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**FREEDOM AS NON-DOMINATION &
EQUALITY: A NEO-REPUBLICAN THEORY OF
DISTRIBUTIVE JUSTICE**

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Abstract

My main claim in this thesis is that, if we want the fundamental ideal of neo-republicanism, notably freedom as non-domination, to be ensured, we need excessive individual wealth to be limited. This claim stems from a twofold premise. First, freedom as non-domination is constituted by political equality. To be free from domination, people should be protected from anyone else's arbitrary capacity to interfere with their choices, that is, they should be granted an equal status to one another by the state; nonetheless, to avoid the state's interferences to be arbitrary themselves people should also have equal opportunities to influence the public decision-making process, that is, they should be granted political equality (Pettit, 1997; 2012; Pansardi, 2013; 2015; Gädeke, 2020; 2020a). Second, though, such a political equality is jeopardized by the presence of very rich people within a democracy: very rich people indeed enjoy disproportionate opportunities to influence politics because of their wealth (Gilens & Page, 2014; Cagé, 2020). Moreover, neo-republicans have either overlooked this problem (e.g., Pettit, 2012), or they have addressed it from a procedural perspective, i.e., by envisaging institutional measures to prevent the wealthy from playing such a significant role in politics (McCormick, 2011; 2019).

By contrast, I show that the presence of economic elites within a democracy represents one of the major threats for freedom as non-domination: if people do not enjoy equal opportunities to influence the lawmaking process, they shall comply with arbitrary laws, thus they will be dominated. Furthermore, I argue that procedural solutions are not sufficient to solve this problem. When people possess large amounts of wealth more than their fellows, indeed, they can easily translate it into political power through a great variety of direct and indirect mechanisms that elude formal separations between economic and political spheres (Knight & Johnson, 1997; Christiano, 2010; 2012; Robeyns, 2017).

Therefore, if one wants freedom as non-domination to be ensured, one needs not only to protect the democratic ideal of political equality from the super-rich's unfair influence, but also to investigate material, rather than formal, solutions for this purpose. This is the reason why my dissertation aims at developing a theory of distributive justice for neo-republicanism. In this respect, I argue that a limitarian principle should be

advocated, namely that principle according to which no-one should have more than a certain threshold of wealth (Robeyns, 2017; 2019; 2022). My view of this threshold, however, differs from the classical limitarian formulation (Robeyns, 2017), which has also been retrieved in the first proposal of republican limitarianism (Dumitru, 2020). Rather than being put where people no longer need their resources for their full flourishing, a limitarian threshold should be put where the risks it aims at eliminating materialize (Harel Ben-Shahar, 2019). When it comes to freedom as non-domination, this means that what should be withdrawn are all those resources that allow the super-rich to enjoy disproportionate and boundless power in politics – or so I argue.

Moreover, I believe that this could be done through a top marginal taxation rate of 100% on what people inherit beyond that threshold. This is because, on the one hand, a top marginal taxation rate of 100% seems to best represent the ceiling to individual wealth that a limitarian threshold aims at establishing (Robeyns, 2017). On the other, I argue that taxing inheritance away would tackle the root of the problem of political domination by economic elites, given that inheritance facilitates the accumulation and concentration of wealth in the hands of few people (Piketty, 2014; Halliday, 2018).

My conclusion hence is that a limitarian theory of distributive justice, which could be implemented via an inheritance tax, should be advocated within neo-republicanism as a precondition of political equality grounding the core ideal of freedom as non-domination. By reformulating the limitarian principle for neo-republican liberty, furthermore, my dissertation offers a novel argument for limitarianism: being grounded in the idea of freedom as non-domination rather than in the value of full flourishing, the threshold appears thus more compatible with the human plurality of lifegoals.

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Introduction

“Je veux chercher si dans l’ordre civil il peut y avoir quelque regle d’administration légitime & sure, en prenant les hommes tels qu’ils sont, & les loix telles qu’elles peuvent être” (ROUSSEAU, Contract Social, 1762)

The aim of this work is to find out a theory of distributive justice for neo-republicanism, namely that stance of contemporary political philosophy advocating freedom as non-domination. The broad research question is: what distributive justice for freedom as non-domination? Roughly speaking, thus, the main goal of this project is dealing with issues of wealth inequalities for neo-republican liberty.

The thesis I defend is that, since to be free from domination people should have an equal opportunity to influence politics, and this requirement is jeopardized by the presence of economic elites, freedom as non-domination requires the economic gap between these elites and their fellow citizens to be restrained. More precisely, I argue, it requires the former’s wealth to be limited. Therefore, I advocate a limitarian principle of distributive justice within neo-republicanism. Put it differently, in my view, an upper limit to individual wealth should be set for freedom as non-domination to be ensured.

This thesis contributes to the current debate because it addresses the serious issue of the political domination by economic elites, which has usually been overlooked, and it does so from the perspective of distributive justice, rather than through formal institutional constraints as neo-republicans have overall done (Pettit, 2012; McCormick, 2011). Besides filling such a lacuna of the neo-republican literature, this work offers a novel justification for limitarianism as well. Rather than as non-ideal proposal, as its advocates generally depict it (Robeyns, 2017; Timmer, 2021), limitarianism is here understood as an ideal theory of distributive justice. Furthermore, its justification is based on the neo-republican idea of freedom: nobody should have too much so as to be able to dominate their fellows thanks to their wealth.

It will appear straightforward the resonance with Jean-Jacques Rousseau’s well-known maxima: “in respect of riches, no citizens shall ever be wealthy enough to buy another” (Social Contract, II, 11). Resonance that looks even more pertinent given that Rousseau seems to foresee the neo-republican ideal par excellence, i.e., freedom as non-domination. Although Rousseau’s heritage has generally been put aside by neo-

republicans (Skinner, 1984; Pettit, 2012; 2016; Spitz, 2001), his worry for dependency in general, and for dependency due to wealth inequalities in particular, could definitely be a source of inspiration for such a contemporary outlook. Or at least it has been a great source of inspiration for the present research. Even if I do not investigate the complex rehabilitation of Rousseau's thought within neo-republicanism (Viroli, 1993; Spitz, 1995; 2016; De Dijn, 2018), after closely studying his political oeuvres – especially the *Discourse on the Origins of Inequality* (1755) and *The Social Contract* (1762) – for my master thesis (titled: «*Une égalité morale et légitime*» [CS, I,9]: *Eguaglianza e società in J.-J. Rousseau*), my work on contemporary political philosophy cannot but be influenced by it, as the choice of the exergues shows. Nonetheless, it shall be noted that the present study focuses on contemporary political philosophy only. Borrowing Frank Lovett's words "I am not interested in squaring my conclusions here with anything that one can find in the classical republican tradition" (Lovett, 2010, p. 9), or more in general in the republican tradition – if Rousseau can be included within the republican tradition, which as above mentioned is still debatable, but I am not interested in this debate either.

By contrast, I am interested in the development of what is known as contemporary or *neo-republicanism*. Over the last forty years, a revival of the republican thought has taken place within the scope of political philosophy. Many thinkers have updated ideals belonging to the republican tradition – such as, freedom as the opposite of slavery, political participation, civic virtues and so on (Sunstein, 1988; Geuna, 1998; Spitz, 2001; Laborde, 2013; Lovett, 2018). Principles that can be useful to deal with contemporary political issues in a way that differs from both mainstream liberalism and the opposite communitarian approaches. This various and heterogenous process has led to the so-called *neo-republicanism* which established itself as a renewed free-standing philosophical outlook.

The key concept of this contemporary trend is freedom as non-domination. A first definition of it has been proposed by Quentin Skinner (Skinner, 1984). Beyond the well-known dichotomy of negative and positive liberty established by Isaiah Berlin (1969), Skinner highlights the existence of a further negative liberty. Namely, a liberty that entails citizens' public services, like positive accounts do, although it does not imply any substantive standard of human flourishing, thus remaining a negative definition. Far from leading to self-realization, individuals' political engagement represents a tool for their

independence. Similarly, Philip Pettit puts the accent on independence when he outlines his concept of freedom as anti-power (Pettit, 1996). According to him, being free means having as much control on others' arbitrary power as not to depend on them. It is on these grounds that, one year later, Pettit definitely spells out his ideal of freedom as non-domination (Pettit, 1997).

While Skinner expands the scope of negative liberty, the author of *Republicanism: A Theory of Freedom and Government* (Pettit, 1997) puts forward a full-fledged third definition of liberty. Such a definition is settled on the traditional republican idea of freedom as the opposite of slavery and differs from both Berlin's positive and negative liberty. On the one hand, the absence of others' domination does not imply everyone's self-realization as it is the case with positive accounts. Indeed, neo-republican freedom shall be understood in negative terms as an absence. On the other hand, nevertheless, it is an absence of others' domination rather than of their interferences as it is the case with negative accounts. Roughly, this means that one person can be unfree even if no actual interference occurs (as in the sample of a slave having a kindly master), as well as one person can be free even if some interferences occur (as in the example of laws). It is this notion of freedom that has finally become the hallmark of neo-republicanism: Skinner himself restates his position by speaking of a third concept of liberty (Skinner, 2001).

In short, on Pettit's account (Pettit, 1997; 2012), to be free from domination people should be protected from anyone else's arbitrary power, and to be protected from anyone else's arbitrary power they should be granted an equal status to one another by laws. However, to avoid these laws from being arbitrary themselves, people should not only be granted such an equal status to one another (i.e., horizontal non-domination against what Pettit calls *dominium*), but also enjoy an equal say in the law-making process (i.e., vertical non-domination against what Pettit calls *imperium*). By coming along with such a twofold equality, freedom as non-domination thus appears as an egalitarian ideal (Pettit, 1997; 2012; Garrau & Laborde, 2016).

It seems to me that this is an upside of this notion. While roughly speaking liberal understandings of freedom entail trade-offs between liberty and equality, the neo-republican concept appears to be intrinsically egalitarian. Despite the fact that freedom as non-domination looks intrinsically egalitarian, nonetheless, neo-republicans, Pettit in particular, do not seem to be so interested in issues of distributive justice – or, at best,

they seem to consider them as secondary issues. At first glance, this appears to be coherent with the neo-republican definition of liberty which, although being undoubtedly egalitarian, it is so more in the sense of relational egalitarianism (Garrau & Laborde, 2016; Anderson, 1999; 2012): what freedom as non-domination entails is more equality of standing rather than equality of distribution.

However, the unequal distribution of wealth represents a problem that cannot be ignored. By lacking the means for their self-sustainment, some people inevitably depend on others, thus their freedom as non-domination results jeopardised. Neo-republican thinkers have recently addressed this issue by arguing in favour of providing everyone with an economic minimum (e.g., Raventós, 2007; Domènech & Raventós, 2008; Lovett, 2009; 2010). In line with the republican tradition, according to which liberty was strictly linked to private property (Raventós, 2007), people should thus possess enough resources to independently meet their basic needs – e.g., “an adequate level of nutrition and health, minimal clothing and shelter, an education sufficient to function in their community, and so on” (Lovett, 2010, p. 194). For if they do not independently meet their basic needs they are inevitably exposed to the arbitrary power of their fellows since nothing will prevent them from trading away their freedom as non-domination when their basic needs cannot be met otherwise (Lovett, 2009; 2010). Neo-republican liberty therefore seems to support a sufficientarian principle of distributive justice – Pettit himself seems to endorse it despite seeing distributive justice as a secondary, rather than a primary, problem.

Nevertheless, when it comes to freedom as non-domination, sufficiency does not seem to be enough. Wealth inequalities themselves, indeed, lead to dangerous asymmetries of power. For instance, in the workplace, employers look inevitably exposed to the arbitrary power of their employees and, what is worst is that as high as the economic minimum might be it is unrealistic to think that it can be so high as to eliminate such a risk of domination (Gourevitch, 2013; Anderson, 2015). By being granted such an economic minimum people could perhaps survive without working but given the structure of the economy this would not allow them to independently work on their own, that is, they could not work without abiding by the arbitrary rules set by those who control the means of production – and, after all, survival is not the only reason for people to work (Gourevitch, 2013). As a result, further substantive proposals, such as workplace

democracy (Gourevitch, 2013; Anderson, 2015) or socialism (O’Shea, 2020), have been introduced and discussed within neo-republicanism.

Undoubtedly, the link between freedom as non-domination and wealth distribution has hence received growing attention in the past years, as well as there has been an increasing number of authors approaching this issue within the neo-republican debate. Notwithstanding, the focus has generally been put on the economic realm, by investigating how the unequal distribution of resources leads to economic, private, horizontal kinds of domination – and how these should be addressed. What has instead been overlooked, I believe, is the political, public, vertical domination following the unequal distribution of wealth. I am referring to the well-known, at least among traditional republican thinkers (one for all Machiavelli), problem of economic elites. Namely, the fact that wealthy citizens dominate the public decision-making process because of their wealth, and non-wealthy citizens end up complying with laws they do not really enjoy control on. Within the neo-republican framework this issue has been raised by John P. McCormick (2011; 2019), who notably criticizes Pettit for neglecting it and indicates the political domination by economic elites as one of the most serious problems for a republic. Nonetheless, McCormick argues that such a problem should be procedurally, rather than substantively, addressed. That is, he envisages formal solutions – what he calls “class-based institutions” (McCormick, 2011) – to prevent the wealthy from unfairly influencing the public decision-making process.

When it comes to large inequalities – as those characterizing the distinction between people belonging to economic elites and their fellows –, though, institutional constraints as such work only to a limited extent (Pansardi, 2016; Robeyns, 2017). Even if formal separation between economics and politics were in place, indeed, very rich people could disproportionately influence the public decision-making process because of their wealth: either by affecting public opinion through media, think tanks, social networks or by funding specific areas of research rather than others (Christiano, 2012; Cagé, 2020), but also through their economic promises (e.g., financing certain public projects) and threats (e.g., sending their capital to another country) (Knight & Johnson, 1997; Christiano, 2012), and yet via all the non-wealth privileges they acquire thanks to their wealth such as high-level education, access to influent networks, behavioural norms (e.g., accents) (Robeyns, 2017; Halliday, 2018), and so on. In a nutshell, the range of

mechanisms which can translate wealth into extra opportunities to influence politics, thus jeopardising democratic legitimacy, is as wide as that it is hard to imagine how this danger can be formally tackled.

Therefore, I argue that substantive, rather than procedural, solutions should be investigated to overcome the problem of economic elites in politics. This is the research gap my account of distributive justice aims at filling given that neo-republicans either have overlooked such a problem (e.g., Pettit) or they have addressed it procedurally (e.g., McCormick). The initial question can thus be reformulated as follows. What principle of distributive justice would protect freedom as non-domination from the political domination by economic elites?

The thesis I defend is that to protect freedom as non-domination from the political domination by economic elites, neo-republicans should advocate a limitarian principle of distributive justice. Limitarianism is that account of distributive justice introduced by Ingrid Robeyns (2017) arguing that no one should have too much. More precisely: in the world as it is, no one should have more resources than what they need for their full flourishing. Furthermore, one of the reasons Robeyns offers in support to this claim is to safeguard the democratic ideal of political equality. There thus seems to be a *prima facie* case why limitarianism would be beneficial to neo-republicanism.

However, I argue that if one wants to advocate limitarianism for neo-republicanism, one has to consider the former as an ideal theory: excess individual wealth should not be limited only in the world as it is, but also in the world as it should be. This differs from Robeyns's understanding of limitarianism as a non-ideal theory (Robeyns, 2017) that would apply to "the present and nearby possible worlds" (Robeyns, 2022, 251). According to her, limitarianism would represent a proposal for worlds characterized by the present or similar injustices, while in my view it would be part and parcel of the ideal world to which we should aim as a matter of justice.¹ For a neo-republican, such an ideal

¹ Notice that, by arguing that limitarianism should be understood as an ideal theory, i.e., part of the world as it *should* be, what I claim is that limitarianism should be considered as a feature of the just society's picture. This does not mean, however, that it should not take any constraints into account, e.g., human nature. Thus, one might say that limitarianism would be an ideal theory not in the sense of being "utopian or idealistic", but rather in the sense of being an "end-state theory", aiming at "identifying an ideal of societal perfection", if one buys Laura Valentini's taxonomy (Valentini, 2012). By saying this, nonetheless, I do

world is distinguished by the fact that everyone enjoys freedom as non-domination, and, as I will argue, this outcome appears to be impossible without limiting excess individual wealth – even in the most ideal of democracies, if some people had too much, they would dominate the public decision-making process thanks to their wealth. There is no such a thing as a “blissful world” wherein “concentrations of money can no longer enable corruption or the buying of political influence”, and thus, “limitarianism would not demand any redistribution of resources” (Robeyns, 2022, p. 3). If we want to preserve the democratic process from the domination of the super-rich, we should limit such wealth concentration themselves.² As an ideal theory, perhaps limitarianism would not qualify as a solution to the present problem of economic elites, but it would certainly become a key feature of just democracy in a neo-republican normative outlook.

On the other hand, I argue that if one endorses limitarianism for neo-republicanism one should drop the idea of full flourishing off. That is, one should not fix the threshold at that level at which people have more resources than what they need to full flourish, but rather at that level at which people have as much resources as to dominate their fellows because of that. Firstly, this is because people are free from domination when they are free from others’ arbitrary power, rather than when they reach a certain level of flourishing (in this respect, remember that freedom as non-domination is a negative rather than a positive freedom). Secondly, protecting someone’s right to reach a certain level of flourishing (e.g., *full* flourishing) can contrast with ensuring everyone freedom as non-domination. For instance, this would be the case if the resources one person needs to full flourish were enough to allow her to have access to the above-mentioned privileges, thus

not intend to enter the complex debate on the distinction between ideal and non-ideal theories, nor defend the merits of ideal theories in general from the well-known objection by Amartya Sen’s that end-state (or “transcendental”, as he calls them) theories are neither necessary nor sufficient for justice (Sen, 2006) – other scholars (e.g., Robeyns, 2012) have undoubtedly dealt with these issues better than what the scope of this dissertation would allow me to do.

² Of course, one might imagine a world with a different economic system, for example, one that does not allow the concentration of wealth in the hands of few people (say, a property-owning democracy); however, this world would not be a world where wealth concentration does not represent a problem but rather a world where such a problem is differently addressed, i.e., it is addressed via another solution than limitarianism – hence, the question of whether there is a preferable solution and which one it is would arise, but this is another story which goes beyond the goals of my work.

dominating the public decision-making process (Harel Ben-Shahar, 2019). Since neo-republicans overall understand freedom as non-domination as the fundamental principle of justice, besides, it would not make sense for them to trade it – or part of it – away in the name of other values such as flourishing. Hence, the limitarian threshold should be put at that level at which individual wealth allows its owners to dominate the public decision-making process. To implement such a limit, like Robeyns (2017), I envisage a top marginal taxation rate of 100% as a suitable policy, however, unlike her, I argue that such a fiscal policy should specifically apply on inheritance so as to strike both the accumulation and concentration of wealth in the hands of few people (Piketty, 2014; Halliday, 2018) that undermine political equality. This could be a way for the just society to be implemented. Thus, as I understand it, limitarianism for neo-republicanism would be grounded on the idea of freedom as non-domination only, and it should apply on the ideal just world.

Furthermore, describing such an ideal world represents the main task of normative political philosophy, which overall focuses on two core questions: what justice is and how a society ought to be organised so as to achieve it. These are the background questions of the present work. More precisely, I am concerned with issues of distributive justice, hence, I investigate how resources ought to be distributed as a matter of justice. After theorising how resources ought to be distributed in principle, I then turn to the discussion of possible policies which could realize this distribution. However, it should be clear from the very beginning that I do not deal with the feasibility of such policies, to wit I do not try to solve practical issues related to them. Rather what I am interested in is their desirability, namely, I wonder whether these policies would be suitable ways (although not necessarily the only and the best ways) to fulfil the theory of distributive justice I defend. Suitable in the sense of being coherent with the basic principles of the theory as well as compatible with human nature. Indeed, what I am looking for here is a normative political ideal, which can tell us how society ought to be for real human beings, that is human beings who are overall self-interested, disagree with one another on important matters such as conceptions of good, embrace multiple different lifegoals and so on. Again, the resonance with Rousseau's oeuvre appears straightforward: by taking human beings as they *are*, my aim in this dissertation is to investigate institutions as they *should* be. Nevertheless, it shall be noted also that this study does not aim at building a bridge

from the present unjust world to the ideal just one, but rather to depict the latter. In other words, I focus on how a just society should be, instead of analysing how our societies can become (more) just.

The interest of this study is twofold. Firstly, such a normative ideal addresses a common feeling of injustice. The rise of the gap between rich and poor visibly marks contemporary world: “the global top 10% owns 76% of total Household wealth and captures 52% of total income in 2021”.³ This is followed by a growing conviction that democracies have betrayed their promises of equality, especially when it comes to equality of voice, since not only some (few) people are far richer than their fellows, but they seem also to enjoy large control on public choices. Moreover, by having the feeling that their political engagement will not make a difference, given that only money does, both resentment and disaffection have been growing among non-affluent citizens (Alacevich & Soci, 2018). On the other hand, their feeling does not seem to be so far from reality. It will be enough to quote the New York Time describing Michael Bloomberg’s rise in New York political scene - “the city used to pay its mayor; Bloomberg paid to be mayor of the city” (Cagé, 2020, p. 131) – to see both the significant role that money plays in politics nowadays and the general resignation vis-à-vis it. By arguing that to protect the democratic ideal of political equality it is the gap between rich and poor itself that should be restricted, this study would thus tackle such a growing discontent.

Secondly, however, the interest of this study goes in the opposite direction. Instead of giving voice to a common feeling of injustice it would highlight an underrecognized instance of injustice. Contemporary democracies, indeed, are also permeated by strong ideologies justifying economic disparities. Hierarchical societies being over, under the spectre of equality economic disparities tend to be perceived as legitimate or “justified, say because they seem to be a consequence of a choice by the rich to work harder or more efficiently than the poor, or because preventing the rich from earning more would inevitably harm the worst-off members of society” (Piketty, 2014, p. 330). Moreover, this perception facilitates further increase of the gap between rich and poor. Thus, by arguing that huge inequalities are unjust – and explaining why it is so – this study opens eyes on a contemporary problem and proposes an alternative narrative to depict it.

³ Data retrieved on 28 December 2022 from <https://wir2022.wid.world/executive-summary/>

To deal with all these challenges, my dissertation is divided into four chapters. In chapter one, I analyse the neo-republican idea of liberty. This analysis will start from the seminal contribution of Philip Pettit who first develops the notion of freedom as non-domination. However, by following the work of Dorothea Gädeke (2020; 2020a), unlike Pettit, I argue that freedom as non-domination should be understood in structural and normative terms. On the one hand, understanding it structurally will allow us to capture the point of domination which does not consist in whatever arbitrary capacity of others to interfere with our choices, but rather in that arbitrary capacity grounded in *structural* asymmetries of power – what Gädeke names “robust capacity” (Gädeke, 2020a). This distinction avoids conflating domination with the mere probability of interference by differentiating cases such as the one of an enslaved person who lives under the arbitrary power of her enslaver, which represents a clear instance of domination, and cases such as the one of a person accidentally exposed to the arbitrary power of a mugger in a park – to borrow Gädeke’s example – which does not. On the other hand, nevertheless, a normative principle shall be added to such a definition of freedom as non-domination so as to avoid any confusion between those structural asymmetries of power which do not lead to domination (e.g., the asymmetry of power that exists between teachers and students in a well-ordered society) and those which do (e.g., the asymmetry of power that exist between women and men in a patriarchal society). Domination indeed arises only when such asymmetries deny someone of their power “to challenge the rules of their interaction”, i.e., of their so-called “normative authority” (Gädeke, 2020). Thus, to be free from domination people should be granted an equal status as normative authorities. Nonetheless, freedom as non-domination would remain a negative account, i.e., a freedom *from*: people would not be free when they reach certain standard of self-realization as normative authorities, but rather when they are considered as normative authorities (Forst, 2013), meaning that they comply with norms they can equally control and that equally apply to everyone (Gädeke, 2020). The egalitarian character of this notion hence appears straightforward (Garrau & Laborde, 2016; Gädeke, 2020).

In chapter two, thus, I investigate whether such an egalitarian core is undermined by the unequal distribution of wealth. I argue that, contrary to what Pettit (2012) holds, the unequal distribution of wealth represents a primary problem for freedom as non-domination. Moreover, what is problematic is not only the fact that some people lack the

relevant resources for being self-sustaining, and thus inevitably depend on others (Lovett, 2009; 2010), but also the gap between rich and poor itself. When huge economic divides are in place, indeed, those at the bottom of the distributive ladder are inevitably exposed to the arbitrary power of those at the top of it – for instance when it comes to working (Gourevitch, 2013). Therefore, the distributive principle generally advocated by neo-republicans, namely sufficientarianism (Lovett, 2009; 2010; Dagger, 2006; Raventós, 2007), does not seem to be enough to secure freedom as non-domination. For this reason, the chapter goes on analysing further proposals introduced within contemporary republicanism, such as workplace democracy (Gourevitch, 2013; Anderson, 2015) and socialism (O’Shea, 2020). However, by mainly focusing on economic domination, these proposals seem to overlook the danger that the unequal distribution of wealth entails for politics. It will be remembered that to be free from domination people should comply with norms they can equally control, meaning that they should have an equal opportunity to influence the public decision-making process. Now, the existence of huge economic disparities among citizens jeopardises such a requirement. More precisely, this requirement looks undermined not only by the presence of very poor citizens who lack an independent say on public matters (Raventós, 2007), but also, as John P. McCormick (2011; 2019) highlights, by the presence of economic elites within a democracy. Put it differently, it is also the presence of very wealthy citizens who enjoy disproportionate opportunities to influence the public decision-making process that leads to political domination. Furthermore, political domination should be considered as a primary problem (Pettit, 2012; Pansardi, 2015). This is because people need to enjoy political (vertical) non-domination first in order to enjoy economic (horizontal) non-domination. Laws shaping the structure of economy, indeed, could grant them an equal status to one another, thus preventing economic domination, but if people did not enjoy an equal say in the law-making process, these laws would themselves be arbitrary, therefore, not only political domination would arise, but economic non-domination as well would be in danger since laws granting it might discretionarily change at any moment. In addition to that I argue that the problem of the political domination by economic elites cannot be addressed though formal institutional constraints, as McCormick (2011), for example, suggests. By contrast, distributive solutions should be envisaged. Hence, these solutions

cannot be limited to the sufficientarian one, but they should also restrain the very gap between rich and poor.

In chapter three, I argue that limitarianism could be such a distributive solution. For freedom as non-domination requires the gap between rich and poor to be restrained, so as to avoid the serious problem of the political domination by economic elites, and a limitarian threshold could meet this task. However, to this purpose, I claim that Ingrid Robeyns's proposal (2017; 2022) should be modified in a twofold respect. First, limitarianism should be justified based on the democratic argument only. That is, the threshold should be advocated for the sake of political equality rather than for collecting resources to meet, what Robeyns calls, unmet urgent needs, such as poverty – that is the second reason she puts forward for limitarianism (Robeyns, 2017; 2022). Second, for the sake of political equality the limitarian threshold should not be put where individuals possess enough wealth to full flourish but rather where individuals possess enough wealth to enjoy extra opportunities to influence politics. Indeed, these two points can be different one another, and in case that the former is higher than the latter, a riches line drawn on the value of full flourishing, as Robeyns depicts it, risks being inadequate to protect democracy since very rich people would still own enough wealth to unfairly influence the public decision-making process. In this way, my account of limitarianism takes the distance also from that by Adelin-Costin Dumitru, who first endorses the idea of “republican limitarianism” (Dumitru, 2020). Yet, he advocates limitarianism within neo-republicanism not only to solve the problem of the wealthy's domination but also, and above all, as a complement of sufficientarianism, as well as he maintains Robeyns's pattern of threshold set on the value of full flourishing. By contrast, in my view, limitarianism should be introduced within neo-republicanism first and foremost to address the political domination by economic elites, and the threshold should be put where this risks materializes (Harel Ben-Shahar, 2019). This means that the limitarian threshold should be relative and relatively high since people must possess *many more* resources than their fellows to enjoy disproportionate political influence because of this. Moreover, given that formal solutions can prevent this issue only to a limited extent, it follows that such a threshold becomes a precondition of freedom as non-domination, that is, a precondition of political equality which constitutes freedom as non-domination.

There thus seem to be reasons of political legitimacy to advocate limitarianism as a theory of distributive justice within neo-republicanism.

In chapter four, I then discuss a possible policy to implement the limitarian principle. Remember that I am interested neither in analysing the feasibility of such a policy nor in establishing such a policy as a means of transition from the unjust status quo to the just society. Rather I discuss the desirability of this policy for such a just society *tout court*. The policy I take into account is a top marginal taxation rate of 100% on inheritance. It is a top marginal taxation rate of 100% since, as for Robeyns (2017), such a fiscal policy appears as the most intuitive representation of the ceiling to individuals' excess wealth that the limitarian threshold aims at establishing. On the other hand, it specifically applies on inheritance since inherited wealth stands as one of the major sources of wealth accumulation and concentration (Piketty, 2014; Halliday, 2018), thus undermining political equality. To show the desirability of this fiscal policy, I defend it from both the incentive objection and the freedom one. Against the former, notably the claim that such a heavy taxation rate would disincentivise people from producing wealth they cannot keep for themselves, and this would decrease the available resources, I argue that if one advocates limitarianism for political equality maximizing tax revenues does not seem to be a priority; what matters is limiting individuals' excess wealth so as to avoid the super-rich from dominating democracy because of that. Instead, against the second objection, namely that such a heavy taxation rate would interfere with people's possibility to do what they want with money they have legitimately earned, and this would reduce their freedom, I claim that this is not the case if one endorses freedom as non-domination. It will be remembered, indeed, that differently from pure negative accounts, from a neo-republican perspective one is free even if some interferences occur, i.e., non-arbitrary interferences as laws and taxes are in a well-ordered society wherein everyone enjoys an equal opportunity to influence the public decision-making process (Pettit, 1997; 2012). Once these objections dismissed, hence, I deal with the issue of tax base, or in other words, what should be taxed at this very high rate. I hold that inheritance rather than both incomes derived from work and consumption goods, should be taxed since inheritance seems to be one of the main reasons why economic elites even exist (Halliday, 2018). Thus, I put forward what I call a limitarian inheritance tax. Finally, I argue that tax revenues should be redistributed to provide everyone an unconditional basic income

(Lovett, 2009; 2010); that is, even if limitarianism should not be advocated itself as a complement of sufficientarianism, the resources we collect from such a fiscal policy could be useful to meet the sufficientarian task embedded in neo-republicanism, i.e., securing everyone material independence, which is the other substantive requirement that secures political equality constituting freedom as non-domination.

Chapter one: Freedom as non-domination

*“Or dans les relations d’homme à homme, le pis qui puisse arriver à l’un étant de se voir à la discrétion de l’autre” (ROUSSEAU, *Discours sur l’origine et les fondements de l’inégalité parmi les hommes*, 1755)*

The notion of freedom as non-domination represents the core ideal of contemporary republicanism. As a matter of facts, those who identify themselves as neo-republicans overall state that one person is free when she is not dominated. However, what ‘being not dominated’ means looks still controversial. Analysing what this means is precisely the goal of the present chapter. If one aims at developing a neo-republican theory of distributive justice, as I do in this work, the task of defining freedom as non-domination appears indeed inescapable – wherein with ‘defining freedom as non-domination’ I mean finding out a definition able to neatly distinguish between instances of unfreedom (domination) and freedom (non-domination).

This analysis will start from the seminal contribution of Philip Pettit who first develops the notion of freedom as non-domination (Pettit, 1997). On his account, people are free from domination when they are not exposed to anyone else’s arbitrary power. Power is arbitrary when people who hold it are not forced to track the interests and opinions of those affected. Moreover, according to Pettit, only laws can protect citizens from the arbitrary power of their fellows, by granting them an equal status to one another. However, to avoid these laws being arbitrary themselves, laws should as well be forced to track the interests and opinions of those who comply with them. More precisely, they should be forced to track what Pettit calls “relevant interests”, namely those interests that citizens have in common, and which emerge through a democratic process wherein everyone enjoys an equal say in (Pettit, 1997, p. 55).

Despite their equal say, nevertheless, citizens generally disagree. As a result, Pettit’s formulation leads to a dilemma (List & Valentini, 2016). On the one hand, we may say that common interests coincide with the majoritarian will, but this will not allow us to clearly distinguish between instances of domination and non-domination since this distinction will be in the hands of those belonging to the majority. On the other hand, in order to clearly distinguish between instances of domination and non-domination, we may

admit that common interests have a specific content, but this will overlook the plurality of citizens' interests. Thus, the question that arises is: how to exit this dilemma?

To answer this question, I argue that a normative principle should be introduced within the definition of freedom as non-domination. To be free from domination people should be granted an equal status as “normative authorities”, namely, as people who hold the relevant power “to challenge the rules of their interaction” (Gädeke, 2020, p. 29). To grant them such an equal status laws should meet the twofold criterium of generality and reciprocity, i.e., they should apply to all and not imposing particular obligations to anyone, as well as they should be made through a process in which everyone enjoys equal opportunities to participate in, and no one claims to speak for the others (Gädeke, 2020, p. 40). In this respect, laws would be normative-procedure dependent. This would avoid both the imposition of majoritarian will and the disregard of the plurality of citizens' interests.

However, one might ask why we should add a normative principle to the definition of freedom. It is generally thought, indeed, that freedom should be understood in non-normative terms: not only because people with different beliefs should be able to agree on what is and what is not an instance of unfreedom, but also because non-normative principles are more apt to anchor this distinction (Lovett, 2010, p. 18; Pettit, 2006). On the other hand, the same argument from normative authorities does not consider domination as the opposite of freedom but rather as the antinomy of justice – i.e., it is not freedom that grounds justice, but rather “justice defines freedom” (Gädeke, 2021, p. 182). If this sounds, would not be better for me to develop a theory of justice as non-domination *tout court*?

I do not think so. Despite conceiving non-domination in normative terms, I believe that it is still worth speaking about freedom as non-domination. This frame would indeed fit with two general intuitions. First, the insight that domination represents a lack of freedom – this insight clearly appears if we consider the classic example of domination, i.e., slavery. Second, the intuition that one of the main political goals is advancing people's freedom, and therefore distinguishing freedom and justice (non-domination) will bring about controversial trade-offs. By drawing on Lovett's reasoning, bundling freedom, domination and justice would hence capture “our deep sense that freedom and justice must run together” (Lovett, 2010, p. 164). Although for Lovett this does not

prevent us from defining freedom as non-domination in non-normative terms, while for me it does not – in what follows I will explain why.

The chapter is organised in three parts. First, I sketch the genesis of the neo-republican ideal of freedom and analyse Pettit’s definition in detail [1.1]. Second, I deal with the abovementioned dilemma by considering a non-normative formulation of freedom as non-domination before arguing for a normative one [1.2]. Finally, I underline the egalitarian character that freedom as non-domination has under this construal, by stressing that this represents a key upside with respect to the main goal of the present dissertation [1.3].

1.1. A third conception of freedom

To start with let me briefly recall the recent development of freedom as non-domination within the contemporary debate. This means, firstly, underlining how freedom as non-domination breaks with Isaiah Berlin’s well-known dichotomy (Berlin, 1969) by establishing itself as a full-fledged third conception of freedom (Skinner, 1984; Pettit, 1997; Maynor, 2013; Laborde, 2013) [1.1.1]. And secondly, this entails analysing Philip Pettit’s formulation of freedom as non-domination (Pettit, 1997: 2012) given both his crucial contribution to the establishment of this ideal and his key role in the development of the neo-republican stance [1.1.2].

1.1.1. Beyond Isaiah Berlin’s dichotomy

The reformulation of republican liberty – even more than other discussions about liberty – has rested on the confront with Isaiah Berlin’s distinction between positive and negative liberty. As well-known Berlin distinguishes between negative freedom, understood as liberty *from*, i.e., in the absence of “interference by other persons” (Berlin, 1969, p. 169), and positive freedom conceived as liberty *to*, i.e., in presence of the ability to “be his own master” (Berlin, 1969, p. 178).⁴ The crucial difference being:

⁴ In line with Berlin’s language liberty and freedom are here employed as synonymous (Berlin, 1969, p. 169; Carter, 2016).

while on the first view liberty is simply about how many doors are open to the agent, on the second view it is more about going through the right door for the right reasons (Carter, 2016, p. 2).

Of course, this distinction is not meant to be neutral. Positive freedom is pictured as an unsuitable alternative to the preferable negative one.

Negative freedom is that “area within which a subject (a person or a group of persons) is or should be left to do or be what he is able to do or be, without interference by other persons” (Berlin, 1969, p. 169). On this account, one person is free when others refrain from interfering with her actions. It follows that every time someone (a person or a group of persons) interfere with another one’s course of actions, the latter experiences a loss of freedom. Moreover, the enjoyment of such free area does not depend on any specific form of government. If an autocrat provides his subordinates with a relatively wide space of non-interference, autocracy might be preferable than democracy. According to Berlin, in fact, “there is no necessary connection between individual liberty [in negative terms] and democratic rule” (Berlin, 1969, p. 177).

Positive freedom, on the other hand, is understood as liberty *to* (i.e., in the presence of), rather than as liberty *from* (i.e., in the absence of). As abovementioned, this is the individual’s liberty “to be his own master” (Berlin, 1969, p. 178). Such an ideal is grounded on the Platonic interpretation of human nature as made up by a twofold self: one rational (the ‘higher’ self) and the other passional (the ‘lower’ one) (Carter, 2016). What is problematic of this construal, however, is that people might be constrained to act in a certain way “in the name, on behalf, of their ‘real’ selves” (Berlin, 1969, p. 180). This leads to the dangerous risk of paternalism, which according to Berlin is “the greatest despotism imaginable” (Berlin, 1969, p. 183).

From the individual perspective, indeed, a unique ‘true’ or ‘real’ lifegoal appears to be admitted within such a positive account. One person is free when she achieves this true end, that is to say, when the ‘rational self’ controls the ‘passional’ one. If people’s freedom consists in realizing their true selves, nonetheless, they ultimately can be forced to do so by some of their fellows who happen to be more rational than themselves (Carter, 2016). Following the same reasoning, from the political perspective, the rule of experts seems to be acceptable: the most rational persons should guide the others.

