticized by Congress for either rushing risky new drugs or withholding beneficial new drugs from sick people. Its procedures for evaluating these drugs have been under intense scrutiny. In this case, the Tribunitian offices might compel FDA agents to resist the capture of powerful pharmaceutical companies and to allocate more resources to drugs needed by the poor. But it is difficult to say that these officers can provide a more definitive answer to the critical question of how much risk the FDA should accept for a likely benefit.

On the one hand, modern bureaucratic systems can be instrumental for oligarchs in consolidating and perpetuating their domination over the people. But on the other hand, to categorize public servants simply as potential dominators underestimates their relative independence from politicians (for a recent review on bureaucratic autonomy, see Bersch and Fukuyama 2023). Modern bureaucracy has emerged as a solution to the problem of governing at large scales, especially with regards to complex and technical issues. It also has far greater reach and engenders more sustained, deeper interaction than any mechanism of input into decision-making can realistically hope to achieve (Boswell and Corbett 2018, 619-624). Therefore, plebian republicans' view also risks simplifying the roles bureaucratic agents play in modern states and their potential contributions to non-domination.

So far, my goal is not to dismiss the validity of the concerns either of Pettit or of the plebian republicans, nor do I intend to attack the plausibility of their proposed solution. In my view, the limitation of their approaches lies not in their practicality. Indeed, many of the mechanisms they suggest for democratic control over administrative agencies have been widely implemented in practice and examined in the literature (for recent reviews, see Dahlström and Lapuente 2022, and Bersch and Fukuyama 2023). Instead, their approaches are hamstrung by their shared conceptualization of bureaucratic agencies. Both Pettit and plebian republicans endorse a legislation-centric approach to non-domination and a strict division between law-making and law-implementation. Consequently, bureaucratic agencies, especially when they exhibit a certain degree of autonomy from the legislature, are consistently perceived as antithetical to their strategies for democratic control and the advancement of non-domination. Nevertheless, not only is it practically impossible to entirely eliminate this autonomy, but it also entails sacrificing essential benefits created by it. I suggest that a revised conception of democratic control within the (neo-)republican framework can coherently accommodate a certain degree of autonomy for the bureaucratic apparatus. This necessitates a reconceptualization of bureaucratic agencies itself.

My revised framework for democratic control starts by breaking away from the rigid separation between law-making and law-implementation. I contend that both phases should be seen as integral components of an ongoing and evolving deliberative process. In Pettit's model, democratic deliberation is confined solely to the law-making stage. Legal statutes so produced are deemed definitive, while their implementation is considered external to democratic deliberation. Ambiguities in legal statutes, according to this model, are viewed as an inevitable outcome due to legislative limitations. Additionally, the discretion wielded by bureaucratic agents in interpreting and applying laws is perceived at best as a necessary evil, risking the distortion of the common interests embedded in the laws. In the new framework, the deliberative process does not conclude at the law-making stage but extends throughout the implantation of laws and the delivery of public service. Ambiguous legal statutes are not perceived as inherently flawed but rather as incomplete, awaiting further development and concretization. Therefore, administrative discretion exercised by bureaucratic officials in law-interpretation and implementation becomes an integral part of the gradual shaping of laws. Furthermore, from a pragmatic standpoint, ambiguities in legal statutes are valuable resources for effective governance, especially in the face of increasing complexity and the diversity of actors involved (Boswell 2016, 279). Therefore, I envision incorporating democratic deliberation into these other stages as well, instead of merely in the law-making stage.

There may be worries that incorporating the implementation stage into deliberative processes could further aggravate the challenges for effective democratic scrutiny and sideline civic engagement. In particular, this new framework seems to imply that citizens are not the exclusive authors of laws. It also appears to provide a justification for any modifications that bureaucratic officials might make to laws during the implementation phase, all under the pretext of law-development. As a result, this new perspective may displace the contestatory dimension in the republican framework, according to which adherence to legal statutes crafted by the legislature is the sole yardstick for evaluating the actions of bureaucratic agents. If these legal

statutes are now perceived as inconclusive at the stage of legislation, it is unclear about on which basis citizens can reasonably contest bureaucratic decisions.

In response to these worries, I argue that such a move instead enhances democratic scrutiny over bureaucratic officials and fosters broader civic engagement. In fact, this claim is an extension of Pettit's own logic. Pettit argues against the exclusive concentration of legislative power within a majoritarian assembly in the conventional view of democracy. Such an assembly struggles to produce logically consistent decisions and struggles to generate laws that truly reflect common interests. Instead, he advocates for a reform that distributes legislative power across various deliberative forums. The common interests, according to him, will stem from the ongoing debate and argumentation among these diverse deliberative fora (Pettit 2012, 286). Therefore, my approach builds upon Pettit's endeavors, expanding the deliberative process, not only from one majoritarian assembly to multiple forums, but also from the law-making stage to the implementation stage. It re-ignites democratic deliberation throughout the entire process of implementation, which provides opportunities for all actors involved to revisit public issues in light of subsequent evidence and to flesh out the details of what has come before. In the new framework, contestation does not cease to function as a crucial component of democratic control. Nevertheless, its purpose is not solely confined to supervising adherence to the laws but also to compel the bureaucratic officials to justify their decisions and reasoning publicly, for instance, in front of diversified citizen forums. In this manner, the exercise of administrative discretion is not antithetical to effective democratic control. Rather, the dynamic between the two can be perceived as a form of collaboration that advances the deliberative process.

Moreover, this novel framework offers fresh insights into conceptualizing civic engagement within the realm of republicanism. According to Pettit's perspective, civic engagement is primarily characterized as participation in legislative processes and contestation. The interaction between citizens and bureaucratic officials serves as a prerequisite for these activities. Specifically, bureaucratic officials deliver government programs and social welfare to citizens, which mitigate their socio-economic vulnerability and safeguard their equal social

status. Citizens are then less susceptible to arbitrary interference from other agents and better prepared for subsequent civic engagement practices. Essentially, the interaction is situated outside the civic engagement process. In contrast, the rich encounters between bureaucratic officials and citizens represents a site of immense potential for deliberative systems in the new framework (Bartel 2013; cited from Boswell and Corbett 2018, 626). On my proposed framework, citizens are not conceived as passive recipients of public service. Their interaction with bureaucratic officials and their experience of public service can be seen as a new form of civic engagement which provides valuable feedback into the broader deliberative process (see Jane Mansbridge's view on "everyday talk" in the public space and "everyday maker" of policies, Mansbridge 1999).

To further illustrate how this new conceptual framework operates in practice, I draw upon Ellen Stewart's study of the practices within the Scottish health system (2016; cited from Boswell and Corbett 2018, 627-639). Conventionally, the healthcare system is exclusively under the dominance of a few powerful groups, such as government, clinicians, and medical interests, in large part because of the complexity of the issue and professional expertise involved. Thus, it is challenging for citizens to effectively supervise and get access to deliberation on public health issues. In recent years, Stewart suggests that the Scottish system has attempted to open itself up and to broaden participation by including other healthcare professionals and, notably, patient and caregiver representatives. This inclusive approach provides opportunities for lay individuals to establish working relationships with senior bureaucrats, professionals, and industry representatives, and to join oversight committees involved in healthcare delivery.

In particular, Stewart emphasizes how the engagement of lay members influences the dynamic of committee work, compelling formerly elite actors to justify decisions in the broader patient and public interest rather than in narrow professional terms. Lay members also advocate for healthcare providers to routinely publish open data on service outputs and patient outcomes. Their involvement contributes to the proliferation of oversight bodies that hold authorities accountable at different government levels or on specific issues of interest. For our purposes, the

most illuminating aspect of the reform is the call for “patient-centered” care, which aligns with the broader calls for citizen-centered governance. It moves away from the classic, paternalistic “doctor-knows-best” approach towards greater discussion between health professional and individual patients and their caregivers about their specific needs. Specifically, Stewart draws upon the example of young people engaging in active “negotiating diagnosis” to showcase how seemingly non-political encounters can be a crucial site of political deliberation. These young people exhibit great agency over their service use when they draw on their stores of local or everyday knowledge to challenge paternalistic medical advice.

5. Conclusion

In this chapter, I undertake a critical examination of Philip Pettit’s theory of democratic control over bureaucratic agencies. According to Pettit, legislation serves as the main vehicle for democratic control by crafting laws that dictate the exercise of state power. However, I contend that this legislation-centric approach is flawed. To advance non-domination in contemporary societies necessitates a welfare state with a large-scale bureaucratic apparatus responsible for safeguarding citizens’ social and economic independence. However, the bureaucratic apparatus so designed in the republican state cannot be sufficiently controlled by Pettit’s legislation-centric approach. My critique unfolds through three sub-arguments.

Firstly, administrative discretion is a necessary component of law-implementation, and is necessary to pursue other goals crucial to non-domination. However, this discretionary power is perceived as inherently dominating in Pettit’s framework, as it cannot be entirely circumscribed by legal statutes. Second, Pettit proposes the establishment of impartial bodies insulated from legislative influence to undertake critical state functions. Paradoxically, when bureaucratic agencies assume the role of such an insulated body, they also become conceptually dominating due to their independence from the legislature. Third, in the republican state envisioned by Pettit, civic engagement becomes marginalized and trivialized because of the pivotal role bureaucratic

agencies play in managing major public affairs. This marginalization not only puts citizens in a state of slavery but also weakens their capacity to effectively resist domination.