Furthermore, the attempt to avoid this puzzle by acknowledging everyone the capacity of self-government appears controversial. On the one hand, there is the insight

that if all human beings are equally rational, a well-ordered society should be made up by laws “all rational men would freely accept” (Berlin, 1969, p. 191), and by complying with these laws everyone would be free. Still, this leaves the door open to the rule of those who are the most rational. On the other hand, there is the less explicit intuition that, if everyone has the capacity of self-government, human self-realization will correspond to the very fact of participating in government. The act of participating *per se* would, in this case, lead individuals to their self-mastery, i.e., to their freedom. Although there would be no space for the abovementioned experts, paternalism would arise again since one sole lifegoal would be imposed to everyone.⁵

Consequently, whereas the negative account favours pluralism, i.e., broadly speaking, the fact that multiple individuals’ lifegoals coexist and must be respected (Berlin, 1969, p. 216), the positive conception seems to call for an unattractive monistic human end. As a result, the only valuable ideal for political liberty, in contemporary pluralistic societies, appears to be the negative one. Nevertheless, this dichotomy sounds less steady than both what Berlin outlined and what the following literature has fixed. While the notion of negative liberty appears clearly set out, the one of positive freedom is not so neatly defined. The latter seems to include anything that does not belong to the former. Yet, as the previous analysis shows, the idea of self-mastery may take very different shapes – it would be better to speak of positive *accounts* indeed.

⁵ Note that Berlin (1969) does not seem to put a great attention on this alternative. What his reasoning suggests is basically that, unlike negative freedom, positive liberty looks strongly related to self-government – perhaps more in the sense of being rational beings governed by rational laws than in the sense of realizing themselves throughout the participation in the laws-making process. To be sure, whereas the enjoyment of negative freedom is independent from the type of government people live in, positive freedom seems to be enhanced by democracy. The reference to government recalls the previous well-known distinction between the liberty of the ancients and the liberty of the moderns put forward by Benjamin Constant (Constant, 1849). In this divide, roughly speaking, the former implies being free in a free state, while the latter refers to the individual rights instead. Although the resemblance is not necessarily straightforward, thus, the liberty of the ancients and the liberty of the moderns are usually equated respectively to the positive and negative accounts.

Furthermore, this dichotomy overlooks a third conception of liberty, notably the republican one.⁶ Although republican freedom is distinct from positive liberty, in fact, it does not coincide with negative liberty either. Such a strict opposition, hence, appears misleading from the neo-republican perspective. Not only it excludes the possibility of a third alternative, by neglecting that the republican tradition upholds a specific concept of liberty. It also admits nothing but the negative account as political ideal since the positive ones are said incompatible with pluralism. By contrast, it does exist a third understanding of freedom, notably the republican one, which is compatible with pluralism although different from Berlin's preferred option.

The first who puts it forward is Quentin Skinner (1984). Nevertheless, Skinner does not reject Berlin's dichotomy itself; on the contrary, he agrees with Berlin that there are two concepts of freedom and, besides, that positive liberty is problematic for contemporary pluralistic reality. What he criticizes is the neglect of individuals' political participation within the pattern of negative liberty. Thus, he suggests reformulating negative liberty with reference to people's civic engagement. In line with the traditional republican claim this would avoid the city's dependence, i.e., this would make the city free, while what would make citizens free is the classical negative absence of constraints. In other words, Skinner does not drop off the negative understanding of freedom as absence of interferences, he simply adds the worry for dependence, by instrumentally linking independence to civic engagement.⁷

Put it differently, he challenges the insight according to which solely a positive conception of liberty would promote the values of public service and civic virtues. In Berlin's line, indeed, only if the human 'true' end was equivalent to take part in political activities, freedom would be compatible with these values. Yet for Skinner such a

⁶ Berlin explicitly stresses this point in the paragraph about "the search for status". Although he does not employ the word 'republican', indeed, this search for status recalls republican liberty: "For the craving of status is, in certain respects, very close to the desire to be an independent agent" (Berlin, 1969, p. 205). Nevertheless, not only "we may refuse this goal the title of liberty" (Berlin, 1969, p. 205), but we may also acknowledge that this desire falls within the broad understanding of positive liberty. According to Berlin, in fact, the search for status is nothing but a desire of recognition, that is, a desire of being considered as rational beings able to self-mastery (Berlin, 1969).

⁷ This is the reason why Skinner's position is generally understood as an instrumental revival of the republican tradition.

statement is mistaken. By looking “beyond the confines of the present disputes about positive *versus* negative liberty” (Skinner, 1984, p. 202), it emerges from “an earlier and now discarded tradition of thought” a negative comprehension of liberty “combined with the ideas of virtue and public service in just the manner nowadays assumed [...] to be impossible without incoherence” (Skinner, 1984, p. 197). This notion of freedom entails citizens’ public services without implying any substantive standard of human flourishing. Far from leading to self-realization, individuals’ engagement represents a *tool* for their independence. By drawing on Machiavelli, such an engagement keeps the society free, and this represents the *sine qua non* condition for citizens to independently pursue their personal goals. As Skinner reformulates it:

The price we have to pay for enjoying any degree of personal freedom with any degree of continuing assurance is voluntary public servitude (Skinner, 1984, p. 214).

To sum up, on Skinner’s account, republican liberty has to be understood in negative terms as both the absence of interferences and the absence of dependence (Skinner, 1984, p. 206). While the former regulates the relationship among citizens, the latter concerns the one between citizens and government.⁸

This is exactly the reason why Philip Pettit blames Skinner, namely, because Skinner keeps together the claim of non-interference and the one of independence, rather than assuming the priority of the latter, whereas “for republicans freedom means nondomination, period” (Pettit, 2002, p. 342).⁹ Freedom as non-domination, as accurately set out in *Republicanism: A Theory of Freedom and Government* (Pettit, 1997), in fact, crucially differs from both Berlin’s positive and negative views. In Pettit’s words, this conception would stand as “the intermediate possibility that freedom consists in an absence, as the negative conception has it, but in an absence of mastery by others, not in an absence of interference” (Pettit, 1997, p. 22).

On the one hand, freedom as non-domination recalls the *mastery* belonging to positive liberty, despite being different from this account. Firstly, the absence of others’ domination does not imply that everyone has to realize any ‘true’ or ‘real’ self. One might

⁸ For a deeper analysis of Skinner’s outlook see Skinner (2002); Spitz (1995, p. 125-177); Viroli (1999).

⁹ More in details, the reasoning is that Skinner endorses an “horizontal” view by keeping together the claim for non-interference and non-domination, instead, Pettit holds a “vertical” perspective by assuming the priority of non-domination (Pettit, 2002).

be free from domination with or without reaching his or her “personal self-mastery”, even if the contrary may perhaps not be possible (Pettit, 1997, p. 81-82). Secondly, republican freedom does not fall in the political issues of positive liberty. Being free from domination means neither being ruled by the most rational individuals nor participate in the law-making process.

On the republican view, the enjoyment of freedom requires only that we not be subject to domination; it does not require that we successfully exercise self-mastery in any of the aforementioned senses (Lovett & Pettit, 2009, p. 15).

On the other hand, republican freedom has to be understood in negative terms, nevertheless as a liberty *from* others’ *domination* rather than *from* their *interferences*. The crucial question, therefore, concerns what differentiates it from the ordinary negative accounts *à la* Berlin. According to Pettit, freedom as non-domination distinguishes itself at least in a twofold respect.

First, it takes those forms of domination without direct interferences into account. In other words, it prevents those circumstances wherein the mere capacity of other people to intervene at their pleasure constrains one’s liberty. To clarify this point, Pettit suggests the telling example of the slave who happens to have a kindly master (Pettit, 1997, p. 35, p. 63-64). Despite the absence of direct coercions, the slave remains subdued to his or her master’s arbitrary will. Second, the ideal of freedom as non-domination allows certain interferences without domination. In fact, by being non-arbitrary, some interferences do not produce domination. Accordingly, unlike for ordinary negative liberty, not all interferences are *per se* a loss of freedom. To exemplify this case, Pettit mainly refers to the sample of laws: non-arbitrary laws (i.e., laws on which citizens have a certain control on) do interfere with citizens’ lives, but they do not limit their republican liberty, that is they do not dominate them (Pettit, 1997, p. 35-41, p. 65-66).¹⁰

In short, according to Pettit, freedom as non-domination is an *absence* such as the negative account – even if it is an absence of domination rather than of interferences – and it is centred on the idea of *mastery* such as the positive account – nevertheless it implies the absence of others’ mastery rather than the presence of self-mastery and

¹⁰ Pettit suggests also another telling image, namely the one of Ulysses (Lovett & Pettit, 2009, p. 16; Pettit, 2012, p. 152-153): tied to the mainmast in order to listen the mermaids’ song, Ulysses is truly free even if he is suffering a hindrance, since he enjoys control over this one.

therefore it is compatible with pluralism (Pettit, 1997, p. 51). Freedom as non-domination has thus established itself as a complex third concept of liberty. Firstly, the absence of domination differs from self-mastery: being undominated does not entail the achievement of any specific lifegoal. Secondly, non-domination distinguishes itself from the mere absence of interference (*interference-only*), as the case of domination-without-interference shows, as well as domination differentiates itself from the mere presence of interference (*interference-always*), as highlighted by the case of interference-without-domination.¹¹ Still, what such an absence of domination means remains unclear. To clarify it, let's now turn to a deeper analysis of Pettit's account.

1.1.2. Philip Pettit's definition

Two remarks are needed before going into it. First, given that the meaning of non-domination obviously depends on the idea of domination itself, this latter idea will be primarily what's investigated. Needless to say, the notion of domination is one of the most crucial for Pettit's account of republicanism, as much crucial as controversial. In fact, and this is the second remark, Pettit himself has constantly updated his formulation of this core ideal in order to make it the clearest possible, as well as to answer several criticisms he has received. As a result, his argument turns out to be rather intricate. To get an idea, it simply suffices to enumerate the different words Pettit employs for speaking about it: "power" (Pettit, 1996), "domination" (Pettit, 1997), "alien control" (Pettit, 2008), "invasion" (Pettit, 2012) and so forth – of course these words are not meant to be mere synonymous, still they broadly refer to the notion of domination. Notwithstanding this, Pettit's outlook is here depicted as a single block, with a particular emphasis on his initial works, in order to achieve a preliminary sketch of the complex idea of freedom as non-domination.

¹¹ The two formulas *interference-only* and *interference-always* are borrowed to (Laborde, 2013), but a similar expression is employed also by Pettit himself for instance see (Lovett & Pettit, 2009; Pettit, 2012a) where it appears the couple *interference-alone* and *interference-always*.

a) *Domination*

To begin with, let me quote the primary definition of domination Pettit puts forward in the well-known article ‘Freedom as antipower’ published in 1996.

Someone has such power over another, someone dominates or subjugates another, to the extent that (1) they have the capacity to interfere (2) with impunity and at will (3) in certain choices that the other is in a position to make (Pettit, 1996, p. 578).¹²

Such a formulation has become crucially important also because it appears nearly the same in *Republicanism* (1997) published one year later. With the sole exception of the second clause replaced by the more familiar formula “on arbitrary basis”:

There are three aspects to any relationship of domination [...], someone dominates or subjugates another, to the extent that

1. they have the capacity to interfere
2. on an arbitrary basis
3. in certain choices that the other is in a position to make (Pettit, 1997, p. 52).

Despite this difference, which will be examined in due time, the first thing to notice about this definition is that it is made up by three conditions. As Pettit himself does – initially in the article and subsequently, more deeply, in the book – these three conditions are thus going to be analysed one by one.

(1) *The capacity to interfere*

Two questions shall be distinctively addressed to understand this first condition: firstly, what counts as *interference*, secondly, what does it mean to have the *capacity* to interfere.

According to Pettit, an interference is “a more or less intentional attempt to worsen an agent’s situation of choice” (Pettit, 1996, p. 578). On the one side, therefore, interference is an action that “cannot occur by accident” (Pettit, 1996, p. 578; 1997, p. 52), otherwise there would not be any difference between it and natural or random obstacles. This confusion would be unacceptable for a social account of freedom which should secure people solely against “the things that they may try to do one another” (Pettit, 1997, p. 53).¹³ On the other side, interference is an action modifying the subject’s

¹² Notice that, as the author underlines, the same holds for groups of persons, the choice of referring mainly to individuals relies on the clarity of the argument.

¹³ On this point, see also (Pettit, 2007).

range of choices in a way that the starting set of options would have been better than the final one (i.e., the one following the interference). At first glance, this characterisation seems to imply a moral evaluation: interferences seem to be those *bad* actions ending up in a worse set of choices for the one interfered with. Nonetheless, this would mean misreading Pettit's view. According to him, indeed, worsening does not entail any qualification of the action itself; in his words, it does not involve any "wrongful act" (Pettit, 1996, p. 579; Pettit, 1997, p. 54). For instance:

I interfere with you if I obstruct your making a phone call by deliberately occupying the only kiosk available: and this, even though it is perfectly within my rights to occupy that kiosk (Pettit, 1997, p. 54).¹⁴

By putting further controversies aside, let's now turn to the second question. What really matter for domination, indeed, is not interference *tout court* but the broader *capacity* to interfere. That is, the possibility to interfere even without actually doing it. One might say that by living together (or simply by meeting each other) all human beings enjoy this capacity to interfere with one another: in principle, anyone could somehow restrict the set of options of everyone else. However, according to Pettit, for domination to occur such a capacity must be of an actual rather than of a potential type. In other words, it should not be "a capacity that is yet to be fully developed" but "a capacity that is ready to be exercised" (Pettit, 1996, p. 580) – likewise the one that slaveholders have vis-à-vis their slaves. Indeed, a capacity that is yet to be fully developed would lead to virtual (potential) domination, rather than to the actual one which stands as "the central evil to which [republicans] are opposed" (Pettit, 1997, p. 55).¹⁵

(2) *With impunity and at will or on arbitrary basis*

Nevertheless, such an actual capacity alone would not produce domination. Two elements must be added: the actual capacity to interfere should be "with impunity" and "at will".

¹⁴ Still, it is unclear whether this can be considered as an interference even if I am not aware of your presence. Indeed, if I was not aware of you willing to use the phone, the intentional or quasi-intentional element would seem to disappear.

¹⁵ This does not exhaust the controversies about the meaning of *actual* capacity. Indeed, the question arises whether a mugger holding a gun in a park enjoys the same actual capacity of a slaveholder, and on whom (Gädeke, 2020a). However, I will come back later to this point.

By starting from the latter, “the at-will condition [...] requires that the person can initiate interference at their own pleasure – at their own whim” (Pettit, 1996, p. 580). Put another way, the one who interferes has not to take into account anything else than his or her own desires. On the other hand, “the with-impunity condition means that there is no penalty, indeed no loss, attendant on the person’s interference” (Pettit, 1996, p. 580). In other words, the one who interferes does not pay any cost in doing so – as slaveholders who do not incur in any penalty for punishing their slaves, since they are legitimate by the very society admitting slavery.

However, a twofold issue seems to follow the with-impunity condition. First, in contemporary democracies wherein nobody is – at least formally – legitimate to worsen others’ set of choice, such a condition seems to be hardly met. Second, even if someone actually pays a little cost in interfering with others (say, a man in a society leading by sexist practices albeit men and women enjoying formal equal status), such a condition does not take into account occasional forms of domination, e.g., a robber assaulting someone and presumably paying a consistent cost whenever arrested. On the contrary, according to Pettit, the occasional enjoyment of the actual capacity to interfere should be considered as an instance of domination in all respect (Pettit & Lovett, 2019, p. 13). Pettit himself seems to implicitly recognize the misleading character of the with-impunity condition. Indeed, only the at-will clause is maintained in his masterpiece, under the more general formula of “on arbitrary basis”, wherein the word “arbitrary” refers to individuals’ “arbitrium”. Those who have such an actual capacity to interfere must hence be in the position to choose whether to interfere or not “at their pleasure” meaning “without reference to the interests, or the opinions of those affected” (Pettit, 1997, p. 55).

One might wonder whether such a reference to the interests or opinions of those affected attaches a specific content to the interference itself, which for being arbitrary, should go against these interests or opinions. Nonetheless, Pettit distinguishes between arbitrary in a procedural sense and arbitrary in a substantive one. While in the former it is the procedure of choice of whether interfering or not which is arbitrary, by not being itself forced to track the interests or opinions of those potentially affected, in the latter it is the very interference (or non-interference) that is arbitrary by “actually going against the interests or judgements of the persons affected” (Pettit, 1997, p. 55). Pettit intends arbitrary in the former procedural sense. What matters, indeed, is not the content of the

interference, but as Pettit argues subsequently, the “uncontrolled” character of it (Pettit, 2012).¹⁶ The agent’s actual capacity to interfere appears uncontrolled when the choice of whether interfering or not and how doing so is totally up to him/her, it is not controlled by those affected by the potential interference. This is what arbitrary power means.

(3) In certain choices that the other is in a position to make

Such an arbitrary power (i.e., such an uncontrolled actual capacity to interfere or such an actual capacity to interfere on arbitrary basis) corresponds to domination when it affects “certain choices the other is in a position to make”. First, this means that the capacity to arbitrarily interfere might hit only that range of choices one can actually make. It would be absurd to say that one person dominates another by having the capacity to eliminate from her set of choices the option of naturally flying given that it is not an option for human beings.¹⁷ Second, by being a capacity rather than an interference, domination does not affect a single choice at the time, but a more or less wide area of choices.

This is a matter of extent: the scope of choices one is dominated in may be more or less wide (Pettit, 1997, 58). The extreme sample of the slave shows that there is at least one case in which domination could extend up to the whole life of the victim, still, it remains absurd to say that the slave would be dominated in his impossibility to fly. On the other hand, the degree at which the power is arbitrary (or uncontrolled) is a matter of intensity. Again, the maximum level is obviously represented by the absolute power enjoyed by “slave-holders over their slaves” or by some “despotic potentates over their

¹⁶ The replacement of term “arbitrary” with the word “uncontrolled” is an explicit attempt to keep the argument at the procedural level: “The reason is that while I believe that in earlier republican usage the word [arbitrary] had something close to the meaning I ascribe, it has other, misleading connotations today”. Instead, “the term [uncontrolled] has a perfectly descriptive, determinable meaning and people can agree on when it applies and when it does not apply, independently of differences in the values they espouse; it is not a value-dependent or moralized term” (Pettit, 2012, p. 58). In this respect, the term “uncontrolled” shall not be taken as substantially different from the previous “arbitrary”, but as a more suitable word to express that the choice making process is not forced to track the interests or opinions of those affected (i.e., is not controlled by those affected).

¹⁷ The example is inspired by (Berlin, 1969, p. 169 footnote 4): “It is not lack of freedom not to fly like an eagle or swim like a whale”.

subjects” (Pettit, 1997, p. 57), nonetheless domination can occur also at lower levels of intensity.

To these three fundamental clauses Pettit adds another feature, which is of the greatest importance, namely common knowledge.

Domination is generally going to involve the awareness of control on the part of the powerful, the awareness of vulnerability on the part of the powerless, and the mutual awareness – indeed, the common awareness among all the parties to the relationship – of this consciousness on each side (Pettit, 1996, p. 584; Pettit, 1997, p. 60).

In other words, if everyone believes to enjoy the same power as anyone else, domination will not occur. Independently of whether they do enjoy equal power to one another or not, if they believe that they do, nobody will think owning an actual capacity to interfere at their pleasure, nor anyone will fear others’ arbitrary interferences.

A twofold remark is needed on this point. On the side of the dominators, their awareness is neither followed by their negative consideration of domination, nor by their willingness of dominating. Despite being conscious of occupying a dominating position, they might think that they act in favour of the dominated, as well as that they are not dominator at all (Pettit, 1997, p. 61-62). Instead, on the side of the dominated, Pettit admits that domination might occur even if they are not aware of it. This is the case of manipulation, for instance. A person or group dominates another person or group also when “is in a position to exercise backroom manipulation, whether manipulation of the options, manipulation of the expected payoffs or manipulation of the actual payoffs” (Pettit, 1997, p. 60).

In all the other situations, common knowledge plays a crucial role in the reality of domination. This explains why domination generally has “an important subjective and intersubjective significance” (Pettit, 1997, p. 60). On the one hand, both those who are exposed to others’ arbitrary power and those who hold it develop different kinds of self-consciousness. Clearly, given the uncertainty and the fear they experience, those who are dominated attempt differently to fulfil their life projects than those who dominate. On the other hand, they relate to one another differently. While the dominator simply does whatever they want, the dominated performs what Pettit calls strategic deference or anticipation in order to prevent the latter from interfering with them.

To suffer the reality or expectation of arbitrary interference is not only to have to endure a high level of uncertainty. It is also to have to keep a weather eye on the powerful, anticipating what they will expect of you and trying to please them, or anticipating what they will be and trying to stay out of their way; it is to have strategic deference and anticipation forced upon you at every point (Pettit, 1997, p. 86).

This is, for instance, the situation experienced by slaves. By fearing their masters' interferences, they will obviously "try to please them, or anticipating what they will be and trying to stay out of their way". These are symptoms that they experience domination even if they do not suffer any interferences by their masters. This is true also when the absence of interference is not due to their strategic attitudes but to their masters' benevolent inclinations. Indeed, "what constitutes domination is the fact that in some respect the power-bearer has the capacity to interfere arbitrarily, even if they are never going to do so" (Pettit, 1997, p. 63). The well-known example of the slave having a kindly master, i.e., the most telling example of domination-without-interference, clearly shows it. Slaves remain dominated even if their masters do not interfere with their lives, since they still live "at the mercy" of them (Pettit, 1997, p. 63). Namely, slaves can apparently do whatever they want, but they can do so "*cum permissu*", i.e., only because their masters leave them do it (Pettit, 2012, p. 61). In this respect, slaves are not *free* until their master interferes, they are always *unfree* even if their masters do never interfere with them.

Needless to say, there is a difference between a slave having a kindly master and one subdued to a non-kindly one. However, this is a difference in terms of being better-off rather than a matter of being more or less free (Lovett & Pettit, 2009, p. 14; Lovett, 2018). It would be counter-intuitive, indeed, to say that the former "[enjoys] some measure of freedom in [his or her] slavery" (Lovett & Pettit, 2009, p. 14). As they are slaves, they are both equally unfree. The sole difference is that the latter experiences the "extra harm" of their master's interferences, but this, in Pettit's view, does not stand as a loss of freedom, understood as freedom from domination (Pettit, 2012, p. 68).¹⁸

¹⁸ Notice that, Pettit distinguishes between being unfree (i.e., being dominated) and non-free (i.e., being under non-dominating constraints): "As we may say that someone is unfree so far as their freedom is compromised by domination, so we may say that they are not free in this or that respect - they are non-free, though not strictly unfree (Pettit 1989b) - insofar as their freedom is subject to certain conditioning factors" (Pettit, 1997, p. 76). In this respect, a slave is equally unfree either if she is suffering constraints or not (in

To sum up, on Pettit's account, domination is the actual (acknowledged) capacity to restrict another person's set of choices (to a certain extent) without being forced (more or less intensely) to procedurally track her interests or opinions. What matters is the arbitrary (or uncontrolled) *capacity* to interfere, no interference is strictly needed for domination to occur. With this in mind, let's now turn to Pettit's ideal of freedom as non-domination.

b) Non-domination

If they are to be free from domination, people should therefore be protected from such an arbitrary (or uncontrolled) capacity to interfere. According to Pettit, there are two possible strategies to do so: the "strategy of reciprocal power" and the "the strategy of constitutional provision" (Pettit, 1997, p. 67).

The first strategy states that, by being equally empowered, people should be able to defend themselves from "the permanent possibility of interference on an arbitrary basis by another" (Pettit, 1997, p. 67).¹⁹ Given the difficulty of providing everyone with a defensive power against any arbitrary interference they may suffer, nonetheless, the only way to put this strategy in place would be providing everyone with the power of punishing such interferences whenever they occur. A vicious circle would thus arise. To decrease the dominator's actual capacity to arbitrarily interfere with the dominated without being forced to track his or her interests, this latter would be granted a similar capacity to punish the dominator.

But such punishment and threat of punishment are themselves forms of interferences, as we know, and forms of interference that do not track the interests and ideas of those who are affected (Pettit, 1997, p. 67).

Thus, the strategy of reciprocal power may only reduce but not eliminate domination.

the first case she is simply suffering extra harm), as well as a person is free from domination even if she is non-free in certain actions, e.g., laws prevent her from killing other persons.

¹⁹ This strategy reflects Pettit's previous idea of "antipower" which implies balancing one's arbitrary power with others' relevant counter-powers (Pettit, 1996). It is worth noting that such an antipower does not represent a form of domination itself but a "form of control": rather than being an actual capacity of arbitrarily interfere, it would be a "capacity of command noninterference" (Pettit, 1996, p. 589). Yet, this encounters the same problems as the reciprocal powers strategy.

By contrast, forcing people to track the interests and opinions of those affected by their actions through constitutional rules seems to avoid such an issue.

The strategy of constitutional provision seeks to eliminate domination, not by enabling dominated parties to defend themselves against arbitrary interference or to deter arbitrary interferers but rather by introducing a constitutional authority—say a corporate, elective agent—to the situation. The authority will deprive other parties of the power of arbitrary interference and of the power of punishing that sort of interference (Pettit, 1997, p. 67-68).

The constitutional strategy would thus ensure non-domination in a stable way without the deployment of individual stratagems. That is, it would not lead to a constant fight in order to balancing powers, rather it would provide everyone with a “secure” and “resilient” position as equals: “a position where no one has that power of arbitrary interference over me and where I am correspondingly powerful” (Pettit, 1997, p. 69). Put it differently, citizens would be forced to track the interests and opinions of those affected by their interferences by being granted an equal status to one another by laws. As Pettit reformulates it subsequently: individuals should be secured a position as equals so that they can “look others in the eye without reason for the fear or deference that a power of interference might inspire” – this is the so-called “eyeball test” (Pettit, 2012, 84).

What Pettit calls *dominium*, i.e., the horizontal dependency on fellows, would hence be prevented; however, there is another form of domination representing the vertical imposition of the governmental will, i.e., *imperium* (Pettit, 1997, p. 36). In fact, if and only if the constitutional authority “does not itself dominate those parties, then it will bring an end to domination” (Pettit, 1997, p. 68). For not being a source of domination, constitutional rules, or more in general laws, which grant people the relevant equal status to one another, should themselves be forced to track the interests and the opinions of those who comply with them. More precisely, they should be forced to track what Pettit calls their “relevant interests”:

[M]y relevant interests and ideas will be those that are shared in common with others, not those that treat me as exceptional, since the state is meant to serve others as well as me (Pettit, 1997, p. 55).

Notice that, this does not mean that such interests have a specific content, but rather that they should meet an “operational test”, namely that they should emerge from a process wherein everyone has an equal say in so as to avoid them being “sectional or

factional in character” (Pettit, 1997, p. 56). By being forced to track the relevant interests of those who comply with them, hence, laws would be non-arbitrary, that is, although they can “condition” people’s freedom they would not “compromise” it, since “[f]reedom as non-domination is compromised by domination and by domination alone” (Pettit, 1997, p. 76). Therefore, it seems to me that, for not being dominated, on Pettit’s account, people should not only be granted an *equal status* to one another (horizontal non-domination), but they should also have an *equal say* in the law-making process (vertical non-domination).

More precisely, it seems to me that, having an equal say in Pettit’s view means enjoying control over the government’s decisions: indeed, “[i]f citizenry control state discretion in a suitable manner [...] then the imposition of a social order on those citizens will not take away from their freedom” (Pettit, 2012, 160). But what does citizenry controlling the state mean?

In Pettit’s terms, having control means both having “some influence over the process leading to the result” and using that influence “to impose a relevant direction on the process” (Pettit, 2012, 153). Therefore, first of all, citizens controlling the state means that each citizen should have an equal influence on governmental decisions. However, this cannot entail that each citizen should participate equally in the public decision-making process (Pettit, 2012, 169), nor that each citizen should have the same probability of success in influencing it (Scanlon, 2018, 80). For example, citizens might have a different level of willingness to take part in politics or have different abilities as orators, and such factors should not be seen as undermining the neo-republican principle of equal influence.

What equally shared influence requires, therefore, can only be equal access to the system of popular influence: an opportunity for participation in that system that is available with equal ease to each citizen (Pettit, 2012, 169).

In other words, if citizens are to have control over the public decision-making process, each citizen should have an equal opportunity to influence it.

It follows that Pettit’s idea of freedom as non-domination is strictly linked with an idea of democracy. Indeed, Frank Lovett distinguishes Pettit’s account from his own by stressing this point out. While he considers his own view as procedural, he reads Pettit’s idea of arbitrariness as “substantive” (Lovett, 2012) or “democratic” (Lovett,

2018). According to Lovett, power is non-arbitrary “to the extent that it is reliably controlled by effective rules, procedures, or goals that are common knowledge to all persons or groups concerned” (Lovett, 2012, p. 139). Instead, this would not be enough for Pettit unless power-holders or laws “are specifically constrained in a way that compels them ‘to track the interests and ideas’ or ‘the welfare and world-view’ of the persons subject to that power (Pettit, 1997, p. 55-56)” (Lovett, 2012, p. 140). Interests and ideas that, as we have seen, should emerge from a democratic process on which everyone enjoys an equal opportunity of influence – in Pettit’s words an equal control on.

Before going on, let me recall two further features of Pettit’s freedom as non-domination. First, in his view, freedom as non-domination stands as an instrumental good, namely a tool to reach further aims. Overall, in a pluralistic society everyone should be free in order to achieve their own lifegoals. Freedom as non-domination provides several benefits in this respect, since not only it frees people from actual interferences, but it also exempts them from the others’ actual capacity to interfere. That is, by granting them “a comparable social standing with the other” (Pettit, 1997, p. 87), it will eliminate the “need for strategic deference or anticipation, as it will reduce the level of uncertainty which will they [people] have to live” (Pettit, 1997, p. 86-87).

Second, freedom as non-domination might be considered what Rawls indicates as “primary good” (Rawls, 1971). Namely, more than a simple tool, what everyone would like to have in order to achieve her further aims. In fact, “it seems reasonable to hold that, no matter what their other commitments, everyone [...] has reasons to want freedom as non-domination” (Pettit, 1997, p. 91). On the one hand, people would welcome the reduction of uncertainty, since to achieve their goals, they should have “an ability to make plans” (Pettit, 1997, p. 91). On the other, they would appreciate their comparable status, since to actually pursue their aims, they should “be treated properly as a person”. Where being treated as a person means: “be treated as a voice that cannot be dismissed without independent reason: to be taken as someone worth listening to” (Pettit, 1997, p. 91).

To sum up, on Pettit’s account, being free from domination means not being exposed to anyone else’s arbitrary power, namely, not being exposed to anyone else actual capacity to interfere which is not forced to track our interests and opinions (Pettit, 1997) or, put it differently, which we cannot control (Pettit, 2012). For not being exposed to anyone else’s arbitrary power, we should be granted an equal status as our fellows by

laws. To avoid these laws being arbitrary themselves, however, we should also be ensured an equal say in the law-making process. Indeed, laws themselves should be forced to track the interests and opinions of those who comply with them, meaning that they should be forced to track our relevant interests, those interests that we have in common and that emerge from a democratic process in which everyone has an equal say in (Pettit, 1997); in other words, for not being themselves a source of domination, laws should be controlled by those who comply with them, meaning that we should have equal opportunities to influence the lawmaking process (Pettit, 2012). Therefore, being free from domination means being protected from anyone else's arbitrary (uncontrolled) capacity to interfere with their choices by laws and being granted an equal say in (control on) these laws making process.

1.2. The fundamental principle of justice

If freedom as non-domination means everyone being protected from anyone else's arbitrary (uncontrolled) capacity to interfere with their choices, however, some problems arise. If B was a prisoner and A was a prison officer, it would seem that A has an arbitrary (uncontrolled) capacity to interfere with B's choices – in the sense that, A seems not to be forced to track B's interests (e.g., going out of prison) or B does not seem to enjoy control on A's capacity to interfere with him/her. The question that arises thus is: does A dominate B? Pettit's answer would be negative. Despite *conditioning* the prisoner's freedom as non-domination, his/her detention does not *compromise* it insofar as A is complying with non-arbitrary laws.

At first glance, hence, *non-arbitrary* laws might be mixed up with *substantively just* laws (List & Valentini, 2016). If laws reflect some ideal of justice and B is in prison because s/he did something wrong, then B is not dominated. Nonetheless, this would be a normative reading of his account that Pettit would strongly refuse. For him, non-arbitrary laws are those laws that are forced to track the interests emerging from a process on which everyone (included the prisoner) enjoys an equal say in, or, put it differently, on which each citizen (included the prisoner) enjoys an equal control (meaning, an equal opportunity to influence) on. On the other hand, however, people generally disagree. Therefore, if non-arbitrariness relies on the democratic process, as it seems to be the case on Pettit's account, finally non-arbitrary laws will be those defined by the majority will.

Yet this upshot appears controversial, if only for the fact that the majority will risks being arbitrary for those belong to the minority.²⁰

To exit this impasse, in this section, I investigate two alternatives. First of all, I analyse the possibility of detaching freedom as non-domination from democracy by dropping the very idea of arbitrariness, as Christian List and Laura Valentini do with their notion of freedom as independence (List & Valentini, 2016) [1.2.1]. Secondly, I examine the opposite path, namely, I restore the link between freedom as non-domination and democracy, by nonetheless reformulating the idea of arbitrariness in both structural and normative terms, drawing on the work of Dorothea Gädeke (2020; 2020a) [1.2.2]. I argue that while the former definition cannot clearly distinguish between instances of freedom (non-domination) and unfreedom (domination), the latter can. Furthermore, adding a normative principle to the definition of freedom allows us to avoid the problem of the majority will without nevertheless undermine the plurality of citizens' interests.

1.2.1. A non-normative account: freedom as independence

Let's go back to the example of the prisoner. For Pettit the prisoner would not be dominated (unfree) insofar as the prison officer complies with laws that are forced to track citizens' (included the prisoner) relevant interests, or, in other words, laws upon which everyone (included the prisoner) enjoys control.

Nevertheless, since it is very hard to reach unanimity, such a “democratic move” brings about some significant issues (List & Valentini, 2016, p. 1061). If every normative principle is ruled out, as Pettit claims, non-arbitrary laws will finally reflect the majority will. Although this would be plausible if we aimed at reducing rather than eliminating domination and we endorsed the insight that majoritarian procedures favor this goal, from a republican perspective this would lead to a twofold inconvenient consequence (List & Valentini, 2016). Firstly, laws reflecting the majority will would finally dominate (i.e., being arbitrary vis-à-vis of) the minority, whereas for republicans “the laws of a properly constituted democracy are in fact non-dominating” (List & Valentini, 2016, p. 1064).

²⁰ Notice that, Pettit is aware of the problem, indeed, he theorizes his contestatory democracy to contrast the tyranny of the majority – I will say more on this in the next chapter. However, here I am not investigating whether Pettit's contestatory democracy can contrast the problem of the tyranny of the majority but whether this problem jeopardizes the very definition of freedom as non-domination.

Secondly, whatever the will of the majority was, it should be accepted, while “wicked, self-interested or oppressive” wills look at least problematic from a republican perspective (List & Valentini, 2016, p. 1064).

In short, a non-normative notion of freedom as non-domination would not lead to the non-dominating society aimed by Pettit. Of course, Pettit might say that the relevant interests are those that people share in common as citizens (Pettit, 2004, p. 169). That is, rather than the mere will of the majority the interests of “the collective as a whole”, which are brought about by a certain procedure (List & Valentini, p. 1063). However, to do so, the very procedure should be grounded on further normative principles, such as “fairness, equality and so on” (List & Valentini, p. 1063). In this respect, the notion of common interests would be a “moralized democratic-procedure dependent” one (List & Valentini, p. 1063). As a matter of facts, non-arbitrary laws might be defined in non-normative terms only if the relevant interests coincide with whatever the majority choose. Yet, this upshot appears controversial from a neo-republican perspective since it contradicts the “strong republican thesis” that “a morally worthy society is one that realizes (or at least maximizes) freedom as non-domination” (List & Valentini, 2016, p. 1060).

To exit this impasse, Christian List and Laura Valentini formulate their ideal of “freedom as independence”:

An agent is (socially) free to do X if and only if, robustly, there are no constraints on her doing X (List & Valentini, 2016, p. 1067).

This ideal maintains the “robustness” requirement typical of the neo-republican understanding of liberty, namely the assumption that freedom is not protected by the simple absence of actual interferences, but rather it requires the absence of “constraints in a sufficiently large class of possible worlds” (List & Valentini, 2016, p. 1046) – what I previously refer to as domination-without-interference. Nevertheless, freedom as independence drops the “non-arbitrariness” requirement, that is, the fact that certain kind of interferences (the non-arbitrary ones, indeed) do not undermine freedom – what I above intend as interference-without-domination. According to List and Valentini, in fact, the very qualification of non-arbitrariness “leads us to miscategorize some instances of unfreedom [...] as instances in which no restriction of freedom occurs” (List & Valentini, 2016, p. 1066).

The previous example of the prisoner may help to clarify this point – List and Valentini themselves investigate the same case. For Pettit non-arbitrary laws do not reduce liberty, i.e., they *condition* but do not *compromise* freedom as non-domination. Accordingly, the prisoner is not unfree. Nevertheless, this upshot sounds counter-intuitive. The prisoner’s situation would be better described as an instance of unfreedom, indeed, but as a justified one (List & Valentini, 2016, p. 1059-60). That is to say, the prisoner’s freedom would definitely be restricted, what matters is how such a restriction is justified. This meets our basic intuition that “restrictions of freedom are usually thought to stand in need of justification” (List & Valentini, 2016, p. 1060). The notion of freedom indeed must simply tell us what being free means as the opposite of being unfree, then further principles are needed to identify which instances of unfreedom can be justified (e.g., the prisoner). The “conceptual analysis of freedom” should stand as a separate question from the search of normative political principles (List & Valentini, 2016, p. 1073).

However, the question that arises is whether freedom as independence clearly distinguishes between instances of freedom (independence) and unfreedom (dependence). The kinds of robust constraints that should be absent to grant people freedom, indeed, seem to be everywhere in human society. If for being free one shall experience the absence of others’ constraints “in a sufficiently large class of possible worlds” (List & Valentini, 2016, p. 1046), the mere possibility that another person might interfere with one’s life makes one unfree. In this respect: “freedom as independence entails that no one is ever free to do anything whatsoever” (Carter & Shnayderman, 2019, p. 140). Moreover, the rejection of the non-arbitrariness requirement makes it hard to get out from this impasse, since one cannot discriminate such constraints in terms of quality – whether they are arbitrary or not – in order to distinguish instances of freedom from those of unfreedom: “the sheer-possibility view renders unfreedom a ubiquitous phenomenon and freedom a virtually non-existent one” (Carter & Shnayderman, 2019, p. 144).

Furthermore, even if freedom as independence were able to make such a distinction clear, another problem would arise. Under this construal, freedom as independence seems to miss the core goal of neo-republicanism, that is, eliminating “the central evil” of domination (Pettit, 1997, p. 55) – in other words, the same criticism that

List and Valentini move to Pettit's account (i.e., that it is incompatible with "the strong republican thesis" of realizing non-domination (List & Valentini, 2016, p. 1060)) seems to come back against their own view. Of course, they might reply that conceptual analysis (defining freedom) and normative theory (promoting justice as non-domination) are two different matters, and once freedom is conceptually defined then further normative principles should be added to develop the relevant theory of justice. Namely, to determine which instances of unfreedom (dependence) are justifiable in a just society.

However, depending on the normative principle(s) one endorses such a list may vary a lot. If the value of preserving the private sphere outweighs that of women's emancipation, for instance, some constraints that husbands can impose on wives – in an egalitarian but grounded on sexist habits/social norms society – could be justified. Saying it better, they would not be included in the set of unjustifiable instances of dependence a society should protect its citizens from.²¹ At best, in this sample, husbands' possible constraints over wives' lives would be considered as other possible constraints – there would be no difference between these and those constraints a man can impose to another man. Instead, this difference looks exactly as something neo-republicans should care about if they aim at eliminating the evil of domination. The ideal of freedom as independence thus seems to finally miss the point of domination – namely what is really problematic about it. To overcome this problem, let's thus reintroduce the non-arbitrariness requirement.²²

1.2.2. A structural account based on the idea of normative authority

With the non-arbitrariness requirement, also the democratic impasse will be back on the plate. To recall, for Pettit, to be free from domination people should be granted an equal status to one another by non-arbitrary laws, which in turn should be forced to track the

²¹ I am not suggesting that violent husbands would not be punished, but rather that they would not be prevented from the possibility of interfering with their wives' choices – e.g., impeding wives to work outside the domestic field.

²² This is what Carter & Shnayderman (2019) suggest as well. However, they write that this "requirement is itself seriously problematic for other reasons" (p. 144). Yet it seems to me that these reasons have to do with the difference between liberal and republican accounts of freedom and thus their analysis goes beyond the scope of this chapter.

relevant interests of those who comply with them, namely, the interests that emerge from a decision-process that everyone has equal opportunities to influence. However, since people disagree on what their relevant interests are this seems to translate into a majoritarian procedure which risks being dominating, if only, by being arbitrary from the perspective of those belonging to the minority.

One way to exit this impasse would be dismissing any reference to interests and focusing on the very asymmetry of power, as Pamela Pansardi (2013) does. For Pansardi, the difference between power and arbitrary power (i.e., domination) is a difference in terms of degree. Domination is a stable power relationship structurally characterized by a high asymmetry of power between the power-agent and the power-subject (Pansardi, 2013, p. 615). In other words, dominating relationships are those wherein the differential of power resources is maximal. More precisely, they are those in which the resources gap is so great that the power-subject can neither remove such a gap, nor control the power-agent's behaviours.

Nonetheless, at first sight, one might say that the power asymmetry between the prisoner and the police officer is one of that kind. Namely, it is so high as to characterize itself as a form of domination. This is where, according to Pansardi, "constitutional arrangements" (Pansardi, 2013, p. 629) come into the picture. Police officers will not enjoy an arbitrary power not because their power resources are the same as those of prisoners – notably, police officers might hold a gun while prisoners do not –, but rather because there are external constraints preventing police officers from abusing of such a power resources gap.

This third authority, though, "will enjoy an arbitrary power over the citizens in a society, [...] unless the citizens themselves enjoy the power to control its conduct" (Pansardi, 2013, p. 629). Yet, by refusing any normative grounds, this brings us back to the impasse met by Pettit's "democratic move" (List & Valentini, 2016). Citizens should enjoy equal power of control on the lawmaking process, in order to set out the external constraints playing the role of third authority, however, if one belongs to the minority (i.e., the losing side), ultimately seems to have no such a power of control on the majority's (i.e., the winning side) choices. Perhaps, they can challenge the decisions of the majority. Yet very probably the laws chosen by the majority will pass anyway (unless the minority enjoy a power of veto but then the democratic process would be sterile); thus, the minority

should finally abide by the laws chosen by the majority without having a real power of control over them.

To exit this impasse, let's consider an alternative path, i.e., understanding the difference between power and arbitrary power (i.e., domination) as a difference in terms of kind, rather than as a difference in terms of degree. This seems to me to be the position of Dorothea Gädeke (Gädeke, 2020; 2020a). On Gädeke's account, domination equates with structurally constituted forms of power. According to her, what is missing in Pettit's argument is the distinction between two different kinds of actual capacity: the "opportunistic" capacity to interfere, which is "based on favorable circumstances and vanishes once these circumstances change", and the "robust" capacity to interfere, which, instead, "is structurally constituted" (Gädeke, 2020a).²³

This lack is brilliantly pointed out through the mugger dilemma, which roughly speaking goes as follows. There is a mugger in a park, holding a gun, who may at any time and at pleasure assault anyone. Of course, the assault would not track the interests of the victim. Thus, it might be considered as an arbitrary interference. As a result, the mugger seems to enjoy what Pettit calls the capacity to interfere arbitrarily. Yet: *who* would be dominated? (Gädeke, 2020a). At the first glance, a twofold answer is available.

Either the mugger is taken to dominate everyone he could shoot; this interpretation, however, seems too indiscriminate to capture the social reality of domination. Or the mugger dominates only the person at whom he points his gun. Yet, following this interpretation, the notion of domination loses its distinctiveness and collapses into an account of interference (Gädeke, 2020a, p. 200).

Both options seem to miss the point of domination. The first option, i.e., "the mugger dominates everyone he could shoot", clearly neglects the difference between the victim and the other persons in the park (Gädeke, 2020a). On this account, besides, domination appears reduced to the mere probability of interference. One person might end up being the victim with a probability of 100% divided by the number of people in the park directly proportional to external factors – what Gädeke (2020a) calls "favourable circumstances" – e.g., meeting the mugger alone in a hidden corner. Yet, Pettit strongly denies the equivalence between domination and probability of interference. According to him,

²³ This echoes Pansardi (2013, p. 625): "domination [...] can be more appropriately thought of as referring not to occasional occurrences, but to a structural property of a social relation".

domination should be independent from the likelihood that dominators exercise their capacity of arbitrarily interfering, since the simple owning of that capacity makes them dominating (Pettit, 2012; Pettit in Laborde & Maynor, 2008).²⁴

Furthermore, remind that, Pettit distinguishes between the virtual (potential) capacity, which does not represent an instance of domination, and the actual one, which instead does. In this respect, one might say that only the victim is suffering the mugger's actual capacity of interfering. Nonetheless, such a reading leads to the second option, i.e., “the mugger dominates only the person at whom he points his gun”, which, by contrast, intuitively reduces domination to mere interference. If only the victim is dominated, thus, all the other persons in the park are not, hence, being non-dominated equates being non-interfered.

Although everyone might become the mugger's victim, i.e., find themselves under his actual capacity to interfere, there seem to be a difference whether this happens because of the abovementioned external factors or whether this happens because of a specific social structure, which provides the mugger with a greater power over some persons rather than over others. For instance, a woman in a gender-equality society who is assaulted by a man “given that there is no one around who could and would stop him [...] [b]ut as soon as someone turn up, he will be stopped and sanctioned” (Gädeke, 2020a, p. 206), clearly appears to find herself in a different situation than the same woman, in a sexist society, assaulted by a man since the acknowledged asymmetry of status between men and women favours (not necessarily in legal terms but still in a strong sense) him doing so. Since Pettit explicitly states that: “domination may also occur when the will of the dominator is contingently rather than robustly powerful [...], for example, in the opportunistic domination enjoyed by the armed mugger who finds you alone at night in a

²⁴ The equation among domination and the probability of interference is one of the main criticisms to Pettit's account put forward by liberal thinkers, e.g., Matthew Kramer and Ian Carter, see (Laborde & Maynor, 2008). Overall, their leading idea is that expected interferences, rather than mere actual interventions and obstructions, do decrease one's set of options. Thus, negative liberty would not be blind to instances of unfreedom without actual interferences and, by consequence, Pettit's freedom as non-domination would not be particularly innovative. Of course, I do not aim at analysing such an objection here, however, it was worth recalling it to underline the relevance of understanding domination as clearly different from the likelihood of interference tout court. Although I am not investigating this upshot, this might help republicans in finally distinguishing from liberalism.

park” (Lovett & Pettit, 2019, p. 375), it is hard to explain how he might draw an accurate picture of this difference.

By contrast, a structural understanding of domination might suit this task. In this respect, according to Gädeke “whether the mugger in the park dominates you or not can only be established by analysing the wider power structures in which your interaction is embedded” (Gädeke, 2020a, p. 199). On the one hand, it is the power structure that provides the mugger with the robust capacity to interfere with someone. Namely, the robust capacity is defined as a structurally constituted capacity. Notice that, this “does not presuppose a formalized system of norms and practices” (Gädeke, 2020a, p. 213), rather it stems from the stable asymmetry of power existing among people (*alias* Pansardi, 2013).

On the other hand, the same structure that empowers the mugger disempowers the dominated – not only those who suffer the mugger’s interference but also those who may suffer it (those who suffer the mugger’s robust capacity to interfere). In the previous example, for instance, although there is an evident difference between the victim and all the other people, in a sexist society there would be a difference also between men and women in the park. While the former is a difference in terms of harm, the latter represents the real difference in terms of domination.²⁵ Whereas men could suffer, at worst, the mugger’s opportunistic capacity to interfere with them, women are subjected to his robust capacity. This looks corroborate by self-defence mechanisms employed by women as a result of their disempowerment awareness, e.g., not walking alone in the park.²⁶ For those who are disadvantaged by the structural asymmetry of power, in fact, domination appears “omnipresent even when there happens to be no specific dominator in their life” (Gädeke, 2020a, p. 210).

As a result, in Gädeke’s perspective, domination should be understood as having two faces: “the interpersonal domination” and “the systemic domination” (Gädeke,

²⁵ This distinction is already present in Pettit (1997) although with reference to his idea of domination – see the previous section.

²⁶ Pettit himself stresses those types of mechanisms as symptoms of domination. Indeed, he underlines the behaviours of “strategic deference and anticipation” that the dominated embodies such as keeping “a weather eye on the powerful, anticipating what they will expect of [him/her] and trying to please them, or anticipating what they will be and trying to stay out of their way” (Pettit, 1997, p. 86).

2020a, p. 200). The former occurs when there are “identifiable persons who stand in asymmetrical positions to one another” (Gädeke, 2020a, p.206) – i.e., there is someone who enjoys the robust capacity and someone who suffers it. Notice that, although the focus is on the rapport between dominator and dominated, this is “not a dyadic, but a triadic relationship between dominator, dominated and what Wartenberg calls *peripheral agents*” (Gädeke, 2020a, p. 207, italic in the text). Namely, all those agents who do neither enjoy nor suffer the robust capacity to interfere in that situation, nonetheless, they play a role in the dominating relationship by sustaining and reproducing the relevant social structure.²⁷ Furthermore, what matters is not whether an action takes place or which kind of action takes place. Rather, what matters are the positions of power embedded by the people at stake. In this respect, having such a robust capacity to interfere “is not something I can choose to do or refrain from doing [...] whether I welcome the privileges attached to it or resent them, I dominate those subjected to my power simply in virtue of being in this social position” (Gädeke, 2020a, p. 207).²⁸

The second face of domination, i.e., the systemic one, instead, “refers to systematic disempowerment in situations in which a disempowered person does not face a particular dominator with an actual capacity to interfere” (Gädeke, 2020a, p. 210). Notice that, this stance aims at being stronger of what Pettit calls “structural domination” (Pettit, 2012, p. 63; Gädeke, 2020a). While Pettit’s structural domination coincides with potential domination, namely being exposed to the risk of domination because of social structures, rather than being actually dominated, Gädeke’s systemic understanding underlines the never-ending domination of the disempowered “vis-à-vis the very social norms and practices that constitute their disempowerment” (Gädeke, 2020a, p. 211). Nonetheless, such a kind of domination is not meant to be agentless.²⁹ As in the interpersonal one, the “disempowering norms and practices” are sustained and

²⁷ At what point the role of peripheral agents is intentional? Could they be considered guilty for their negligence or indifference towards certain dominating norms? For more on these questions see Gädeke (2021).

²⁸ Remind that, also for Pettit domination might be unwilling (1997; 2012). Gädeke says it, as well (2020, p. 31-32).

²⁹ This is not the case for every account of structural domination. For instance, List and Valentini structural dependence might be agentless (in LSE workshop 7/04/2021).

reproduced by the so-called peripheral agents (Gädeke, 2020a, p. 212). As a result, “systemic and interpersonal domination are two aspects of one and the same dominating power structure” (Gädeke, 2020a, p. 212).

To be free from domination, thus, Gädeke argues that people should be granted the relevant power to “challenge the rules of their interactions”, namely they should be granted an equal status as “normative authorities” (Gädeke, 2020, p. 29). Everyone should comply with norms they are equally able to challenge. At first glance, this appears nothing but Pettit’s idea of control – everyone should comply with norms they have an equal control on. And, if it were so, this would meet the same impasse. However, it seems to me that the equal status as normative authorities, advocated by Gädeke, requires something more. To have such an equal status ensured, indeed, people should comply with norms that are justifiable in both general and reciprocal terms.

Applied to the form of norms, generality and reciprocity require that norms be general in that they apply to all and not particular persons (*formal generality*) and reciprocal in that they accord the same claims and obligations to everyone (*formal reciprocity*). On the other hand, [...] they [non-arbitrary norms] are required to be justified through procedures in which all those who are subjected to the norm in question enjoy equal chances to take part (*material generality*) and in which no one projects his or her own view on others or claims to speak in their interest (*material reciprocity*) (Gädeke, 2020, p. 40).

Wherein material generality and reciprocity could perhaps be equated to both Pettit’s equal say and operational test, formal generality and reciprocity requires something more: they seem to be formal criteria which nonetheless apply to the content of laws. In this respect, non-arbitrary laws would be *normative-procedure dependent* – both the procedure and the content of laws should meet these two criteria in order to grant everyone their normative authority. This would avoid the imposition of whatever interests or preferences if not justifiable in general and reciprocal terms, namely it would avoid the imposition of interests and preferences which deny someone their normative authorities (i.e., which are dominating), even if such interests or preferences were those of the majority.

However, at a superficial reading, this account can seem to undermine pluralism. That is, it appears as a positive rather than a negative understanding of freedom. Freedom as non-domination would become a freedom *to* be a normative authority, as well as a freedom *to* be ruled by laws which are general and reciprocal. This would lead not only

to the imposition of participation as self-realization, but also to the risk of the rule of experts: few people could be more able than others in finding out the relevant norms. However, generality and reciprocity exclude that anyone can speak in the name of someone else even if they are considered experts – “multiple different reasons” are at stake in the process of justification, since “we cannot look into the heads of people” (Forst, 2015, p. 126). At the same time, the idea of normative authority does not entail a specific kind of self-realization, rather it implies that people should be free *as* normative authorities, independently from the fact of being able or not, as well as willing or not, to exercise such an authority. In this respect, freedom as non-domination can be said to go beyond the negative understanding of freedom without becoming a positive one (Forst, 2013, p. 163). In other words, freedom as non-domination remains a freedom *from*, although it is a freedom from domination rather than interference, where domination means lacking normative authority – i.e., being subjected to non-general and non-reciprocal (thus, unjustifiable) norms one cannot challenge. At the same time, it does not go further till becoming a freedom *to* by bringing about the risk of paternalism. People are free from domination when they are considered as normative authorities, i.e., as people who could contribute to norms’ creation and to whom norms should be justifiable, and as agents who could choose and pursue their own lifegoals. Thus, freedom as non-domination would be compatible with pluralism.

Yet, this leads to a second objection: one might wonder whether under this construal freedom as non-domination would not be derivative. This is the criticism put forward by John Christman in his review of *Republicanism* (Pettit, 1997). According to Christman, freedom might be defined either “using moral or normative terms” or with “no such moralized terms”; besides, whereas the former is “derivative”, the latter is not (Christman, 1988). In other words, if freedom stems from “moral or normative terms”, “the protection of freedom cannot be the most basic principle of justice” since those terms are “logically prior” (Christman, 1988). With respect to Gädeke’s definition of freedom as non-domination, the idea of normative authority would sound as such a logically prior term. To address this issue, whether domination coincides with the absence of normative authority and non-domination with its presence shall be investigated. This can be done by analysing whether the two terms relate one another either analytically or synthetically. If non-domination and normative authority are simply interchangeable, namely they can

be used to define one another without adding anything to the overall meaning, the notion of freedom as non-domination would not be derivative. Instead, if the latter does justify the former, then the notion of non-domination would derive from this basic ideal. Now, since, on Gädeke's account, domination is nothing but being deprived of their equal status as normative authorities, as well as lacking an equal status as normative authorities means nothing but being dominated, the two terms appear as synthetically related. Therefore, it seems to me that no derivation occurs in such a normative definition. Being free from domination equates with enjoying such an equal status as normative authority.

To conclude, freedom as non-domination should be understood in normative terms.³⁰ In fact, two separate issues seem to be at stake in the discussion about normativity: on the one hand neutrality, i.e., not involving any value, while on the other pluralism, i.e., be compatible with different moral views. Those who claim for a non-normative account of freedom as non-domination neglects that pluralism is prevented only if we aim at orientating people towards a specific end, rather than by simply inserting a value within the definition of freedom. Pansardi seems to see this difference, by understanding domination as intrinsically bad with reference to its structural characteristics (Pansardi, 2013, p. 616). Nevertheless, she finally argues for a non-normative ideal and thus falls into the same impasse as Pettit. By contrast, Gädeke's understanding seems to overcome such an impasse. Freedom as non-domination would arise when everyone is secured their equal status as normative authority, namely, when everyone complies with generally and reciprocally justified norms that he/she is able to challenge. Although acknowledging a normative core (i.e., the idea that human beings should be recognised as normative authorities), this account remains compatible with pluralism: the fact of not being subjected to non-general and non-reciprocal norms that we cannot contest simply allows us to be free of doing what we want, it does not entail any kind of self-realization in Berlin's positive sense, as well as far from denying the plurality of citizens' interests generality and reciprocity enhance it by allowing everyone to speak for themselves.

³⁰ Victoria Costa was right in saying that Pettit should have looked for a normative definition insofar as this was compatible with pluralism (Costa, 2007).

1.3. Egalitarian implications

Before concluding this chapter, let me make a reflection on the egalitarian character of republican accounts of liberty. Since Pettit's first formulation, freedom as antipower sounds intrinsically egalitarian: to be completely independent from their fellows, everyone must own the same power as anyone else (Pettit, 1996). Moreover, in following writings Pettit deeply articulates this aspect. Notably, in *Republicanism* (1997), he explicitly states that "freedom as non-domination displays a significant egalitarian character" (Pettit, 1997, p. 112), namely he argues that it is not possible "to promote overall non-domination by allowing some people more intense non-domination than others" (Pettit, 1997, p. 113).³¹ Remember that, with the term "intense" Pettit identifies the intensity of domination, i.e., the degree of power's arbitrariness, whereby the highest level of arbitrariness corresponds to the maximum degree of domination (say, slavery) and vice versa (say, free citizens). This differs from what Pettit calls the "extent" of domination which is a matter of how many choices fall under such an arbitrary power. Once this distinction is made clear, notice that, if the aim is a non-dominating society, "initiatives that leave the intensity of non-domination unequal" should be avoided, while it is not the same for initiatives "leaving the extent of non-domination – in effect, leaving material resources – unequal" (Pettit, 1997, p. 113). In Pettit words:

without necessarily having to embrace a *material egalitarianism*, then, republican consequentialism is required to support what we can describe as *structural egalitarianism* (Pettit, 1997, p. 113, emphasis added).³²

Furthermore, Pettit claims that to grant everyone freedom as non-domination, structural egalitarian measures should be put forward. For intensity is the function of the power people enjoy one another, i.e., "it is a function of other people's power as well as of their own" (Pettit, 1997, p. 113). Thus, if we aim at increasing freedom as non-domination overall, we should decrease the power asymmetry between people. The rise

³¹ Notice that, in that chapter, Pettit also discusses the idea that anti-egalitarian decisions would be an arbitrary imposition by government (or majority will) since they would not track the relevant common interests. However, given that I have already investigated the ambiguity of Pettit's idea of relevant interests I will not take this discussion into exam.

³² I am not elaborating on this distinction here; I will do so in the next chapter wherein it will become crucial.

of the power gap would not provide anyone with more freedom as non-domination. Certainly, it would not improve the situation of dominated who will be subjected to a higher degree of arbitrary power. Yet, more importantly, according to Pettit, the rise of the power gap would not improve the condition of the dominator either, at least in terms of freedom as non-domination. Since dominators are already not exposed to anyone else's arbitrary power by occupying the highest position within the asymmetric power relationship, the growth of their power would not increase their freedom as non-domination. It follows that only egalitarian measures, i.e., measures that aim at providing everyone with equal intensity of non-domination by reducing the power gap between people, would make significant changes in terms of non-domination: "no anti-equality initiative can hope to do as well in the production of overall non-domination as a corresponding pro-equality one" (Pettit, 1997, p. 115-116). In other words, since domination is due to people's asymmetry of power, freedom as non-domination can be improved only by aligning their power, i.e., by making their power as equal as possible (structural egalitarianism).

As Jean-Fabien Spitz remarks, this sounds already implicit in Pettit's idea of anti-power.

Si la liberté est un anti-pouvoir, c'est-à-dire un pouvoir de se défendre contre le pouvoir d'autrui et de se soustraire à la situation de vulnérabilité à laquelle ils voudraient nous exposer, elle disparaît toutes les fois que le pouvoir d'autrui est supérieur au mien, parce que cette inégalité signifie que je suis plus exposé à leurs entreprises qu'ils ne le sont aux miennes (Spitz, 1995, p. 196).³³

In short, if one person holds a greater power than another person, the latter is exposed to the arbitrary power of the former, conversely, if they hold the same power nobody will be exposed to anyone's arbitrary power; thus, freedom as non-domination relies on power symmetry. Moreover, as abovementioned, such a symmetry should be established by laws providing everyone with an equality of status. Citizens should enjoy an equal status to one another so as not to be exposed to the arbitrary power of their fellows. Pettit reassess

³³ English (personal) translation: "If freedom is an anti-power, i.e., a power to defend oneself against the power of others and to escape from the situation of vulnerability to which they would like to expose us, it disappears whenever the power of others is greater than mine, because this inequality means that I am more exposed to their enterprises than they are to mine".

the relevance of such an equal status in *On the people's terms* (2012), wherein he speaks of “expressive equality”, meaning that people should be recognized as equals by laws they comply with.

The assumption that the state ought to treat people as equals, satisfying expressive egalitarianism, implies on the side of the citizenry that they ought to be willing to live in society under an arrangement where they are treated as equals: they ought to be prepared, as we may put it, to live on equal terms with others and not claim a special position for themselves (Pettit, 2012, p. 78).³⁴

Accordingly, people's relationships to one another should pass the abovementioned “eyeball test” (Pettit, 2012, p. 84). People should be able to look one another in the eyes in virtue of their equal, public acknowledged status. Again, what matters is the power function, namely it is not only the power that one person has but the power she has with respect (i.e., “comparatively”) to others. As a matter of facts, the eyeball test cannot be overcome by increasing the power of one at the expenses of that of others but only by equalizing their powers to one another. Hence, freedom as non-domination finally looks as an egalitarian ideal of freedom (Laborde, 2013).

More precisely, freedom as non-domination can be understood as inherently linked to a kind of relational equality (Garrau & Laborde, 2015). Namely, an equality which, rather than focusing on what people have, deals with how they relate to one another. Unlike distributive accounts, which aim at equally allocating material goods, theories of relational equality, indeed, are more interested in the quality of relationships by aiming “to build a social order in which persons stand in relations of equality” (Anderson, 1999). As Marie Garrau and Cécile Laborde remark, it is quite easy to see what freedom as non-domination has in common with these outlooks: like these, it stresses both the centrality of social relationships and the importance of equal standing (Garrau & Laborde, 2015, p. 9-10). Pettit's notion of freedom, in particular, “appears as an intrinsically social and relational good” (Garrau & Laborde, 2015, p. 16).

Freedom as non-domination, indeed, does not occur in human loneliness; it makes no sense to say that a person is not dominated in the absence of other persons (i.e., in a desert island), she is not dominated only when she stands among others holding equal

³⁴ The relationship between expressive equality and social justice (or substantive equality) in Pettit will be the subject of the next chapter and it is therefore put aside here.

powers as them, i.e., in an equalitarian relationship with them. In other words, she is non-dominated when she is granted her relevant equality of status. What makes Pettit's account a *prima facie* theory of relational equality is exactly such a focus on equal status or equal standing. The similarity looks strengthened if we recall that, in her well-known "What is the point of equality?", Elizabeth Anderson understands relational equality as the opposite of oppression: equals are those who "are not dominated by others" and "do not live at the mercy of others' will" (Anderson, 1999, p. 315). Moreover, in her definition of "equality" for the *Oxford Handbook of Political Philosophy*, she enumerates Pettit's domination among the set of social hierarchies (the others being esteem and standing) that her account aims at overcoming.

When it comes to relational egalitarianism, however, the problem of Pettit's account seems to be that it neglects the key role of the social structure in reinforcing both domination and inequality of status "even in the absence of actual relationships of domination" (Garrau & Laborde, 2015, p. 21). Remember that, Pettit understands structural domination as potential domination. One person might be exposed to the risk of domination because of social structures but if there is no dominator she is not actually dominated - in this respect, we may say that women in a sexist society are not always dominated but only when they actually interact (or they are in a formal relationship, e.g., marriage or job contract) with men.

This is, I take it, Gädeke's criticism to Pettit's account, which according to her misses the point of domination. This is because, on the one hand, it mistakenly distinguishes between wives and single women, in a sexist society as such – for the simple fact that wives are exposed to the actual capacity to interfere of their husbands, while single women are only exposed to the potential capacity to interfere of men in general – whereas at worst this would be a difference in terms of harm, rather than a difference in terms of domination, since intuitively women in a sexist society are equally dominated. And, on the other hand, because, in the same society, it would erroneously equate all the victims of a mugger in park either men or women. In short, Pettit's account seems to

overlook what Gädeke calls systemic disempowerment which along with interpersonal disempowerment constitutes domination.³⁵

Pettit's conception of domination does not seem well-equipped [...] because it focuses on interpersonal relationships of domination and does not take sufficiently into account the weight of norms and representations in the constitution of agents' identities and social power (Garrau & Laborde, 2015, p. 22).

By contrast, Gädeke's conception of domination seems to be well-equipped. Indeed, it does neither focus on interpersonal relationships only, nor neglect the weight of norms. Quite the opposite. Firstly, domination is structurally understood as the systemic empowerment of some followed by the systemic disempowerment of others. Besides, remind that, the disempowered are always dominated "even when there happens to be no specific dominator in their life" (Gädeke, 2020a). Secondly, on this account, domination occurs exactly when people are "denied the status as a moral and political author of norms which [they are] subjected to" (Gädeke, 2020). Thus, the relevance of social norms looks straightforward. It is not surprising that, accordingly, very similarly to what theories of relational equality argues, on Gädeke's understanding, non-domination "requires restructuring social relations as relations between equals" (Gädeke, 2020a, p. 216). The analogy appears even more clear if we look into Anderson's text: her relational or democratic equality implies, among other things, that citizens recognize "the obligation to justify their actions by principles acceptable to the other" (Anderson, 1999, p. 313). This passage immediately recalls the above-mentioned idea of normative authority.³⁶ Although perhaps the similarity does not go further, this seems enough to reaffirm the starting insight that freedom as non-domination involves a kind of relational equality.

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In conclusion, structurally and normatively understood, by drawing on Gädeke's account, freedom as non-domination pinpoints the very problem of domination by clearly

³⁵ Recall that this does not mean that domination is agentless but rather that it is structurally constituted: women are not dominated by sexist norms, but by men who have the robust capacity (grounded on those norms) to interfere with them even if there is no direct interaction.

³⁶ On the link between relational egalitarianism and political equality see also Viehoff (2014).

distinguishing between instances of domination (unfreedom) and non-domination (freedom). Moreover, by having a normative core, i.e., the idea of persons as normative authorities, such an ideal of freedom overcomes the democratic dilemma. Everyone should be granted an equal status as normative authority by laws, meaning that they should have equal opportunities to influence the law-making process (thus, acknowledging the plurality of citizens' interests) and, at the same time, laws should be formally general and reciprocal (thus, avoiding the imposition of whatever the majoritarian will is).

It seems to me, moreover, that such a formulation deals with both kinds of domination highlighted by Pettit. Against *dominium*, citizens should enjoy an equal status to one another as normative authorities, namely they should enjoy the relevant power to challenge the rules of their interactions. Against *imperium*, instead, they would comply only with norms justified in general and reciprocal terms, meaning, norms emerging by a process wherein everyone has an equal opportunity of influence, as well as norms applying to all and not imposing particular obligations to anyone. Freedom as non-domination thus comes along with a strong claim for equality similar to the one accommodated in theories of relational equality – i.e., merging equal standing and political equality. This clearly stands as an upside in my view: far from implying an intricate trade-off between liberty and equality, freedom as non-domination is intrinsically egalitarian (by relying on both equality of status and political equality).

Yet the question now arises whether such an egalitarian core should be followed by any egalitarian (at least to a certain extent) distribution of wealth. In other words, does the unequal distribution of resources affect the equality required for freedom as non-domination? Nonetheless, this question will be the starting point of the next chapter. The aim of this chapter has simply been to put forward a conception of freedom as non-domination which can ground a theory of justice. I argue that while Pettit's non-normative definition is ambiguous in this respect since it leaves the possibility open that a majoritarian procedure shall distinguish between instances of freedom (non-domination) and unfreedom (domination), Gädeke's normative and structural understanding meets this desideratum by clearly distinguishing instances of domination – i.e., when some people are denied the power to challenge the norms of their interactions – and non-domination – i.e., when everyone instead enjoy an equal status as normative authority. Moreover, it has

turned out that freedom as non-domination cannot only ground the relevant theory of justice, but it is also a *rich* fundamental principle of justice by taking a significant concern of equality.

Chapter two: The threat of wealth inequalities

“Telle fut, ou dut être l’origine de la société & des loix, qui donnerent de nouvelles entraves au foible & de nouvelles forces au riche, détruisirent sans retour la liberté naturelle, fixerent pour jamais la loi de la propriété & de l’inégalité, d’une adroite usurpation firent un droit irrévocable, & pour le profit de quelques ambitieux, assujettirent désormais tout le genre-humain au travail, à la servitude & à la misere” (ROUSSEAU, Discours sur l’origine et les fondements de l’inégalité parmi les hommes, 1755)

As formulated at the end of the previous chapter, the question that shall now be addressed is whether the unequal distribution of resources affect the equality required for freedom as non-domination – meaning both the equality of status (horizontal non-domination) and political equality (vertical non-domination). Although neo-republican advocates have overall explored more egalitarian and/or inclusive models of democracy rather than focusing on economic disparities (Pettit, 2012), a larger acknowledgment of the risks that wealth disparities entail for freedom as non-domination has been rising within this contemporary stance. In this regard, domination is not only understood as a matter of lacking equal status, but also as a result of the unequal distribution of wealth.

Notice that, the unequal distribution of wealth has a twofold impact on freedom as non-domination: on the one hand, the individual lack of resources jeopardizes people’s material independence, on the other, it is the very economic divide among people which creates economic domination. Strictly speaking, in both cases the relationship between people is involved: one person is dominated not only because she lacks the relevant resources for her self-sustainment, but also because, to compensate for such a lack, she depends on her fellows, who do not lack those resources (on the contrary, we can imagine, they do have extra resources) – in a Rousseauian vein one person is dominated not only because she is forced to sell her independence but also because others can buy it. Nonetheless, the distinction holds: in the first scenario the focus remains on the individual lack (when that person does no longer lack the relevant resources she is not dominated anymore – i.e., when she is not forced to sell her independence we do not care whether someone could be able to buy it), while in the second scenario the focus is on the very gap between individuals (even if no one lacks the relevant resources someone is dominated because of the very extent of the economic divide – i.e., even if no one is

forced to sell her independence, the fact that someone has so many more resources that could be able to buy others matters). Considering the unequal distribution of resources in a broad sense thus leaves the floor open to these different readings.

Besides, both readings must be taken into account since the reasons why the wealth unequal distribution represents a threat for freedom as non-domination are still unclear in the relevant debates. For some authors, it is the individual lack of material resources that jeopardizes republican liberty by leading some individuals to depend on others (Raventos, 2007; Lovett, 2009; 2010), while, for others, it is the gap itself between rich and poor which undermines the necessary symmetry of power (Gourevitch, 2013; O’Shea, 2020). Moreover, the unequal economic distribution can lead not only to a kind of *dominium*, i.e., horizontal domination, by undermining citizens’ equal status to one another, but also to a kind of *imperium*, i.e., vertical domination, by jeopardizing their equal status in the lawmaking process (McCormick, 2011; Pansardi, 2016). These distinctions are worth analysing since different issues overall call for different solutions: for instance, whereas the lack of resources foreruns sufficientarian proposals, the gap between rich and poor intuitively demands egalitarian ones. Understanding which kind of problem the unequal distribution of wealth represents for freedom as non-domination would indeed be the first step towards a theory of distributive justice for contemporary republicanism. The complementary step being analyzing the solutions neo-republican advocates have put forward so far, to see whether such a problem has already been solved. In short, the following two questions shall be addressed: Why might the unequal distribution of wealth represent a problem for freedom as non-domination? Which are the solutions that neo-republicans have put forward to solve it?

In reply to these questions, I argue that the major threat of wealth unequal distribution to freedom as non-domination is not that of *dominium*, namely the fact that poor people depend on their rich fellows for their self-sustainment as well as, more generally, for their work activities, thus they are *horizontally* dominated, but rather that of *imperium*, i.e., the fact that while poor people can lack an independent say in public decisions by not being material independent, rich people enjoy greater opportunities to influence the public decision-making process because of their wealth, thus the former are *vertically* dominated by the latter. Moreover, I hold that the threat of *imperium* outweighs that of *dominium* because enjoying an equal opportunity to influence the lawmaking

process (vertical non-domination) stands as a necessary condition to be granted an equal status to one another (horizontal non-domination) – as I point out in the previous chapter, and I will further elaborate in what follows. Such an equal opportunity should hence be secured at first. Furthermore, what threatens it is not only the fact that citizens lack basic resources, but also the fact that, whereas many citizens own few resources, few citizens own many resources, and this allows them to enjoy a disproportionate political power, or so I will argue. Therefore, a neo-republican theory of distributive justice cannot overlook this issue.

The chapter is divided in three main sections. Firstly, I take into account the hypothesis that it is the individual lack of material resources that brings about domination – either contingently (Pettit, 2006) or necessarily (Lovett, 2009) [2.1]. Secondly, I get over this hypothesis by recalling that domination is not only a matter of lacking resources but also a consequence of the economic divide itself which can lead either to *dominium* – by creating an asymmetry of power in the economic realm (Gourevitch, 2013) – or to *imperium* – by jeopardizing the democratic process (McCormick, 2011; Pansardi, 2016) [2.2]. Finally, I conclude by claiming that since the issue of *imperium* overrides the one of *dominium*, a neo-republican theory of distributive justice should mainly focus on the former [2.3].

2.1. The lack of resources and domination

The first hypothesis to be considered is that the unequal distribution of wealth threatens freedom as non-domination since some people are deprived of their capacity to independently support themselves. However, which is the correlation between the individual lack of resources needed for one's self-sustainment and domination appears controversial. For Pettit (2006; 2012), if one person lacks material means, she might – but in principle she also might not – be dominated. In other words, there seems to be a contingent link between lacking resources and domination [2.1.1]. Instead, for other advocates of republican liberty, e.g., Lovett (2009), if one person cannot meet her basic needs because of her shortage of resources, she will inevitably be dominated. That is to say, the correlation between lacking resources and domination seems to be a necessary one [2.1.2].

It follows that, while on Pettit's account, economic sufficiency does not seem to be strictly needed to secure freedom as non-domination, on Lovett's one, such a sufficiency represents a *sine qua non* condition for republican liberty. To understand which kind of threat the shortage of resources implies for freedom as non-domination, as well as which role sufficientarian proposals play within the republican framework, these two outlooks shall therefore be analyzed and compared one another. In this respect, unlike Pettit, I argue that the individual lack of resources necessarily brings about domination, although, unlike Lovett, the provision of an economic minimum stands as a necessary but not as a sufficient substantive condition for republican freedom.

2.1.1. A contingent link

Again, Pettit's theory stands again as an unavoidable starting point. As anticipated in the previous chapter, Pettit depicts freedom as non-domination as an egalitarian ideal, i.e., an ideal coming along with equality of status. This is true in a twofold respect. On the one hand, citizens should have an equal status to one another so as to avoid horizontal (private) domination, i.e., *dominium*; on the other, they should have an equal say in the lawmaking process to prevent vertical (public) domination, i.e., *imperium* (Pettit, 1997). Furthermore, it is worth adding now that according to Pettit (2012), these two issues belong to different realms: respectively *social justice* and *political legitimacy*. Indeed, while "social justice is a matter of the horizontal relations of citizens to one another, political legitimacy is a matter of their vertical relations to the state that rules over them" (Pettit, 2012, p. 136). Remember that, horizontal non-domination can be provided only by laws granting everyone the relevant equal status (what Pettit calls "constitutional strategy"). Thus, the difference between social justice and political legitimacy is not that the former does not involve the state while the latter does, but that the former entails being treated as equal by the state, whereas the latter enjoying an equal say in state's decisions.

Indeed, with *social justice* Pettit intends that, when it comes to the distribution of socio-economic goods, citizens' claims should be considered with the same degree of concern. With his words: "the state ought to promote the enjoyment of free or undominated choices amongst its citizens, under the expressively egalitarian constraint of treating those citizens as equals" (Pettit, 2012, p.88). On the other hand, with *political legitimacy* he implies that citizens ought to enjoy an equal opportunity to influence the

public decisions-making process. In other words, they should be able to control the state's choices so that these latter will not turn out to be arbitrary: "if people governed by a state control the interference practised by government – if they control laws imposed, the policies pursued, the taxes levied – then they may not suffer domination at the hands of their rulers and may continue to enjoy their freedom in relation to the state" (Pettit, 2012, p. 153).

Social justice and *political legitimacy*, besides, represent two distinct domains on Pettit's outlook. Such a distinction interestingly holds not only for the sake of theoretical analyses, but also (and above all) because horizontal and vertical domination stand as different issues. A state might be just (by preventing *dominium*) without being legitimate (i.e., producing *imperium*) and vice versa. Citizens might, for instance, be treated as equals by their queen, thus experiencing an equal status to one another, although they do not enjoy any opportunity to take part in the queen's decision-making process concerning public matters. On the other hand, citizens might enjoy an equal say in the public decision-making process, albeit some of them possess so many resources as to enjoy an arbitrary power to those who do not possess such resources, thus depending on them for their self-sustainment. At least in principle, indeed, "social justice does not entail political legitimacy, by this account, nor does political legitimacy entail social justice" (Pettit, 2012, p. 130).