To overcome these limitations, I propose that the remedy for the shortcomings in Pettit's model does not hinge upon imposing additional institutional constraints to bolster bureaucratic agents' adherence to laws in their exercise of administrative power. Instead, it necessitates a departure from the excessive emphasis on legislation as the primary conduit for democratic control. A new framework should perceive both the law-making and law-implementation stages as parts of an ongoing process of deliberation concerning common interests. This new perspective acknowledges the role that relatively autonomous bureaucratic agencies play in the exploration of common interests. It also enables citizens to engage in diverse forms of participation in public affairs outside of legislation, and to exert more in-depth supervision over the actions of bureaucratic agencies. Ultimately, my approach proves to be better suited for advancing non-domination in contemporary governance structures.

Chapter Three

Neo-Republicanism and Bureaucratic Virtue

This chapter extends the discussion regarding democratic control over administrative power within the neo-republican framework. In the preceding chapter, I advance the following claim: a modern bureaucratic state plays a pivotal role in the institutionalization of non-domination. In particular, a large-scale and efficient bureaucratic apparatus is crucial for the republican state to perform many functions necessary for the establishing non-domination in contemporary conditions, such as the maintenance of social order and the promotion of public education. However, the mechanism of democratic control conceptualized by neo-republicans, which centers upon legislation, does not provide a satisfying solution to control administrative power, especially discretion. It thus leads to a paradoxical conclusion: administrative power could be inherently uncontrolled and dominating, which potentially undermines the project for instituting non-domination. I concluded the preceding chapter with a call for reconsidering the definition of democratic control and non-arbitrariness.

In this chapter, I explore alternative mechanisms to guide the proper exercise of administrative power. Specifically, I will focus on bureaucratic virtue as one specific kind of internal constraint. Civic virtue has been a fundamental component in the intellectual tradition of republicanism. According to Quentin Skinner (1978, 44-5), since the Renaissance, there are two main approaches to virtue and corruption in political thought:

One stresses that government is effective whenever its institutions are strong, and corrupt whenever its machinery fails to function adequately (The greatest exponent of this outlook is Hume). The other approach suggests by contrast that if the men who control the institutions of government are corrupt, the best possible institutions cannot be expected to shape or constrain them, whereas if the men are virtuous, the health of the institutions will be a matter of secondary importance. This is the tradition (of which Machiavelli and Montesquieu are the greatest representatives) which stresses that it is not

so much the machinery of government as the proper spirit of the rulers, the people and the laws which needs above all to be sustained.

On his view, republicanism is defined by the latter approach which emphasizes the importance of virtuous people and politicians. Civic virtue is crucial to the stability of a free, self-governing polity. It motivates citizens to actively engage in politics and politicians to dedicate themselves to public affairs. My task in this chapter is to critically examine the neo-republican view of bureaucratic virtue. I ask whether bureaucratic virtue so understood helps bureaucratic agents to exercise administrative power to fulfill the tasks that are crucial for non-domination. In addition, I will engage in a deeper exploration of the mechanisms employed to cultivate virtuous dispositions within bureaucratic agencies. These discussions serve as a steppingstone for a more comprehensive examination of the neo-republican views on the state and the conception of non-arbitrariness.

As demonstrated in the previous chapters, neo-republicans in general lean heavily towards an approach to non-domination which prioritizes external constraints. External constraints on power, such as laws, rules, or procedures, are deemed the sole effective measures for safeguarding non-domination. Presumably, they ensure that power is exercised in a predictable and impartial way rather than solely depending on the arbitrary will of a particular agent. With regards to democratic control over the state, the people collectively craft laws that reflect common interests, dictate the actions of state agents, and articulate procedures governing the exercise of state power. These external mechanisms ensure the state does not morph into a dominator itself and thus help secure non-domination. Civic virtue, in conjunction with other internal measures, is relegated to a supplementary role within the framework. From this standpoint, virtuous bureaucrats in the neo-republican framework are the ones who unwaveringly conform to mandates from legal and political institutions. Bureaucratic virtue contributes to the realization of non-domination by motivating bureaucratic agents to strictly adhere to the laws, procedures, and objectives mandated by these institutions in exercising state power.

However, primarily drawing upon the work experience of bureaucratic agencies, especially those at the frontline level, I contend that the current understanding of bureaucratic virtue within the neo-republican framework is problematic. This is not meant to suggest that its underlying ideals, such as the rule of law and impartiality, are not worth pursuing in public administration. Rather, the neo-republican view rests upon an oversimplified assumption regarding the operation of bureaucratic agencies. It underestimates the important role that bureaucratic virtue plays in constraining and guiding the exercise of administrative power, especially in the absence of clearly-defined tasks, sufficient resources, and close external control mechanisms. In addition, it reduces the range of normative demands that frontline agents shall attend to. These important normative demands that are overlooked by neo-republicans — such as fairness, respectful treatment of clients, and responding to the particular needs of individual clients — are crucial not only for effective bureaucratic performance but also for the realization of non-domination. I further propose that an ideal bureaucratic virtue for neo-republicans is one that motivates bureaucrats to exercise administrative power responsibly in a challenging environment and to respond to a sufficiently wide range of normative demands beyond strict adherence to institutional directives. Such an ideal virtue can only be cultivated in a healthy moral ecosystem in bureaucratic agencies through various strategies at the managerial and peer levels.

To fully unfold my argument, this chapter will be divided into three main sections. Section one commences with a brief overview of how neo-republicans understand civic virtue in general and its role in promoting freedom as non-domination. Civic virtue is generally defined as the settled disposition to respect legal and political institutions in the republican state. Then, I turn to bureaucratic virtue as one specific category of civic virtue. Bureaucratic virtue, more specifically, is the disposition of public agents to strictly adhere to the imperatives, such as laws, rules, and objectives, determined by these institutions. In the second section, I examine the limits of the neo-republican perception of bureaucratic virtue by focusing on the working experience of frontline bureaucrats. Frontline bureaucrats usually operate in an environment where tasks are

ambiguous, resources are insufficient, and close external control mechanisms are absent. They are also required to respond to a wide range of normative demands, often pointing to conflicting directions. An ideal version of bureaucratic virtue is one that allows them to be sensitive to these normative demands and to use their discretion responsibly. Against this backdrop, I argue that Pettit's conception of bureaucratic virtue is problematic. It underestimates the important role of bureaucratic virtue as a kind of internal mechanism in constraining and guiding the exercise of administrative power in frontline bureaucracy. Moreover, it restricts the range of normative demands that frontline operators shall attend to. Having clarified the limitations of the republican perspective on bureaucratic virtue, in the third section, I will introduce the techniques, both formal and informal, that can be deployed at various levels of bureaucratic organizations to cultivate the ideal moral disposition. In particular, at the managerial level, executives and managers should create a sense of trust and support with their operators and avoid relying exclusively on the most easily measured activities to evaluate their performance. In addition, they should create an environment where frontline agents can foster a balanced disposition by, for instance, adjusting incentive structures and balancing the competing cultures within the organization. I also anticipate and respond to objections from neo-republicans concerning effective supervision on bureaucrats and the consistency of my account with non-domination. The concluding section recapitulates the main argument and calls for a broadened notion of non-domination which attributes equal importance to external and internal measures to control power.

1. Civic Virtue and Bureaucratic Virtue

Virtue has been one of the most essential components in the republican paradigm. This chapter does not aim to offer a comprehensive review of the literature on virtue. We are only concerned with how neo-republicans understand this topic. Republican writers are generally interested in the relationship between virtue and the flourishing of the republic. Virtuous citizens and politicians are seen as the firm guardians of the security and freedom of the republic, while corruption, by contrast, often signifies its demise. Citizens cultivate and exhibit their virtues

through political engagement. The cultivation of civic virtue and combat against corruption are essential to the secure of non-domination.

During the past few decades, there has been a dramatic revival of interest in the classical republican tradition. Amid such revival, an “instrumental turn” occurred in the paradigm.²² Some republican theorists, exemplified by Skinner (1984), Sunstein (1988), and Pettit (1989), challenge the classic vision and instead call for an alternative interpretation of republicanism. This group of republicans suggest that although active citizenship, civic virtue, and combating corruption are important components of the paradigm, they are instrumentally, rather than intrinsically as under the traditional vision, valuable to freedom as non-domination. In addition, they ground republicanism upon a new foundation, shifting it from the Aristotelian tradition to Roman jurisprudence which centers upon a fundamental and categorical distinction between free citizens and dependent slaves. The rule of law, rather than civic virtue, occupies the central locus in this new interpretation.