Yet, *social justice* and *political legitimacy* are not only distinct, they also stand in hierarchical order: political legitimacy comes first while social justice second.

A failure in political legitimacy would compromise the robustness of freedom more deeply than a failure only in social justice. Where a lack of social justice alone would make us vulnerable only to our fellow citizens, a lack of political legitimacy would make us vulnerable on two fronts (Pettit, 2012, p. 24).

In other words, although it is important that citizens are treated as equals by the state, if they do not enjoy control on the latter decisions, they will still be dominated in both vertical and horizontal sense. Take the queen's example: Citizens' equality of status will only occur if the queen has enough goodwill to allow it. In that case, they will be exposed not only to the actual vertical domination of their queen but also to the potential horizontal domination of their fellows, since their equal status to one another could change at any time depending on the queen's arbitrium. As this example illustrates, horizontal non-

domination thus cannot be robustly secured without vertical non-domination being secured first. Although it is important that citizens are treated as equals by the state, what matters the most for neo-republicans seems to be that citizens enjoy control over the state's choices. With Pettit's words: "the republican ideal of freedom as non-domination is bound to put a certain premium on the value of legitimacy and on the democratic control that it requires" (Pettit, 2012, p. 25).

This is the reason why, Pettit mainly focuses his attention on developing a more egalitarian and inclusive model of democracy, i.e., the well-known "contestatory democracy" (Pettit, 1997; 2012). Given that, as abovementioned, to ensure political legitimacy citizens should control state's decisions, Pettit must examine what form this control should take. According to him, such a control cannot take the shape of everyone's equal participation *tout court* "since some individuals may choose not to play their part in the system, whether generally or on specific occasions; they may be happy to go along with what others decide" (Pettit, 2012, p. 169). Rather, what this ideal requires is that everyone enjoys an equal opportunity to participate, or, in Pettit's words, "an equal access to the system of popular influence: an opportunity for participation in that system that is available with equal ease to each citizen" (Pettit, 2012, p. 169). More precisely, this translates into what Pettit calls "individual contestability" (Pettit, 2012). Public decisions are legitimate if and only if they endure the possibility of being contested by any citizen. Metaphorically, citizens should thus intervene in the public decision-making process not only as authors but also as editors: less *ex ante*, during the book writing and more *ex post*, so as to correct it (Pettit, 1997, p. 293-298). In other words, they should have "an editorial as well as an authorial, role – a role in testing as well as generating policies" (Pettit, 2012, p. 218). In short, for Pettit, to be free from domination, individual should first of all enjoy such an equal access to the contestatory practice.

Nonetheless, Pettit is not blind vis-à-vis the fact that the unequal distribution of resources can undermine individuals' liberty. As he initially understands it, the fact that people own uneven holdings, at least, opens the door to unfreedom. That is, although material inequality does not directly bring about domination, domination might follow from material inequality.

First of all, material inequality does not directly bring about domination, since the number of choices one has because of her resources does not necessarily affect the needed

symmetry of power among people (Pettit, 1997). If you don't have the actual capacity to arbitrarily interfere with my choices, the fact that you enjoy a larger range of options than I do, in principle, does not turn our relationship into a relationship of domination. This recalls Pettit's distinction between the 'intensity' (i.e., the degree of non-domination) and 'extent' (i.e., the amount of undominated choices) (Pettit, 1997, p. 57-58). While the intensity of non-domination is maximized by the symmetry of power among people – if I have the same power as you do the degree of domination I suffer from you is zero – the extent does not only depend on such a symmetry of power but also on the number of choices I concretely have because of further factors, e.g., material resources or natural capacities. Here lies the difference between “structural egalitarianism” and “material egalitarianism”: wherein the former means enjoying the same power and is strictly needed for freedom as non-domination, the latter means enjoying similar bunches of choices and is not (Pettit, 1997, p. 113). For freedom as non-domination to be secured, hence, citizens should be provided with equal powers to one another rather than with equal options.

On the other hand, however, domination might follow from material inequality. The shortage of resources does “expose” people to others' dependency (Pettit, 1997, p. 160).³⁷ In other words, the uneven allocation of wealth makes it more likely that certain persons submit to the mastery of their fellows in order to compensate for their material lacks. Yet, the fact that it makes it more likely does not mean that people who lack material resources shall necessarily be under their fellows' arbitrary power. Therefore, wealth inequality might have the “contingent effect” of domination (Pettit, 2006), namely, it can lead to domination, but it does not have to. If A lacks X (i.e., the material means to meet her basic needs), and B offers her X in change of Y (i.e., working 12 hours a day without holidays), on Pettit's account, A is still free of domination since B does not have the actual uncontrolled capacity to restrain A's set of options. Namely, although if A lacks material means she will more likely accept the offer, in principle, A can either accept or refuse it.

³⁷ Note that this is what Pettit calls “intensity-based argument”, i.e., the lack of resources can create an asymmetry in terms of power which lead some people to be exposed to a more or less degree of others' arbitrary power. This differs from what he calls “extent-based argument” for which the lack of resources merely reduces the bunch of options one has and that seems to be less relevant with regard to freedom as non-domination (Pettit, 1997, p. 159-160).

In this respect, economic disparities parallel natural differences (Pettit, 1997; 2006; Spitz, 2010). They threaten republican liberty in the same way in which the inequality of talents does: rather than being a source of unfreedom, they influence how people enjoy their freedom. This reflects Pettit’s starting distinction “between securing people against the natural effects of chance and incapacity and scarcity and securing them against the things that they may try to do to one another” (Pettit, 1997, p. 53) – notice that, the latter is a matter of freedom while the former is not. Material inequalities, thus *condition* people freedom, by providing some with more opportunities than others, but they do not *compromise* it.

I may regret the fact that under the existing property regime you have more opportunities than me to enjoy our common status as free persons, but the fact of that regret does not mean that you stand over me in the position of a dominating power. [...] While this inequality will mean that some people’s freedom is conditioned more than that of others, it will not necessarily mean that anyone suffers domination at the hands of others (Pettit, 2006, p. 140).

The correlation between material inequality and domination on Pettit’s account, therefore, seems to me to be an accidental one. While the absence of an equal status constitutes unfreedom, the lack of resources looks neither *necessary* nor *sufficient* to bring about domination. Firstly, it is not necessary: even if people held similar resources, they could still be dominated by missing the relevant status. Secondly, it is not sufficient, either, since, if people did not own similar resources, it could still be the case – at least in principle – that nobody is dominated by enjoying status equality. Put another way, the unequal distribution of resources would generate domination as a – perhaps very common – side effect, but still as a side effect. Given certain economic inequalities, domination might or might not occur. Besides, there seem not to be any specific features which would anticipate whether it would occur or not. Thus, Jean-Fabien Spitz is right in stating that, according to Pettit: “l’inégalité dans l’accès à la propriété et aux ressources n’implique pas nécessairement la domination” (Spitz, 2010, p. 168).³⁸

³⁸ English (personal) translation: “inequality in access to property and resources does not necessarily imply domination”. See also Artiga (2012, p. 41): “Pettit explicitly denies that the republican notion of freedom has any important bearing on material inequalities”. See also Cicerchia (2019, p. 4): for Pettit “wealth inequality is not necessarily domination”.

This does not mean, however, that material disparities do not represent a problem for republican freedom. They do represent a problem, furthermore, a problem that should be addressed. Yet, the solution should not be sought a priori, but posteriori. That is, rather than being a prerequisite of freedom as non-domination, it would stand as a contingent measure to fix domination when it arises. Indeed, in *Republicanism*, Pettit admits that the state “must embrace a *policy* of promoting socioeconomic independence” (Pettit, 1997, p. 159, emphasis added). More precisely, by drawing on Amartya Sen’s capabilities theory, he suggests a sufficientarian solution: everyone should have enough resources to be free from domination, irrespective of the remaining economic differences (Pettit, 1997, p. 161). Nonetheless, such a sufficientarian proposal represents one option neo-republicans can advocate to promote freedom as non-domination, rather than a precondition of it.

There may be reasons why republicanism should seek to reduce material inequalities, of course [...]; but the connection with material egalitarianism is not as tight – not as independent of empirical contingencies – as the connection with structural egalitarianism (Pettit, 1997, p. 113).

Similarly, in ‘Freedom in the Market’ (2006) Pettit holds that solutions to the issue of wealth’s unequal distribution should be sought at the institutional/policy level rather than at the ideal one, namely, they should be sought as ways to promote freedom as non-domination, rather than as necessary conditions for freedom as non-domination: “if the property system or distribution has the contingent effect of allowing domination, then that makes a case for institutional adjustment” (Pettit, 2006, p. 139).

On the other hand, if imbalances of wealth do not have the contingent effect of allowing domination, republican freedom will be enhanced by free economic exchanges.

From the perspective of this conception of freedom [the republican one], it may be a very good thing that people’s choices are unobstructed and that the options between which people choose are increased and diversified, at least to a certain limit, as the competitive market is said to ensure; this will improve the value of people’s social freedom, allowing them to enjoy it over a greater range or with greater ease (Pettit, 2006, p. 134).

Notice that, Pettit enumerates certain preconditions: markets should allow neither arbitrary interferences nor discriminatory practices, as well as they should prevent people from selling their liberty (Pettit, 2006, p. 142). Nonetheless, let put them aside for the moment – I will go back to them later in this section – and consider Pettit’s overall

approval of competitive markets. Such an approval directly follows from the conviction that *offers* characterizing economic exchanges shall not be confused with *threats*: for, on the one hand, “market exchanges are voluntary” (Pettit, 2006, p. 142), and, on the other, such offers themselves “are not coercive in the manner of penalties or threats of penalties” (Pettit, 2006, p. 143). Rather than constraining one’s set of options, as menaces do, they either enlarge it or they make one option more probable than the others. Furthermore, as mentioned in my previous chapter, given the fact that they are refusable, offers in general do not stand as an instance of domination on Pettit’s account (Pettit, 2006, p. 143; Pettit, 2012; Spitz, 2010, p. 178). By drawing on Adam Smith, hence, Pettit states that “far from threatening republican freedom the market could reduce dependency and domination” (Pettit, 2006, p. 142). As a result, Pettit’s liberty a priori fits with both competitive markets and material disparities.

Things slightly change in *On the People’s terms* (2012). Here, the link between wealth unequal distribution and domination appears stronger, meaning that the former represents a less contingent threat to individuals’ equal status as free persons. In fact, if economic disparities prevent people from passing the so-called eyeball test, they should be narrowed down. Namely, if people are not able to look one another in the eyes without fear because of their uneven holdings then something should be done. Anew, Pettit argues for a sufficientarian solution: “people should securely enjoy resources and protections *to the point* where they satisfy what we might call the eyeball test” (Pettit, 2012, p. 84, emphasis added). Moreover, he explicitly speaks of “a certain threshold of resourcing and protection” (Pettit, 2012, p. 85), as well as he recalls Sen’s work again (Pettit, 2012, p. 87). Freedom as non-domination seems hence to be more seriously undermined by people’s lack of resources.

Interestingly, however, Pettit adds that such an equal status does not depend “just on the resource and protections at your disposal, but on how they compare with the resources and protections at the disposal of others” (Pettit, 2012, p. 91). What threatens freedom as non-domination therefore would be not only the individual lack of resources but also the economic differences that exist among people. Indeed, people are not able to look others in the eyes without fear or deference not only because they lack resources (i.e., they possess few resources), but also because others do not (i.e., they possess many resources, instead). If everyone were poor, no one would look others with fear or deference because of their wealth, on the contrary, this occurs when some are poor and others are not (quite

the opposite they are rich if not very rich). Although republican liberty is compatible with the unequal distribution of wealth, therefore, it seems that this should not be too “large or pervasive” (Pettit, 2012, p. 90). For when it is too large and pervasive it can prevent some from looking their fellows in the eyes because of their wealth disparities, thus preventing them from passing the eyeball test.

Nevertheless, Pettit’s egalitarian constraint appears weaker than what one might think. In other words, it seems to me that, since Pettit wants people to be free to do what they want with their material goods and he is aware that this will end up in an uneven wealth distribution, he refrains from narrowing and/or limiting the economic divide among them. Unsurprisingly, thus, his answer to the question of how far republican justice should go in establishing a high degree of material equality is the following one:

One reply to this question might be that the state may regulate the uses of wealth so that there is a limit to the extra protections of powers that the rich can enjoy. That is certainly true, but what I want to emphasize here is something distinct: that there is a quality to the public resourcing and protection that law can provide, at least when things go well, which provisions of private wealth can little or nothing to match. [...] in doing this it [the state] can establish for citizens an entrenched status – their public status as free persons – that suffices as a bulwark against the advantages on which the rich can draw (Pettit, 2012, p. 127).

Notice that, here Pettit refers to horizontal non-domination, the one belonging to the scope of social justice. To enjoy it, citizens should be able to look their fellows in the eyes without fear (meaning, they should be able to pass the eyeball test). This seems to be possible only if they are secured an equal threshold of public resourcing and protection. Nonetheless, what matters the most continues to be that they are treated as equals by the state; only secondarily, they should enjoy such an equal threshold of resources. The fact that citizens must be treated as equals by the state, indeed, “does not necessarily argue that the state should adopt a policy that imposes a certain substantive equality amongst citizens” (Pettit, 2012, p. 78). Eventually: “if things were so bad that no such ideal could be satisfied for all, then the only commitment would be to expressive, not substantive, equalization” (Pettit, 2012, p. 89). Here again providing people with a certain amount of resources does not seem to be a strict condition to secure their freedom as non-domination.

2.1.2. A necessary link

This does not seem to be the case for Lovett, who instead consider the provision of a certain amount of resources as a necessary condition for freedom as non-domination. If the unequal distribution of wealth deprives some of the needed resources to meet their basic needs, the argument goes, their freedom as non-domination will inevitably be threatened. The previous example would thus become: if A lacks X (i.e., the material means to meet her basic needs), and B offers her X in change of Y (i.e., working 12 hours a day without holidays), A cannot refuse the offer. Quite the opposite, according to Lovett, she will be forced to accept it since she does not have a real choice of not meeting her basic needs:

When it comes to their basic needs, reasonable people do not typically regard failing to meet them an option, and it follows that they might even be willing to trade away their freedom from domination – highly valued as that may be – in order to do so (Lovett, 2009, p. 824).

One might wonder whether this is a matter of individual choice. Namely: am I free if I decide not to trade away my liberty although I lack the means to meet my basic needs? However, here Lovett seems to suggest that this choice is not available for reasonable people who cannot regard failing to meet their basic needs as an option. Therefore, we can say that for Lovett once people lack the relevant material resources they are inevitably dominated.

Unlike for Pettit, for Lovett, there seems to be a direct link between lacking the relevant material means and unfreedom. That is, such a lack appears as a *sufficient*, although perhaps not *necessary*, condition for domination to arise. It is sufficient since, if one person lacks the means to meet her basic needs, she will depend on others even though she legally enjoys an equal status. Nevertheless, although the shortage of resources would be enough to undermine freedom, the same shortage would not be necessary for domination to occur: one person might hold enough resources and still be dominated because laws do not grant her an equal status. It follows that both the absence of laws securing an equal status and the lack of relevant resources alone stand as sufficient, albeit not necessary, condition for domination to arise. By contrast, the necessary condition would be that one of them – either the relevant laws or the relevant resources – were

missing.³⁹ That is to say, it suffices that only one of the two requirements is missing to cause unfreedom. As a result, to prevent domination, citizens should be secured both an equal legal standing and a certain level of wealth. The latter seems to be a *sine qua non* condition for republican freedom as well.

Without such a sufficient provision of resources, moreover, Lovett (2009) holds that the market game definitely jeopardizes freedom as non-domination. Given that material disparities prevent some from reaching their self-sustainment, it is impossible to have free exchanges among people. Here again there seems to be disagreement with Pettit. According to Pettit, indeed, competitive markets undermine individuals' liberty only if the inequality of holdings among participants *contingently* brings about domination – i.e., from material inequalities it does not follow that free exchanges are a priori impossible, whereas for Lovett given certain inequalities, namely those obliging some people to depend on others for their self-sustainment, it does.

However, one might argue that the disagreement relies on the two thinkers' different understandings of market itself: while Pettit pictures competitive markets in idealized terms (recall his abovementioned preconditions (Pettit, 2006)), Lovett refers to free markets as they exist. Yet, two remarks show this opposition to be misleading. On the one hand, Lovett seems to hold that, even if Pettit's first two requirements (i.e., markets should allow neither arbitrary interferences nor discriminatory practices) were met, markets would still lead to domination: "even initially perfect markets are unlikely to remain free from domination indefinitely" (Lovett, 2009, p. 820). This is because, material disparities, which deprive some of their independent capacity of self-sustainment, will eventually arise. On the other hand, Lovett seems to refuse Pettit's third clause (i.e., market should not allow people to sell their liberty). Although a natural response to the issue he states would be prohibiting certain kinds of exchanges, namely prohibiting to trade away freedom, indeed, Lovett resists this upshot.

Domination arises through the free market primarily because people can trade away their freedom from domination. Thus, a natural response might be to prohibit the relevant sorts

³⁹ Needless to say, these are not the only two conditions for domination to arise. A racist or sexist culture can bring about domination with the same strength. However, here I am investigating whether the unequal distribution of resources necessarily result in domination or not. Hence, for the sake of the argument, I am leaving these further motives aside.

of exchanges. Trading freedom from domination for other goods would then become what Walzer calls a “blocked exchange” (1983, 100–03). [...] No doubt, these rules prevent some gross abuses, but the blocked-exchange strategy cannot serve as a general solution. There are several reasons for this. For one thing, any attempt to expand the list of blocked exchanges beyond these few, relatively uncontroversial instances will probably fall afoul the paternalism objection noted above. But even supposing we overcome our aversion to paternalism, there is another and more significant difficulty: namely, that there will always be discovered new and ever-more subtle means of converting material advantage into domination (Lovett, 2009, p. 825).

In other words, preventing the market of freedom would not be a good solution for a twofold reason: on the one hand, it would paternalistically exclude some exchanges, while, on the other, preventing those exchanges would not overcome the problem of domination since people would find out different ways to “sell” their liberty if they lack the resources to independently meet their basic needs.⁴⁰ Therefore, Lovett proposes to provide them with those resources instead – more precisely, he advocates “the public provision of an *unconditional basic income*” (Lovett, 2009, p. 826, italic in the original); I will take this specific proposal into account in chapter four where I will focus on possible policies to realize the ideal of freedom as non-domination.⁴¹

As for Pettit, for Lovett this seems to be a matter of social justice. People horizontally depend on their fellow to meet their basic needs, that is, economic dependency appears in the guise of *dominium*. What changes with respect to Pettit, nonetheless, is that such a *dominium* necessarily occurs, and therefore a certain economic minimum appears as a strict condition for freedom as non-domination. This does not

⁴⁰ Moreover, Lovett discusses genuinely consensual domination (Lovett, 2010, p. 147-151). He argues that we should not prohibit people from choosing domination if they happen to have the unusual preference for domination, but rather increasing their choices. According to him, indeed, “a lack of acceptable alternatives is [...] the most common explication of consensual domination” (Lovett, 2010, p. 148). Yet this means that if they have enough acceptable alternatives (e.g., they have both the alternative of not starving and not being dominated at the same time) it seems to me that, in Lovett’s view, people with the unusual preference of domination should be able to choose it.

⁴¹ Note that, besides, being sympathetic to sufficientarian strategies as abovementioned, Pettit (2007) also provides a specific argument in favour of an unconditional basic income. However, the fact that they suggest the same policy does not cancel the differences I have just stressed. While for Lovett the provision of a sufficient number of resources – via the provision of an unconditional basic income – is necessary for freedom as non-domination, for Pettit it is not, although if the individual lack of resources contingently brings about domination one solution might be providing people with an unconditional basic income.

mean that, for Lovett, material independence constitutes freedom as non-domination. For both material inequalities *empirically* lead to domination (i.e., they lead to domination given some empirical circumstances, for instance, a capitalist economy). Nevertheless, while for Pettit this happens *contingently* (given both some empirical circumstances and certain material inequalities domination might or might not arise) for Lovett this occurs *necessarily* (given both some empirical circumstances and certain material inequalities domination inevitably arises). Perhaps in an ideal world, the individual lack of material resources would not lead to domination. Yet, in the world as it is, if one person lacks the relevant material resources while others possess extra resources, on Lovett's view, the former will inevitably depend on the latter.

At this stage, one might object that even if people enjoy enough resources to meet their basic needs, some would still like to trade their freedom away for further material goods. However, this objection seems to miss the important distinction between depending on others because one lacks the relevant resources for meeting her basic needs and depending on others because one lacks extra resources. In the first scenario, the person necessarily depends on her fellows: she does not regard "failing to meet [her] basic needs as an option" (Lovett, 2009, p. 824). In the second, instead, the person contingently depends on her fellows, i.e., she might or might not depend on them. This does not mean that the latter is not a problem, but that, in line with my understanding of Lovett's argument, overcoming it does not stand as a necessary condition for freedom as non-domination as overcoming the former. What seems to be needed for being free from domination, thus, is first of all such a minimum material independence.

This insight goes back to the republican tradition. Historically, republican liberty was directly linked to individuals' property. As Daniel Raventós's reminds:

For the republican tradition [...] X's set of opportunities is clearly delimited by the property that enables him or her to lead an autonomous social existence. We are not talking about any old set of opportunities but the set deriving from property (Raventós, 2007, p. 63).⁴²

⁴² See also (Anderson, 2015, p. 53): "private property [...] was important for securing their status as free persons, by yielding an income sufficient to support themselves and their families, without having to work for someone else". On the link between freedom as non-domination and private property see also Dagger (2006); Bryan (2021); Al Salman (2021).

Accordingly, to be free in republican terms, citizens should be materially independent. That is, they should own enough resources to avoid their fellows' domination. Again, we are speaking about *dominium*: people who are not self-sufficient horizontally rely on their affluent fellows and on their arbitrary wills. Moreover, to avoid it, as Lovett, Raventós argues for providing everyone with enough economic resources – he even argues for an unconditional basic income himself.

However, notice that, for him the provision of such sufficient resources would be a way to prevent (or at least reduce) *imperium* (i.e., vertical domination) as well.

To sum up, in the republican tradition, the independence conferred by property is not just a matter of private interest. On the contrary, it is of crucial political importance, both in terms of the exercise of freedom and in achieving republican self-government, because having a guaranteed material base of existence is indispensable for political independence and competence (Raventós, 2007, p. 64).

Material independence would not only ground people's status to one another, but it would also grant them their say in the law-making process – I will come back to this in the next section.

Nevertheless, material independence is not the only reason to support a sufficientarian principle from a republican perspective. Although Lovett appears skeptical with respect to the idea of costless exit (Lovett, 2009, p. 820), other advocates of freedom as non-domination seem more optimists. For costless exit I mean the possibility of quitting the market without incurring in any serious loss, i.e., without incurring in the loss of independence by not being able to meet their own self-sustainment anymore. It seems to me that, for Lovett, the provision of enough resources would not indeed allow people to exit the market, but rather permit them to take part in it without being dominated, whereas for other Neo-republicans, the same provision would reach both tasks.

Firstly, Raventós underlines such a further merit of providing people with an economic minimum: besides supplying the needed material independence, this would give people a crucial “bargaining power”, especially in the labor market (Raventós, 2007, p. 73). In other words, such an economic minimum would empower people within negotiations by providing them with a real chance to depart from the market. As Raventós, Robert Taylor stresses the role of exit. According to him, indeed, the “absence of meaningful exit options for workers makes them liable to arbitrary exercises of economic power, i.e., *domination*” (Taylor, 2013, p. 596, italic in the original).

Consequently, according to him, exit stands as the *sine qua non* condition for perfectly competitive (labor) markets which as such would not be a source of domination. Moreover, for both authors, the guarantee of exit options would reshape the market process itself. According to Raventós: “[f]rom the moment in which leaving the job market would seem practicable, this would mean a much more substantial negotiation position [...] than workers have at present” (Raventós, 2007, p. 73). Similarly, with Taylor’s words, costless exit “will discipline owners and managers and prevent them from dominating their employers” (Taylor, 2013, p. 599).

Unlike Pettit, it seems to me that Lovett, Raventós and Taylor, overall look at poverty as an inevitable source of domination. Namely, as an issue that *needs* to be addressed to ensure freedom as non-domination since the individual lack of resources and domination are necessarily – rather than contingently – linked one another. Thus, republican liberty requires a certain economic minimum. According to Lovett, besides, such a minimum would not only be necessary but also sufficient for securing freedom as non-domination in material terms: “provided that each person receives an unconditional basic income, whatever distribution of goods arises subsequently through the operation of the free market can be regarded as just” (Lovett, 2009, p. 827).

Is it the case though? The very economic gap between people seems to pose a problem for freedom as non-domination and despite making poor people less poor the provision of an economic minimum would not meaningfully decrease the gap between them and their fellows. As with respect to power the matter is not only how much power one holds but how much power one holds vis-à-vis others (Pettit, 1997, p. 113), with respect to resources leading to domination, the issue seems to be not only how much resources one owns but how much resources one owns regarding the others. Therefore, it seems that an economic minimum would not be sufficient to secure freedom as non-domination – analysing the reasons why will be the goal of next section.⁴³

⁴³ Recall that, although a similar insight is already present in Pettit (2012), this does not represent a compelling motive to look over sufficientarianism on his account. By contrast, recognizing the asymmetry of resources as a problem could provide reasons “to move beyond a sufficientarian standard, and to make sure not only that every person is above a certain threshold level of economic agency, but also that the differentials between them do not become too large” (Claassen & Herzog, 2019, p. 14).

To sum up, what I show in this first part is that, differently from what Pettit holds, at least the individual lack of material means stands as a *necessary* source of domination. While for Pettit the unequal distribution of resources is a contingent source of domination and a secondary problem, for other neo-republicans, in particular Lovett, it is a necessary source of domination and a primary problem. More precisely, such a disparity is a primary problem in the scope of social justice, i.e., it is a source of *dominium*. Given certain material disparities, *dominium* is not a contingent effect but an inevitable outcome: if people are not materially independent, they inevitably rely on others for their self-sustainment. This undermines their horizontal equal status. Moreover, since such an equal status constitutes freedom as non-domination, it follows that wealth inequality inevitably threaten freedom as non-domination. If we want to promote the latter, thus, we cannot leave the former out of the picture. In this respect, an economic minimum should be thought as a necessary condition for republican liberty. Now I will finally turn to the question of whether this would be a sufficient condition, too. As anticipated, the answer to this question appears to be negative.

2.2. The economic divide and domination

When it comes to freedom as non-domination, in fact, there seems to be reasons to believe that it is not only undermined by the individual lack of resources but also by the very economic divide between people. This is true in a twofold respect. On the one hand, the unequal allocation of productive assets seems to inevitably lead to domination within the economic realm (Gourevitch, 2013; Anderson, 2015; O’Shea, 2020) [2.2.1]. On the other, the gap between rich and poor in the democratic process seems to bring about forms of public domination (McCormick, 2011; Pansardi, 2016) [2.2.2]. Notice that, what differs among these two outlooks is mainly the kind of domination at stake, i.e., *dominium* for the former, *imperium* for the latter. To understand which kind of threats the economic divide entails for freedom as non-domination, as well as which proposals have been put forward within the republican framework to face them, again these two hypotheses should be deeply analysed and compared one another.

What I argue here is, firstly, that the matter of the unequal distribution of wealth for freedom as non-domination is principally a matter linked to the economic divide itself rather than to the individual lack of resources, secondly, that such a divide brings about

domination not only in the economic realm, but also in the political sphere, which given the abovementioned priority of vertical non-domination over horizontal non-domination (remember the case of the queen) represents a more serious danger for freedom as non-domination. Besides, such a danger cannot be overcome throughout institutional measures only – hence the need of investigating distributive proposals in the next chapter.

2.2.1. The problem of dominium

The first question that has to be addressed is whether the provision of an economic minimum would be sufficient to ensure freedom as non-domination in the economic realm. To answer this question let me examine the two abovementioned reasons in favour of an economic minimum – i.e., material independence and bargaining power – separately. Although these two reasons overlap, since people enjoy bargaining power in the labour market when they have material independence, it seems to me that it is worth keeping them distinct for the sake of the analysis. Similarly, another distinction will be helpful here, that is, the one between “the labour market” and “consumption-goods markets” (Jubb, 2008, p. 5). Again, these two are linked to one another given that one person usually sells her work to buy further goods. Nonetheless, underlining the impact of an economic minimum on them separately might be useful for understanding whether such a proposal would finally be enough to secure republican liberty.

As abovementioned, from a republican perspective the first argument in favour of an economic minimum is that it would provide citizens with enough resources so that they do not have to depend on their fellows for their self-sustainment. Intuitively, such an argument directly applies to “consumption-goods markets” (Jubb, 2008). People would not have to rely on the others’ arbitrary will to buy the goods they need to survive. This seems to be Lovett’s position: if everyone has enough resources to meet their basic needs, they will not trade away their freedom in the market to do so – I assume that here Lovett refers to consumption-goods markets. What is missing, however, is a reflection on the market structure itself. One person (A) might, in principle, have enough resources to buy the goods she needs for her self-sustainment (X), but if another person (B) enjoys the monopoly of those goods then A will still be subjected to B’s arbitrary will to meet her

basic needs.⁴⁴ B can increase X's price at her pleasure as well as she can suddenly decide not to sell X anymore. Thus, the provision of an economic minimum does not seem to be the only necessary measure to secure freedom as non-domination within consumption-goods markets (Jubb, 2008).

If the provision of an economic minimum cannot secure freedom as non-domination within consumption-goods markets, how would it be possible that it secures freedom as non-domination within the labour market? Indeed, an economic minimum would secure freedom as non-domination within the labour market only because it grants people material independence, i.e., it provides them with enough resources to buy the goods they need for their self-sustainment so that they can refuse exploitative offers e.g., working 12 hours a day without holidays. If workers were materially independent, indeed they would enjoy both exit options and the relative bargaining power required not to be at the mercy of their employers. Yet, if an economic minimum does not grant material independence within consumption-goods markets, therefore, it does not seem to be able to secure freedom as non-domination within the labour market either.

However, the structure of consumption-goods market could – at least in principle – be non-monopolistic – or it could be turn into a non-monopolistic one –, thus with an economic minimum people would not have to rely on the others' arbitrary will to buy the goods they need to survive, namely they would be materially independent. The question that arises thus is: would the provision of an economic minimum secure freedom as non-domination within the labour market if such a provision was able to grant material independence within consumption-goods market? In other words, would exit options and the relative bargaining power provided by such a material independence be enough to prevent workers from being at the mercy of their employers then?

Alex Gourevitch expresses scepticism about this. Although thanks to such an economic minimum “the worker can threaten to leave the job”, “this threat is often either not credible or inadequate” (Gourevitch, 2013, p. 608). According to him, such a threat would not be *credible* because in real world the costs for leaving the job are much higher than what an economic minimum, provided for instance through a basic income, would cover for: “a basic income cannot eliminate many costs associated with losing a job, such

⁴⁴ Notice that, A and B can be both persons and groups of persons.

as the needs of family, ties to community, value of workplace relationships” (Gourevitch, 2016, p. 24).⁴⁵ As a matter of facts, exit options do not rely only on self-sustainment – i.e., being able to independently meet their own basic needs. Thus, an economic minimum does not seem to fit the purpose.

However, advocates of such a sufficientarian solution, especially Taylor, might reply that an economic minimum should be designed precisely to provide workers with “*meaningful* exit options” (Taylor, 2013, p. 596, emphasis added), hence, it should cover those costs, too. Namely, it should be so high as to make the threat to leave the job credible. Of course, one might wonder whether it would be possible to provide an economic *minimum* so high as to meet this requirement. Yet, this seems to be a matter of feasibility, i.e., whether an economic minimum can be provided in practice and how much high it should be. Nonetheless, it seems to me that these issues do not jeopardise the idea that – at least in principle – an economic minimum can be thought to provide people with meaningful exit options.

Nevertheless, Gourevitch remains sceptical: “even if a basic income could compensate for all of these costs associated with the instrumental value of work, it can do little with respect to the intrinsic values that drive many to work” (Gourevitch, 2016, p. 24). Granting people with the material resources would not necessarily stop them from working: other reasons than income would push them to keep doing so. Therefore, the threat to leave the job would be *inadequate*. To prevent workers from being at the mercy of their employers, they should not be provided with the chance to exit the labour market but rather with the chance to somehow control it. In this respect, despite strengthening “an employee’s credible threat of exit”, the provision of an economic minimum fails since it does not “challenge the background structure of labor and property law” (Gourevitch, 2016, p. 23). When it comes to domination what is problematic of the labour market, indeed, is the very structural asymmetry of power between those who own the means of production (few) and those who do not (many). Because of the power provided to the former by their ownership – “legal prerogatives, contractual authority and raw power” –, the latter are “subject to a panoply of rules, directives, orders, commands, whims, caprices, and impositions over which they have no legal control and that they have limited

⁴⁵ See also (Anderson, 2015, p. 67): “workers bear substantial costs of job search, acceptance, and loss, and often lack important information about options”.

capacity to resist” (Gourevitch, 2016, p. 18). That is to say, they have to comply with rules they cannot really challenge. This is what Gourevitch calls “structural economic domination” (2013, p. 598).

Such a structural economic domination shall not be understood as the dependence of the worker on his/her specific employer – this is surely a part of it, but it does not represent the whole picture. Rather, it shall be understood as the dependence of workers “on some employer or another” (Gourevitch, 2013, p. 602). In short, the idea of “structural economic domination” is meant to capture the fact that in a capitalist system wherein few own the means of production, and many do not, the latter are dominated by the former given that to work they have to abide by the rules established by those who own the means of production. In this respect: “[t]he concept of structural domination illuminates why it is wrong to argue that a basic income is sufficient to guarantee economic freedom” (Gourevitch, 2013, p. 607).

However, such an argument is grounded on the assumption that people *have to* work, either for instrumental or for intrinsic reasons, and that, while an economic minimum would perhaps eliminate instrumental reasons for working (at least basic ones e.g., surviving), it would certainly not eliminate intrinsic ones. If people *have to* work, then, they necessarily depend on those who offer them a job. Moreover, since only those who own the means of production have the power to offer them a job, and they are few persons with respect to those who instead do not, structural economic domination arises.⁴⁶ Nonetheless, it seems to me that a more comprehensive notion of freedom as non-domination is at stake when intrinsic reasons for working get involved. People do not need only to be free *from* employers’ arbitrary power, but they also need *to* be free to realize themselves throughout their work. This goes beyond the idea of freedom as non-domination I put forward in the previous chapter. Of course, people have other reasons than basic instrumental ones for working but, in principle, it is not a matter of freedom as

⁴⁶ If everyone were provided with enough resources that they would not need to work for a living, we could imagine that the situation would turn the other way around: those who own the means of production would depend on the arbitrary will to work or not of those who do not own the means of production. However, this forgets that material independence (self-sustainment) is not the only reason why people work. People can have further instrumental/intrinsic reasons for working. Certainly, in that case they would have more bargaining power, still they will depend on those offering them a job.

non-domination ensuring them the possibility to work *per se*. Once a person is not forced to sell her labour to others for her self-sustainment, she will be free from domination, independently of whether she has the concrete option to work or not.

Yet, what Gourevitch teaches us is that this reading misses the point of domination within the labour market. Independently of whether people might be happy with an economic minimum only or might have to work despite it, what is problematic, in fact, is the structural asymmetry of power between those who own the means of production, thus controlling the labour market rules, and those who do not and do not have any power on these rules. This clearly recalls the general notion of structural domination introduced in the previous chapter: domination arises when, given the structural asymmetry of power between people, some cannot challenge the rules of their interactions (Gädeke, 2020). In the economic reality this seems to be the case of employees vis-à-vis employers. Now, one might say that if employees can leave their jobs thanks to an economic minimum, they will exit such an asymmetrical relationship and thus be free. Nonetheless, remind that interpersonal domination – in this case the one between employees and a specific employer – is only one face of the coin. On the other side there is systemic domination which occurs even when “a disempowered person does not face a particular dominator” (Gädeke, 2020a, p. 210). In this respect, within a capitalist system characterised by starkly unequal distribution of the ownership of production means those who do not own them are dominated even if they do not work since they are systematically disempowered vis-à-vis those who own them – in the same way in which within patriarchal society women are dominated even if they are not married – to wit, by not being able to challenge the rules of their interactions.

What is needed, then, for people to be free from such an economic domination is a transformation of the very structure of the labour market. Moreover, this transformation cannot happen throughout the mere provision of an economic minimum. Although it is true that by providing workers with meaningful exit options, the credibility of their threat of leaving their job will strengthen and, thus, their bargaining power vis-à-vis their employers, this will not change the existent power asymmetry between them. Employers might offer their employees (or future employees) better conditions for working, but they will still hold the empowered position – it will still be up to them to decide those conditions, as well as they might change their minds at any time and so on. In the same

way in which, husbands might treat their wives better because of the credible threat of divorce, but as men living in a patriarchal society, they will still be in the empowered position within their relationship.

Thus, I reach the same conclusion as Gourevitch that the provision of an economic minimum is indeed insufficient. Yet, according to me, this does not rely on the fact that people still have to work despite it. Rather, it relies on the fact that even if people can choose not to work because they have enough resources, they will still be disempowered because of the structural asymmetry of power due to the unequal ownership of the means of production. Such a structural asymmetry of power calls for a transformation of the labour market itself instead of a simple redistribution of wealth. In this respect, “exit is not an adequate substitute for voice” (Gourevitch, 2013, p. 609). For Gourevitch this is true because an economic minimum does not really allow people to leave their job, nonetheless, the same seems to hold even if it does. Although they can leave their jobs, people cannot exit the economic-structural-asymmetrical power relationship: in capitalist systems where there is a stark division between those who possess productive assets and those who do not, the latter inevitably have to comply with the rules settled down by the former, either they work or not, without having any say in it. Therefore, the need of voice rather than of exit.

This is where workplace democracy comes into the picture. Notably, Elizabeth Anderson (2015) is among those who bring such a proposal within contemporary republicanism. As for Gourevitch, for Anderson the problem is the concentration of “means of production in a few hands” which forces “the rest into dependency” (Anderson, 2015, p. 57). In other words, what undermines republican freedom is the “structure of the production” for which “the overwhelming majority of workers are subject to their employer’s governance” (Anderson, 2015, p. 58). Furthermore, the argument goes, such a governance is dictatorial, since within capitalism the ownership of production means confers to those who own them an arbitrary power over them. They overall can decide how to manage the productive structure, who to hire, how to organise the workday and so on, at their will. Moreover, although if they were provided with an economic minimum, employees would perhaps be able to negotiate better starting conditions, within daily workplace they would still be under their employers’ discretionary power since it is “impossible to specify all contingencies in detailed labour contracts” (Anderson, 2015, p.

60). Thus, domination arises. It is to overcome this issue that Anderson puts forward the ideal of “representative democracy” for the workplace (Anderson, 2015, p. 61). Such an ideal must be *democratic* since, if everyone enjoyed an equal say in the work decision-making process, domination would fade away – in the same way in which if everyone enjoyed an equal say in the law-making process, laws would not be arbitrary. At the same time, such a democracy must be *representative* since “participatory democracy may be inefficient” (Anderson, 2015, p. 61) from the economic point of view and this might be an objection to workplace democracy, or put it differently, an argument for the current dictatorial governance. Workers should thus have their voice represented in managerial decisions.

Nonetheless, as we have seen, structural economic domination does not involve only the relationship between employees and employers but more in general the one between people who own the means of production and those who do not. In this respect, workplace democracy would address only a part of the problem, by leaving “citizens outside the firm at the mercy of those within it” (O’Shea, 2020, p. 559).⁴⁷ This would for instance be the case of unemployed citizens: they would be systematically disempowered vis-à-vis those who control the productive assets even if these are the workers themselves. This is the reason why Tom O’Shea argues for socialism, instead. According to him, economic domination can be overcome only throughout the “public ownership and control of the means of production” (O’Shea, 2020, p. 549) so that citizens as a whole enjoy some control on their administration.

However, one might wonder whether such a solution would finally substitute a kind of *imperium* (vertical domination) to the *dominium* (horizontal domination) it aims at preventing. With O’Shea’s words: “[w]ill socialising [...] private property simply replace private domination with public domination?” (O’Shea, 2020, p. 562). According to O’Shea, the answer is negative. If democracy overall provided each citizen with an equal say in the public decisions-making process so that public decisions are not dominating, this would apply also with regard to economic decisions. Moreover, two additional requirements would ensure that public domination does not substitute private one in O’Shea’s outlook: first, the provision of an economic minimum, via unconditional

⁴⁷ On the link between unemployment and domination see also Bryan (2021a).

basic income, so that everyone enjoys an effective equal say; and second, “a multiplicity of public ownership structures” (564) which heads off the risk of discretionary power entailed by nationalisation.

Socialist economic programmes along these lines—which solicit support from allied state power without pursuing a centralised statist command economy— have the potential to combat private economic domination without substituting greater public domination (O’Shea, 2020, p. 564).

Nonetheless, it seems to me that socialist republicanism neglects another compelling danger for democracy: namely, the fact that rich citizens enjoy a greater political power than their fellows within the public decision-making process. Thanks to their wealth indeed rich citizens seem to have access to a greater bunch of opportunities to influence the public decisions-making processes independently from the fact that everyone is provided with an economic minimum. Moreover, despite the public ownership of the means of production, there could still be people who are so rich that their wealth jeopardizes the democratic process. Firstly, this would be true if expropriation implies compensation: the previous owners of the means of production would receive a compensation for their loss and therefore the wealth inequality between them and those who did not own productive assets would remain in place. Clearly, this gap might decrease in the long run given that “economic surpluses not needed for reinvestment would remain in public hands and subject to democratic authority” (O’Shea, 2020, p. 559); however, at the very beginning this would still undermine the well-functioning of democratic decision-making processes required for socialism not to be dominating.

On the other hand, an expropriation without compensation might also be envisaged – this option might perhaps look less feasible, but, in principle, it is conceivable. Yet, even in this case, wealth inequality would not disappear. Individual wealth does not rely only on the ownership of productive assets: different jobs have different rewards, people inherit wealth, the financial market provides shareholders with different payoffs and so on. Would that inequality be a problem for democracy? Yes and no. Perhaps it would not be so stark as to allow some people to enjoy greater political power because of their wealth – economic surpluses resulting from the ownership of the means of production constitute a large part of individual wealth today. Nevertheless, it

could also be the case that it would. Thus, such an issue cannot be neglected. While it is important to address the power dynamics bringing about domination within the labour market, as O’Shea’s socialism brilliantly does, it looks even more inescapable to address the power asymmetry led by wealth inequality within the democratic process. If the remaining wealth inequality after the publicization of the means of production kept threatening the democratic process itself, by providing some citizens with more power than others, the very idea of socialist republicanism would be put into discussion. It seems to me hence that what matters at first is understanding in which sense wealth inequality represents a threat for democracy, and only secondly a socialist model of economy might perhaps be envisaged. The next section will thus turn into the discussion of the first issue.

2.2.2. The problem of imperium

The crucial condition for freedom as non-domination of having an equal opportunity to influence the law-making process appears jeopardized by the presence of huge economic inequalities in a democracy. Although Pettit seems to overlook this problem, John P. McCormick has recently stressed it, noting that

historical and empirical research affords us ample evidence to suggest that the wealthy have always been, and invariably will continue to be, an imminently dominating force within democracy (McCormick, 2019, p. 127).

Contemporary democracies show clear proof of this. It looks evident that affluent citizens enjoy disproportionate opportunities to influence politics because of their wealth disparities. As Robert Dahl argues such disparities indeed creates “inequalities in political resources”, namely, “everything to which a person or a group has access that they can use to influence, directly or indirectly, the conduct of other persons” (Dahl, 1998, p. 177-178). Richer citizens can obviously invest larger amounts of money in politics, say, by financing political campaigns. Besides, if at first sight this seems to be mainly a US issue, in reality European democracies are not themselves immune to the clout of money.

If we look for a moment at Emmanuel Macron’s presidential campaign, what do we find? While small donors appear on his posters (30,000 private individuals gave money), only a handful of generous (and wealthy) sponsors set the rules of the game. On the one hand, a third of contributions to his En Marche! movement were apparently below thirty euros and two-thirds below sixty euros, the median sum being fifty euros.¹⁸ On the other hand, only 2 percent of the donations were above 5,000 euros—the only problem being

that 2 percent of 30,000 donors translates into 600 rich donors, who gave between 3 and 4.5 million euros.¹⁹ In other words, 2 percent of donors accounted for 40 to 60 percent of the 7.5 million euros in do-nations that the movement received (Cagé, 2020, p. 45).

It follows that contemporary democratic systems are inevitably more responsive to the preferences of those who largely finance them. As Martin Gilens (2005) observes, contemporary democratic outcomes mainly reflect the interest of the well-off, despite of what low- and middle-income citizens support. Similarly, Larry Bartels notices that there are “policy-makers seem to be responsive to the views of affluent citizens but largely or entirely unresponsive to those of the poor” (Bartels, 2008, p. 257). This poses a serious problem for our democracies which increasingly often are considered to become plutocracies (Cagé, 2020). Given that citizens are far from being politically equals, indeed, “the moral foundation of democracy is violated” (Dahl, 1998, p. 178). In fact, “the majority does *not* rule [...] [w]hen a majority of citizens disagrees with economic elites and/or with organized interests, they generally lose” (Gilens & Page, 2014, p. 23). Put it differently, contemporary democracies appear as “a paradoxical system in which the majority vote on paper, but an ever smaller (and richer) minority actually decide” (Cagé, 2020, p. 249). In short, citizens’ equal say in the democratic process looks deeply undermined by stark wealth differentials among them.

As Thomas Scanlon writes:

Great inequalities in wealth and income can also undermine the fairness of political institutions. The wealthy may be much more able than others to influence the course of political discussion, more able to gain political office themselves, and more able to influence others who hold office. This can be seen as a special case of the problem of control: manipulation of the political system is one way of turning economic advantage into control. But undermining the fairness of the political system is morally significant in other ways, for example, because it affects the legitimacy of laws and policies (Scanlon, 2018, p. 6).

Notice that, with “political fairness” Scanlon does not mean that everyone should have the same “likelihood of success” in influencing politics but rather that everyone should enjoy “equal *opportunity* for political influence” (Scanlon, 2018, p. 80, italic in the original).⁴⁸ In fact, even if citizens enjoyed equal opportunity for political influence, there would still be many reasons for which one would be more likely to succeed than others.

⁴⁸ Here Scanlon draws on Cohen (2001).

For instance, one might be less willingness in engaging in political activities or less able as orator. Nonetheless, this would not undermine political fairness itself. What undermines political fairness is that one enjoys more opportunities than others in the first place. Consider a lottery: if I pick the winning ticket because I am luckier than you, the game looks fair, instead, if I pick the winning ticket because I have the possibility to pick (say, buying them) a greater number of tickets than you, it suddenly looks unfair. In this respect, what really matters for political fairness is the “equal access to the *means*” for influencing politics (Scanlon, 2018, 80, italic in the original). As a result, the fact that some citizens enjoy greater influence because of their wealth is “objectionable” because “it means that poorer citizens are deprived of an opportunity that they should have [...] and that, consequently, wealthy citizens have an unfair degree of influence” (Scanlon, 2018, p. 82).

To be sure, once equal opportunities for political influence are secured to everyone, there can be unequal political influence. As above mentioned, one person might be an abler orator and convince the majority to vote for her, but it seems to me that this would be part of the democratic game insofar as she had equal opportunities than her fellows and she only made better use of her cards so to say. In other words, there seems to be a compelling difference between having more political influence and having more opportunities for political influence, whereas the former does not disrupt the legitimacy of the process (it is the case with the good orator), the latter does (as it is the case for wealth).⁴⁹

Now the question that arises is how wealth provides its owners with such disproportionate opportunities for political influence. The first hypothesis would be that non-wealthy citizens lack the relevant resources to participate in politics. A minimum threshold would thus overcome the problem. However, “even if all citizens had access to sufficient means” it appears straightforward that “richer citizens, who are able to spend

⁴⁹ One might say that there are other factors rather than wealth which allow people to have greater opportunities, e.g., in a racist society white people would enjoy greater opportunities than their black fellows. However, the discussion of these cases goes beyond the scope of my work. I imagine that an overall neo-republican theory of justice should take them into account as well but since I am focusing on a neo-republican theory of *distributive* justice, I am mainly concerned with wealth related issues. I thank all the participants to the GECOPOL 2022 to push me clarifying this point.

more, would have significantly greater chances” (Scanlon, 2018, p. 82). An economic minimum would perhaps be necessary – “having a guaranteed material base of existence is indispensable for political independence and competence” (Raventós, 2007, p. 64) – but still not sufficient. A second hypothesis would therefore be that non-wealthy citizens participate less than their wealthy fellows (Bartels 2009; Verba et al., 2012). This appears to be the case not only because wealthy citizens are generally more likely to engage in politics, but also because by feeling “impotent, frustrated, and excluded from any decisionmaking process” non-wealthy ones are definitely less likely to do so (Alacevich & Soci, 2018, p. 131). Interestingly, however, this does not seem to be the relevant cause of the problem: “[i]ncome-related disparities in turnout are simply not large enough [...] to provide a plausible explanation for the income-related disparities in responsiveness documented” (Bartels, 2008).

The fact that wealthy citizens enjoy disproportionate opportunities for political influence, thus, does not seem to lie on their non-wealthy fellows’ lack of something, e.g., political resources or willingness to participate, but rather on their own excess of resources. Economic resources can be translated into political influence through several different mechanisms, which can be both direct, for example financing political campaigns, and indirect, for instance funding social media platforms and/or think-tanks so as to impact public opinion and/or common knowledge (Christiano, 2012; Cagé, 2020). In this respect, wealth represents a proxy that can be used to gain extra opportunities to influence politics. On the other hand, wealth provides its owners with a broader set of privileges that grant them further possibilities to affect the public decision-making process even without investing in it. This is the case, for instance, with a certain type of education and/or influential networks that people have thanks to their money – what is more generally called “social capital” (Robeyns, 2017, p. 9-10; Timmer, 2019, p. 1337) or “nonfinancial capital” (Halliday, 2018, p. 107)⁵⁰ – but also with the so-called “independent power” that rich people have in the economic sphere and that inevitably reflects on the political one (Christiano, 2012). Wealth can certainly be both an instrument for gaining political influence (either directly or indirectly) and an instrument for

⁵⁰ Note that, under this umbrella term, Daniel Halliday distinguishes between “social capital” which “consists in valuable knowledge and opportunities” and “cultural capital” which “consists in certain behavioural norms or dispositions” (Halliday, 2018, p. 107).

acquiring all those non-wealth-related factors which also affect equal opportunities to influence politics.

This constitutes a specific problem for contemporary republicanism. The fact that wealthy citizens enjoy a greater influence than their fellows indeed leads to a kind of *imperium*. All the other citizens have to comply with laws resulting from a process where they do not really enjoy an equal say in. This contradicts the requirement according to which for not being dominated citizens should be granted an equal say in the lawmaking process so that the laws they comply with would not be arbitrary, i.e., they would not be a source of vertical domination themselves. As McCormick (2011; 2019) points out, the major threat posed by the huge economic divide among citizens to freedom as non-domination is exactly that it undermines citizens' equal say in the law-making process. Instead of being a matter related to *dominium*, the unequal distribution of resources thus mainly represents an issue of *imperium*. Furthermore, McCormick criticizes Pettit for neglecting such a crucial issue. More precisely, he criticizes Pettit for considering wealth inequality “as a secondary, private and individual matter” (McCormick, 2019, p. 123), i.e., a matter relegated to the sphere of social justice, rather than as a public problem affecting political legitimacy. According to him, “[t]he mere fact that Pettit believes that he can discuss political legitimacy or public domination largely independent of considerations of social justice and private domination” (McCormick, 2019, p. 126) clearly shows his neglect of the danger entailed by socioeconomic elites for republican democracy. By contrast, in McCormick's view, the disproportionate influence of affluent citizens represents a serious – if not the most serious – problem. As a result, the unequal distribution of wealth should not be seen as a matter of social justice only, but as a matter of political legitimacy as well. For some citizens dominate democracy by having greater opportunities for political influence because of their wealth.

However, since McCormick believes that people should be left free to run their own business(es), thus accumulating different amounts of wealth,⁵¹ he addresses the issue

⁵¹ By drawing on Machiavelli, McCormick seems indeed to consider wealth inequalities as an unavoidable feature of society: “class division persists even in the most vibrantly egalitarian republics” (McCormick, 2011, p. 13). In addition to intricate ontological reasons – which I will not examine here – this statement seems to be grounded on an argument in favour of liberty itself. Individuals should be left free to exchange

of the wealthy dominating democracy by focusing on redrawing the democratic procedure itself rather than on limiting their riches. More precisely, to prevent wealthy citizens from dominating democracy, McCormick theorizes what he calls “Machiavellian democracy”, which is a democracy that is made up of “class-specific institutions”, i.e., assemblies wherein non-wealthy citizens can speak for themselves and take decisions among themselves (McCormick, 2011, p. 13).

Instead of pretending that laws make citizens equals despite their material differences, such a model of democracy would integrate these differences. Rather than being considered as a homogenous whole, citizens would thus be included in the public decision-making process “by formal inequality, that counterintuitively, inspires more substantive political equality in practice” (McCormick, 2011, p. 14). To be sure, according to McCormick, there is no political legitimacy without overcoming the issue of socioeconomic inequalities. Nevertheless, to do so, it is the democratic process itself, rather than the distribution of resources, that must be amended.⁵²

It follows that the economic divide would (or at least could) remain in place. However, in principle, this does not pose a problem for McCormick’s account. On the one hand, indeed, one might say that if class-specific institutions properly functioned, democracies would keep into account the interests of the many rather than only those of few rich people, thus a fairer redistribution of resources would be provided. On the other hand, instead, one might say that, even if it was not so, class-specific institutions would give non-wealthy citizens the same opportunities that their wealthy fellows have, and thus political equality would be preserved. As I will show in what follows, however, both hypotheses are misleading.

The idea that a fairer redistribution of resources would be provided by McCormick’s Machiavellian democracy leads to a dilemma. Either we should not opt for

their goods and conduct their own businesses even if “this inevitably enables some citizens to amass greater resources than others” (McCormick, 2011, p. 15).

⁵² The other option would be reducing wealth inequalities themselves. In other words, rather than being addressed indirectly, i.e., by amending democracy, the issue could be dealt with directly, i.e., throughout economic adjustments. This distinction is borrowed from Jessica Kimpell’s talk at MANCEPT 2021. Furthermore, according to her, although a very important difference persists between Pettit and McCormick (i.e., against Pettit’s elitist democracy, McCormick points out his plebeian one), both choose the first path by focusing on democratic institutions instead of economic redistribution.

redistributive solutions, because people should be left free to conduct their own business(es); or redistributive solutions are on the place, but then the same idea of “class-specific institutions” appears weakened. The second horn seems to contradict McCormick’s view, according to which “class-specific institutions” would not be a bridge towards a more egalitarian society, but rather the shape a just democracy should take. This means that even in such a just society the distribution of wealth would be so unequal that specific assemblies would be needed for preventing wealthy citizens from dominating democracy.

By contrast, in my view, the threat posed by economic elites cannot be procedurally thwarted, because very rich people seem to enjoy a disproportionate political influence that evades formal institutional constraints. Indeed, the “hope for distinct ‘spheres of justice’ with ‘their boundaries intact’ seems naively fastidious and quite probably ineffective” (Bartels, 2008, p. 344). First of all, tracking all the mechanisms through which wealth can be an instrument for gaining political influence does not really seem to be feasible. And even if it were feasible, one might ask whether this would be desirable given that “[t]he enforcement of procedural protection might involve potentially problematic invasions of privacy, insofar as it might require close monitoring of the spending patterns of the advantaged” (Schemmel, 2011, 378). What seems even more problematic is that even if formal measures were both feasible and desirable for preventing money from translating into political influence, this would still not be enough to solve the problem. Such solutions would not tackle the above-mentioned independent ways in which wealth creates unequal opportunities for political influence.

Even if there is a formal separation between economics and politics, rich people can determine the success or failure of policies.

Citizens who enjoy an advantage in the distribution of material resources can affect the democratic process through both the promises and the threats that this material advantage affords them (Knight & Johnson, 1997, p. 294).

Consider, for instance, the case of taxation. If the top marginal tax rate rose, affluent citizens could decide to move their capital to other countries where more favourable tax codes apply. To avoid this outcome, governments could refrain from raising the top marginal tax rate in the first place, in this sense “[g]overnments must make decisions with an eye to what powerful economic entities do in response to those decisions” (Christiano,

2012, 8). Therefore, even if affluent citizens do not take part in the policy-making process, they will inevitably influence them through their threats or promises (Knight & Johnson, 1997; Christiano, 2010). This seems to be true even in McCormick's class-specific institutions: non-wealthy citizens would still have an interest in keeping capitals in their countries. Although they would not be directly influenced by their affluent fellows, hence, non-wealthy citizens would still attach more importance to their wealthy fellows' interests during the decision-making process to make their policies successful.

Even if the super-rich never intervene in the democratic process, the simple fact that they have the actual capacity to do so (even indirectly by influencing the success or failure of a selected policy) implies that they dominate the public decision-making. Likewise, the kindly master dominates his/her slaves even if s/he does not intervene with their lives. Furthermore, as those slaves adopt strategic behaviours, so do non-wealthy citizens trying to please their wealthy fellows with their collective choices in order to prevent undesirable effects.

Note that capital flights are not the only case in which rich people hold such an independent power vis-à-vis the democratic process. To give another example consider the fact that wealthy citizens can significantly influence public opinion through different channels, such as media, think tanks, but also financing science. As for capital flights, in that case, private money gets around formal barriers (Cagé, 2020, p. 14): "One need only think of Silvio Berlusconi, businessman, politician, and media magnate, who, through his Fininvest holding company, owns the Mediaset communications group that includes three television channels: Canale 5, Italia 1, and Rete 4" (Cagé, 2020, p. 124). Moreover, it would be a mistake to think that money does no longer play a crucial role in the era of more accessible social networks (e.g., Facebook) in which everyone can log in for free.

Some would have us believe that, in this new world beyond inter-mediation, money plays no more than a marginal role in politics; that the age of big spending, high-maintenance parties, campaign headquarters, and expensive rallies is gone forever; and that there is therefore no longer any need for a cap on campaign spending. But that is a wrong conclusion. Publicity on social media, online videos, YouTube channels, voter targeting, the recruitment of one or more "community managers": all this comes at a price, and the price is high (Cagé, 2020, p. 243).

Thus, it seems to me that formal barriers trying to isolate politics can prevent the wealthy from having unfair chances to influence it only to a minimal extent. Substantive solutions

should therefore be envisaged. As Christian Schemmel points out, these solutions would be both “less intrusive”, since they do not entail any monitoring of individuals’ spending, and “more effective”, because they solve the root of the problem. A suitable analogy is disarmament, which would be a better way of avoiding the issues related to weapons than “leaving the weapons in the possession of the advantaged, and merely prohibiting their use” (Schemmel, 2011, 378-9). However, it is important to note that what should be restrained is not individual wealth in itself, but rather that amount of wealth which leads to access to the above-mentioned mechanisms and privileges that are capable of circumventing formal constraints. Formulated differently, the problem is not that some have more wealth than others, nor that they can invest their wealth in politics, but rather that some have so much more wealth than others that they enjoy boundless, unfair opportunities to influence politics.⁵³

Suppose Apolitico is very rich whereas Politico is not. Politico is so interested in politics that he invests all his resources in it, while Apolitico has absolutely no interest in politics; hence, although he has much more money than Politico, he does not invest any in this purpose. In the end, Politico will have greater political influence than Apolitico even if Apolitico is richer than him. Yet it seems to me that Apolitico is not dominated by Politico since in principle they enjoy equal opportunity to influence politics, Apolitico simply decides not to take it – recall that what is problematic is not that people have a different likelihood of success but rather that they have unfair opportunities to have an influence (Scanlon, 2018). By contrast, and this might be counterintuitive, Apolitico does dominate Politico: even if Apolitico chooses not to take advantage of his greater opportunities to influence politics because of his wealth, he does have such opportunities. As the kindly master, Apolitico might decide never to intervene in politics, but his resources provide him with the uncontrolled capacity to do so – and, as we have seen, domination is a matter of capacity rather than of actual interference. Thus, it seems to me that for the sake of non-domination we should limit Apolitico’s fortunes rather than restraining Politico’s investments.⁵⁴

⁵³ Similarly, Schemmel affirms that the problem does not arise “as long as plutocracy is avoided and the rich are not also the powerful, across the board, who use the political system merely to pursue their own interests” (2011, 379).

⁵⁴ I thank an anonymous reviewer of Icardi (forthcoming) for suggesting this example to me.

Citizens' unequal political influence due to wealth, moreover, does not look directly proportional to their material disparities. This is the reason why strict egalitarianism does not seem to be required here. To have disproportionate opportunities for political influence, one person must own many more resources than her fellows. What really undermines political legitimacy, hence, are huge economic differentials rather than whatever economic differentials that exist among citizens.

As Rousseau points out, in expounding his idea of a legitimate political society, it is not perfect equality which needs to be sought, but extreme inequality which needs to be avoided (Pansardi, 2016, p. 100).

Furthermore, such an insight looks confirmed by empirical studies. These corroborate the hypothesis that it is solely when rich people own many more resources than their fellows that they can consistently affect public decisions. As Ian Shapiro states, “[Dahl] argued that *beyond a certain point*, inequality undermines the quality of democracy” (Dahl, 1998, p. 200, emphasis added). That is, not *all* inequalities undermine the quality of democracy but only *certain* inequalities. More precisely, those inequalities for which “small minorities get disproportionate control over the political process as a result of their wealth” (Dahl, 1998, p. 200). As data show, this seems to be the case today. Not only, very few people reside at the top of the economic distribution - in 2019, Oxfam reported that the wealthiest 1% have more than twice wealth as 6.9 billion of people - ⁵⁵, but also political influence disproportionately rises at the top of this – “the strength of the relationship between preferences and policy outcomes not only increase with each step up the income ladder but, in fact, does so at increasing rate” (Gilens, 2005, p. 786).

As a result, it seems that until extreme inequalities are in place, citizens would not have an equal opportunity to influence the public decision-making process. In neo-republican terms this means that freedom as non-domination would be jeopardized. Freedom as non-domination, indeed, is not only threatened by the individual lack of resources, but also (and above all) by the economic divide itself, which in turn is not only a matter of *dominium* (horizontal domination) but also a matter of *imperium* (vertical domination). The next section finally explains why the latter represents a more compelling danger than the former.

⁵⁵ <https://indepth.oxfam.org.uk/time-to-care/>.

2.3. The major threat

What the previous analysis has pointed out can be sum up as follows:

- (1) Certain kinds of wealth inequality necessarily bring about domination;
- (2) with respect to domination, the unequal distribution of wealth leads to both the individual matter of lacking resources and the relational matters linked to the economic divide itself;
- (3) such an economic divide brings about not only *dominium*, i.e., the horizontal domination of people within the economic realm, but also *imperium*, i.e., the vertical domination of people because of the greater political influence enjoyed by some of their fellows thanks to their wealth.

What I argue now is that to secure freedom as non-domination the focus should be put on the last problem. This is true, or so I claim, not only because the issue of *imperium* overrides the one of *dominium*, but also because by overcoming the former even the latter is more likely to be prevented. Recall that, for Pettit the issue of *imperium*, i.e., the matter of political legitimacy, is distinct from the issue of *dominium*, i.e., the one of social justice, and vice versa, meaning that they can be addressed and solved separately. Nonetheless, in addition to be distinct from one another, the issue of *imperium* comes first.

Let's go back to the queen's example: citizens might be treated as equals by their queen, that is, albeit vertically dominated, they might not experience horizontal domination. Yet, the queen's subjects do not really enjoy horizontal non-domination since they do not enjoy the robust absence of *dominium*. Such an absence, indeed, depends on the queen's arbitrary will, which can change at any time without taking into account the interests and opinions of anyone else. Despite the fact that they contingently enjoy equal powers, subjects are not really free from their fellows' domination, given that there is always the possibility that the others suddenly get more power at the queen's arbitrary will. Thus, subjects are both vertically and horizontally dominated, by being unable to challenge the rules of their interactions either vis-à-vis their queen or among themselves. This is the reason why, Pansardi speaks of a "*normative priority of legitimacy over justice*" (Pansardi, 2015, p.45, italic in the text) on Pettit's account.

In the absence of legitimacy, then, justice may be a contingent feature of a society, dependent upon the discretionary will of the ruler (Pansardi, 2015, p. 52).

As a matter of facts, the lack of legitimacy leads not only to “*actual* vertical domination” but also to “*potential* horizontal domination” (Pansardi, 2015, p. 52, italic in the text). Thus, legitimacy should be secured first.

However, according to Pansardi, this does not represent the whole story: she additionally suggests that social justice stands as a precondition for political legitimacy (Pansardi, 2015, p. 54). If people do not enjoy equal power to one another, they cannot really enjoy an equal say in the public decision-making process. Recall the queen’s opposite example, namely the democratic society where citizens do enjoy an equal say in the public decision-making process, albeit suffering domination from one another. One might say that those who are dominated at the horizontal level do not really enjoy an equal say in the public decision-making process; by fearing their dominators’ reactions they could, for instance, restrain themselves from expressing their own preferences. With Pansardi’s words:

If citizens do not enjoy the status of ‘free person’ at the societal level, they may share an equal *impact* in the political decision-making process, by reason of their right to vote, but they would not share an *equal opportunity of political influence* in terms of *powers* (Pansardi, 2015, p. 56, italic in the text).

In other words, we shall overcome horizontal asymmetry of power to grant everyone a substantive equal chance to have a say in the public decision-making process – i.e., to avoid vertical asymmetry of power (Pansardi, 2016).⁵⁶ In this respect, there is a “*logical priority of justice over legitimacy*” (Pansardi, 2015, p. 54, italic in the text).

Now, although I share Pansardi’s main claim that political legitimacy and social justice are more deeply linked to one another than what Pettit envisages, what I want to suggest slightly differs from her logical priority of justice over legitimacy. According to Pansardi, despite the fact that *normatively* legitimacy should be secured first, *de facto* if

⁵⁶ I am aware that wealth inequality is not the only kind of *dominium*. To grant everyone a substantive equal say in Pansardi (2016) the restriction of huge economic differentials goes hand in hand with redistributing other forms of power e.g., symbolic power. However, since my discussion here concerns how the economic distribution affects freedom as non-domination, I mainly focus on the *dominium* (and therefore the *imperium*) led by wealth inequality.

we do not secure justice, we cannot secure legitimacy. Instead, I argue, it is not social justice in general which holds the priority over legitimacy but rather a specific distribution of resources. The fact that political legitimacy requires substantive grounds – i.e., nobody should possess so many more resources than their fellows that they enjoy greater opportunities for political influence – does not entail that “the full realization of social justice [...] should be thought as a necessary condition for political legitimacy” (Pansardi, 2015, p. 57). In my view, legitimacy needs a specific distribution of resources to be secured, however, such a distribution does not coincide with the full realization of social justice itself. This would represent a necessary condition for political legitimacy. As a matter of facts, there are reasons of political legitimacy to care about distributive justice within the neo-republican framework. Specifying which kind of distribution would fit such a purpose will be the task of the next chapter. Yet, what appears to be clear is that if we want the prior condition for freedom as non-domination, i.e., political legitimacy, to be ensured what should be limited is the very gap between poor and rich, or, more precisely, the latter’s excessive wealth so as to avoid them to have access to the abovementioned mechanisms.

Moreover, and here is where my argument further differs from Pettit’s, the two realms, political legitimacy and social justice, would be interdependent to one another. By decreasing the gap between rich and poor in order to prevent *imperium*, a more egalitarian distribution of resources would become more likely. Put another way, social justice tends to follow political legitimacy. The existent vicious cycle for which, by being biased in favour of the wealthy citizens’ interests, public decisions reiterate economic disparities (Gilens & Page, 2014, Alacevich & Soci, 2018, Cagé, 2020), would turn into a virtuous one. By narrowing down the economic divide to the point where it does not produce *imperium*, public decisions would be responsive to the interests of all, thus, a more equal distribution of resources would become a more likely outcome. This would overcome the issues met by McCormick’s “class-specific institutions”. While isolating affluent citizens would not prevent their interests from influencing the public decision-making process, reducing their wealth would, since nobody would own enough wealth to determine alone the success of policies promoted by citizens as whole. Notice that, this does not mean that any decision taken by citizens is just. Citizens’ decisions must respect the limit imposed by political legitimacy itself: they cannot choose a distribution of

resources which recreates the power asymmetry leading to imbalance of political influence among them. Indeed, “under an *optimal* regime of non-domination (typically, a democratic state or republic), individuals, relating to each other as citizens, collectively decide how best to equalize the particular resources and opportunities necessary for the enjoyment of citizenship in their state” (Laborde, 2010, p. 51, italic in the original). However, when everyone’s equal say in the lawmaking process is secured, how to allocate their resources will be up to them. The point here is merely that a fair decision-making process, in which everyone really enjoys the same opportunity to express their interests, is more likely to end up in a fairer wealth distribution.

A neo-republican theory of distributive justice should thus focus on decreasing the economic divide so that everyone is ensured an equal say in the lawmaking process, i.e., it should mainly focus on the issue of *imperium*. Needless to say, which distributive principle suits this task remains to be discussed. What appears to be clear, however, is that rather than dealing with the removal of horizontal economic domination, such a principle should address the gap between rich and poor grounding vertical domination. This latter finally appears as the major threat that the unequal distribution of wealth poses to freedom as non-domination.

Democracy rests on a promise of equality, which too often shatters against the wall of money. [...] if the weight of private money in the total funding is not severely restricted, then the whole system is in danger (Cagé, 2020, p. 21).

Chapter three: An upper limit to wealth*

“[Q]uant à la richesse, (...) nul citoyen ne soit assez opulent pour en pouvoir acheter un autre et nul assez pauvre pour être contraint de se vendre”
(ROUSSEAU, *Du contract social ou principes du droit politique*, 1762)

In the previous chapter, I argue that the major threat of the unequal distribution of wealth to freedom as non-domination is that of *imperium*, i.e., vertical domination. As I point out in chapter one, indeed, vertical non-domination, i.e., having equal opportunities to influence the law-making process, stands as the prior condition for neo-republican liberty. And, as we have just seen, such a requirement appears jeopardised by the existence of a huge economic divide among citizens. Namely, it is not only jeopardised by the fact that those at the bottom side of the gap (the poor) own much less resources than their fellows and this undermines their opportunity to independently express their voice, but also by the fact that, even if they were granted an economic minimum so as to have the relevant opportunity to express their voices, those at the top side of the gap (the super-rich) would still enjoy extra chances for political influence because they own many more resources than their fellows.

As above mentioned, indeed, the super-rich enjoy extra chances because they are able, for instance, to unfairly invest in political campaigns and/or influence public opinion by funding social media, think-tanks and so on (Christiano, 2012; Cagé, 2020). They also have independent power, both in the economic sphere (Christiano, 2010; 2012; see also Knight & Johnson, 1997) and in the shape of social/cultural capital (Robeyns, 2017; see also Timmer, 2019; Halliday, 2018), which allows them to have an impact on public decision-making even though they do not really invest in it.

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Furthermore, this power can only be limited in a minimal way by formal institutional constraints (Christiano, 2010; 2012; Robeyns, 2017). When some people possess so much more wealth than others that they have access to the above-mentioned privileges, formal barriers can indeed do little to prevent this. In this respect, it seems to me that rather than endorsing procedural solutions for protecting democracy from the domination of the wealthy, as neo-republicans, for instance McCormick (2011), have generally done, substantive limitations should be envisaged.

Limitarianism, as recently advanced by Ingrid Robeyns (2017), could provide neo-republicanism with such limitations. According to Robeyns, excessive individual wealth should be restrained, and one of the reasons she offers for doing so is to safeguard the democratic process. There thus seems to be a *prima facie* case why limitarianism would be beneficial to neo-republicanism.⁵⁷ We should ask, therefore, whether it can be argued that if one supports freedom as non-domination, one should endorse a limitarian threshold. And if so, what forms this threshold should take, and why.

In what follows I argue that limitarianism should indeed be advocated within neo-republicanism. Since freedom as non-domination is grounded on citizens having an equal opportunity for political influence (chapter one), and given both the disproportionate influence of the wealthy and the insufficiency of formal constraints, this equality of opportunity can only exist if excessive individual wealth is limited (chapter two), freedom as non-domination requires excessive individual wealth to be limited, and this task can be achieved by setting a limitarian threshold. My view of this threshold, however, is different to that of the first advocate of republican limitarianism, Adelin-Costin Dumitru (2020). In my opinion, such a threshold should limit the resources people need to have disproportionate opportunities for political influence, instead of withdrawing only the resources that people do not need to fully flourish – as Dumitru holds drawing on Robeyns. That is to say, the limit should be put at the level at which the wealthy dominate the public decision-making process by enjoying the above-mentioned privileges. This chapter argues in favour of this kind of limitarian threshold.

⁵⁷ Casassas and De Wispelaere (2016) already enumerate limitarianism as one of the ways in which neo-republicans could set an economic ceiling to prevent the wealthy from having too much political power. Nevertheless, they do not explore this option in depth.

To do so, the chapter is organised as follows. First, I analyse the reasons for advocating limitarianism within neo-republicanism [3.1]. Second, I investigate how the threshold should be designed; more precisely, I argue that, despite the fact that freedom as non-domination requires excessive individual wealth to be limited and this task can be achieved through limitarianism, a limitarian threshold grounded in the idea of full flourishing (as is the case with Robeyns’s first formulation of limitarianism and Dumitru’s republican limitarianism) does not suit this task. Thus, a different kind of threshold, which is independent of the value of flourishing shall be envisaged [3.2]. Finally, I discuss whether such a threshold becomes a source of domination itself by claiming that this is not the case since an upper limit to individual wealth would be a precondition of the very democratic requirement grounding neo-republican liberty, in other words, such a principle of distributive justice would be a necessary condition for political legitimacy following freedom as non-domination [3.3].

3.1. The rationale

This first section discusses the justification of an upper economic limit for neo-republicanism. Since Robeyns’s version of limitarianism can be considered as the standard, original one, first of all, I briefly recall it with a particular focus on the two arguments she puts forward (Robeyns, 2017; 2019; 2022) [3.1.1]. After that, I analyze Dumitru’s thesis to introduce limitarianism within neo-republicanism. On his account, limitarianism would have the merit of answering two neo-republican intuitions: “the intuitions against extreme wealth”, on the one hand, and the “sufficientarian intuition” on the other (Dumitru, 2020, p. 386-87). By contrast, I argue that an upper economic limit should be advocated within neo-republicanism first and foremost to address the former, namely, to solve the problem of the wealthy’s disproportionate and boundless political influence [3.1.2].

3.1.1. Ingrid Robeyns’s limitarianism

Limitarianism is a recent theory of distributive justice theorized by Ingrid Robeyns, who introduces it in her chapter “Having too much” (2017), and then develops it in further writings, notably “What if anything is wrong with extreme wealth?” (2019) and “Why Limitarianism?” (2022).

[I]n its most general formulation [limitarianism] is the idea that in the world as it is, as well as in the most nearby possible worlds, no-one should have more than an upper threshold of valuable goods (Robeyns, 2022, p. 1-2).

In other words, limitarianism is that theory which aims, in the non-ideal world, at limiting excessive individual ownings.⁵⁸ First of all, notice that it is a “non-ideal” theory, namely it is concerned with the world as it is rather than with the world as it should be (Robeyns, 2017, p. 1-2). Secondly, as all theories of distributive justice, it is made up by two core elements – that Robeyns recalls in the incipit of her 2017 text –, namely, the “metric” (which we can also call the *distribuendum*) and the “distributive rule” of justice: whereas the metric tells *what* has to be distributed, and the distributive rule tells *how* it should be distributed (Robeyns, 2017, p. 1). To understand limitarianism, then, let’s unpack these two elements.

The metric or distribuendum of limitarianism. Although in her 2022 article Robeyns refers to “various types of scarce goods” (Robeyns, 2022, p. 2), she does not seem to abandon the “monetary metric” (Robeyns, 2017, p. 4) previously introduced: the focus of limitarianism remains “on personal holdings of money—income and wealth in particular” (Robeyns, 2022, p. 2). This is worth recalling in order to stress the difference between the limitarian metric or *distribuendum*, made up by material or economic resources in general, and the limitarian threshold, which, on Robeyns’s account, is defined in terms of capabilities. Notice that, in line with Robeyns, for the moment, the terms ‘money’, ‘income’, ‘wealth’ will be employed as synonymous, meaning material or economic resources in general – further distinctions will be introduced in chapter four while I discuss taxation schemes more in-depth.