These republicans favor the new vision, often labeled as neo-Roman republicanism or neo-republicanism, for two main reasons. First, they attempt to prove the attractiveness and viability of republicanism as a contemporary political doctrine. Because there can be substantial disagreement between contemporary individuals with different views about human flourishing, classic republicanism, which celebrates an intrinsic view of virtue and associates it with a perfectionist view of good life, is at odds with modern political and social conditions. This challenge, suggested Lovett (2018, 16-17), can be removed if we consider civic virtue as merely one tool among others for securing political liberty. Although neo-republicans would support public policies that deliberately cultivate civic virtue, and therefore reject stronger principles of liberal neutrality, they could nevertheless embrace broad principles of toleration. In this vein, republicanism could be “compatible with modern pluralistic forms of society” (Pettit 1997, 8). Second, more important, the instrumental turn is an important component in neo-republicans’ articulation of non-dominating power. According to Pettit (1997, 20-21, 39), what underlies neo-

²² I draw extensively upon Lovett (2018) for the illustration of the “instrumental turn.”

republicanism is the ideal of the “empire of law” versus “the empire of men,” a key distinction that can be traced back to the writings of Blackstone and Harrington. From this perspective, laws, rules, procedures, and objectives that are common knowledge and impartial to all relevant parties are perceived as robust and reliable constraints on power. This is because they are resilient to a wide range of possible changes or modifications in the relevant circumstances (Lovett 2012; 2018, 12). In contrast, civic virtue, often categorized as one of the internal constraints, is considered as insufficient alone to robustly control powerholders and therefore less effective in reducing domination. If a person is solely dependent on the benevolent disposition of another person to avoid interference in a social relationship, it counts as an instance of domination. In addition, as Pettit (2012, 246-7, 307) notices, even if the members of a community are virtuous people, there is no guarantee that they are always motivated sufficiently to make impartial judgment and to commit to the common good of the community.

It follows that civic virtue is defined as the settled disposition to respect the institutions of the republican state, especially the legal ones. Legal institutions allow citizens to collectively craft laws that reflect their shared reasonings and common interests, regulate their mutual relationships, and dictate the actions of government agencies. Additionally, contestatory institutions provide reliable ex-post channels for citizens to supervise the exercise of state power (Pettit 2012, 283). These institutions serve as bedrocks for democratic self-government and the realization of non-domination. By “respect,” I wish to underscore three aspects of civic virtue. First, to respect these political and legal institutions entails a commitment to democratic norms regarding the crafting of law and policy. For instance, citizens must learn to accept each other as their equal, listen to others’ concerns, take into consideration others’ opinions, and raise proposals that everyone will find reasonably acceptable in collective deliberation (Pettit 2012, 254-6). Second, respecting these institutions requires that citizens abide by the decisions, laws, or procedures that these institutions generate. Third, respect also involves the willingness to defend these institutions against potential threats, be they foreign invasion or corruption.

We may further categorize civic virtue into two subtypes based on the agents it applies to: citizen virtue and bureaucratic virtue. As non-state actors, virtuous citizens play two different roles in the promotion of non-domination. Because the legal and political institutions have a limited capacity in practice to “identify and sanction all offences against republican laws and norms,” they must be supplemented by virtuous citizens who are “committed enough to perform in that role or to support the efforts of the authorities” (Pettit 1997, 280). In other words, virtuous citizens impose a secondary and “soft” form of sanction against offenders, parallel to the “hard,” coercive, and institutional ones imposed by the state. They reinforce the effectiveness of these institutions and help the ideal of “the legal republic to become a civil reality” (Pettit 1997, 280). Meanwhile, virtuous citizens are expected to remain “eternally vigilant” against their government. Although the state is a powerful actor in deterring potentially dominating individuals and social groups, it can become a dominator when citizens neglect their duty to hold it accountable. Thus, they should always be ready to contest arbitrary government mandates through different channels. As contestations are more likely to succeed when citizens act in a collective way, fostering solidarity and developing a sense of community are thus crucial requirements of citizen virtue. Strategies to nurture this virtue include internalizing public values, disciplining personal desires, and cultivating a patriotic spirit to defend the republic (Pettit 1997, 281).

Bureaucratic virtue as the other sub-category of civic virtue is the key focus of this chapter. In the realm of administrative ethics literature, a central focus revolves around identifying values that are distinct to public administration and the foundations upon which these values rest. Early theories of public administration, heavily influenced by business administration, concentrated on the applicability of business goals, criteria, and techniques to the public sector. Theorists of administrative ethics pursued questions such as whether public agents should emulate their private-sector counterparts who adhere solely to hierarchical loyalty and potentially neglect other crucial values aligned with organizational objectives (Hart 1984, 112). They advocated for the recognition of unique features within the public realm, defining the

specific values that public agents should prioritize and the rationale behind these values (Rohr 1980; Frederickson and Hart 1985; Cooper 1987; Richardson and Nigro 1987; Hart and Smith 1988). In particular, republicanism, with its focus on citizenship and civic virtue, has been a significant source these theorists draw upon in the development of the discipline (Cooper 2000, 17-19).

While delineating republican intellectual heritage, Pettit suggests that the moral integrity of public agents has been a fundamental component. “[A] regime of civic virtue, under which people are disposed to serve, and serve honestly, in public office,” together with “a mixed constitution” and “an empire of law,” constitute the three major cornerstones of a republican state (Pettit 1997, 20). However, in contrast to citizen virtue which requires citizens to actively defend republican institutions, Pettit perceives bureaucratic virtue as a passive, or restricted, virtue. Virtuous public officials in the republican state are expected to do nothing other than strictly abide by the rules, laws, and goals determined by republican legal and political institutions. They are discouraged from fostering solidarity among their peers and even from actively promoting republican ideals outside of their designated realm. The specific requirements of bureaucratic virtue are determined by their role as public servants wielding state power. According to Pettit, there are two possible ways that public officials can become dominating. First, apparently, domination occurs when public officials are corrupted, that is, “when they are exposed to powerful temptations.” They could easily disregard republican ideals and use state power to pursue their own private gains at the expense of public interest. Second, domination also arises when public officials develop an excessive zeal in promoting republican ideals. This may seem confusing at first glance, as one might expect that active promotion of republican ideals by state agents would further facilitate their realization and safeguarding. Pettit’s concern is not only solely grounded in the fact that the behaviors of bureaucratic officials are far more consequential, because of their authority to wield coercive state power and to grant or deny citizens’ access to government goods and services (Lipsky 2010, 8-9). More importantly, he worries that overly zealous bureaucrats will find it justified to pursue the republican ideals by violating laws and

breaching constitutional constraints. In this circumstance, these agents “take the law into their own hands” (Pettit 1997, 278). He remarks that,

Given the power of official agents, and given their potential for domination, there is every reason why zealous agents should want to go out of their way to show people at large that there is no possibility of their taking the goal of non-domination into their hands. There is every reason why they should look for institutional means of making it salient and credible that they are pre-committed to sticking with their brief, and to sticking with their brief even in cases where there is a *prima facie* case for zealous opportunism. There is every reason why they should want to make it salient and credible that their hands are tied: that they are agents with little or no independent discretion (Pettit 1997, 209).

In other words, even if public officials wholeheartedly dedicate themselves to republican ideals, the mere reliance on their commitment for the realization of these ideals qualifies as a form of domination for citizens. The crucial factor is not the sincerity or capability of the officials. Rather, non-domination can only be achieved when the subject possesses the “anti-power” (Pettit 1996, 588-599) enshrined in the institutions, providing them with a counterforce to control those in power. Therefore, the commitment of public officials to non-domination is demonstrated by their ability to restrain their own zeal and steadfastly “tie their hands,” that is, adhere to these external constraints. Because of Pettit’s concerns over both corruption and zealous opportunism, I call bureaucratic virtue in the republican sense a passive or restricted virtue.

It is not difficult to see the attractiveness of the neo-republican understanding of bureaucratic virtue. First, neo-republicans aim to develop an account of virtue that fits the conditions of contemporary liberal and pluralist societies. The current version meets this objective by not obliging bureaucratic agents to commit to any substantive value beyond strict adherence to institutional constraints already deemed virtuous. It thus presents these agents with a less demanding model by attributing them with a rather modest role in the division of moral labor. This model absolves them of personal responsibility for the content of their actions insofar

as their behaviors are in accordance with the rules in place. Second, its emphasis on external mechanisms, such as impartial laws, rules, and procedures, seamlessly aligns with the rational-formal structure typical of modern bureaucracy. Consequently, “the regime of civic virtue” can be installed within the republican state without significantly altering the structure of modern bureaucracy and compromising its advantages.

Notably, the distinctive character of the neo-republican interpretation of bureaucratic virtue becomes more evident when contrasted with opposing views within the republican camp. A prominent objection to this perspective is raised by Hannah Arendt (1963, 69; 2006), who laments the detrimental impact of the rational and hierarchical structure of modern bureaucracy on the moral agency of bureaucrats.²³ From her perspective, deference to hierarchy, meticulous rule-following, and adherence to repetitive routines are manifestation of a toxic ethos of blind compliance rather than virtue. Bureaucrats so disciplined relinquish their capacity for independent thought and action to focus solely on fulfilling hierarchical directives. Consequently, they become detached from the people affected by their actions and indifferent to the consequences, particularly negative ones, of their behavior on others. In contrast, while Pettit shares Arendt’s deep concerns about unbridled technocratic rule, he does not perceive strict adherence to hierarchical directives inherently antithesis to virtuous agents. What is at stake is the design of state institutions that allow robust democratic control over the directives performed by bureaucratic agents.

2. Bureaucratic Virtue and Frontline Agencies

In the previous section, I offer a brief account of the neo-republican view of bureaucratic virtue. Bureaucratic virtue so understood motivates bureaucratic agents to strictly abide by the imperatives determined by the legal and political institutions of the republican state and to minimize the influence of their own personalities on the execution of duties. In this section, I

²³ For similar criticism, see Merton (1940), Bandura (1999), and Thompson (1980).

examine whether bureaucratic virtue in the neo-republican sense facilitates bureaucratic agents' performance of tasks, especially those with respect to the realization of non-domination.

I will primarily rely on the experience of rank-and-file employees, or frontline operators, in bureaucratic agencies in the context of the United States as a basis for examining the neo-republican view of bureaucratic virtue. Typical frontline operators in the public sector include teachers, police officers, judges, public lawyers, court officers, health workers, and other public agents who grant access to programs and provide services with their client (Lipsky 2010, 3; Wilson 2000, 62). Their working experience serves as a valuable basis for further scrutiny for several reasons.

First, these agents now constitute a significant component in contemporary governments. As highlighted in Lipsky's (2010, 5) seminal study, we witness how the number of frontline bureaucrats and the proportion they constitute substantially increased relative to all public employees since the 1960s. For instance, in the 1980s when Lipsky conducted his research, the US state and local governments employed 3.7 million people in local schools, over 500,000 in police operations, and more than 300,000 in public welfare. Public school employees comprised more than half of all workers in local government. Among the 3.2 million local government public employees not involved in education, approximately 14 percent served as police officers.

Second, as Wilson (2000, 62) suggests, to understand a government bureaucracy one must understand how its frontline workers learn what to do. These frontline operators are typically tasked with direct involvement with their fellow citizens.²⁴ They serve as the tangible agents through whom state power is actualized, concretized, and experienced by citizens. Functioning as the immediate representative of the state, citizens form direct impression of the state and government programs from their interactions with these agents.

Third, most importantly, because of the nature of frontline bureaucracy, these bureaucrats have to operate in an environment where external mechanisms cannot completely guide and

²⁴ Note that some frontline operators may interact with foreign agents in their works, such as combat soldiers in an army or diplomats in the State Department. There are other operators whose works do not involve direct interactions with other agents, such as forest rangers, engineers, and technicians.

evaluate their actions. As a result, they are entrusted with a certain degree of discretion. Internal mechanisms, such as organizational culture, peer expectation, professional norm, and bureaucratic virtue, thus have a considerable influence on how these agents understand their roles, perceive their tasks, approach their clients, and exercise their powers.²⁵ Internal mechanisms also exert significant influence on bureaucratic agents at other levels of the hierarchy. For instance, the personal beliefs of an agency's founders can profoundly shape the working style of its agents. As Herbert Kaufman (1960, cited from Wilson 2000, 135) notices, Gifford Pinchot, who assumed command of the Bureau of Forestry of the United States in 1898, instilled an ethos of elite service within the agency. Likewise, the personal disposition of managers impacts how they oversee the actions of frontline operators. However, a deeper exploration of these two other types of bureaucrats is beyond the scope of this chapter. This is because their primary concerns differ significantly from that of operators (that is, the performance of tasks). For senior executives, the focus is on maintaining the agency's autonomy, while for managers, it is on navigating various political constraints. Moreover, the influence of internal mechanisms on these agents is experienced less directly by the public compared to that of frontline operators. Therefore, through the lens of the work experience of frontline operators, we will have a more comprehensive understanding of how administrative power is actually exercised in practice, what normative considerations bureaucratic agents must take into account, and what measures are available to regulate the exercise of such power.

I aim to show that Pettit's neo-republican view of bureaucratic virtue is problematic. This is not to suggest that frontline operators should not pursue its underlying ideals such as impartiality and the rule of law. Rather, Pettit's view is based on an insufficient understanding of frontline bureaucracy. It underestimates the crucial role that bureaucratic virtue plays in enabling frontline operators to perform their tasks effectively and faithfully, especially in the absence of strong external oversight. Additionally, bureaucratic virtue so understood is reductive in the sense that it restricts the range of normative demands that frontline bureaucrats should attend to

in the performance of their tasks. As a result, instead of aiding in the realization of the objectives that concern neo-republicans, it might turn out to be counterproductive for them. To further illustrate my position, I will start with an overview of the work environment of frontline operators.

Frontline operators typically operate within a complex work environment. They do not merely serve as instruments for policy implementation and mechanically comply with hierarchical organization directives. Typically, frontline operators do not have tasks that are sufficiently clear enough so that reasonable people can agree on their meaning, and they usually lack the authority and resources necessary to achieve them. For instance, consider the official stated goal of the Bureau of Indian Affairs documented in the United States Government Manual (Wilson 2000, 60). It specifies that the Bureau aims to “facilitate the full development of the human and natural resource potential of Indian and Alaska Native people.” This stated goal neither clarifies what counts as “full development” of these resources nor considers the potential inherent conflict between the development and the destruction of the native culture of a given indigenous community. As Wilson suggests, although bureaucrats in private sectors also encounter similar difficulties, they can gradually clarify the exact meaning of these stated goals through a process of trial and error in market competitions. In contrast, government agencies often monopolize some services and are supported by legislative appropriations. Whether citizens benefit from these services or not, they still must pay taxes to support them. Thus, bureaucrats in government agencies lack similar mechanisms to gradually test and clarify the substance of the stated goals. Moreover, for managers and the public, the performance of a considerable part of frontline operators cannot be easily evaluated. Often time the activities of these agents are hard to observe and the outcomes are not immediately and objectively assessable. Consider armies during peace time. Although commanders may find techniques to ensure that the training, equipment, and deployment of an army are all under their careful and direct inspection, they may only test if these factors are effective in a real war. Similarly, the compliance officers of the Wage and Hour Division of the U.S. Department of Labor often

investigate complaints about violations of the laws governing the pay and hours of work completed in sites unobserved by their managers.

As a result, in the course of their work, many frontline operators possess a significant margin of discretion that encompasses both technical and normative aspects. They are responsible for giving sensible content, concretizing vague mandates, and improvising suitable responses to unforeseen situation. Take the example of frontline police officers. As documented by Wilson (2000, 66), only 10 percent of all calls for police service were matters that clearly involved stopping or solving a crime. Over 40 percent of the officer's calls are related to "order maintenance," such as domestic disputes, arguments between landlords and tenants, and street-corner quarrels. In these circumstances, frontline police officers have to interact with clients in different status—frightened, drunk, angry, injured, evasive or even violent—to whom their uniform and badge do not naturally signify authority. Therefore, the use of discretion is inevitable for frontline police officers in properly implementing institutional mandates and responding to specific situations. Specifically, they are expected to respond adequately to a wide range of normative demands in their exercise of discretion. For example, for administration in both private and public sectors, the criterion of efficiency is usually adopted. However, in the public domain, we may identify more distinctive normative demands such as fairness, respectfulness, and responsiveness. These values are salient for public administration because of the moral and political claims citizens, particularly in democracies, have on their state.

In response to changing circumstances, frontline operators do not act as strategic actors in the manner predicted by rational-choice theory. Instead of swiftly adjusting their behavior, they develop moral dispositions as mediators to navigate the situational imperatives and normative demands they encounter. For instance, as Jerome Skolnick (1966, 42-70; cited from Wilson 2000, 66) points out, out of the need to "take charge" or "handle the situation." Because they are supplemented by a sense of physical danger inherent to their occupation, police officers develop a "working personality." These dispositions often come from prior experience, sensitivity to professional standards, political ideology, and personality characteristics. They play important

roles in shaping individual decisions by influencing how frontline operators perceive normative questions and assign weight to various concerns. Zacka (2017, 94, 206, 237) identifies two dimensions of these dispositions. The first is situation-dependent. It impacts how bureaucrats interpret new information and interact with clients in specific instances. The second is more stable and span across encounters. It is grounded in their self-understanding of roles and professional identities which ultimately guide what they deem effective performance. Generally, as Wilson (2000, 86) suggests, the more ambiguous an agent's roles and objectives, the more likely they are to perform their work in line with their personal dispositions. For instance, agents with highly routinized and mechanical tasks, such as those entering data on social security earnings at the Social Security Administration, are less influenced by their dispositions compared to police officers, who frequently face uncertain situations.

To understand how dispositions shape the working styles and approaches of agents, consider the Forest Service and Park Service as two comparable agencies (Wilson 2000, 97). Both agencies were created in the early 20th centuries and were responsible for managing vast tracts of public lands, many of which are indistinguishable. Nevertheless, the officials from these agencies developed very different self-understanding of their roles and consequently adopted different strategies towards their jobs. Agents of the Forest Service commit to a doctrine of "professional" forestry and understand their jobs as the scientific management of forests in order to sustainably produce timber and other natural resources. In contrast, agents of the Park Service perceive their jobs as balancing the need to preserve the wilderness with the popular desire to enjoy it. As a result, they pay more attention to applying rules with regards to camping and building relevant facilities. Even within one agency, agents with different dispositions may approach their tasks differently. For example, the way agents at the Federal Trade Commission perform their duties is influenced by their perceived professional identity (Wilson 2000, 93). Those with a legal background, such as attorneys and lawyers, tend to focus on cases where there is clear evidence of a firm's legal violation. In contrast, those who have previous training in

economics are more likely to evaluate potential cases based on their likely impact on consumer welfare.

With the analysis of the frontline work environments in mind, I now turn to a diagnosis of Pettit's neo-republican view of bureaucratic virtue. Pettit's view perceives bureaucratic virtue as an internal constraint on administrative power, one that is secondary to and functions parallel to external mechanisms. His approach emphasizes strict adherence to the imperatives and constraints set by the legal and political institutions of the republican state and the exclusion of the influence of individual bureaucrats' personalities on the execution of their duties.