The distributive rule of limitarianism. Given the *distribuendum*, the distributive rule can be restated as follows: limitarianism is the idea that in the world as it is, as well as in the most nearby possible worlds, no-one should have more than an upper threshold of *money, income, or wealth*. More precisely, Robeyns believes that what should be restrained is “surplus wealth”, i.e., the wealth that individuals possess above what she calls the “riches line”: the line at which people possess enough resources to get that set

⁵⁸ On limitarianism see Robeyns (2017; 2019; 2022) Robeyns et al. (2021); Zwarthoed (2018); Volacu & Dumitru (2019); Dumitru (2020); Timmer (2019; 2021); Nicklas (2021); Caranti & Ali (2021); on the idea of an upper threshold more in general see Drewnowski (1977); Machin (2013).

of capabilities “to which [they] should have access as a matter of fully flourishing in life” (Robeyns, 2017, p. 24).⁵⁹ While under a certain level of wealth people might have valid reasons to keep their money for themselves so as to achieve their own life goals, above that level of wealth different conceptions of justice might admit that the benefit people could gain from their money is negligible, i.e., it is a “surplus” they can live without.

Robeyns certainly recognizes that the limitarian threshold does not necessarily coincide with such a so-called riches line. Indeed, in her latest publication she clarifies that there are two different sets of concepts at stake: “first, the twin concepts of surplus money (or wealth) and the riches line, and second, the twin concepts of excess money and the limitarian threshold” (Robeyns, 2022, 5). On the one hand, “[t]he *limitarian threshold* is the line above which limitarianism claims no one should be situated” and, by consequence, “[e]xcess wealth is the money a person has above the limitarian threshold and which limitarianism claims the person should not have” (Robeyns, 2022, p. 5). On the other, “the notions of the *riches line* and *surplus wealth* are special cases of the more general notions of the limitarian threshold and excess wealth, if we use the value of flourishing as the criterion to determine the limitarian threshold” (Robeyns, 2022, p. 5-6). More precisely, “[t]he *riches line* is the level of wealth accumulation at which, at some point of increasing wealth, there is no additional contribution of additional wealth to one’s flourishing” and “[s]urplus wealth is all the wealth a person has above the riches line” (Robeyns, 2022, p. 6).

This clarification matters because, although in Robeyns’s limitarianism, there is no distinction between the riches line and the limitarian threshold, nor between excess wealth and surplus wealth, the author herself admits that “different reasons for limitarianism could point to different limitarian thresholds” (Robeyns, 2022, p. 6). Put another way, although on her account the limitarian threshold coincides with the riches line, in principle, such a threshold can be specified with respect to other reasons one endorses in favour of limitarianism.

⁵⁹ Robeyns puts forward a complex formula to measure the resources people can transform into this set of capabilities. She names it the power of material resources (PMR) (Robeyns, 2017, p. 18-24). However, since she does not further develop it and since this formula does not play a crucial role in the economy of her argument, I will not analyze it in-depth.

To begin with, thus, let's analyze Robeyns's reasons for limitarianism. In other words, let's investigate why, according to her, no-one should have excess money, alias surplus money, that is, more money than those delimited by the limitarian threshold, alias the riches line. From now on, I will use the twin concepts of "surplus money (or wealth)" and "riches line" to refer to those specific accounts of limitarianism which employ "the value of flourishing as the criterion to determine the limitarian threshold", while I will use the twin concepts "excess money [or wealth]" and "limitarian threshold" (Robeyns, 2022, p. 6) for those which do not.

Before going into details, notice that, for Robeyns owning surplus money does not represent a problem in itself, but rather since it threatens other important values. In this respect, Robeyns (2017) provides an instrumental rather than intrinsic justification of limitarianism: surplus wealth should not be limited because it is bad or immoral in itself, but because limiting it would allow other ideals to be safeguarded. Precisely, two are the values that limitarianism aims at securing: "political equality, and the meeting of unmet urgent needs" (Robeyns, 2017, p. 3); from which the two arguments in favour of this theory: the democratic argument (Robeyns, 2017, p. 6-10), and the argument from the unmet urgent needs (Robeyns, 2017, p. 10-14). Although Robeyns does not exclude the possibility of other reasons why one might endorse limitarianism, even in her latest article (Robeyns, 2022) she seems to adhere to these two arguments. Let's see how she recapitulates them:

The unmet urgent needs argument states that if there are interventions (whether by the state or other agents of change) that can mitigate unmet urgent needs and that require financial resources, the surplus money should be used to meet those needs. The other argument is the democratic argument, which states that surplus money is a threat to political equality and that, on the assumption that it is not possible to build institutional walls between the spheres of politics and the sphere of money, we should put limits on how much money people can have (Robeyns, 2022, p. 8).

Notice that, both arguments tackle real contemporary issues. To be precise, the first deals with the evident lack of resources which would be needed to meet certain needs, either individual or collective, while the second takes on the problem of some people enjoying a greater deal of political power due to their wealth. Moreover, each argument is grounded in specific core assumptions. To get a better understanding of them, thus, let me analyze them one by one.

The needs argument is based on the idea that since wealth individuals possess above the riches line represents a surplus they can live without, because it is not indispensable to their full human flourishing, this wealth would have “zero moral weight” for those who own it and, consequently, it would not be a problem to redistribute it in favour of urgent unmet needs. Given the urgency of these latter, it would even be “unreasonable to reject the principle that we ought to use that money to meet these urgent unmet needs” (Robeyns, 2017, p. 12). As Robeyns explains, this does not mean that such a surplus has no *subjective* value; but rather, that, although it might have subjective value, *objectively* it is “morally insignificant *for the holder*” (Robeyns, 2017, p. 13, italics in the original) as it is useless to his/her full flourishing.

[I]t is possible for people to still want their surplus money, for example to spend it on luxurious lifestyles, or to simply accumulate it. Yet the account of flourishing is an objective account of well-being: Flourishing should not be confused with a desire-satisfaction account of well-being. (Robeyns, 2017, p. 13, italics in the original).

Moreover, what according to Amartya Sen happens at the low side of the distributive ladder, namely that poor people adjust their preferences to the few resources available to them, might happen at the top side as well, i.e., rich people might have very expensive preferences because their wealth makes these reachable to them. Similarly, a poor person might describe herself as happy, say because surrendered by family and love, while a rich person might describe herself as unhappy despite her wealth. However, these are not factors we want to consider when it comes to establish the riches line (Robeyns, 2017, p. 19). Even more so given that limitarianism is meant to be a political theory, aiming at setting a legal, coercively enforceable limit to excessive individual wealth (Robeyns, 2017, p. 30-32).

Nevertheless, given the plurality of individual and/or cultural aspirations and preferences, it is difficult to *objectively* establish what full human flourishing means. Aware of this difficulty, Robeyns proposes to put the decision back to public debate: it would be up to the community to decide “[w]hich levels of capabilities [...] it is reasonable for people to claim for a fully flourishing yet not excessive life” (Robeyns, 2017, p. 26). Consistently with some interpretations of the capabilities approach (Claassen, 2010; Robeyns & Morten, 2020), the riches line would hence be *collectively*, rather than either *subjectively* or *objectively*, set up. In the same way that a set of basic capabilities can be

established, thus, it would be possible to determine a set of maximal (my word) capabilities. In other words, where a community can set a lower threshold below which people possess fewer resources than those necessary for minimum flourishing, it can do the same with an upper threshold above which people have more resources than those necessary for maximum flourishing – note that although both lines are calculated in terms of *capabilities*, in Robeyns's view they are unlikely to coincide. If this sounds, namely if collectively we can decide at which point wealth does not have any more value for the owners, i.e., for their human flourishing (Robeyns, 2022)⁶⁰, then, the argument goes, to tackle urgent unmet needs, one should primarily take the resources from such a surplus.

On the other hand, the democratic argument is based on the idea that surplus wealth can easily translate into political power. Here, the rationale looks similar to the one I have analysed in the previous chapter. Since the democratic ideal of political equality appears to be undermined by the presence of very wealthy citizens in a democracy – who can undeniably enjoy greater opportunities to influence politics because of their wealth – and formal constraints fail to overcome this issue, the wealth of these citizens should be limited.

Firstly, Robeyns argues that “the wealthy are not only more able but also more likely to spend money on these various mechanisms that translate money into political power” (Robeyns, 2017, 6). They are *more able* since they possess enough wealth to have access to the above-mentioned mechanisms which allow them to translate their money into political influence – Robeyns herself refers to Christiano’s (2012) mechanisms (Robeyns, 2017, p. 7-8), as well as she argues that a wide range of privileges follow the possession of excessive wealth, from a certain type of education to a more generic social capital, which represents the wealthy’s guarantee of a dense network of influential connection (Robeyns, 2017, p. 9-10). On the other hand, the wealthy are *more likely* to invest in politics because they do not really experience any cost when they invest their surplus wealth in it. Although Robeyns admits that the democratic argument might call

⁶⁰ See also Robeyns, 2022, p. 7: “The account could recognize cases in which surplus wealth could still further someone’s *personal* flourishing, but introducing the distinction of the political account of flourishing allows us to collectively decide that the value of that marginal contribution becomes zero. In other words, there might well be cases where flourishing itself, on that person’s own assessments, is still increasing, but the value of flourishing, as decided by the political community, is zero”.

for a relative limitarian threshold that is different from the one drawn in relation to the value of flourishing, indeed, she stresses that there would nonetheless be “something special about surplus money for democratic purposes [...] which is that the opportunity cost in terms of flourishing for those who spend it on political influencing (thereby undermining political equality) is zero” (Robeyns, 2022, p. 8). Thus explained why surplus wealth – the wealth people do not need for their full flourishing – should be limited to protect the democratic ideal of political equality.

In addition to that, Robeyns holds that formal barriers can hardly prevent this problem. The multiple ways in which the super-rich can translate their surplus wealth into political influence, as well as the sheer privileges attached to such a surplus wealth itself, indeed, circumvent formal constraints such as the separation of the economic and political spheres theorized by Michael Walzer (1983) or the choice between wealth or political rights to which Dean Machin (2013) would subject the richest people. As we have seen in the previous chapter, even if they could not directly subsidize election campaigns, for instance, those with large amounts of money could influence public opinion by funding media, social networks or think tanks, just as they could shape common knowledge by investing in specific areas of research instead of others.

Moreover, even if they were prevented from doing so, they could still rely on what Christiano (2012) calls the independent political power of money, whereby, even without intervening in the decision-making process, those who control the material resources are able to determine its outcomes. No-one indeed has an interest in contradicting their preferences, since this would lead to overall disadvantageous consequences, e.g., no-one would vote for over-demanding fiscal policies by knowing that this exposes the society to the abovementioned danger of capital flights (Christiano, 2012, p. 250-253; Christiano, 2010; Knight & Johnson, 1997). Robeyns concludes that “[i]mposing formal institutional mechanisms in order to decrease the impact of money on politics is thus feasible only to a limited extent” (Robeyns, 2017, p. 10). Therefore, to protect the democratic ideal of political equality, excessive individual fortunes should be restrained. More precisely, what should be restrained is surplus wealth, i.e., that wealth people do not need for their full flourishing and thus they can invest in politics at zero cost.

Another important clarification has to be made before moving on. Limitarianism is a “*partial account* of distributive justice” (Robeyns, 2017, p. 1, emphasis added),

namely, it focuses only on what to do with what people have above the threshold, meaning surplus money. It does not say anything about what to do with the money people have beyond it. Far from exhausting issues of distributive justice, limitarianism has thus to be combined with other theories: “limitarianism is a *partial account of justice*, which can be combined with different views of what justice requires below the threshold” (Robeyns, 2022, p. 8, italic in the original). In this respect, it would be part of what Robeyns calls a “pluralist account of distributive justice” (Robeyns, 2022, p. 8) which would keep together different distributive rules, or principles of justice. Moreover, limitarianism would complement such a pluralist account, since it would add the specific focus on the upper side of the distributive ladder and, therefore, could not be reduced to any of the connected theories.

In her 2022 article, Robeyns sketches a proposal of pluralist account. This account combines sufficientarianism, opportunity egalitarianism, and limitarianism. It is what she names a three-tiered account of distributive justice.

The first tier would be a low-level sufficientarian threshold in terms of basic functionings and capabilities, which makes sure everyone, independent of differential needs, can live a dignified life without suffering poverty or social exclusion. [...] The second tier would impose a limit on financial means (income and especially wealth) so as to protect a range of values, including political equality, non-waste, and non-domination. The third tier would sit between the sufficiency threshold and the limitarian threshold and an incentives-compatible account of equality of opportunity would be its most important value (Robeyns, 2022, p. 18).

One might wonder what limitarianism adds to this picture. Sufficientarianism might itself have the theoretical apparatus to deal with the so-called urgent unmet needs, as well as opportunity egalitarianism might be enough to overcome the wealthy’s disproportionate political influence issue. Yet, limitarianism adds two important features.

With respect to sufficientarianism, it adds a “specific focus on the bearers of the costs” (Robeyns, 2022, p. 17). More precisely, while sufficientarianism is recipient-oriented, limitarianism is contribution-oriented, thus, it can “help us make a choice between moving everyone above that low threshold by taking resources from those who have more than they need for fully flourishing lives or from those who are not deprived, yet are not fully flourishing” (Robeyns, 2022, p. 17). In other words, limitarianism has a compelling argument on where to collect the needed resources, namely the idea that, upon a certain amount, wealth does no longer have value for those who own it and, therefore,

it can be redistributed without any loss. By doing so, moreover, limitarianism would not fall in the overdemandingness objection, moved, for instance, to the rescue principle, since the redistributive demand would be reduced to the sole resources exceeding those useful for full human flourishing (Robeyns, 2017, p. 12).

With respect to egalitarianism, instead, limitarianism adds the idea that “there is something wrong with not just inequality in general, but with wealth concentration in particular” (Robeyns, 2022, p. 2). What is wrong is that, by possessing huge amounts of money, some people can invest a lot in politics, and they can do so without real cost. Namely, they do not have to renounce to their personal fulfillment: again, “there is something special about surplus money for democratic purposes, which is that the opportunity cost in terms of flourishing for those who spend it on political influencing (thereby undermining political equality) is zero” (Robeyns, 2022, p. 9). In other words, it is not only a matter of equalizing people’s resources, but also a matter of avoiding that someone has too much. Therefore, it is worth adding limitarianism to the menu of principles to build up pluralist accounts of distributive justice which can tackle complex contemporary issues.

3.1.2. Republican limitarianism

The question that arises now is would Robeyns’s version of limitarianism suit neo-republicanism? In other words, would such a limitarian threshold based on the riches line prevent those belonging to the economic elites from dominating the democratic process – which, as mentioned above, represents a dangerous, if not the most dangerous, threat to neo-republican freedom? According to Adelin-Costin Dumitru (2020), the answer is affirmative. Dumitru first introduces limitarianism within neo-republicanism because limitarianism “concentrates in a single theoretical umbrella the answers to [two neo-republican] intuitions”: the “intuitions against extreme wealth” on the one hand, and the “sufficientarian intuition” on the other (Dumitru, 2020, p. 386-87).

In his view, limitarianism should be advocated within neo-republicanism, firstly as a complement to the latter’s sufficientarian claim regarding material independence, namely the idea that to be free from domination, a person must own at least the relevant resources that are needed to be self-sustaining, otherwise she will depend on the arbitrary

power of others to do so.⁶¹ Limitarianism would indicate where the necessary resources to provide everyone with such a minimum could be collected from. Furthermore, it would allow the collection of those resources without violating anyone's rights.

This is because limitarianism would tax and redistribute that part of an individual's wealth that does not contribute to helping that individual lead a flourishing life, i.e. a part that is irrelevant from the standpoint of justice (Dumitru, 2020, p. 387, *italic in the original*).

In this respect, limitarianism would be the most adequate tool for promoting the goal of sufficiency.

Nonetheless, this is not the only way in which limitarianism would contribute to freedom as non-domination. According to Dumitru's account, limitarianism would also be beneficial to neo-republicanism because it would "ensure that the super-rich could not use their money in order to eschew the republican policies implemented in a country" (Dumitru, 2020, 391). In other words, limitarianism would also be beneficial to neo-republicanism because it would avoid the wealthy having a disproportionate political influence, as discussed in the previous chapter.⁶² In addition to freedom as non-domination requiring a bottom threshold for material independence, therefore, freedom as non-domination would require an upper threshold, which would permit both the identification of which resources should be collected to meet the sufficiency goal and the preservation of democracy from the elites' unfair political power. Moreover, in relation to the version of limitarianism I sketched above, Dumitru argues that such an upper threshold should be drawn in relation to the idea of full flourishing so as not to violate anyone's rights. This is what he calls "republican limitarianism" (Dumitru, 2020, p. 377).

Although I am sympathetic to Dumitru's view, I believe that limitarianism should be introduced within neo-republicanism first and foremost for the latter reason, since what

⁶¹ As Dumitru himself recognizes, this idea is quite common among the proponents of freedom as non-domination, e.g., Pettit (1997; 2007; 2012); Raventós (2007); Lovett (2009), see chapter two.

⁶² Here Dumitru moves away from his previous considerations by criticizing Pettit's formal solution to this problem and agreeing with Robeyns that "for a variety of reasons, such a proposal would not work" (Dumitru, p. 389; Volacu & Dumitru, 2019). Contrary to what he and Volacu claim before (Volacu & Dumitru, 2019), he now seems to buy the democratic argument in favour of limitarianism. The wealthy's disproportionate political influence undermines citizens' republican liberty by threatening their equal say in the lawmaking process, and, unlikely to what Pettit holds, "much of the political influence of rich people escapes the workings of formal institutions" (Robeyns, 2017, p. 9-10, in Dumitru, 2020, p. 395).

we are looking for is a way to overcome the problem of economic elites in politics. However, one might wonder why we should restrain the scope of limitarianism within neo-republicanism if limitarianism can simultaneously address both issues caused by the unequal distribution of wealth to freedom as non-domination – put it differently, if, by redistributing surplus wealth, we could both overcome some people’s lack of resources, and prevent others’ disproportionate economic-political power.

Nonetheless, when it comes to the former task some problems arise. It seems to me that the rationale would not be so much about limiting individual wealth as it would be about identifying where resources should be drawn from in order to bring everyone above the sufficiency threshold. From the premise that someone’s lack of resources for their self-sustainment is more urgent than the desires that individuals could satisfy thanks to the so-called surplus, it does not follow, however, that this surplus should be limited, but rather that it is more reasonable to use at first the resources taken by this surplus. This does not consider the fact that, in principle, the amount of withdrawn resources would not necessarily be equal to the amount of resources needed to meet the sufficiency goal. If the amount of resources needed to grant everyone material independence was less than the amount of resources got by such a surplus, it would be sufficient to take the necessary resources. On the other hand, if the amount of resources needed to grant everyone material independence was more than the amount of resources got by such a surplus, one might ask why we should stick with the latter. Why set the threshold with respect to the resources needed for full human flourishing instead of calculating it on the basis of the resources needed to tackle the problems we aim at solving? (Harel Ben-Shahar, 2019, p. 9).

The answer to this question could be that, although a priori as many resources as those necessary to achieve the sufficiency goal should be withdrawn, the right of each individual to fully flourish would prevent such a demand for redistribution – remember that this is one of the reasons why Dumitru praises limitarianism as a tool for sufficientarianism (Dumitru, 2020). Limitarianism would aspire to redistribute the necessary amount of resources, but, since it cannot demand that individuals give up the resources necessary for their full flourishing, it merely withdraw the so-called surplus. A limit to the limit would thus be set: whereas below the riches line we cannot take a large

portion of individual wealth without infringing their right of full flourishing, we can above the line, since those are resources individuals have in excess.

Now, as we have seen, this line should be collectively established: it would be up to the community to decide “[w]hich levels of capabilities [...] it is reasonable for people to claim for a fully flourishing yet not excessive life” (Robeyns, 2017, p. 26). Yet, it seems to me that, when it comes to collect resources to meet the sufficiency goal or, more in general, unmet urgent needs, the public debate should not wonder the point at which people do no longer need resources for their full flourishing, and thus resources lose their value for those who own them, but rather the point at which those resources have less value for those who possess them than they would have if they were redistributed. It is not a question of deciding whether or not individuals’ wealth has value for them above a certain threshold, but of deciding how much value it has given general empirical conditions. In this sense, surplus wealth would have a value, even an objective value, for those who have it, but this value would be objectively less, in the eyes of the community, than the urgency of certain needs: “whatever can be gained from having surplus wealth is less valuable, morally speaking, than other normative concerns” (Timmer, 2021, p. 761).⁶³

If the issue is to establish a hierarchy of values, however, things become more complicated. It is one thing to say that above a certain threshold wealth has no value for those who own it, as Robeyns holds; it is another to argue that although wealth has a value for those who own it, it is minimal compared to what could be done with the same resources if redistributed. In the latter case, it gets more complicated to set the limit. It is clear that some people's desire to own a luxury car is less valuable than others' urgency to secure food for survival, but it is less clear whether some people's desire to buy a second car is more valuable than the same urgency. Intuitively, an individual's need to feed himself should be worth more than the desire to buy either a luxury car or a second car. This would, however, lead back to the criticism of overdemandiness.

To get out of this impasse, it could be argued that, since the desires of the richest people represent those with objectively lower value, theirs would be the resources that

⁶³ Although in a recent article, Robeyns (2022) considers the hypothesis that there may be further human flourishing above the threshold, she seems to reiterate that by setting the threshold, the political community will determine at what point wealth would no longer have any objective value for those who possess it.

should be redistributed more. However, the value hierarchy does not seem to concern only situations of extreme wealth but also those immediately below – i.e., they are not only the desires of the super-rich that are less valuable than the urgency of certain needs, but also those of the rich and (why not?) of the well-off. Although the richest people would contribute the most, the others would also have to do so in proportion to their resources. Consequently, what seems to be needed to identify where to collect the relevant resources to bring everyone above the sufficiency threshold is not so much a ceiling on, or an upper limit to, individual wealth as a progressive redistributive scheme.

This is the reason why I argue (Icardi, 2022) that a limitarian threshold should be advocated to protect the democratic ideal of political equality rather than to identify where to collect the relevant resources to meet unmet urgent needs, such as poverty. Unlike the latter, the former task seems to precisely require a ceiling on, or an upper limit to, individual wealth to be fulfilled. What jeopardizes political equality, indeed, is that by possessing surplus wealth, some people are both more able and more likely to spend their money in politics, thus gaining extra chances to influence it, and formal constraints can prevent this only to a minimal extent. By limiting such a surplus wealth, limitarianism could hence overcome such a problem – some problems arise regarding this upshot too, but I will address them in the next section. Therefore, I suggest introducing limitarianism within neo-republicanism for this specific reason, namely for preventing the wealthy’s political/vertical domination, rather than for finding out the resources to grant everyone material independence as Dumitru (2020) holds.

This does not mean that material independence does no longer play a role within neo-republicanism. Indeed, it does. Material independence remains a necessary condition for having an equal say in the lawmaking process, which, as we know from chapter one, is the prerequisite of freedom as non-domination. Whereas the fact that someone owns many more resources than their fellows jeopardizes their equal opportunity to influence the public decision-making process, the fact that someone lacks the relevant resources for their self-sustainment undermines their very opportunity to do so. In other words, granting everyone material independence provides them with a *say*, while limiting someone’s surplus wealth secure their *equal say*.

Yet, limitarianism seems to deal with the latter task only. Of course, the withdrawn surplus could (and should) be redistributed in favour of everyone’s material

independence, but this is not the reason why it should be withdrawn in the first place. As Robeyns (2022) understand them, sufficientarianism and limitarianism are two autonomous theories of distributive justice, with different goals (the former that of bring everyone above the minimum threshold, and the latter that of bringing everyone beyond the maximum threshold), which can be combined but cannot be reduced to one another. In addition to that, I argue that, given the problems I have just analysed, bringing everyone beyond the maximum threshold makes sense if we aim at protecting the democratic ideal of political equality more than if we aim at meeting unmet urgent needs, such as poverty. Thus, limitarianism would perhaps help the sufficiency cause by collecting resources that can be redistributed towards that goal but this would be only a (positive) side effect.

3.2. The threshold

The conclusion I reached in the previous section is that limitarianism should be advocated within neo-republicanism first and foremost to avoid the super-rich's disproportionate opportunities to influence politics. From the forgoing analysis, indeed, it seems that neither formal institutional constraints nor sufficientarianism can protect citizens' equal opportunity in politics from the wealthy's unfair influence. Hence, an upper economic limit should be advocated to prevent the latter from dominating the democratic process. Nevertheless, when it comes to protecting democracy from the disproportionate influence of the super-rich, the idea of full flourishing, which grounds both Robeyns's riches line and Dumitru's republican limitarianism, appears to be a non-starter. This is because, as it is the case with the argument from the unmet urgent needs, or with the idea of limitarianism as a complement of sufficientarianism, the point at which political equality is undermined by excessive individual wealth does not necessarily coincide with the point at which individuals fully flourish (Harel Ben-Shahar, 2019, p. 9).

Intuitively, one might say that for our purpose, i.e., protecting neo-republican liberty from the wealthy's political/vertical domination, the threshold should be set "where the risk materializes" (Harel Ben-Shahar, 2019), that is, where excessive individual wealth undermines political equality, point. However, there might be values other than freedom as non-domination to be considered (Dumitru, 2020), as well as flourishing can be understood as part of being free from domination itself (Qizilbash, 2016). Thus, the possibility of a trade-off should be investigated. Moreover, setting the

upper threshold on the value of freedom as non-domination risks collapsing it on the bottom one, since both would hence be grounded on the same value (Dumitru, 2020), and this would lead to a strict egalitarianism of the kind I rejected in the previous chapter.

The present section addresses these issues. First, I argue that freedom as non-domination and flourishing are distinct values and that, by representing the very condition for the latter, the former should prevail [3.2.1]. Second, I show that establishing the upper threshold independently from the idea of full flourishing would not end up in a kind of strict egalitarianism since the risk that some people disproportionately influence politics because of their wealth arises only when these people possess much more wealth than their fellows [3.2.2].

3.2.1. Freedom as non-domination and the problem of full flourishing

Let's go back to the fact that, as Tammy Harel Ben-Shahar brilliantly highlights, the point at which political equality is undermined by excessive individual wealth does not necessarily coincide with the point at which individuals fully flourish (Harel Ben-Shahar, 2019, p. 9). People under the riches line might still have enough wealth to enjoy boundless, disproportionate opportunities to influence politics. Moreover, this could be true even if these opportunities came with some costs in terms of flourishing. For some people it may be more important to influence the course of politics than to fully flourish, and some may even consider political power to be part of their flourishing and decide to invest their money in increasing their chances of getting it (Volacu & Dumitru, 2019). In other words, although such individuals would not possess what Robeyns calls surplus money, i.e. they would not have more resources than those necessary for their complete flourishing, those individuals would still have more opportunities to influence the public decision-making process because of their wealth. A limitarian threshold that coincides with the riches line would thus prove to be ineffective for protecting the democratic ideal of political equality from the disproportionate influence of the wealthy.⁶⁴

⁶⁴ A similar objection can be found in the work of Volacu & Dumitru (2019). The two authors argue that setting an upper limit to individual wealth would prove ineffective, as nothing below the set threshold would prevent individuals from funding the political process and thus gaining more influence through their financial means – which is what Dick Timmer calls the “efficacy objection” (Timmer, 2019) and which I discuss elsewhere (Icardi, 2022). Yet, under their construal, the problem seems to be that people below the

It should be noted that the fact that the riches line does not necessarily coincide with the point at which people enjoy greater opportunities for political influence because of their wealth does not mean that the riches line *must* be set at a higher level. It simply means that it *might* be – and, if it was, that this would be problematic for the purpose of protecting democracy from domination by the wealthy. In other words, what this argument suggests is that the level at which individuals fully flourish and that at which they enjoy unfair opportunities for political influence are distinct and that a priori we do not know which one happens to be higher than the other. Hence, if we want to leave people with enough resources to fully flourish, we *risk* leaving them with enough resources to dominate the democratic process too, thus undermining freedom as non-domination. It therefore seems that to protect neo-republican liberty from the wealthy’s vertical domination, we should give up the idea of defining the limit in terms of full flourishing and, instead, set the threshold where that kind of domination materializes – which is similar to what Harel Ben-Shahar envisages for political equality in general (Harel Ben-Shahar, 2019).⁶⁵

However, one might argue that the surplus condition stands as a necessary condition to justify the limitarian threshold. Excessive individual wealth can be limited above the riches line precisely because it no longer contributes to individuals’ flourishing. Like I argue in the previous section, the riches line would represent a limit to the limit. Although a priori we should take away from individuals as many resources as those which pose a threat to political equality, everyone’s right to fully flourish would prevent such a demand of redistribution. Thus, we should limit ourselves to withdraw the resources above the riches line, i.e., the point of flourishing satiation.⁶⁶ A trade-off therefore seems to be needed: to realize freedom as non-domination we should limit the wealthy’s

riches line can still invest their wealth in politics. Instead, I argue that the problem is that people under the riches line could still possess enough resources to enjoy unequal opportunities to influence politics. As mentioned above, wealth investments in politics are not problematic *per se*, but they are problematic when they provide some people with disproportionate chances for political influence.

⁶⁵ Note that I am not arguing that the idea of full flourishing should be given up in general; this idea might still be valuable in other respects.

⁶⁶ Again, this reasoning appears similar to that that Dumitru puts forward to argue that limitarianism would be the most adequate tool “to achieve the goals of sufficiency *without violating any rights of the burden-sharers*” (Dumitru, 2020, p. 387, emphasis added).

resources to prevent them from enjoying disproportionate political influence, but since we cannot deprive people of the resources they need to fully flourish, the limitarian threshold should coincide with the riches line, thus limiting only surplus wealth.

This trade-off looks problematic for at least two reasons, though. Firstly, because the limitarian threshold would not be the same for the two separate outcomes of fully flourishing and not having an unfair political influence, the riches line, which is nothing but the limitarian threshold when defined in relation to the value of full flourishing, would not guarantee a solution to the problem of economic elites in politics. Besides, as argued above, formal measures appear unable to come to the rescue. Notwithstanding this problem, one might say that freedom as non-domination, which, let's remember, is based on such a political legitimacy requirement, should not be considered as the only value at stake. This seems to be Dumitru's thesis: "freedom as non-domination does not exhaust the realm of justice" (Dumitru, 2020, p. 395). Namely, there are other values that should be taken into account, such as individual flourishing.

The notion of flourishing thus provides us with this second threshold. Above the point of non-domination, inequalities do not matter, up to a cut-off point at which any money someone might still own will not help her flourish anymore (Dumitru, 2020, 396).

Secondly, it seems to me that, *contra* Dumitru, from a neo-republican perspective it would not make sense to trade freedom as non-domination for the sake of flourishing. This is not only because, for neo-republicans, freedom as non-domination overall is the ultimate value, but also because being free from domination represents the prior condition that has to be secured for people to flourish. As a matter of fact, if people are to shape and pursue their own life goals and beliefs, they should not, first and foremost, be exposed to anyone else's arbitrary power. Of course, there are other conditions that allow people to achieve self-realization, e.g. their abilities, health, material means and so on. But as a matter of justice, freedom as non-domination should be safeguarded first, because if you are not free, even if you are able and healthy and/or you have the means to do something, you can only do it *cum permissu* – by experiencing the same uncertainty as an enslaved person who has a "kindly" enslaver. In this respect, remember that freedom as non-domination should be understood as a primary good in Rawlsian terms, namely something that everyone would like to have to achieve their other aims (Pettit, 1997, p. 91). Hence, for a neo-republican, it would be pointless to withdraw less resources than the amount

that is needed to ensure freedom as non-domination in order to protect people's possibility of fully flourishing, because in the neo-republican view, their possibility of flourishing relies on their freedom as non-domination in the first place.⁶⁷

At this stage, from the neo-republican perspective, there would be only one reason left for establishing a limitarian threshold in relation to the idea of fully flourishing. Dumitru does not explore this option since he generally regards full flourishing and non-domination as two distinct goals. But a neo-republican could, instead, consider them as strictly linked to one another. If full flourishing was constitutive of freedom as non-domination, we would have a reason not to withdraw the resources people might need to fully flourish even though leaving people with those resources might undermine freedom as non-domination in other respects, for instance by providing some people with disproportionate opportunities to influence politics. On this account, being free from domination would not only entail the absence of anyone else's arbitrary power but also the presence of a certain set of opportunities to achieve self-realization (Qizilbash, 2016, p. 26).

If we leave aside questions concerning why, for instance, someone's full flourishing should in this case be given priority over improving everyone's flourishing *tout court* (Harel ben-Shahar, 2019, p. 10),⁶⁸ we can focus on the fact that this reading is incompatible with the understanding of freedom as non-domination I put forward in the first chapter. Although according to Pettit reaching "personal self-mastery" (Pettit, 1997,

⁶⁷ See also Lovett (2010, chapter five): "I have argued that enjoying some degree of non-domination is a condition of human flourishing, and therefore it ought to be regarded as an important goal. My account is not, of course, complete. For one thing, non-domination is clearly not the only condition of human flourishing, and I make no effort here to spell out all the others (health, education and care, sufficient material goods, cultural membership, and so on). More importantly, while I have presented an argument to the effect that we should reduce domination because it is an obstacle to human flourishing, I have presented no argument to the effect that human flourishing itself is something we should aim to promote" (p. 134-135).

⁶⁸ If we admit that flourishing is constitutive of freedom as non-domination, we might wonder, with Harel Ben-Shahar, "why we should prioritize obtaining full flourishing for one (the rich), instead of using the resources for improving flourishing for those who are significantly less flourishing" (2019, p. 10). That is, if flourishing is so important, why shouldn't we argue that the super-rich's wealth should indeed be redistributed to grant everyone a certain level of flourishing?

p. 81-82) without being free from domination appears to be impossible, he believes that one can be free from domination with or without reaching one's "personal self-mastery", because freedom as non-domination is an issue of status rather than of realizing opportunities. What really matters is that people have equal power independently of the number of choices that are open to them.⁶⁹

In this respect, however, Pettit's proposal of basic liberties (Pettit, 2007; 2012, p. 92-107) might be misleading. This is because, in some passages, Pettit seems to associate basic liberties with the idea of "a full and meaningful life" (Pettit, 2012, p. 103). Thus, basic liberties might be understood as those choices that have to be secured to grant everyone personal fulfilment. Nevertheless, according to me, a more consistent reading of basic liberties conceives them as those choices that should be secured so that people meet the "eyeball test", i.e., so that people can look anyone else in the eye without fear or deference (Pettit, 2012, p. 105). In other words, basic liberties would represent those choices that should be protected from anyone else's arbitrary power. This does not mean that those choices should be resourced too. The fact that everyone should have a liberty to travel and settle in (one of Pettit's basic liberties) implies that nobody should be able to arbitrarily interfere with their choices to travel and settle in, rather than that everyone should have equal means to do so. Put it differently, those choices (or basic liberties) should be protected, rather than being resourced, for the sake of freedom as non-domination. While protecting them is a very condition for republican liberty, resourcing them is only a precondition of it (Pettit, 2012, p. 43).

This does not mean that no options should be secured as a matter of freedom as non-domination. As mentioned above, people should be allowed at least a minimum level of resources so that everyone is granted the relevant material independence. Nonetheless, how many options a person has above such a minimum does not seem to be a matter of domination any longer. As Kyle Swan puts it lucidly,

[p]roviding more than would secure such independence would certainly promote the beneficiaries' capabilities, their real or effective freedom to achieve well-being, since more valued beings and doings would be open to them. But none of this does anything to open up choices where they had previously been subject to domination (Swan, 2012, p. 445).

⁶⁹ Here lies the abovementioned difference between what Pettit calls "structural egalitarianism" and what he calls "material egalitarianism" (Pettit, 1997, p. 113), see chapter one.

In conclusion, freedom as non-domination does not entail individual flourishing, although it stands as the necessary – albeit not sufficient – condition for it since it provides people with the possibility to freely shape and pursue their own life goals. It follows that rather than denying someone’s possibility to fully flourish, establishing the limitarian threshold for the sake of freedom as non-domination, i.e. putting it where excessive individual wealth jeopardizes the requirement of political legitimacy, would ground it. Hence, from the neo-republican perspective, the trade-off would be pointless. The next section investigates what this limitarian threshold that is independent of the value of flourishing should look like.

3.2.2. Freedom as non-domination and the problem of elites

To sum up, for freedom as non-domination to be secured, people should enjoy equal opportunities to influence the public decision-making process. The concentration of wealth in the hands of few people (i.e. the existence of socioeconomic elites in a democracy) jeopardizes such a prior condition for neo-republican liberty. Moreover, since formal constraints fail to sufficiently protect this condition, what should be limited is excessive individual wealth itself. However, when it comes to ensuring freedom as non-domination within democracy, such a limit should not be established with reference to the idea of full flourishing, as is the case with Robeyns’s riches line, which has been retrieved by Dumitru. This is because freedom as non-domination and flourishing are not only two distinct values but they can also conflict with one another. Besides, for neo-republicans it would not make sense to trade their fundamental value – freedom as non-domination – for the sake of another value such as flourishing. Thus, the limitarian threshold should be drawn so as to protect only freedom as non-domination.

Nevertheless, if both the bottom threshold and the upper threshold were established in relation to the idea of freedom as non-domination, according to Dumitru, “the sufficiency and limitarian threshold would be identical” (Dumitru, 2020, p. 395). This is because, in his view, freedom as non-domination can instruct us only about the bottom threshold. Namely, when it comes to distributive justice, the sole requirement of freedom as non-domination would be material independence: once material independence has been granted to everyone, material inequalities would no longer be a matter of domination. Hence, according to Dumitru, from the neo-republican perspective it would

be impossible to identify any further threshold without referring to other values, such as the value of full flourishing. In this respect, if overall resources were so scarce as to be hardly sufficient to grant everyone material independence, for the sake of freedom as non-domination and freedom as non-domination only, it seems plausible to assume that all the resources people do not need for their self-sustainment could and should be redistributed with the aim of granting everyone material independence. It follows that in this situation, the upper threshold would collapse on the bottom one, or the upper threshold would not exist. This contradicts my insight that we can establish a limitarian threshold for the sake of freedom as non-domination without referring to the idea of full flourishing.

However, I believe that this problem arises only when the limitarian threshold is introduced within neo-republicanism firstly as a complement to sufficientarianism, as Dumitru mainly holds. By contrast, if the limitarian threshold is advocated as a solution to the elites' boundless political power, as I suggest, this problem would not arise given that there are reasons to think that what allows the economic elites to enjoy boundless political power is that those belonging to such elites own much more wealth than others. Let's think about the above-mentioned case of taxation increases causing capital to be sent to another country. If your capital is only slightly larger than that of your fellow citizens, your threat to move it if there is a tax rise will suddenly lose its weight, i.e. you will not have any problematic independent power concerning the success or failure of that policy (Knight & Johnson, 1997; Christiano, 2010). Formal separations between politics and economics would therefore prove to be effective in similar cases.