To begin with, Pettit's view underestimates the crucial role that bureaucratic virtue plays in enabling frontline operators to perform their tasks effectively and faithfully, especially in the absence of well-specified tasks, sufficient resources, and close external oversight. Let us first compare the Social Security Administration and the United States Army Corps of Engineers. SSA has official stated goals that are well-defined by the law. In addition, Congress has relatively mature techniques to assess the performance of its agents. SSA is mainly responsible for assessing eligibility, determining benefits, and writing checks to every eligible retired person in the United States. The amount of the check is determined by an elaborate and accurate formula while the eligibility of the client is specified clearly by laws and regulations. Even when controversies arise with regard to the tasks, it is not difficult for SSA agents to infer them from the stated objectives. Administrators of SSA can easily explain to legislators how they accomplish goals with respect to the retirement program as they are publicly known and measurable (Wilson 2000, 63). Notably, SSA agents are characterized by their sense of mission even though their work seems mechanical. Arthur J. Altmeyer and John G. Winant as the founders of SSA intended to create an agency with a "client-serving ethic." They not only carefully selected managers of local field offices who were imbued with such an ethos but also designed training programs in a way that emphasized their commitment to serving beneficiaries (Wilson 2000, 136).

In contrast, the tasks of the United States Army Corps of Engineers are less-well specified, and legislators have fewer effective and centralized measures to supervise the operation of its frontline agents. As Wilson (2000, 216) documents, the agency is responsible for designing and overseeing the construction of civil and military projects in both the United States and other regions in the world. As it operates in remote locations such as Latin America, the Middle East, and the Far East, the organization sends its field representatives to manage its enterprises. Typically, these agents must work for a year or two in remote locations and are required to relocate to other regions before they can comfortably settle down. The distance and the nature of their tasks (such as overseeing the building of military bases or other facilities) make centralized and detailed direction as well as supervision difficult. Furthermore, it is challenging to determine by the law in advance exactly how a project (such as a military airbase) can be built on time, within budget, and according to specifications. As a result, legislators can only indirectly assess the performance of these operators from the outcomes (whether the project is completed within the budget and time). The situation may lead one to predict that frontline representatives of the Army Corps of Engineers are less likely to strictly adhere to directives and more prone to corruption. However, as Mohammad Al-Saud (cited from Wilson 2000, 138) notices, this agency is widely regarded as the best of its kind in the federal government. Although the field representatives are given wide discretion and left without close supervision, they have consistently performed their tasks well—ensuring local contractors build projects according to specifications, within budget, and without scandal. As Wilson (2000, 138) suggests, the success of these efforts cannot be explained by the external control mechanisms but rather by the strong sense of mission to which the members are committed. This ethos can be traced back to the founding of the Corps as an elite engineering unit in the U.S. Army by Sylvanus Thayer (Wilson 2000, 138). The maintenance of this sense of mission has consistently been the primary focus when it recruits and trains new members.

Pettit's model accounts well for the example of SSA, wherein the professional ethos of the agents supplements the external mechanisms and enhances their performance of the tasks

well-specified by the law. However, it cannot explain why agents of the Army Corps of Engineer have been responsibly and consistently achieving assigned goals at all instead of merely shirking. I argue that what motivates frontline operators to perform their tasks effectively and faithfully, especially in the absence of close external oversight, well-specified tasks, and sufficient resources, is their professional ethos. In other words, Pettit underestimates the importance of bureaucratic virtue in guiding and constraining the exercise of administrative power.

Second, drawing upon Zacka's analysis of frontline bureaucracy, I argue that the other problem of Pettit's view of bureaucratic virtue is that it reduces the range of normative demands that frontline operators should attend to. The normative demands frontline operators are required to respond to often, in practice, point in conflicting directions. For instance, the demands of fairness and responsiveness can clash when resources are scarce. At the same time, they may conflict with efficiency as well, which is often measured by the number of cases bureaucrats can process. Considering the diversity of these demands and the potential conflicts, it is unrealistic to compel the bureaucrats to meet all of them. Instead, as Zacka (2017, 241) suggests, a more reasonable position is to expect them to remain sensible to a sufficiently wide range of normative considerations and stay attuned to the difficult tradeoffs and costs that must be made between them. But, in reality, they have to work in conditions marked by numerous challenges. The perpetual constraints of limited resources and understaffing, coupled with the burden of unrealistic goals, render their work environment strenuous. The constant influx of emotionally charged encounters with clients exacerbates this strain. The work experience formulated under such a strenuous environment tends to generate psychological pressures that erode their moral sensibilities and truncate their understanding of their role and responsibilities. As a result, frontline-officials experience a breakdown of their "self-integrity" —their perception of themselves as good and moral persons.

Consider the challenges faced by welfare caseworkers tasked with implementing the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and the Temporary Assistance for Needy Families (TANF) program in the United States documented by

Zacka (2017, 202-203). The implementation of these programs required welfare agencies to switch from offering a more routinized and depersonalized assistance to providing more supportive services aimed at helping clients reintegrate the workforce. For frontline welfare caseworkers, the implementation broadened the scope of their discretion and intensified the pressure to reduce caseload. Specifically, the reduction of caseload was perceived as a proxy for the success of the programs, as it signified the achievement of a client to regain economic self-sufficiency and to reduce reliance on public assistance. After PRWORA was passed, policymakers recognized potential risks posed to women attempting to escape abusive relationships due to new policy requirements (such as the strict 60-month time limit on benefits, mandatory work requirements, and child support enforcement). To address this, they introduced the Family Violence Option (FVO) as amendment, which allows states to waive TANF program requirements in cases where compliance might endanger a woman or exceed her current capacity due to domestic violence.

However, despite the introduction of these protective measures, the practical impact on assisting needy women remained limited. According to a study of welfare caseworkers in Louisiana, it was difficult for these caseworkers to find a balance between the reduction of caseload and the implementation of the FVO. In particular, they struggled to allocate sufficient time to build the necessary personal relationships and trust required for clients to disclose sensitive information, particularly related to domestic violence. Trapped in this predicament, the caseworkers experienced significant stress, anxiety, and frustration. Some find it impossible to strike a balance between “playing the number game” and “being a people person.”

As a result, a specific disposition that Zacka (2017, 102, 243) called reductive disposition emerges as these frontline officials struggle with the pressure of everyday routine and conflicting demands. Such a disposition is reductive in the sense that it reduces the range of normative considerations that frontline operators attend to. The shift towards reductive dispositions provides frontline operators some measure of psychological relief and helps them to maintain their moral integrity, or their self-perception as good persons. In recognition of their limitations

in meeting all the demands of their roles, they narrow their understanding of these expectations to align with the practical capabilities they can effectively deploy. For example, a common factor leading schoolteachers and police officers to resign is the overwhelming emotional toll of their job, often described as reaching a point where “they could no longer take it.” In order to protect themselves from emotional burnout and pre-empt “decision fatigue,” they frequently resort to a strategy of withdrawal and approach most cases in an undifferentiated way without personalized attention.

The issue with a reductive disposition, from Zacka’s (2017, 243) view, is not rooted in more well-known problems such as corruption, rule-breaking, abuse of discretion, or incompetence. Adopting a reductive disposition does not imply that these agents disregard normative demands, lose their moral perception, or neglect their role responsibilities. Such a disposition can arise even when bureaucrats are genuinely committed to their mission, operate within the bounds of their authority, and possess the technical skills required for their role. Reductive dispositions are problematic because they reduce the range of normative considerations that street-level bureaucrats should address. Driven by this mindset, frontline operators may take the dismissal of other important considerations for granted, potentially undermining the effective performance of their duties.

Drawing upon Zacka’s analysis, bureaucratic virtue understood in the neo-republican framework is far from an ideal disposition for frontline bureaucracy. It is reductive and therefore problematic even though it can be normatively desirable in certain aspects. First, it may enhance work efficiency. Virtuous operators in Pettit’s sense tend to perform more efficiently compared to their colleagues, particularly when evaluated by quantifiable metrics. By minimizing the influence of their own personalities on the execution of their duties, they can insulate themselves from the complexities of clients’ cases — details deemed irrelevant to meeting assigned tasks — and focus on processing cases rapidly and efficiently. Second, this approach offers psychological benefits to frontline operators. Such insulation allows them to withdraw from the burdens of emotional engagement, which conserves their energy for more complex and demanding cases.

Third, it simplifies their interactions with clients. Given that operators often have extensive face-to-face encounters with clients and may become acquainted with them on a personal level, they might find it difficult to treat clients impartially. Bureaucratic virtue in the neo-republican sense helps operators to resist the pull of their sentiments and enables them to take their duties, such as strict law enforcement, as public agents more seriously. In short, frontline operators motivated by such a disposition not only can implement assigned imperatives meticulously and efficiently, but also send a message to citizens that their hands are firmly tied (Pettit 1997, 209).

Nevertheless, Pettit fails to consider that such a disposition can result from operators struggling to cope with a demanding work environment. Moreover, virtuous operators in the neo-republican sense may neglect other equally important normative demands essential for promoting non-domination. Relying solely on this virtue for guiding administrative power may hinder the achievement of their intended goals.

For a start, virtuous frontline operators in the neo-republican sense tend to prioritize tasks which generate more quantifiable and observable outcomes. They will thus shy away from those that are equally important for their objectives but less directly accessible to supervisors. This can lead them to overlook normative considerations beyond mere law enforcement and fail to address the particular needs of individual clients.

Consider the dynamic between police managers and frontline police officers as an example. According to Wilson (2000, 220), for many years, to prevent corruption or abuse of authority and tackle with crime problems, police department administrators in the United States emphasized methods such as rapid response, scientific investigation, and meticulous record-keeping. Frontline police officers were instructed to follow standardized procedures, maintain detailed records, stay close to the police radio, and generate statistical evidence of their productivity. These methods led frontline officers to prioritize aspects of their jobs that were easily standardized, recorded, directed by radio transmissions, and measurable through statistics. For example, they preferred tasks such as writing reports of crimes about thefts or burglaries and making easy arrests, such as issuing tickets for traffic violations and arresting individuals for

disorderly conduct or public drunkenness. Conversely, these officers spend less energy on tasks related to order maintenance and community service because they are less immediately accessible to managers. These tasks include managing homelessness, resolving family quarrels, handling noisy youth in the street, reporting broken streetlights, or abandoned cars.

Other agents, such as intake workers in welfare offices and auditors at the IRS, face similar challenges (Wilson 2000, 210). Welfare-office managers may pressure their staff to maximize the number of claims processed and minimize the number of errors, as these metrics are easily observable and used to evaluate their performance. Similarly, it is common for the IRS to judge auditors based on the amount of money recovered from each audit and the number of audits completed. In both cases, important normative considerations—whether clients are genuinely being helped by intake workers or treated with respect and fairness by auditors—are often overlooked.

In fact, order maintenance and community service are both indispensable for the institutionalization of non-domination. They contribute to the development of civil society by cultivating a secure and vibrant public space where people can freely interact and communicate. Furthermore, clients vary in their ability to navigate bureaucratic systems. Frontline operators serve not only as executors of policies and deliverers of government programs but also as translators. They must extract information from clients and assist them in presenting themselves effectively within administrative frameworks. Thus, treating clients with respect and fairness, and attending to their particular needs ensures that every citizen has equal and reliable access to government services, which are essential for securing their socio-economic independence. These practices further enhance the trustworthiness of republican state institutions in the eyes of the public in the long term as well.

Moreover, drawing upon Zacka's insight (2017, 108), contrary to Pettit's prediction, such bureaucratic virtue does not necessarily eliminate the impact of personal judgment and the use of discretion. In fact, it might dissuade individual officials from using them responsibly. Even if frontline operators are disposed to adhere to explicit rules in their exercise of power, the post

itself necessarily demands the exercise of individual judgment, both technical as well as normative. As legal statutes are inevitably indeterminate, they must effectively resolve indeterminacies by appealing to some rules of thumb. When they resort to these rules of thumb, if they do not choose them in a conscious way and are aware of the consequences for their clients, they effectively subject the clients to another form of arbitrary power. These dispositions become an unintended shelter for the existing biases and stereotypes. For instance, a counselor may adopt a suspicious attitude towards a client simply because this client had acted irresponsibly in his youth. However, from a strictly administrative standpoint, the previous behavior of this client is irrelevant to his access to government aid. In other words, citizens are not naturally and completely immune from the moralizing and even discriminatory judgment of officials even when they actively and scrupulously seek to enforce the laws.

3. Building a Moral Ecosystem: Techniques Available at Different Levels of the Agency

In the previous section, building upon the work environment of frontline bureaucracy, I demonstrate that the bureaucratic virtue currently conceptualized by Pettit is problematic. Pettit fails to acknowledge the important role that bureaucratic virtue plays in constraining and guiding the exercise of administrative power, especially in the absence of external control mechanisms. Furthermore, the bureaucratic virtue he conceptualized is reductive as it only addresses a limited range of normative demands that frontline operators shall attend to. Instead of an ideal disposition for them to perform their duties well, it can be seen as a reactionary response to the intense pressure of navigating conflicting demands inherent in frontline bureaucracy, particularly in a challenging work environment. When frontline operators exclusively adhere to such a disposition, it proves counterproductive to the performance of their tasks, many of which are even essential to the realization of non-domination.

In this section, I propose a modified mechanism that aims to rectify the identified weaknesses. This modified mechanism operates on the peer and managerial level of the

bureaucracy and, more importantly, assigns equal importance to both internal and external mechanisms. The objective of this mechanisms is to establish a robust “moral ecosystem” that enables frontline operators to perform tasks in a complex work environment, to navigate a sufficiently wide range of normative demands, all while at the same time not succumbing to the psychological pressures generated in their daily routines. Following an elaboration of this mechanism, I anticipate and address potential objections from the neo-republican perspective. I attempt to show why such a reformed mechanism is appealing for neo-republicans seeking to instill republican ideals in the modern administrative state. Additionally, I explain the compatibility of this new model with other principles of neo-republicanism.

At the peer level, frontline operators should strive as a group to retain a range of dispositions that are sufficiently diverse to avoid uniformity in moral perception. Agents with contrasting sensibilities are motivated to remind each other to pay attention to normative demands that they themselves might otherwise overlook. As another kind of internal constraint, peer expectation also exerts considerable influence on administrative decision. They affect how agents perceive their jobs and how hard they work on them, in particular for those in extremely uncertain and even dangerous situations such as miners, narcotics investigators, and combat soldiers. In these circumstances, the esteem of their co-workers is no less desirable for agents than material rewards. For example, the desire not to disgrace themselves is an important factor that drives combat soldiers to fight in the battlefield rather than run away. Peer expectations may further enhance accountability as officials with diverse commitments compel their professional peers to justify their decisions and working styles (Zacka 2017, 244; Lapuente and Dahlstrom 2017, 15).

At the managerial level, managers and executives must first acknowledge the inherent challenges in overseeing frontline operators, particularly in agencies where tasks are ambiguous, the activities and outcomes of these operators are difficult to observe or evaluate. It is crucial for them to avoid focusing solely on the most easily measured activities, for instance, evaluating the performance of welfare intake officers based only on the number of cases they process. They

should recognize factors, such as situational imperatives, influencing administrative decisions in frontline bureaucracy other than formal and external control mechanisms and work to create a sense of trust and support with their operators.

Furthermore, they should strive to create an environment where frontline operators can maintain a balanced disposition by employing traditional techniques, such as adjusting incentive structures. More importantly, they can use “soft” measures to shape the configuration of cultures within an organization. Here, an organization cultures is understood as persistent, patterned way of thinking about the central tasks of and human relationships within an organization (Wilson 2000, 130-143; Zacka 2017, 213, 238). It consists of those patterned and enduring differences among systems of coordinated action that lead those systems to respond in different ways to the same stimuli. Typically, there exist multiple cultures within an organization. Each culture is supported by its own advocates within the organization, who have the power to give rewards or sanctions, thus influencing the behaviors of their subordinates. For example, within a welfare office, a manager may support a more formal approach to appointment scheduling which prioritizes values such as punctuality, competency, clarity, and professionalism. Another manager may prefer one that emphasizes warmth towards clients and personalized service, viewing appointments as suggestive rather than binding and rarely enforcing penalties for no show. When an organization has a culture that is widely shared and warmly endorsed by operators and managers alike, we say that the organization has a sense of mission. A sense of mission confers a feeling of special worth on members, provides a basis for recruiting and socializing new members, and enables administrators to economize on the use of other incentives. For example, SSA agents who were widely committed to the ethos of service were more easily easier to be managed for managers and performed their tasks without the need for detailed supervision.

Nonetheless, organization cultures may create negative consequences when poorly managed. First, members will not attend to tasks that are perceived external to the culture with sufficient energy and resources. Second, conflicts may arise when multiple cultures struggle for supremacy. Third, organizations will resist taking on new tasks that seem incompatible with its

dominant culture (Wilson 2000, 141). For example, Wilson records that the mass transit system in Washington, D.C. was designed and developed in the 1960s and 1970s by the Washington Metropolitan Area Transit Authority. This agency perceived rail transit as its core task and the source of its culture. Consequently, bus service received little attention and resources in the operation of the system as it was considered as a “step-child” of the organization.

Therefore, it is important for both executives and managers to not only instill culture within their organizations but also to manage properly their relations. The co-existence of multiple cultures within a bureaucratic organization, which pulls officials in different directions, can be beneficial. It enables managers to use various tools to adjust the configuration so as to shape the field of moral dispositions open to frontline operators. Proper adjustments ensure that the culture within the organization can accurately represent the diversity of normative considerations in the bureaucracy. It further allows the agency to respond more smoothly to evolving environment and new tasks. Moreover, it generates a moderate force upon bureaucrats in a way that they are always reminded of the considerations but without being overwhelmed by excessive psychological pressure (Zacka 2017, 238). Consider Christopher Leman’s report of how the Forest Service accommodated multiple cultures (Leman 1986; cited from Wilson 2000, 148). The official objective of the Forest Service was “achieving multiple use and sustained yields” from forests. Agents who came from different backgrounds, such as biologists, economists, and engineers, interpreted this objective differently. Nevertheless, the Forest Service managed to create a harmonious relationship among its professionals by, for instance, assigning service members with different specialties to a remote post where they spent time with each other. In addition, the managers attempted to foster a culture of tolerance, respect, and valuing their association as a whole.