As a matter of fact, to enjoy disproportionate opportunities to exert a political influence because of your wealth despite formal constraints that aim to prevent you from doing so, you should own *much more* wealth than your fellows. On the one hand, no-one would enjoy greater power than their fellows if everyone possessed similar resources – no matter the extent of those resources.⁷⁰ On the other hand, no-one would enjoy this

⁷⁰ This is the reasons why many advocates of limitarianism envisage a relative threshold; see Harel Ben-Shahar (2019); Ali & Caranti (2021); Caranti & Ali (2021). However, Harel Ben-Shahar (2019) suggest doing so by limiting “the ratio of the resources that the poorest member of society to the resources that the richest member have” (p. 7) and this overlook the distribution of wealth within the gap, while Caranti and Ali (2021; 2021) put forward what they call “proportional justice” which takes into account the distribution of wealth but resembles more to a kind of soft egalitarianism rather than to a kind of limitarianism. By

power boundlessly if they had slightly more resources than others (Icardi, 2022). Again, it is not economic inequalities in themselves that undermine democracy, but *stark* economic inequalities (Pansardi, 2016).⁷¹ Thus, the aim of protecting democracy from the elites' domination would provide the grounds for a limitarian threshold which is different from the sufficiency line despite not relying on the idea of full flourishing. In this respect, it seems to me that contrary to what Dumitru assumes, the upper threshold would differ from the bottom threshold even if both are grounded on the idea of freedom as non-domination.

When it comes to preventing the wealthy from dominating the democratic process, the limitarian threshold should be both *relative* to what citizens own on average and *relatively high* compared with what citizens own on average since it should be put at the point at which individual wealth represents a threat to democracy and formal measures can only have a minimal effect on it.

Firstly, the threshold should be *relative* since what threatens the democratic ideal is not so much that beyond a certain threshold money no longer has any value for those who possess it and can therefore be invested at zero cost, as Robeyns (and consequently Dumitru) claims, but that some people possess more money than others and this allows them to set in motion the above-mentioned mechanisms to convert their money into political influence. The super-rich pose a threat to democracy not only because they have many resources, but also because they have more resources than their fellow citizens: "influencing politics requires not only having resources, but also having more resources than one's opponent" (Harel Ben-Shahar, 2019, p. 10). The danger to be avoided thus stems from the large difference in wealth between the richest people and the rest of the population; it follows that the limit should be calculated in relative rather than absolute terms.

To support this hypothesis, first of all, it will be necessary to reckon with Robeyns' objections (Robeyns, 2017, p. 16-18). Robeyns denies, in fact, the possibility of establishing the riches line in relative terms, i.e., by calculating the distance from the

contrast, in what follows I argue that the relative limitarian threshold should keep into account both the distribution of wealth by referring to what people own in average and the concentration of wealth in the hands of few by addressing the problem of economic elites.

⁷¹ For empirical works on this matter see, for instance, Dahl (1998); Gilens (2005, 786).

centre of the distribution, since, although empirical analyses generally go in the opposite direction, "[f]rom a theoretical point of view, relative riches measures seem arbitrary and suffer from the same problems as relative poverty measures" (Robeyns, 2017, p. 16). Specifically, these problems are two. On the one hand, relative measures seem insensitive to any overall change in resources, either for the better or for the worse. If all people were given €100, the number of rich and poor would remain exactly the same. On the other hand, if defined comparatively, rich and poor would always exist even in situations of severe poverty. In a community where all people have zero, having one can already be considered rich. Both implications seem counter-intuitive, which is why Robeyns prefers to measure wealth in absolute terms.⁷²

Nevertheless, these concerns seem to miss the point. If everyone were more or less poor, the limit on individual wealth would not apply, since "[t]he danger of political inequality is caused by large material inequalities" (Harel Ben-Shahar, 2019, p. 10).⁷³ On the other hand, if in situations of overall poverty some people were sufficiently rich with respect to others to undermine political equality, it would not be "objectionable to tax them" (Harel Ben-Shahar, 2019, p. 21). Moreover, if the whole population owned €100 more, the situation would not change: that a relative limit is insensitive to increases or decreases in overall wealth is not a problem for the democratic argument.

Secondly, the limitarian threshold should be *relatively high*. If everyone were more or less poor, indeed, the limit on individual wealth would not apply, since "[t]he danger of political equality is caused by *large* material inequalities" (Harel Ben-Shahar, 2019, p. 10, emphasis added), indeed. Again, not all economic differentials undermine democracy but rather huge ones – Dahl himself seems to corroborate this these by arguing that the quality of democracy is undermined only when economic inequalities go "beyond a certain point" (Dahl, 1998, p. 200). Accordingly, as I argue in chapter two, political

⁷² Subsequently Robeyns (2022) seems to admit that political equality may require a relative rather than an absolute threshold, however, she retains the reference to the idea of full human flourishing, which, as we have seen, is problematic. See (Nicklas, 2021) for an objection to the absence of value of the economic surplus within the democratic argument.

⁷³ As we have seen in chapter two, this intuition appears to be supported by empirical studies, e.g., (Dahl, 2020 [1998]; Gilens, 2005).

inequality due to wealth is not directly proportional to the unequal distribution of wealth itself.

A twofold consideration might clarify this upshot. First, if you are slightly richer than what I am, it does not directly follow that you will invest all the money you have more than me in influencing the public decision-making process. Without retrieving the idea of full flourishing, we can admit that medium-rich people spend their money first for themselves, for reaching their own lifegoals, rather than in politics. Second, even if you considered influencing politics one of your primary aims, thus investing the majority of your money in that, you shall have a lot of money for gaining extra opportunities to influence politics because of this, especially when formal constraints are in place. To have an unfair influence on elections, for instance, you shall not only have the money to finance political campaigns within the legal limits, but also that money to influence public opinion by funding media, social networks or think tanks as well as to hold a credible independent power. As a matter of facts, to enjoy *boundless* political influence, i.e., disproportionate political influence despite formal barriers, one should have *many more* resources than their fellows. In line with Machin's definition, the super-rich would therefore be those who “possess significantly more wealth than both the average citizen and the next wealthiest category of citizen” (Machin, 2013, p. 124).

Moreover, the fewer are the people who own excess wealth, the more such a wealth is able to evade formal barriers. In this respect, although it departs from Robeyns's definition of riches line and surplus wealth, my account of limitarianism meets her worry that “there is something wrong with not just inequality in general, but with wealth concentration in particular” (Robeyns, 2022, p. 2). Indeed, it seems to me that large part of the mechanisms which translate excess wealth into political influence I have analysed in the previous chapter works when few people have access to them. You will gain extra chances to influence politics by financing social media, for instance, if you can sponsor them far more than what your fellows can, and you are among the few people who can do it. If every, or a large number of citizens, can equally sponsor social media, no one will have disproportionate opportunities to influence politics because of this. The dispersion of wealth among citizens seems to play a sort of counter-power to the power the super-rich hold thanks to their wealth. Furthermore, the non-wealth privileges that the wealthy enjoy, what is called “social” (Robeyns, 2017) or “nonfinancial” (Halliday, 2018)

capital, are privileges precisely because few have access to them. After all, a school would not be elitist if everyone could attend it. The relevant nonfinancial capitals, indeed, can be seen as “positional goods”:

Places at an elite university and coveted internships are goods whose supply cannot be increased to meet demand, partly because their value depends on their being scarce in the first place (Halliday, 2018, p. 109).

As a result, the problem is not only that some people own many more resources than the average of their fellows, but also that very few people do so. This goes back to the neo-republican worry for economic elites.

In short, if excessive individual wealth is not limited, some people will always be able to enjoy disproportionate chances to influence politics because of this wealth, thus dominating the public decision-making process. This does not mean that the limitarian threshold would be sufficient to ensure that everyone has an equal opportunity for political influence. Laws formally granting citizens political equality are necessary too, and power asymmetries other than those resulting from economic inequalities should be addressed to secure neo-republican liberty. Furthermore, limiting the power of lobbyists and corporations should probably be envisaged as well.⁷⁴ Nevertheless, given the difficulty of insulating political power from economic power, limiting excessive individual wealth appears to be a necessary means to granting political legitimacy,⁷⁵ and limitarianism is a good way of doing so.

⁷⁴ For reasons concerning space, I will not elaborate on this issue. But, as I suggest elsewhere (Icardi, 2022), different solutions might be envisaged to decrease these entities’ power: where some might be inspired to exercise limitarianism, for example by limiting the wealth of private firms, others might depart from it. Nonetheless, limiting excessive individual wealth could have some beneficial effects, for instance it would reduce the purchasing power of individual shareholders, thus decreasing the concentration of power in their hands.

⁷⁵ Regarding the idea that limiting economic inequality plays an instrumental role in political equality, see Ronzoni (2022). According to her, “distributive equality is, at closer scrutiny, used as a proxy for *political* equality: we are concerned with material inequality because it so easily translates into power inequality” (Ronzoni, 2022, 748, italic in the original).

3.3. Distributive justice for political legitimacy

Considering limitarianism as a means of political legitimacy, nonetheless, leads to a further impasse. If the limitarian threshold should preserve the democratic process, it follows that where such a threshold should be put cannot be decided by this process itself. Because the democratic process would precede the introduction of the economic limit, it would be biased towards the interests of the wealthy, who would still enjoy a greater influence on the democratic process because of their wealth (Caranti & Ali, 2021, p. 96). In other words, given that formal constraints can do little to prevent the super-rich from having unfair opportunities to influence the public decision-making process, the choice of where to put the limitarian threshold, if made democratically, would inevitably favour the super-rich's preferences. Excessive individual wealth should therefore be limited *ex ante*, and such a limit should represent a precondition of democracy.

However, such a limit that is implemented *ex ante* risks being a source of domination in another sense, namely by being established without citizens having any control over it and therefore being arbitrary in the neo-republican sense. This recalls the well-known dilemma put forward by Fabienne Peter (2007). On the one hand, to be legitimate, public decisions should be taken throughout a democratic process wherein citizens have an equal say in. Yet, in the presence of great differences among them, e.g., huge economic inequalities, citizens do not really enjoy such an equal say. Therefore, on the other hand, substantive preconditions, e.g., a certain redistribution of resources, look needed to ensure everyone the relevant equal say. Nevertheless, by not being themselves established democratically, these substantive preconditions would be themselves illegitimate. In Peter's words:

[A] strong criterion of political equality, which focuses on people's possibilities to participate in the deliberative process as effectively equals, will fail to ensure democratic legitimacy because it will exempt too many value judgments from deliberative democratic scrutiny. A weak criterion of political equality will fail to ensure democratic legitimacy because many will not have been able to participate in the deliberative process as effectively equals (Peter, 2007, p. 375).

To unpack this dilemma, let's analyze the two horns one by one. While the first horn seems to tell us that democratic legitimacy relies on the number of choices open to citizens, the second horn seems to tell us that it depends on their equality of say in the choices-making. Interestingly, from a neo-republican perspective, the latter clause seems

to overstep the former. As abovementioned, far from being a matter of quantity of choices, indeed, freedom as non-domination looks an issue of equal power, or status. The fact of not being subjected to anyone else's uncontrolled capacity to interfere with my choices (Pettit, 1997; 2012) remains independent from how many choices are actually open to me. What really counts is that I enjoy the same power as others so that they cannot arbitrarily decide to interfere with my choices, independently from the number of choices I concretely have because of further factors, e.g., material resources or natural capacities. For freedom as non-domination to be secured, hence, citizens should be provided with equal powers to one another rather than with equal or even similar bunches of options.

I think that the same could be said for citizens in democratic assemblies. To be free from domination they should not have how many choices as possible, but rather enjoy equal power to one another. Like for individuals' freedom as non-domination, we can admit that a minimum of choices should be actually open to them otherwise there would not be any democratic process at all. Yet, this does not prevent us from taking some options away without undermining political legitimacy.⁷⁶ In this way, the first horn of Peter's dilemma would lose its weight. Moreover, if excessive individual wealth *inevitably* undermines citizens' equal power to one another when it comes to public decisions, far from threatening political legitimacy, restraining it would grant it

Accordingly, I agree with Pamela Pansardi when she says that a more equal distribution of resources "is not to be understood as a goal that democracy should promote, but rather as a procedural requirement for the realization of the ideal of democracy as non-domination" (Pansardi, 2016, p. 103).⁷⁷ In the same way in which everyone should be granted "equal access to the system of popular influence" (Pettit,

⁷⁶ Claassen (2010) offers a similar solution to exit the impasse of selecting capabilities. His main point is that even those who argue in favour of the democratic strategy, that is, those who argue that it would be illegitimate to list capabilities *ex ante*, take some fundamental choices away from the democratic procedure, namely the choice of capabilities as a metric of justice. Therefore, "the difference between the democratic position and the philosophical position becomes a gradual instead of a categorial one" (Claassen, 2010, p. 497). In other words, what distinguishes them is not that the former leaves every choice to democracy and the latter does not, but that the former leaves to democracy more choices than the latter does, or vice versa that the former considers fundamental – that can be taken *ex ante* – less choices than the latter.

⁷⁷ I read the term "procedural" in the quotation not in the sense of meaning non-substantive but in the sense of being a (substantive) requirement for the very democratic procedure.

2012, p. 169) as a precondition of citizens enjoying control over the state, everyone should be prevented from having too much. This is because if someone had too much, formal constraints could not prevent them from gaining extra chances to influence politics because of their wealth; hence, they would enjoy greater control over the public decision-making process – that is, they would dominate it; thus, freedom as non-domination would be undermined.

It should be noted that, thus formulated, limitarianism would remain a *partial* theory, since below the threshold other criteria would regulate the distribution of resources. It would also be a *political* theory, aiming at the introduction of rules to implement this limit. However, unlike its original version, this reformulation would also apply in *ideal* societies since the limit would become a necessary condition for the well-functioning of democracy.

Empirical studies should hence instruct us about the level at which individual wealth allows its owners to gain boundless uneven opportunities; that is where the limit should be put *ex ante*. Besides, this top-down process should be followed by a bottom-up one. In line with Pettit's idea of "individual contestability" (Pettit, 1997; 2012), each citizen should have the possibility to contest this choice. More precisely, citizens should be able to contest the extent of the limitarian threshold, as well as its implementation and so on – with the economic limit in place, their public decision-making would no longer be unavoidably biased towards the interests of the wealthy. By contrast, citizens should not be able to contest the threshold itself, namely they should not be able to remove it – in the same way in which citizens can amend the democratic system without being able to remove the condition of equal opportunity of influence.

*

In conclusion, freedom as non-domination requires excessive individual wealth to be limited. Given that the wealthy enjoy a disproportionate opportunity for political influence because of their wealth and formal institutional constraints cannot adequately address that problem, limiting excessive individual wealth stands as a necessary condition for the democratic requirement grounding neo-republican liberty, and this condition can

be achieved throughout a limitarian threshold. Thus, limitarianism should be advocated within neo-republicanism.

However, the threshold should be put at that point at which individual wealth jeopardizes citizens' equal opportunity for political influence, instead of corresponding to Robeyns's riches line and limiting the wealth that individuals do not need to fully flourish, as Dumitru upholds. Moreover, unlike for Dumitru, this threshold would not coincide with the level at which everyone is materially independent since people must possess many more resources than their fellows to enjoy greater chances of influencing politics because of them. Since such an economic limit is a precondition of political legitimacy, it would not be a source of domination itself.

Where exactly this limit should be put remains an open question. This seems to be a question for empirical studies, which should inform us about how much individual wealth actually represents a danger to democracy. As an example, one could limit individual wealth to a maximum of 10 times the median wealth.⁷⁸ Considering that “in the early 2010s, the richest 10 percent own around 60 percent of national wealth in most European countries, and in particular in France, Germany, Britain, Italy” (Piketty, 2014, p. 321), meaning “6 times the average wealth of the society in question” (Piketty, 2014, p. 324), at first glance, one might say that this threshold would not apply to anyone. However, “the share of the upper centile is generally around 25 percent and that of the next 9 percent of the population is about 35 percent” (Piketty, 2014, p. 324).⁷⁹ Thus, the limitarian threshold would apply at least to the richest 1% which possess alone 25% of national wealth, meaning that they own on average 25 times the median wealth – of course, depending on the exact distribution of the wealth among the next 9% the threshold would apply to a larger or narrower scale. It nonetheless seems that it would not be a question of limiting the wealth of a very high percentage of individuals. Yet, this

⁷⁸ Note that, this is the hypothesis by Franzini et al. (2014, chapter one) who suggest considering the super-rich as those who possess 10 times the median income which would be, for instance, the 0,5% of US population and the 0,1% of the Italian one. However, they consider specific incomes derived from work, rather than wealth in general.

⁷⁹ If the median wealth is 200.000€, Piketty goes on, “the average wealth of the top 10 percent is 1.2 million euros each, with 5 million euros each for the top 1 percent and a little less than 800,000 each for the next 9 percent” (Piketty, 2014, p. 325).

would not be a problem for my theory, since what this aims at limiting is exactly that an elite possesses so many resources that it can play a decisive role in the democratic process.

Another open question concerns what exactly should be limited. Which kind of economic resources threaten the proper functioning of the democratic process? Should we worry about individuals' incomes, their wealth, or what they inherit? These are the questions for the next chapter – the guiding criterion to answer these questions being to what extent these kinds of economic resources have an adverse effect on the vertical dimension of freedom as non-domination.

By contrast, this chapter focuses on the normative reasons for introducing limitarianism within neo-republicanism. This should be done to prevent the economic elites from dominating politics and therefore the threshold should be set where this risk materializes. Interestingly, freedom as non-domination then offers a further argument for limitarianism that is independent from the controversial value of full flourishing but is still compatible with the overall presumption that up to a certain level people would be permitted to keep their resources for themselves.

Chapter four: A top marginal taxation rate

“Mais si la taxe par tête est exactement proportionnée aux moyens des particuliers, [...] & qui de cette maniere est à la fois réelle & personnelle, elle est la plus équitable, & par conséquent la plus convenable à des hommes libres”
(ROUSSEAU, *Discours sur l'économie politique*, 1754-55)

In the last chapter I argue that limitarianism should be advocated within neo-republicanism. For freedom as non-domination needs that economic elites are prevented from dominating the democratic process and a (relative) limitarian threshold can meet this desideratum. The question that now arises is how such a threshold could be implemented.

So far, I have put forward a normative theory of distributive justice for neo-republicanism wondering how resources should be allocated if one wants to secure freedom as non-domination as a matter of justice. I have argued that if one wants to secure freedom as non-domination, one should not only redistribute resources towards the bottom side so as to grant everyone material independence, but also limit resources on the top side so as to prevent anyone from dominating the public decision-making process. Now I discuss a (suitable) way to implement this limit. Namely, a top marginal taxation rate of 100% on inherited wealth.

Notice that, this is not necessarily the best way to implement the limitarian threshold that I have introduced in the previous chapter. Nevertheless, it is worth considering it for at least two reasons. On the one hand, a top marginal taxation rate of 100% intuitively represents the ceiling to individual wealth that a limitarian threshold aims at establishing (Robeyns, 2017). On the other hand, inheritance seems to be one of the major sources of the accumulation and concentration of wealth in the hands of few people (Piketty, 2014; Halliday, 2018), which, as it should now look clear, one should eradicate if one cares about political equality. Not to mention that, although she does not specifically apply it on inheritance wealth, Robeyns herself envisages a top marginal taxation rate of 100% as a way to realize limitarianism if one endorses the democratic argument for limitarianism.

Two caveats are needed before going on. First, when discussing a top marginal taxation rate of 100% on inheritance, I am not analysing its feasibility. I am aware that there could be practical issues coming along with the enforcement of this fiscal policy, but these are not the core subject here. By contrast, I am investigating what I might call its desirability. Namely, I am investigating whether we can theoretically support such a fiscal policy, that is, whether such a fiscal policy is coherent in itself and compatible with the whole theoretical apparatus. Here comes the second caveat: showing that such a fiscal policy is desirable does not mean intending it as a way of transition from the unjust status quo to the just society. Far from that, a top marginal taxation rate of 100% on inheritance must be understood as a (suitable) way to implement and keep in place the limitarian threshold in the just society by drawing on the idea that even in a just society we should prevent people from having too much otherwise democracy would suddenly be jeopardised.

The chapter is organised as follows. First, I support such a top marginal taxation rate against both the well-known incentive objection and, what I call, the freedom one [4.1]. Second, I investigate the reasons why such a taxation rate should apply on inheritance rather than on other tax bases, such as consumption goods [4.2]. Finally, I argue that the revenues collected from, what I name, a limitarian inheritance tax should be redistributed towards the neo-republican sufficiency goal, i.e., granting everyone material independence [4.3].

4.1. Taxation justification

First of all, I analyze how a top marginal taxation rate of 100% can be justified. To this purpose, I defend it from two main objections. First, the criticism that such a taxation rate would disincentivize people from producing wealth and this would be problematic. And second, the claim that such a taxation rate would be incompatible with individual freedom. To do so, firstly, I engage with Robeyns's argument in favour of such a taxation scheme (Robeyns, 2017), that is to say, I examine the proposal of a top marginal taxation rate of 100% within the limitarian perspective [4.1.1]. Secondly, I recall Pettit's understanding of taxes as conditioning rather than compromising freedom as non-domination (Pettit, 1997; 2012), thus, I study such a proposal in the neo-republican panorama [4.1.2]. The upshot being: despite demanding, such a top marginal taxation rate

looks justified both vis-à-vis the incentive objection and vis-à-vis what I call the freedom objection.

4.1.1. Limitarianism and taxation: the incentive objection

In her 2017 text Robeyns herself analyses a top marginal tax rate to fulfil limitarianism.

To the extent that limitarianism is seen as a fiscal policy (and not as an ideal that should guide pre-distribution institutional design or charitable duties), limitarianism equals a top marginal taxation rate of 100% (Robeyns, 2017, 35)

That is to say, limitarianism can be seen as a fiscal policy, and if it is seen as a fiscal policy, it should tax away all the wealth that individuals possess above the threshold.

This is particularly true if one endorses Robeyns's democratic argument. Namely, if one advocates limitarianism to protect democracy from the wealthy's unfair political influence – as I do in chapter three with respect to freedom as non-domination. If we want to grant everyone equal opportunity for political influence, indeed, we should withdraw all the wealth that individuals possess above the threshold given that even a small part of it, e.g., 20%, can become an opportunity for the owner to influence the public decision-making process.

This is what Robeyns calls “orthodox limitarianism”: “a 100% top marginal tax rate above the riches line, which fully protects political equality” (Robeyns, 2017, p. 36). Similarly, Volacu and Dumitru call it “strong limitarianism”: “strong limitarianism advocates taxing any income above the riches line [...] at 100%, as in any other case individuals would still have surplus money which they can use in order to purchase political influence” (Volacu & Dumitru, 2019, p. 253).⁸⁰ Lowering the taxation rate above the threshold, in fact, would miss the democratic goal of limitarianism since the super-rich would still possess excess wealth that can be invested in politics.

As in the previous example, if the threshold was set at 10 times the median wealth, in a society where the median wealth was 200.000€, the super-rich would be those owning on average more than 2 million euro each. For those owning 3 million euro a top marginal

⁸⁰ As it will be remembered the terms ‘riches line’ and ‘surplus money’ refer to that particular version of limitarianism based on the value of full flourishing, however this does not prevent us from extending the present considerations to other formulations of limitarianism.

taxation rate of 80% would produce a significant reduction in their surplus – which would be reduced to 200.000€. However, among the group of the super-rich there might also be some owning far more, for instance 12 million euro each. After paying a top marginal taxation rate of 80%, they would remain with 2 million euro of surplus money, meaning that they would still possess a lot of wealth above the threshold (they would still possess 10 times the median wealth, plus 10 times the median wealth). This upshot hence contradicts the limitarian distributive principle according to which for political equality to be protected no one should have more than X times (10 in the example) the median wealth. Moreover, a top marginal taxation rate lower than 100% would have as well the unfortunate implication of reducing the number of people owning significant amount of money, thus concentrating the wealth in the hands of few people even more. As a result, to avoid that individual excess wealth turns into unfair political influence, thus undermining freedom as non-domination, a suitable fiscal policy would be a top marginal tax rate of 100% above the threshold.

Moreover, such a fiscal policy would have the further advantage of being coercively enforceable. Likewise, Robeyns understands limitarianism as a political doctrine. While a moral doctrine would simply bring about a moral duty which cannot be enforced through the state's coercive power – meaning that it would leave up to each (super-rich) citizen the choice of complying with such a duty or not – a political doctrine would bring about a legal duty that can be enforced, for, in that case, “coercive measures” can be taken “against those not complying with the limitarian duty” (Robeyns, 2017, p. 31). Such coercive measures should be taken because limiting individual excess wealth is a matter of justice. If limiting individual excess wealth protects democracy from the fact that some people have disproportionate opportunities to influence politics because of their wealth whereas formal constraints fail to do so, it looks clear how such a limit becomes a justice requirement. A moral duty, non-coercively-enforceable, would not suffice to ensure such a requirement; by contrast, a legal duty, coercively-enforceable, would. This explains why limitarianism can be implemented through a fiscal policy which oblige citizens to give away all the wealth they own above the threshold.

However, in line with Volacu and Dumitru, one might object that coercively withdrawing excess wealth would prevent rich people from investing their resources in

virtuous causes such as “combating climate change” or “funding great artistic endeavours”:

instead of having an ample amount of surplus money which they could donate to these causes, the benevolent rich would have to relinquish all of it (Volacu & Dumitru, 2019, p. 256).⁸¹

This, according to Volacu and Dumitru, counts as one of the undesirable implications of strong limitarianism (Volacu & Dumitru, 2019, p. 257).

Nonetheless, as Timmer underlines, the good that is done by the rich tends to be overestimated since “it is far from evident that the benevolent rich are fair and just distributive agents” (Timmer, 2019, p. 1336). What is so often praised as philanthropy indeed entails some unwanted risks, such as lack of coordination, discretionary power, controversial distributive criteria and so on (Franzini et al., 2014), which put into question its desirability in the first place. Not to mention that in the non-ideal world “the rich do not usually donate out of the goodness of their hearts; [...] their main motive is usually to avoid paying taxes” (Cagé, 2020, p. 114).

Notwithstanding these empirical difficulties, in principle, if the rich were fair and just distributive agents, and their intentions were good, according to Timmer, limitarian policies should not be detrimental of philanthropy either.

For example, not excessively rich but still affluent people could pool their resources together and donate it to charity. If so, they could still donate money to charity (one could even use policies which promote such donations) (Timmer, 2019, p. 1336).

In other words, limitarian policies would not prevent people from donating their non-excess wealth. That is, they would not prevent them from investing their non-excess wealth in such virtuous causes if they want to – in our example that people should not possess more than 10 times the median wealth, in a society where the median wealth is 200.000€ the super-rich would be allowed to possess up to almost 2 million euro and they could decide to donate part of it. What they cannot do is possessing excess wealth.

Although super-rich people could decide to invest their excess wealth in virtuous causes, indeed, excess wealth provides them with a problematic power anyway. The

⁸¹ See also Machin (2013, p. 130): “A tax of 100 % would affect these kinds of people [...] where, the use to which they put their wealth may have desirable consequences”.

simple fact that they can *arbitrarily* decide to which causes donate their excess wealth sounds problematic. Contra Robeyns who promotes the possibility of “deductible gifts” (Robeyns, 2017, p. 32), my insight here is that leaving the super-rich with the possibility of choosing to whom their money should go would still provide them with an independent political power. Non-wealthy citizens could, for instance, try to please their very wealthy fellows (say, by not voting for a certain policy) in order to push them giving their money to a certain cause. This insight further distinguishes my view from Dumitru’s republican limitarianism, too: Dumitru (2020) suggests that those subjected to the limitarian policy should have a greater say on where their withdrawn wealth should go. Personally, instead, I do not see how this would eliminate their independent power vis-à-vis their non-wealthy citizens.

This is the same reason why Dean Machin’s argument of offering the super-rich the choice between “forfeit all the things that make them super-rich, i.e., pay a 100% tax on their wealth above a certain level” and “forfeit some of their political rights” (Machin, 2013, p. 122) does not work. In the second case, indeed, the super-rich would still derive from their wealth an unfair independent political power, as well as enjoy all the above-mentioned privileges. A 100% tax on the wealth they possess above a certain level, instead, seems to be a suitable way to meet the task of limiting their wealth thus preventing their unfair power. However, such a demanding fiscal policy leads to some objections, as Machin himself point out. Firstly, a 100% top marginal taxation rate would infringe upon the super-rich’s liberty (Machin, 2013, p. 130) – what I call the freedom objection; secondly, a 100% top marginal taxation rate would disincentivize the wealthy from producing more goods (Machin, 2013, p. 131) – which is the well-known incentive objection.

I will take these objections into account one by one starting from the second one, which is more central to the limitarian debate, and then coming back to the first one, which I will address in the next section in relation to the neo-republican definition of freedom. Note that, according to Machin, both objections can be overcome by his proposal to offer the super-rich the choice between their wealth and some of their political rights, since in that case the super-rich would be free to choose and they would use their

preferences as an incentive.⁸² Nonetheless, as just noted, this would not be enough to prevent their wealth from translating into political power. Thus, the reasons for supporting a 100% top marginal taxation rate instead. Yet this proposal remains exposed to both objections. Hence, let's see how these can be overcome.

The first objection I consider is the well-known incentive objection. In short, this objection points out that a top marginal taxation rate of 100% would disincentivize the wealthy from producing wealth they cannot use for themselves. Robeyns herself considers this objection.

The objection here refers to the idea of optimal income taxation, as it is known in public economics. The consensus view among public economists is that the so-called optimal top marginal taxation rate, which is the rate at which total tax revenues are maximized, is about 70%. If one further increases the top marginal taxation rate, then total tax revenues decrease (Robeyns, 2017, p. 35).⁸³

The same criticism is then restated by Volacu and Dumitru against what they call “strong limitarianism”; according to them, “taxing individuals at 100% after a certain level of income would constitute a disincentive for productive work after they reach that level, leading to less economic resources available for redistribution to worse-off” (Volacu & Dumitru, 2019, p. 256).

At first glance, one might reply that the super-rich generally do not work themselves so the objection itself sounds pointless. The incentive objection, indeed,

⁸² More precisely, Machin replies to what I call the freedom objection in two steps: first, by stressing that his proposal would leave people free to choose how to invest their money (not all the super-rich may wish to have greater political influence, “[t]hey may seek only to use their wealth to pursue their private interests or non-political common interests. They may want to found a public library, preserve ancient buildings, or fund medical research” (p. 130)); and second, by stressing that his proposal would not impose any “controversial conception of political equality” (130), that is, it does not force people to give their resources away in name of the democratic ideal of political equality some people could not care about or could care less than about other goods they could buy with that wealth. I shall consider this second part of the objection in the next section. By contrast, with respect to the incentive objection, Machin argues that: “[i]mposing a choice on the super-rich lets them determine whether forfeiting their wealth would act as a dis-incentive and which of their wealth or their political rights they value more highly” (p. 131), thus, solving the incentive problems. This been said, a deeper analysis of Machin’s proposal goes beyond the scope of this text.

⁸³ See also Murphy & Nagel (2002).

seems to have very different implications depending on the type of wealth one considers. Where a 100% top marginal taxation rate would significantly affect wealth related to productive activities – i.e., a person would be strongly disincentivised from working extra hours if she had to pay back in taxes all the earnings from those hours; it is not clear how this would affect wealth unrelated to productive activities, for example, wealth related to inherited assets. A controversy that is even more crucial if one considers that generally individuals' excess wealth is mostly composed by the latter (Piketty, 2014).

However, one might argue that, although slightly, the incentive objection applies also on wealth unrelated to productive activities. If, for instance, we tax inheritance at 100% above a certain threshold people could be disincentivised from gaining extra wealth they cannot bequeath (White, 2003, p. 183). Indeed, the incentive objection does not criticize the limitarian fiscal policy because it disincentivises people from working – in that case, it would hardly apply on the super-rich – but rather because it disincentivises them from producing extra wealth, which can be done also through, say, financial investments. For this would reduce tax revenues, that is to say, it would reduce the resources that the state can withdraw through such a fiscal policy and redistribute.

Now, if one endorses limitarianism to protect democracy, this does not seem to be a problem. Robeyns herself admit that the incentive objection is stronger if one endorses the argument from the unmet urgent needs (Robeyns, 2017). If the task of limitarianism is collecting as much resources as possible to meet these needs, clearly, a potential decrease of overall resources is problematic. By contrast, if the aim of limitarianism is preserving democracy from the super-rich's disproportionate political influence, maximizing the number of revenues seems no longer to be a priority; what matters is limiting individuals' excess wealth *tout court*.⁸⁴ I am not saying that we should not redistributing the withdrawn resources, but that, in principle, these could even be zero, since for the sake of the democratic argument what matters the most is limiting excessive individual wealth so that no-one can buy political influence.

However, even if one endorses limitarianism to protect the democratic ideal of political equality – as I do by arguing that limitarianism should be advocated within neo-republicanism to protect the political legitimacy grounding freedom as non-domination –

⁸⁴ This brings about a tension between the two arguments see Robeyns (2017, p. 35-36); Icardi (2022).

there might be other reasons why it is worth collecting as many resources as possible. For instance, the wealth withdrawn through limitarian fiscal policies could be employed to grant everyone material independence, which is the other substantive requirement grounding neo-republican liberty.

Note that, nonetheless, the possibility that a top marginal taxation rate of 100% would produce zero revenues appears to be quite low. For human beings have multiple motivations not only to work (Franzini et al. 2014, p. 140), but also, it seems to me, to invest and save their money. In the previous example of the inheritance tax, it would in fact be misleading to consider bequeathing as the sole or even the main reason for people to accumulate wealth (White, 2003, p. 183) – I will go back to this in the next section. Robeyns herself seems to share this insight. When she suggests “non-monetary incentive systems” against the incentive objection she seems to assume that people can indeed be motivated by further “commitments, challenges they have set themselves, or intrinsic joys, esteem, or honor” (Robeyns, 2017, p. 37).⁸⁵

As a result, taxing away the super-rich’s excess wealth would not reduce the total amount of resources to such a worrisome extent the incentive objection wants us to believe. Besides the fact that if limitarianism aims at protecting freedom as non-domination from the political domination by economic elites, maximizing tax revenues does not seem to be a priority.

4.1.2. Neo-republicanism and taxation: the freedom objection

Let’s now turn to Machin’s first objection against a 100% taxation rate for the super-rich. Namely, the criticism that such a fiscal policy would infringe upon the super-rich’s liberty. For it would prevent them from using “their wealth to pursue their private interests” (Machin, 2013, 130). This objection seems to be grounded on what Liam Murphy and Thomas Nagel calls the “general presumption [...] against taxation”:

a presumption against ‘big government’ and in favor of allowing people to do what they want with the resources that they have acquired through participation in a free market economy (Murphy & Nagel, 2002, p. 5).

⁸⁵ Note that, Robeyns specifically refers to work, but I believe that the reasoning can be widened to all those activities which allow people to gain (and then accumulate) extra wealth.

In relation to this general presumption and to a mainstream libertarian thought – what Murphy and Nagel calls “everyday libertarianism” (Murphy & Nagel, 2002, p. 31) – taxes are seen as dangerous governmental interferences reducing people’s freedom. Roughly speaking, the idea is that (a) freedom means absence of interferences – i.e., to be free people should suffer the less possible amount of others’ interferences in their lives; (b) taxes interfere with people’s lives – i.e., they are a kind of interferences by the state; (c) taxes reduce people’s freedom.

However, note that even from this mainstream libertarian perspective, taxes can somehow be justified. It would suffice to admit that (1) the state overall ensures people’s freedom – i.e., it protects people from others’ interferences; (2) the state needs money to function, and taxes collect such money; (3) taxes are compatible with freedom since they finance the state – namely, taxes are interferences, but justified ones.⁸⁶ Generally, this reflects the idea that although taxes might reduce individuals’ specific freedoms (i.e., they might interfere with their choices to buy a certain good), they do not reduce, quite the contrary they can even increase, their overall freedom by financing the state which protects them from others’ interferences.⁸⁷

Now, the question that arises is: can the above analysed top marginal taxation rate of 100% be justified in these terms? At first glance, the answer to this question seems to be affirmative: given that the goal of such a fiscal policy is protecting democracy this could be justified in the package of taxes benefiting the state. However, to ensure people’s freedom from interferences, the state does not need to be a democracy. In other words, for people to suffer the less possible amount of interferences, they do not need to have equal opportunities to influence politics. A queen might secure her subjects from one another’s interferences without giving them control on her decision-making.⁸⁸ It follows

⁸⁶ This is the reason why from such a libertarian perspective, taxes are generally defined on the principle of equal sacrifice: “it makes sense because the theory limits government services to those that are needed to secure everyone’s rights, in ways that can only be accomplished by state action. Paying for these minimal services that benefit everyone is then naturally understood as a matter of sharing out the cost of a common burden.” (Murphy & Nagel, 2002, p. 26-27).

⁸⁷ For the distinction between specific freedom and overall freedom see Carter (1999). I am not going into this debate in-depth; this preamble simply intends to specify the freedom objection before addressing it.

⁸⁸ Not to mention the worry firstly introduced by Berlin (1969) that linking liberty with democracy would impose on people to participate, indeed, according to him positive rather than negative liberty entails a

that, although from a mainstream libertarian view it is possible to justify certain taxes, a top marginal taxation rate of 100% protecting democracy from the unfair influence of the super-rich seems not to be among them. Such a fiscal policy, indeed, does interfere with people's choices, and it can hardly be justified on the ground of financing the acceptable minimal state, thus it seems to reduce freedom as non-interference. The question now being whether the same occurs when it comes to freedom as non-domination.

If one considers freedom as non-domination things are different. Not only because democracy is part and parcel of it, but also because, as we have seen, a relative limitarian threshold stands as a precondition of the necessary equality of opportunity for political influence. By being a way to implement such a limitarian threshold, hence, a top marginal taxation rate of 100% would not reduce freedom as non-domination, but rather it would ground it. Such a fiscal policy could *condition* people's freedom as non-domination, but it would not *compromise* it.

For republicans whose concern is with non-domination, not non-interference, taxation is not nearly so bad or objectionable in itself—at least not on the face of it—as the domination against which it is designed to protect. When a government taxes people under a well-ordered system of law, it need not dominate them, since the interference involved should not be arbitrary; it should be designed to track people's interests according to their ideas. The taxation will restrict the area in which those who are taxed enjoy undominated choice, for it deprives them of certain resources, but that is a much lesser offence than domination itself (Pettit, 1997, p. 149).⁸⁹

democratic government (see chapter one). The same worry seems to be shared by Machin when he affirms that not giving the super-rich the choice between their wealth and their political rights would impose on them “a controversial conception of political equality” (Machin, 2013, 130). I let aside this issue because as I see it a top marginal tax rate of 100% above the limitarian threshold should protect citizens' equal opportunities to influence politics rather than either their equal willingness to participate in politics or their equal ability to do so (see chapter two). Thus, no controversial idea of political participation would be at stake.