Against this modified account, neo-republicans might propose an objection concerning effective democratic oversight and safeguarding non-domination. The modified mechanism operates on the premise that external control measures have limitations in guiding administrative power, especially in frontline bureaucracy. Therefore, rather than instituting additional external

measures, this alternative mechanism emphasizes enhancing the personal judgment of bureaucratic officials. This approach, according to neo-republicans, risks decreasing accountability. Neo-republicans may acknowledge the importance of a more comprehensive bureaucratic virtue as an internal constraint on administrative power. However, despite its substantive content, the cultivation of this disposition rests upon a number of uncertain and fragile processes. For instance, managers and executives often have incentives that differ from those of frontline operators. Rather than the establishment of the moral eco-system within the agency, they may prioritize their own goals such as meeting the constraints imposed by constituents. Also, fostering healthy bureaucratic virtue relies on finding the delicate balance between rivaling cultures and the normative pulls in the organization. However, it is natural for advocates of different cultures to compete for supremacy. For example, according to a survey conducted in 1981 in the Forest Service, the majority of its employees experienced a decline in morale and in the strength of the mutual bonds.²⁶ Moreover, peer expectations only generate robust impetuses when professional peers work together for sufficiently long time. If the membership of the small group changes frequently, individual agents tend to assign less value to the opinion of others, especially the newcomers. Most importantly, citizens as the subjects of administrative power have little control over how this disposition is cultivated and exercised. It might create a black box within the administrative system that lacks transparency and evades democratic scrutiny. Conventional approaches to democratic supervision, such as legislative actions, exert little influence over informal practices such as self-exercises and interactions among bureaucratic officials. It seems that citizens inevitably depend upon the benevolent disposition of bureaucratic agents, both at the frontline and at the managerial level, for public service, which, from the neo-republican perspective, constitutes a form of domination.

In response, I suggest that the modified mechanism does not seek to discredit or replace the current mechanism of democratic control. Democratically crafted laws, rules, and procedures still function as critical ex-ante measures to control the actions of bureaucratic officials. Citizens

²⁶ U.S. Forest Service, Employee Survey, Region 6 (1984), 12, 14–15, and Forest Service, Report on Mineral Careers in the Forest Service (September 1981). Cited from Wilson (2000, 147, note 56).

can also place an ex-post justificatory burden on these officials and compel them to explain their decisions publicly. In addition, the modified mechanism is designed in a way that is consistent with the contestatory practices of republican democracy. Neo-republicans advocate for a division of powers within the republican state to prevent the concentration of power in a single state agent. Similarly, the modified approach introduces informal checks-and-balances at the group and organizational levels. Interactions among peers and the configuration of different normative worlds avoid moral uniformity which puts excessive emphasis on one single value.

Furthermore, to say that maintaining a balanced disposition for street-level bureaucrats is necessary for proper exercise of administrative power does not imply that citizens are reliant on the *subjective* will of the agents for public service. This perspective overlooks the *intersubjective* dimension in the normative considerations, office culture, and organizational norms towards which the disposition is oriented. The assessment and interpretation of these aspects are not solely contingent on an individual agent's subjective understanding. Instead, they are rooted in a relatively stable common understanding shared by the parties involved and will impose costs if bureaucratic officials unreasonably deviate from them. For instance, when police officers exercise discretion in community service, it does not mean they have the freedom to act as they please. Instead, it indicates that their actions are not strictly defined by formal organizational rules. Their work is shaped by informal but shared understandings grounded in daily interactions with clients and past job experiences. These experiences inform them on how to approach different clients, what actions will be approved and rewarded by senior colleagues, and how the local community perceives order and security. These shared understandings provide a solid foundation for other agents, including peers, superiors, and clients, to challenge or demand justification for an administrative decision. Without knowledge of these underlying sources of task definition, an outside observer might mistakenly conclude that these decisions are purely the product of the officers' whims.

This position aligns with the more recent definition of non-domination proposed by Lovett (2022, 56; also, Ingham and Lovett 2019). In this more recent formulation of non-

domination, Lovett argues that power is under suitable control and is not dominating when the possibility of the powerholder's interference with another agent's choice is ignorable. Such a possibility is ignorable insofar as, given the existing constraint, were it to become common knowledge to the subject and other relevant parties that the powerholder will not interfere, it will make no practical differences. That is to say, the subject and other relevant parties in ordinary everyday practice ignore the possibility that the powerholder may interfere under current conditions. For example, in a society where equality between men and women is well-instituted, it is still possible for a husband to interfere with the wife's choice to work. However, the husband in question does not dominate the wife as long as, given the existing constraints (for example, robust laws protecting women's employment right) in society, the possibility of the husband's interference is ignorable to the wife and the employer.

While external mechanisms still serve as important constraints power in Lovett's new formulation, he introduces the perception of the subject (of other relevant parties) into the analysis of domination. From this new perspective, if a virtuous bureaucrat must exercise discretion in the absence of explicit external control mechanisms, as long as the clients perceive the possibility of abuse of power by this agent to be ignorable, the discretion power in this scenario can be seen as non-dominating. In other words, bureaucratic virtue as an internal mechanism in this case can be seen as an effective constraint on power as well.

4. Conclusion

In this chapter, I offer a critical examination of the neo-republican view of bureaucratic virtue. Neo-republicans conceptualize bureaucratic virtue as something that motivates bureaucrats to strictly adhere to the mandates of legal and political institutions. As an internal constraint on administrative power, bureaucratic virtue complements external control mechanisms and enhances their effectiveness. Drawing upon several empirical studies on frontline bureaucracy, I contend that bureaucratic virtue so understood is problematic. It is grounded upon an oversimplified understanding of the work environment of modern bureaucracy

and especially agencies at the frontline level. Consequently, it underestimates the important role that bureaucratic virtue, alongside other internal mechanisms, plays in constraining and guiding the proper exercise of administrative power in the absence of effective external control mechanisms, such as well-defined tasks, sufficient resources, and close supervising measures. Moreover, it reduces the range of normative demands that frontline operators should attend to in the performance of tasks.

To address this issue, I propose a refined understanding of bureaucratic virtue. Instead of solely relying on adherence to mandates given by external mechanisms, a healthy bureaucratic virtue should be one that remains attuned to a sufficiently wide range of normative demands. It not only helps frontline operators cope with the psychological pressures inherent in their roles, but also facilitates the performance of tasks crucial for both frontline bureaucracy and non-domination. To cultivate such bureaucratic virtue, managers and executives should recognize the intrinsic characteristics of frontline bureaucracy and resist the temptation of establishing excessive external control mechanisms, which is both costly and counter-productive. They should instead create a moral ecosystem within the agency that generates a sense of support and maintains the balance between competing cultures. At the same time, frontline operators as a group should actively participate in the preservation of this moral ecosystem as expectations from professional peers exert substantive influence on administrative decisions as well. Finally, I defend the desirability of this modified approach in response to potential objections from the neo-republican perspective.

A key observation in this chapter is that bureaucratic virtue, together with other kinds of internal constraints such as organizational cultures, professional norms, and peer expectations, assume a more critical role in the achievement of non-domination than merely functioning as a secondary mechanism that parallels external ones. To properly guide the exercise of administrative power and to realize non-domination, neo-republicans should embrace an alternative account that gives equal significance to both internal and external constraints (for recent advocacy of this view, but from a different perspective, see Simpson 2017; Sandven

2020. For responses from neo-republicans, see Pettit and Lovett 2018, 381-382). To this extent, the idea that both the machinery of government and civic virtue are the indispensable guardians of a free, self-governing republic is still pertinent to contemporary followers of republicanism.

Conclusion

My thesis is motivated by a deep concern for the future of democracy and individual freedom in the context of the modern bureaucratic administrative state. This concern has been widely shared by classic social and political theorists such as Weber, Tocqueville, Hegel, Habermas, and Arendt. Modern bureaucracy is depicted as a highly rational and hierarchical organization operated by what Weber refers to as “spiritless technocrats.” It poses a unique threat to individual freedom as it represents a type of structural, impersonal, or agent-less domination. Using Arendt’s formulation, it is a kind of domination by nobody, or tyrantless tyranny. These theorists also worry that modern bureaucratic systems are beyond the reach of conventional democratic mechanisms and therefore undermine democratic governance.

Despite widespread scholarly and empirical recognition of this concern, there have been significant debates regarding its substantive meaning and contemporary relevance. For instance, some argue that Weber’s depiction of bureaucracy as a rigid, hierarchical, and hyper-rational structure overgeneralizes the bureaucratic systems of his era. Others contend that describing bureaucracy as a faceless, impersonal machine underestimates the diversity of bureaucratic agencies, particularly those exhibiting personalized characteristics, such as the U.S. system, and overlooks the evolution and reform of bureaucratic systems in the past decades. Still, others suggest that these theorists overstate the challenges of holding bureaucratic agents accountable within contemporary democratic frameworks.

Against this backdrop, my thesis seeks to re-engage with this classical concern over bureaucracy through a contemporary lens. To narrow my focus and to develop a more concrete research question, I examine these issues through the theoretical framework of neo-republicanism as a significant school of thought in contemporary political theory. Neo-republicanism centers on the concept of freedom as non-domination and is concerned with how

this ideal can be institutionalized under contemporary conditions. It serves as a convenient and reliable theoretical framework for our present inquiry. This is because it provides a set of analytical tools to articulate concerns about bureaucratic domination and conceptualizes multiple mechanisms for democratic control over bureaucratic agencies. Therefore, I frame the central research question of my thesis as follows: Can the ideal of freedom as non-domination be realized in the context of the modern bureaucratic administrative state?

From the neo-republican perspective, the concern over bureaucratic domination is misplaced and overstated. The notion of impersonal, structural, or agentless domination is a mistaken understanding of domination as domination is an interpersonal relationship. In other words, only agents, rather than impersonal social structures, can dominate other agents. Additionally, modern bureaucracy in fact contributes to the realization of non-domination by virtue of its rational structure as it minimizes the potential for arbitrary use of state power. Bureaucratic agents can be sufficiently controlled when proper democratic institutions, such as well-established legislative processes and contestatory mechanisms, are in place.

I develop a critique of this neo-republican perspective throughout the three substantive chapters of my thesis. I develop an account of bureaucratic domination which addresses its structural and impersonal characteristics within the neo-republican framework in the first chapter. I then explore the complex roles that modern bureaucracy plays in the promotion of non-domination and ask whether it can be effectively controlled by the mechanisms neo-republicans conceptualize in the second chapter. In the third chapter, I criticize the neo-republican view of bureaucratic virtue as a kind of internal constraints on bureaucratic power. I will now elaborate on the core argument of each chapter.

In my first chapter, I defend an account of systemic domination and apply it to the analysis of bureaucratic power. This systemic account of bureaucratic domination seeks to maintain the commitment to agential principle, which neo-republicans endorse, while accounting for the structural and impersonal characteristic of modern bureaucracy.

To build my argument, I first distinguish between two kinds of domination. Domination at the interactional level arises when the dominator possesses uncontrolled capacity to *directly* interfere with the subject. In contrast, domination at the systemic level occurs when the dominator possesses *uncontrolled power-over-structure* to interfere. Neo-republicans recognize domination at the interactional level as the only kind of domination. Uncontrolled power-over-structure or systemic arbitrary power is only dominating in a derivative sense by creating the structural background which facilitates interactional domination. However, I contend that the unfreedom resulting from systemic arbitrary power should also be conceptualized as domination in the neo-republican sense. Next, building upon the notion of power-with and a case study, I attempt to show that a subject can be dominated systemically by multiple agents collectively without necessarily forming a single group agent.

I then apply the notion of systemic domination and power-with to the analysis of bureaucratic power. According to this systemic view of bureaucratic domination, the subject is not dominated by the interactional arbitrary power of the bureaucrat with whom he interacts. Rather, he is primarily dominated systemically by agents who have the uncontrolled power to control these laws, rules, procedures, and so on, enforced by the bureaucrat over him. This systemic view of bureaucratic domination provides an explanation for the experience of being subjected to an impersonal force. I suggest that this experience is primarily rooted in the fact that the dominating power in this case operates at the systemic level and that such systemic arbitrary power is exercised collectively by multiple agents without forming a single, identifiable group agent.

In chapter two, I explore the complex roles of modern bureaucracy in the promotion of non-domination and criticize the neo-republican view of democratic control over bureaucratic agencies. Neo-republicans fail to see that to realize non-domination in contemporary conditions, the republican state must assume a large-scale bureaucratic apparatus to function properly. But this large-scale bureaucratic apparatus cannot be effectively controlled by the current mechanisms in place. It thus becomes a potential source of domination under the current model.

My critique consists of three arguments. Call them the discretion argument, the insulated body argument, and the usurpation argument.

The discretion argument is concerned with the dilemma neo-republicans face with regard to administrative discretion. Administrative discretion is both inevitable and necessary for the proper functioning of bureaucratic agents, especially those at the frontline. It is even necessary for the pursuit of many goals crucial for non-domination. However, it is an inherently dominating power by the neo-republican definition as it cannot be bound by written laws. Pettit's mechanism falls short in both sufficiently controlling and properly providing guidance for the exercise of administrative discretion.

The insulated body argument questions Pettit's conception of bureaucratic agencies as impartial bodies insulated from the legislature. On Pettit's view, certain bureaucratic agencies can be conceptualized as impartial bodies insulated from the legislature to deliberate on critical public issues independently. I argue that this position is problematic for two reasons. First, using central banks as an example, I contend that the notion of insulated bodies relies on several problematic assumptions. What counts as technical and apolitical issues is far from settled in practice. Moreover, avenues still exist for external actors to exert influence over the decision of the presumably insulated body, such as controlling the professional trajectory of an agent. Second, the concept of insulated bodies introduces a contradiction between the legislature and these bureaucratic agencies, posing a potential challenge to Pettit's legislation-centric vision of democratic control.

In the usurpation argument, I attempt to show how civic engagement is systematically marginalized in Pettit's model, which amounts to a loss of freedom in an alternative sense. The bureaucratic apparatus in Pettit's model undertakes an expansive role in various important domains of social life. The extensive influence of bureaucratic agents in public affairs leads to the systematic marginalization and trivialization of the political participation of ordinary citizens. Drawing upon an alternative interpretation of republican freedom as non-usurpation, I argue that

the deprivation of meaningful involvement in public affairs compromises republican freedom even if bureaucratic officials' behaviors strictly conform with the criteria for non-domination.

Drawing upon the literature on deliberative bureaucracy, I argue that what neo-republicans need is a reconceptualization of bureaucratic power and its relationship with the legislature rather than instituting additional external checks on administrative power. I propose an alternative model that can accommodate bureaucratic autonomy while broadens the scope of democratic control and civic participation.

In the third chapter, I focus on bureaucratic virtue as one of the internal constraints on bureaucratic power. From the neo-republican perspective, civic virtue only plays a secondary role in comparison to external mechanisms for protecting non-domination. Virtuous bureaucrats in the neo-republican sense are the ones who are disposed to strictly adhere to democratically crafted directives. Drawing upon empirical research on frontline bureaucracy, I argue that the neo-republican view of bureaucratic virtue is problematic as it oversimplifies the work environment of bureaucratic agents, especially those at the frontline. Bureaucratic virtue, alongside other internal constraints, is critical for bureaucratic agents to responsibly exercise administrative power in challenging situations. It overlooks the many normative demands crucial not only for the well-functioning of the agencies but also for the institutionalization of non-domination.

I argue that an alternative ideal bureaucratic virtue for neo-republicans is one that allows agents to respond to a sufficient wide range of normative demands that goes beyond mere law-enforcement. I then discuss what kind of strategies can help the cultivation of this ideal virtue for those deployed at the managerial and peer levels. Finally, I argue that internal constraints such as bureaucratic virtue play no less important roles than external ones in the promotion of non-domination. A refined account of non-domination should assign equal importance to both kinds of constraints.

In summary, the original contribution of my thesis lies in two key areas. First, on a broader level, my research employs the analytical tools of neo-republicanism to reformulate and

articulate the classic concern surrounding modern bureaucracy. While some aspects of this concern may not be entirely empirically accurate or universally generalizable, they still possess significant contemporary normative implications. The modern bureaucratic administrative state is an indispensable institutional foundation for understanding the challenges of democratic governance and individual freedom in the contemporary world. Second, on a more focused level, my thesis makes a significant contribution to the scholarship on neo-republicanism. It extends the concept of domination to encompass not only interactional forms of domination but also systemic forms. Moreover, it examines the institutional basis of non-domination in contemporary contexts. My analysis further questions the current neo-republican approaches to democratic control over state agents. It highlights the critical role of internal mechanism in the promotion of non-domination by focusing on bureaucratic virtue as a specific example.

To refine my arguments, sharpen my original contributions, and speak to a broader audience, many questions remain for further investigation in the next stage of my research. For example, in my thesis, I distinguish between various types of bureaucratic agencies operating at different levels of an organization. These agencies differ in their tasks, objectives, work environments, and the ways their power influence citizens. For instance, I draw on cases such as frontline officials, who interact extensively with ordinary citizens, and central banks, which exert significant influence with little direct interaction. The nature and extent of their impact on citizens differ remarkably. To better understand bureaucratic domination, it is essential to analyze these variations and explore how different types of bureaucratic power create distinct forms of domination. This deeper exploration will allow for a more nuanced and comprehensive account of bureaucratic domination.

Moreover, democratic control over state agents, including bureaucratic agencies, is considered as a necessary step to achieve non-domination for neo-republicans. However, the ongoing debate limits itself in the domestic context and focuses predominantly on the design of domestic institutions as it presupposes a state-centric international system. This perspective overlooks an important dimension: the potential for a state's bureaucracy to dominate citizens of

foreign states. Due to the structural constraints of the international system, the people in one state often lack mechanisms to hold foreign governments and bureaucratic agencies accountable, which leaves them dominated by the latter's power. This issue is particularly salient for advancing non-domination in a global context. Military and border-control bureaucracies, in particular, wield significant uncontrolled power over the lives of millions across international borders. Historically, modern bureaucratic systems are developed as force multipliers for military operations, but their evolution has been highly uneven. While some states have consolidated strong and centralized administrative capacities, many others remain weak, leaving their citizens disproportionately exposed to military and bureaucratic domination by more powerful states. Addressing this asymmetry and the limit of the state system is crucial for rethinking non-domination in a broader global context and an increasingly interconnected world.

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