⁸⁹ See also Swan (2012 p. 437): “if people are entitled to freedom as non-domination, then they are entitled to the provision of the necessary requirements to avoid or escape the capacity of others to interfere with them arbitrarily. This allows the state to interfere with people, say, by taxing them to fund various redistributive schemes, but not arbitrarily. A republican proposal along these lines permits the state to interfere with people for the sake of promoting freedom as non-domination”; (p. 439): “nonarbitrary interferences legitimately codified in law are freedom-conditioning and not freedom-compromising factors”.

However, one might say that a top marginal taxation rate of 100% infringes the criteria of generality and reciprocity put forward in chapter one: such a tax scheme, indeed, seem to apply to particular persons, notably the super-rich, and accord them different obligations than those accorded to their fellow citizens. As Jean-Fabien Spitz underlines the worry with respect to redistributive policies is precisely that:

[t]rying to correct the excessive differences of wealth would be contradictory to the generality and impersonality of the law, since it would imply that certain laws would be specifically designed to extract some wealth from those who have too much and provide additional resources to others who have too little (Spitz, 2016, p. 77).⁹⁰

This reflects a common problem when it comes to taxation: “a basic principle of democracy is that people ought to be treated as equals, but when it comes to taxation, people often disagree about what ‘as equals’ means” (Scheve & Stasavage, 2016, p. 19).⁹¹

One option would be that citizens pay the same amount of taxes. However, far from treating citizens as equals this intuitive solution would “be viewed as a regressive and unequal tax since those with more money pay a smaller fraction of their income” (Scheve & Stasavage, 2016, p. 25). Thus, the alternative “flat tax”: “a tax where all pay the same percentage rate” (Scheve & Stasavage, 2016, p. 25). Yet this tax too seems to

⁹⁰ Spitz claims this in relation to Rousseau’s political theory. Yet since Rousseau seems to anticipate both the criteria of generality and reciprocity as well as the acknowledgment of the threat of excessive wealth to political legitimacy this worry can be generalized. Moreover, note that Spitz goes on by saying that in a Rousseauian vein we should prevent “excessive differences of wealth from developing themselves” rather than correct “those excessive differences of wealth after they have emerged” (Spitz, 2016, p. 78). Nonetheless, later on he admits that if we take Rousseau’s idea that “private appropriation should not hinder the possibility of independence for all”, this “could validate public action by a redistributive state, which would legitimately take away acquired property and transfer it to those who need it in order to lead an independent life” (Spitz, 2016, p. 93). More precisely: “[i]n an industrial and modern society, where the means of production and natural resources are concentrated in a few hands, an equal right to work and acquire private wealth – as well as general laws protecting the product of our work – cannot secure equal freedom for all. On the contrary, maximizing freedom requires that the state attempt to correct the detrimental consequences of such a concentration of wealth” (Spitz, 2016, p. 93-94). Although this is not the place to go in-depth in Rousseau’s theory, Spitz’s reading of it vis-à-vis redistributive policies give us some insights to solve the above stated impasse.

⁹¹ See also Murphy and Nagel (2002): “everyone agrees that taxation should treat taxpayers equitably, but they do not agree on what counts as equitable treatment” (Murphy & Nagel, 2002, p. 13).

be unjust. As Murphy and Nagel highlight “there are relevant differences between taxpayers that make it fair to treat them differently – indeed, unfair to treat them the same” (Murphy & Nagel, 2002, p. 14). This is where progressivity in taxation comes into the picture, and with it the question of whether and how progressivity can be told to treat citizens as equals while imposing them different percentage rates.

Different principles have been put forward to answer this question. Among them the most renowned one is the so-called “ability to pay” principle (Murphy & Nagel, 2002).⁹² In short, this principle tells that since the richer have more wealth they should pay more, to wit, they should be those financing the state the most. This is justified by the idea of “equal sacrifice”, namely the fact that even if they pay more their sacrifice is either zero (if one considers the decrease of money’s marginal utility, i.e., that at a certain point money loses its value for those who own it) or negligible (in the sense that even if they pay more, they would still have enough resources) (Murphy & Nagel, 2002, p. 23-24; see also Robeyns, 2017; 2022).

However, this principle starts from the general assumption that “pretax market outcomes are presumptively just, and that tax justice is a question of what justifies *departures* from that baseline” (Murphy & Nagel, 2002, p. 15, italics in the original). Yet Murphy and Nagel insist on the fact that this assumption is wrong. For a twofold reason: on the one hand, market outcomes are not necessarily just, while on the other, the idea that there is a justified, natural pretax situation versus a post-tax conventional situation to be justified is a nonsense. With their words: pretax outcomes are “the returns generated by a market regulated in accordance with a certain set of government policies” (Murphy & Nagel, 2002, p. 33). By consequence, the tax system

is not an incursion on a distribution of property holdings that is already presumptively legitimate. Rather, it is among the conditions that create a set of property holdings, whose legitimacy can be assessed only by evaluating the justice of the whole system, taxes included (Murphy & Nagel, 2002, p. 37).

The choice of the tax package hence depends on the principles of justice that one endorses. A just taxation does not withdraw what people justly own, but rather it leaves them with what justly belongs to them (Riva, 2015, p. 18). For a tax system to be just, it

⁹² See also Halliday (2013); Scheve & Stasavage (2016).

would suffice to be justified in the name of the more general idea of justice: “the government should employ whatever overall package of taxation [...] best satisfies the correct criteria of justice” (Murphy & Nagel, 2002, p. 30).

Now, a taxation rate of 100% for the super-rich could implement limitarianism which I argue being a precondition of the political legitimacy grounding freedom as non-domination. Thus, by being a possible policy realizing the relevant principle of distributive justice (i.e., the limitarian threshold), this top marginal taxation rate appears justifiable. Moreover, it would also meet the fairness criterion put forward by Murphy and Nagel. For taxes to be fair means that “like-situated persons must be burdened equally and relevantly unlike persons unequally” (Murphy & Nagel, 2002, p. 12). This refers to the distinction between vertical and horizontal equity:

vertical equity is what fairness demands in the tax treatment of people at different levels of income (or consumption, or whatever is the tax base), and horizontal equity is what fairness demands in the treatment of people at the same levels (Murphy & Nagel, 2002, p. 13).

Since a taxation rate of 100% for the super-rich would equally apply to all those who have excess wealth, i.e., to those above the limitarian threshold, and at the same time would not impose a similar taxation rate to those who do not have excess wealth, i.e., to those below the threshold, it seems to be fair.

In this sense, such a fiscal policy would not represent a source of domination, thus it would not reduce neo-republican liberty. The question that shall now be addressed is to what this top marginal taxation rate of 100% would apply, or, in other words, what should be taxed. This is the question for the second part of this chapter.

4.2. Tax base

One of the major issues when it comes to taxation, along with identifying the tax rate, is “identifying the appropriate tax base, that is the set of activities or exchanges that should be taxed” (Halliday, 2013).⁹³ As we have seen in the previous section, for our purpose,

⁹³ Note that, according to Murphy and Nagel, “the choice of tax base has only instrumental significance for economic justice [...] a just tax scheme is one that finds its place in a set of economic institutions that together produce just and efficient social results” (Murphy & Nagel, 2002, p. 98). Although we can consider it as instrumental – at the end of the day a top marginal taxation rate of 100% on X is nothing but an

above the limitarian threshold, the tax rate should approach 100%. What remains to be investigated hence is what should be taxed at this very high rate.

The abovementioned incentive objection suggests that incomes derived from work would not be the best candidate for it. If we tax at 100% the incomes people gain through their work above a certain threshold, we risk disincentivizing them from working. And this leads to a problematic decrease of tax revenues.

If the marginal tax rate applicable to an extra hour of work reduces the net benefit of the extra work to less than that of an extra hour of leisure a rational worker will choose leisure instead [...] if it deters work, the tax harms both the worker and the potential employer, each of whom has lost the opportunity for gain – and benefit no one, since the work was not done and so no tax was collected (Murphy & Nagel, 2002, p. 97).

Moreover, incomes derived from work would not be the best candidate also because we are talking of very rich people who generally do not really work themselves. Their fortunes are usually made up by unearned incomes, e.g., inheritance, for the most part. Thus, a top marginal taxation rate on the incomes one earns through their work would probably not be so effective. The question that this section aims at addressing, hence, is what tax base would be effective if we aim at restraining the super-rich's fortunes?

To answer this question, I take two alternatives into account. Firstly, the consumption tax (Murphy & Nagel, 2002, 96-128), with a particular focus on luxury items in line with the republican tradition (Dagger, 2006) [4.2.1]. Secondly, the inheritance tax (Murphy & Nagel, 2002, p. 142-159; Dagger, 2006; Halliday, 2013; 2017). The leading insight being that, for the purpose I am investigating, the latter would be a better tax base. This is because inheritance facilitates the accumulation and concentration of wealth in the hands of few people (Piketty, 2013; Halliday, 2018), and therefore taxing it away would tackle the root of the problem of political domination by economic elites [4.2.2].

4.2.1. Luxury tax

The first tax base to be considered are consumption goods. In this section, thus, I analyze the hypothesis of a consumption tax. When it comes to tax the rich, a consumption tax

instrument (a way) to realize the limitarian threshold – this remains an issue worth being analyzed in a discussion about justice and taxation.

looks appealing for a twofold reason: first, the rich are generally those who consume the most by having the most, and second, since it is an “indirect” tax on goods rather than on persons’ holdings it often requires “less bureaucracy” to be redeemed (Scheve & Stasavage, 2016, p. 35).

However, such a consumption tax brings about a well-known downside, i.e., the danger of being regressive (Murphy & Nagel, 2002; Halliday, 2013; Scheve & Stasavage, 2016). By applying to goods, this tax equally applies to everyone who wish to purchase those goods independently from the resources they have at their disposal. The less resources one has, the larger percentage of these one has to pay in order to get certain goods.

A traditional problem with consumption taxes is their tendency to be regressive: roughly, the amount extracted (per unit of consumption) will be the same irrespective of how rich or poor the consumer is. This means that the poorer a consumer is, the greater a proportion of their income they must pay. Hence, consumption taxes hit the poor harder than they hit the rich” (Halliday, 2013, p. 6).⁹⁴

Nevertheless, what we are looking for is a specific tax for the super-rich. Thus, a consumption tax could take the shape of a taxation rate of 100% on those goods which price goes beyond a certain threshold, hence it would not hit on the poor (or even on the middle-class), but rather on rich and very rich people who are generally those who can afford such goods. Indeed, a consumption tax “might be assessed at a higher rate on *luxury* goods and at a lower rate or not at all on essentials like food” (Murphy & Nagel, 2002, p. 96, emphasis added).

Moreover, such a consumption tax on luxury goods sounds particularly appealing for neo-republicanism. It would contrast the tendency towards “the desire to live luxuriously” which in the traditional republican outlook would be “at best a distraction from the concerns of the public-spirited citizen; at worst, [...] a weakening and divisive force that sets citizens against one another, for what counts as luxurious is determined in large part by its exclusivity” (Dagger, 2006, p. 159).

⁹⁴ See also Scheve & Stasavage (2016, p. 35): “Indirect taxes have regressive incidence to the extent that poor and average people spend a greater fraction of their income on common consumption goods than do the wealthy”.

Yet this focus would not solve the regression problem. Perhaps the problem would no longer concern rich and poor but rather rich and super-rich, nonetheless it would occur anyway. An indirect tax, as it is a consumption tax on luxury goods, does not discriminate between very rich people who can afford those goods without any sacrifice and rich people (or middle-class people) who can still afford them but with sacrifice. In other words, despite the fact of applying on very expensive goods only, such a tax would hit differently on people with different incomes. The richer one person is, the smaller amount of her fortune she has to pay to acquire those goods.

In reply to this criticism, one might envisage, as Richard Dagger (2006) does, a “*progressive consumption tax*”, that is, a tax that “may take effect only when one’s expenditures go above a certain level deemed sufficient to meet one’s (or one’s family’s) basic needs” (Dagger, 2006, p. 164-5, italic in the original).⁹⁵ This progressive consumption tax remains indirect, in the sense that it would still apply on expenses rather than on persons’ holdings. However, instead of applying on goods themselves, thus hitting equally on whoever wish to buy them, it would apply on the amount of expenses people make. Dagger does not give us more details about it, but he seems to assume that this tax would then be progressive with respect to the amount of expenses. Therefore, in a limitarian vein, we could imagine a rate of 100% above a certain threshold.

According to Dagger, such a progressive consumption tax would have two upsides. First, it would meet the republican aversion to *luxu* without having to define which goods should be considered as luxuries. With Dagger’s words:

Like the sumptuary tax, a progressive consumption tax would promote frugality by discouraging spending, especially spending on luxury items. Sumptuary taxes, however, proceed by distinguishing between goods to be taxed (luxuries) and goods exempt from taxation (necessities) and this distinction generates much bickering as to what is a luxury and what a necessity. Neo-republicans cannot regard this as a healthy situation, for the bickering inevitably takes the form of the interest-driven manipulation of the tax code that is at odds with deliberative politics. A progressive consumption tax [...] removes the

⁹⁵ Note that this tax seems to apply only on non-necessary expenses, that is only on those expenses that do not contribute to people’s material independence – as in Murphy and Nagel’s quotation (Murphy & Nagel, 2002, p. 96).

motive for such bargaining by imposing a tax on consumption in general (Dagger, 2006, p. 164).⁹⁶

This would be in line with the general assumption that people should be left free to shape and pursue their own life goals – if one considers freedom as non-domination, people should be free from anyone else’s arbitrary power to shape and pursue their own life goals (see chapter one). Thus, a taxation scheme should not *arbitrarily* advantage or disadvantage some choices with respect to others.⁹⁷ Furthermore, according to Dagger, a progressive consumption tax has a second upside, that is, such a tax would not be regressive. Namely, it would not impose an equal rate on everyone who wish to purchase a certain good, but only on those who make similar expenses – the larger the expenses, the larger the tax rate.

Although I am sympathetic to Dagger’s view, I believe that a criticism can be moved to his proposal. Namely, such a progressive consumption tax would not perhaps be as regressive as consumption taxes in general, but it would still be regressive somehow. People with less resources and a certain amount of expenses would pay the same tax as people with more resources and similar amount of expenses. Perhaps this would rarely happen at the bottom of the distributive ladder (it is hard to see how poor people could afford the same expenses as middle-class people), but this could occur at the top of it. Rich and very rich people could afford similar expenses, thus ending up paying the same rate of tax although this would correspond to different proportion of their wealth (*contra* horizontal equity).

⁹⁶ See also Pettit (1997, p. 162) for a discussion on sumptuary tax.

⁹⁷ Two remarks follow. Firstly, note that this freedom claim, i.e., the fact that people should be left free to shape and pursue their own life goals, roughly speaking, holds insofar they do not harm others, thus taxation could be used to discourage expenses which would harm others (e.g., pollution). Secondly, the non-arbitrary claim about taxation, i.e., the fact that taxation should not arbitrarily advantage or disadvantage some choices with respect to others, does not imply that people in the democratic assembly cannot decide for a specific tax disadvantages certain choices (i.e., that on cigarettes) on the basis of their common interest (i.e., funding the public health system) – in that case the relevant tax would not be arbitrary indeed. Yet these decisions cannot be taken *ex ante*, i.e., before the democratic process.

4.2.2. Inheritance tax

Let's thus consider another tax base, namely inheritance. Unlike consumption tax, inheritance tax is a "direct" form of taxation which directly applies on persons' holdings (Scheve & Stasavage, 2016, p. 35).⁹⁸ Therefore, something such as a progressive inheritance tax, which would take effect only when inheritance "goes above a certain level" (to borrow Dagger's formula), or which would apply at different rates to different amounts of inherited wealth, would not suffer the regressive problem. Intuitively, indeed such a tax would withdraw equal amounts of money from people with equal amounts of inherited wealth, thus, it would meet both horizontal and vertical equity.

This is true unless one envisages a 100% flat tax on inheritance, i.e., unless one envisages the abolition of inheritance itself (White, 2003, p. 180). But should inheritance be abolished? There are at least three reasons why the answer to this question sounds negative. Firstly, as Stuart White himself writes, people should be left free "to express their love and affection for one another" also through "the giving of valuable items, including money wealth" (White, 2003, 181-2). To clarify this thought, he puts forward the telling example of a grandmother who wants to donate her wedding ring to her granddaughter:

For example, a grandmother may transfer her wedding ring to her granddaughter, and, by means of this act, both express love for her granddaughter and help sustain a sense of intergenerational continuity within her family. As long as friendship and family remain profoundly important to many people; it will be at the heart of what they regard as a life lived in authentic accordance with their deepest values. It seems necessary, then, to regard the freedom to practise some degree of such affective transfer as a freedom that should not be restricted (White, 2003, p. 182).

Although this claim for freedom does not prevent "high taxation of wealth transfers", it does suggest that "the outright abolition of inheritance or full confiscatory taxation of wealth transfers is undesirable" (White, 2003, p. 177).⁹⁹

⁹⁸ With the words of Daniel Halliday consumption tax would be an "ex post method" while inheritance tax would be "ex ante", thus it would be more effective since "the flow of wealth is what is targeted rather than particular ways of using it" (Halliday, 2018, p. 145).

⁹⁹ Note that this quote refers more in general to the criticisms against inheritance that White take into account, among which there is the one of freedom I retrieve.

In addition to that, secondly, there is the idea that inheritance does not always have to be considered as objectionable. According to Daniel Halliday, “[s]mall, first-generation inheritances may help reduce segregation by expanding the middle class, or at least by stopping it from shrinking” (Halliday, 2018, p. 1-2). This upshot is grounded on the premise that there is a crucial difference between “larger, second-generation inheritances” and “small, first-generation inheritances” (Halliday, 2018, p. 1-2) in that while the former reproduces and strengthens wealth inequalities among people, the latter may contrast them by dispersing wealth around them (Halliday, 2018, p. 7). Not all inheritances hence are *per se* wrong, thus the abolition of inheritance is not itself desirable. Similarly, Dagger invites neo-republicans to be cautious when it comes to inheritance tax so as not to make “extremely difficult to keep a farm or small business in the family” (Dagger, 2006, p. 164). Small inheritances as such, indeed, could be seen as promoters of individuals’ material independence over time, consequently, it would be better if they were not abolished.

Furthermore, thirdly, it should be reminded that the purpose of this chapter is finding out a tax for the super-rich. Put it differently, what I am looking for is a way to limit a specific amount of individual wealth (*quantity*), i.e., that above the limitarian threshold, rather than a specific kind of individual wealth (*quality*), e.g., inheritance. On the contrary, arguments in favour of abolishing inheritance seem to be overall grounded in the idea that, independently from how much inherited wealth is, inherited wealth is itself wrong because of its arbitrarily distribution. Although either White or Halliday do not argue for the abolition of inheritance *tout court* because of the abovementioned reasons, they do argue that inheritance is wrong by being a “significant source of *brute luck* inequality” (White, 2003, p. 177, emphasis added). Witness Halliday’s words:

Being born into one of these groups, as might happen by being born to parents who have inherited, and with some expectation of inheriting oneself, provides one with *brute luck* advantage. When construed in this way, economic segregation is an injustice in itself because it is a subset of the ways in which distribution is dependent on personal circumstance rather than personal choices (Halliday, 2018, p. 103, emphasis added).¹⁰⁰

I am not denying this argument. Indeed, I believe that neo-republicans should avoid such brute luck – although this does not necessarily require inheritance abolishment since

¹⁰⁰ See also Gosepath (2022).

“levelling-down” measures (e.g., heavy inheritance tax) could and should be followed by “levelling-up” measures” (e.g., “basic capital”) so as to “ensure a high initial level of opportunity for all” (White, 2003, p. 185).¹⁰¹ Nonetheless, I argue that this is not the reason why neo-republicans should envisage an inheritance tax in the first place. The reason why they should do so, instead, is that inheritance could be an appropriate tax base for the 100% top marginal taxation rate which should protect democracy from the super-rich’s unfair political influence.

The question that arises is why inheritance? In other words, would inheritance really be a good tax base for this purpose? The answer appears straightforward: “[e]vidently, the inheritance of wealth is a major source of economic inequality in this class-unconscious society” (Murphy and Nagel, 2002, p. 142).¹⁰² Piketty further stresses this intuition:

Life-cycle saving cannot explain the very highly concentrated ownership of capital we observe in practice, any more than precautionary saving can. [...] The very high concentration of capital is explained mainly by the importance of inherited wealth and its cumulative effects: for example, it is easier to save if you inherit an apartment and do not have to pay rent (Piketty, 2014, p. 307).

Inheritance hence does not only reproduce past inequalities, but it also seems to perpetuate and exacerbate them by allowing inheritors to save more and more wealth, adding it to the inherited one. This is dangerous for the proper functioning of democracy. The upside of inheritance tax, hence, is exactly that it can limit the concentration of wealth which undermines democracies (Scheve & Stasavage, 2016, p. 93).

How does it come that inheritance causes all this? According to Halliday, this primarily happens because inherited wealth “helps maintain group-based wealth inequalities over time”, as well as, roughly speaking, it “[perpetuates] class systems and [restrict] social mobility” (Halliday, 2018, p. 1). Furthermore, inheritance does not only provide its beneficiaries with financial capital but also with the abovementioned non-financial capital (Halliday, 2018, p. 107). Together these capitals produce what Halliday

¹⁰¹ I leave these issues for the next section.

¹⁰² Similarly, White is worried that the inequality created by the conventional institution of inheritance “may contribute to the creation of a class-based culture that is at odds with the ethos of democratic mutual regard” (White, 2003, p. 177).

calls “economic segregation” which “can occur when wealthier groups are able to retain wealth and privilege over time” (Halliday, 2018, p. 103).¹⁰³ This is of the greatest importance here given that it is precisely that capacity to retain wealth and privilege over time which allows those belonging to economic elites to have a huge power in politics. Moreover, the fact that inheritance attracts nonfinancial capital must not go unnoticed; it will be remembered that nonfinancial capital is one of the most relevant indirect mechanisms which can translate money into political influence despite formal barriers (see chapter two and chapter three). Thus, the fact that “intergenerational transfers help groups maintaining their accumulated nonfinancial capital” (Halliday, 2018, p. 107) looks particularly relevant. Even if there is not a “perfect correlation between long-term concentrations of wealth and concentrations of valuable nonfinancial capital”, indeed, “[o]n the whole, groups with the most valuable nonfinancial capital tend to be groups possessing the most financial capital” (Halliday, 2018, p. 110).

In short, inheritance reproduces inequalities of both financial and nonfinancial capitals. When huge these inequalities undermine democracy, or so I argue, given that people that possess much more financial and nonfinancial capitals than their fellows have greater opportunities to influence the public decision-making process no matter which formal barriers are in place. Furthermore, it is hard to imagine how nonfinancial capital can be limited itself: “it cannot be redistributed or confiscated”, say, “[t]he state cannot tax accents, let alone spread them around” (Halliday, 2018, p. 110). Furthermore, this capital is usually pass on from parents to children through what Halliday calls “informal practices”, such as “reading to one’s children” (Halliday, 2018, p. 129), and it is hard to imagine how it would be feasible to directly intervene on this kind of practices, not to mention that this could also be seen as undesirable given that, roughly speaking, they are part of the family value (White, 2003; Halliday, 2018). Therefore, the restriction of nonfinancial capital is more likely to be indirect: “[i]t might involve use of taxation to

¹⁰³ Note that with this formula Halliday does not refer only to the very top of the wealthy distribution: “The idea of economic segregation applied in this book does not have such an exclusive preoccupation with the very top of the wealth distribution. [...] To assess the inheritance tax by its effects on the super-rich is, therefore, to assess it too narrowly, even if part of its defence might come from its effects on the very top of the wealth distribution” (Halliday, 2018, p. 204) However, I believe that his argument can be narrowed down in this respect.

break up the wealth inequalities that enable it to be so concentrate” (Halliday, 2018, p. 110). This reasserts my insight that to limit the danger that excess individual wealth represents for democracy what should be restrained is wealth itself. More precisely, inherited wealth since this appears to be one of the major sources of the concentration of both financial and nonfinancial capital in the hands of few people.

It shall be remembered that we are talking of large amounts of inherited wealth. On the one hand, as we have seen, there are good reasons not to abolish the convention of inheritance *tout court*, thus allowing small inheritances, which may even be beneficial (White, 2003; Dagger, 2006; Halliday, 2018). On the other hand, for the sake of my argument it makes sense to focus on large inheritances also because smaller inheritances do not attract the relevant nonfinancial capital enabling people to dominate the democratic process despite formal barriers between economics and politics being in place.¹⁰⁴

Now, one might say that inheritance is usually a late event in life hence it would not play a crucial role in one’s opportunities to influence politics. However, it is misleading to think about inheritance as one single event; inheritance shall more appropriately be seen as “flows of wealth down the generations” (Halliday, 2018, p. 3). And such flows have “a cumulative impact” especially “on the ability of wealthy groups to retain valuable nonfinancial capital over time” (Halliday, 2018, p. 122). Someone who inherits or is expected to inherit (large amounts of) wealth can, for instance, invest more on their children’s education.

Receiving an inheritance may happen too late to make a difference to own’s one social position, but it can come early enough to help raise the status of one’s child. Pre-existing flows of inherited wealth, which some parents enjoy and others do not, help enable and increase the degree to which parental conferral of advantage is differential (Halliday, 2018, p. 133-4).

The question that arises, nevertheless, is why taxing inherited wealth rather than wealth *tout court* if one wants to avoid such advantages related to the individual (or

¹⁰⁴ Similarly, Halliday affirms that “[v]ery small inheritances are simply not significant enough at attracting nonfinancial capital to contribute to any significant degree of economic segregation” (Halliday, 2018, p. 111). Although he does not distinguish between economic elites and the rest of the population (and consequently his inheritance tax does not apply only to the super-rich), I believe that his idea that very small inheritances do not lead to economic segregation can be turned into the idea that small/middle inheritances do not lead to unfair political power.

family)’s ownership of large fortunes. The answer seems to be that however great newly accumulated fortunes may be, they will never be as great as fortunes accumulated over time: “wealth originating in the past automatically grows more rapidly, even without labor, than wealth stemming from work, which can be saved” (Piketty, 2014, p. 477). Halliday stresses this point:

The hint is in the way in which unearned income has a tendency to “constantly” increase if nothing is done to regulate it. Importantly, large concentrations of private wealth tend to endure *only* because they can be transferred down a family line. Indeed, Piketty is very explicit in blaming inheritance flows as an enabler of wealth inequality over time (Halliday, 2018, p. 202, emphasis added).

Although Halliday does not present inheritance tax and wealth tax as strict alternatives to one another (Halliday, 2018, 203), it seems to me that these reasons are valid reasons for arguing in favour of inherited wealth rather than wealth *tout court* as an adequate tax base for the fiscal policy I am discussing in this chapter. An inheritance tax would indeed directly hit the accumulation of large amounts of wealth as well as indirectly the concentration of non-wealth related privileges. In this way, it would be a good tool to prevent the super-rich from dominating the public decision-making process thanks to their financial and nonfinancial capitals.

Note that for Halliday an inheritance tax for the super-rich would be too narrow (Halliday, 2018, p. 204), nonetheless, it seems to me that this could work if one aims at avoiding the political domination by economic elites. What should be limited in this respect is precisely the super-rich’s wealth, that wealth allowing its owners to have disproportionate opportunities for political influence despite formal institutional constraints be in place. Halliday appears skeptical about this upshot. According to him:

It is not obvious [...] whether inheritance taxes would be the only or the best way of breaking up political dynasties, as opposed to other measures that make it easier for people to enter politics without growing up in a relevantly well-connected family. For one thing, money in politics doesn’t always come from wealthy individuals but from large corporations, which do not inherit (Halliday, 2018, p. 150).

Two of my insights are hence put into discussion.

First, the fact that formal solutions can do little to prevent the super-rich from dominating democracy. For Halliday “other measures” could be envisaged in this respect. Yet, it seems to me that such “other measures” Halliday is considering are nothing but

positive formal solutions (enlarging the non-wealthy's opportunities to influence politics) which, as *negative* formal solutions (narrowing the wealthy's opportunities to influence politics), would hardly work. As we have seen, indeed, wealth provides its owner with a power that is more subtle than what we tend to assume, thus difficult to formally track. For instance, one positive formal measure might be electing people who have not attended very expensive private schools. Nonetheless, it is very likely that once elected these people would still make decisions in favour of their wealthy's fellows – as is the case with McCormick's "class-based institutions", citizens in the assembly would still fear the threats (e.g., capital flights) or listen to the promises (e.g., investments) of economic elites (see chapter two). Not to mention that children of very rich families could attend non-private schools to gain (for free) the opportunity of being elected. Although this could be seen as a positive side effect, since their privileges seem to be reduced, this would not correspond to a reduction of their overall financial and nonfinancial capitals after all; quite the contrary, the money that their parents spare from school fees can be invested in extracurricular activities, in political campaigns, or in influencing public opinion, and so on, thus buying extra opportunities for political influence anyway. This is the reason why, in my view, the problem should be addressed at its roots by limiting the super-rich's wealth.

However, this does not in itself justify an inheritance tax, indeed. The second insight that is put into discussion here is that an inheritance tax would be a suitable way to reach this task.

For one thing, money in politics doesn't always come from wealthy individuals but from large corporations, which do not inherit (Halliday, 2018, p. 150).

I am aware that actors such as lobbies and corporations represent a serious danger for political equality. However, there are at least two reasons why it is nonetheless worth focusing on individual wealth. First, limiting individual wealth would already have some consequences in the direction of limiting such actors' power, e.g., it would reduce the purchasing power of individual shareholders. Of course, this would only be a starting point – it is likely that further reforms would be needed in addition, e.g., a limit on the wealth of private firms itself. Yet if limiting individual wealth is a starting point, and a top marginal taxation rate of 100% a good way to do so, then there is *prima facie* case for inherited wealth to be an adequate tax base for the abovementioned reasons. Moreover,

and this is the second reason why I focus on individual wealth, as far as the power of economic groups might be seen as dangerous for democracy, this does not diminish the danger represented by very rich individuals. Surely it would not be enough to tax the latter, but similarly it would not be enough to limit the former only. Both measures are consistent with my theory and none of them exclude the other. Hence, it is not a problem to analyze them one by one and to focus on excessive individual wealth for the moment.

To sum up, my thesis is that, for democracy to be protected from the super-rich's domination, large inheritances should be taxed away. This should be done at a rate of 100% above the limitarian threshold, i.e., that threshold above which people possess enough wealth to have boundless, disproportionate political influence because of it. Where the limitarian threshold should be put: "cannot be settled in the abstract, but it must be enough to check the possibility that inherited wealth will lead to political inequality and put some people in a position to dominate others" (Dagger, 2006, p. 164).

If we tax inheritance so heavily, though, two objections arise. Firstly, once again, the incentive objection. Remember that, although the incentive objection hits more deeply incomes derived from work, it can hit also unearned incomes such as inheritance. If we tax inheritance at 100% above a certain threshold people could be as well disincentivize from gaining wealth if they cannot bequeath it. "[I]ndividuals will be less motivated to work hard and be enterprising since", the objection goes, "a primary motivation for hard work and enterprise is to build up a fortune that one can transfer to others" (White, 2003, p. 183). However, there are many further motivations "of which leaving one's children (or others) a fortune is only one, and probably not the most important motivation for most people" (White, 2003, p. 183). Moreover, with special respect to inheritance tax, the incentive objection overlooks that inheriting huge fortunes itself may discourage (very rich) people from producing more wealth: a heavy inheritance tax "could actually serve to improve the work motivation of some people – namely, those who might otherwise have lived idly on inherited wealth" (White, 2003, p. 183).

Secondly, such a tax leads to what Halliday calls the "avoidance objection" which "is the worry that a restriction on the right to bequeath will simply motivate donors to seek an alternative form of wealth transfer [for instance, through what Halliday calls *inter vivos* gifts]" (Halliday, 2018, 188). Halliday puts forward two replies to this objection. First, there are evidences that external circumstances, as the increase of inheritance tax

can be, but also as the rise of longevity is, do not change the preference from bequeathing to *inter vivos* gifts: if it were so, the increase of longevity would have already changed the practice of inheritance.¹⁰⁵ Second, there are no reason why an inheritance tax cannot “be broadened so as to include all intergenerational wealth transfers in its base”; quite the contrary, “it is perfectly possible, in principle, to include whatever transfers a donor makes prior to death, by way of a gift tax” (Halliday, 2018, p. 192).¹⁰⁶ By enlarging the tax base, thus, the avoidance objection can be overcome.

Another option Halliday envisages to solve the avoidance objection is “to tax the wealth transfers at the receipts end rather than at the donor end” (Halliday, 2018, p. 192). Both White and Halliday, indeed, seem to agree that there are advantages in taxing inherited wealth at the receipts’ end. Among other things, this is because under this construal the inheritance tax would have the positive side effect of incentivizing a wider redistribution of huge fortunes: “receipts taxes tend to do a better job of encouraging the fragmentation of large fortunes than estate taxes” (Halliday, 2018, p. 192).¹⁰⁷

If this sounds, we might argue, in line with White, in favour of a ceiling of wealth one is permitted to receive.

One standard model accords each person a lifetime quota of wealth which she may receive in gifts and bequests without any tax liability. Tax is then paid, perhaps at an increasing rate, on all transfers to her above this quota (White, 2008, p. 163).

In my view, such a lifetime quota would be nothing but the limitarian threshold – thus, it would be calculated in relation to the median inherited wealth as well as it would be put relatively high in relation to it (see chapter three). All the wealth one inherits above this

¹⁰⁵ In other words, “If parental motivations were strongly directed at benefitting children, it would make sense for parents to favour *inter vivos* transfers, given that bequests may occur too late in heirs’ lives to be as beneficial as they once were. [...] At any rate, there is no evidence of a substantial switch from bequeathing to gifting” (Halliday, 2018, p. 191, italic in the original).

¹⁰⁶ This might raise the question of how to treat “parental contributions to educational expenses” (White, 2003, p. 267, footnote 16). However, this would not really hit the idea of a top marginal taxation rate on inheritance (wealth transfers) since after-tax parents would still have enough wealth to provide their children with education (perhaps they could no longer afford very privileged expensive schools, but this is exactly what we want to avoid).

¹⁰⁷ See also White (2003).

threshold should be withdrawn, that is, once the lifetime quota is reached a flat tax of 100% should apply. This is similar to what White suggests in his 2003 book:

we could impose a progressive tax structure on transfers in excess of the lifetime quota. For example, to pluck some purely illustrative figures out of the air, we could tax transfers up to double the lifetime quota at a rate of 50 per cent, transfers up to triple the quota at 70 per cent, and so on, perhaps eventually hitting a marginal tax rate on further wealth transfers of 100 per cent (White, 2003, p. 186).

However, my focus is only on such a top marginal taxation rate of 100%. This is because, in a limitarian vein, I am looking for a way to limit the super-rich's wealth only and, in a neo-republican perspective, once political legitimacy is granted citizens should be left free to decide how to distribute their wealth.¹⁰⁸

To conclude, I argue in favour of a top marginal taxation rate of 100% on inheritance above the limitarian threshold. This upshot shares Halliday's concern that inherited wealth allows the accumulation of financial and non-financial capitals, as well as it recalls White's lifetime quota. However, it differs from both views since it focuses on *large* amounts of inherited wealth only, and it justifies their withdrawal in the name of the democratic idea of political equality grounding freedom as non-domination – rather than in the spirit of avoiding brute luck. In this respect, inheritance looks a suitable tax base since inheriting large amounts of wealth does not only allow people to accumulate more and more wealth, but it also provides them with the relevant financial and nonfinancial capitals – in Halliday's words. Taxing huge inheritances away would hence

¹⁰⁸ Why not a Rignano scheme though? “According to the Rignano scheme, inheritance can be taxed at a greater rate when it rolls over—when it gets passed down more than once”, and one of the reasons for Halliday to endorse it is precisely to avoid the accumulation of non-wealth privileges that one gets from inheritance flows: “Families that have been wealthy for longer possess a greater range of powers that keep their children privileged” (Halliday, 2018, p. 7). Although I agree that old inheritances are the most problematic (if parents do not inherit any wealth, they will have less means to provide their children with the relevant privileges), I believe that the Rignano scheme would be redundant when dealing with very large inheritances. For the reasons mentioned earlier, very large inheritances are presumably made up by huge amount of wealth transfers or inherited wealth themselves (see Piketty, 2014). Moreover, we cannot run the risk of *not* taxing some very large inheritances only because they are a first-time wealth transfer since these would already provide the receipts with relevant advantages. It seems that when it comes to a top marginal taxation rate on inheritance, what matters is the inherited wealth's size rather than its age as Halliday suggests (Halliday, 2018, p. 2).

protect democracies from the domination of economic elites. Thus, a limitarian inheritance tax – i.e., a top marginal taxation rate of 100% on those inheritances which go beyond the limitarian threshold – looks desirable. Note that, as mentioned in the introduction of the chapter, this tax is not intended to lead the transition from the status quo to the just society, but rather to keep the just society in place by preventing some people (or families) from accumulating large amount of wealth, thus dominating the democratic process.

4.3. Tax revenues

The questions that arise now are whether the revenues we collect from such a limitarian inheritance tax should be redistributed and how. In principle, for the sake of democracy, tax revenues should not be redistributed or at least we do not care whether and how they are redistributed. What matters is that excess individual wealth is limited in order to prevent some people from dominating the democratic process, independently on whether and how this wealth is redistributed once withdrawn.

Nonetheless, there are various reasons why we should care about tax revenues' redistribution. First, there is a common sense of not wasting resources. Similar to what Robeyns calls the “*disvalue of waste*” i.e., the fact that “since by definition surplus money cannot contribute to the flourishing of the superrich, it is wasteful to let them spend their money on private yachts if that money can meet urgent needs of the deprived” (Robeyns, 2022, p. 12), I argue that, since excess individual wealth must be withdrawn if we want democracy to be safeguarded, it is wasteful not to redistribute it.

Second, there is a sense in explicating how such an inheritance tax's revenues would be used so as to ground its acceptance. If we clarify “the connection between wealth transfer taxation and other, levelling-up measures” it would be evident to all that “the point of such taxation is not simply to deny a group of citizens opportunities they would otherwise have enjoyed, but to ensure high initial level of opportunity for all. [...] This would presumably enhance the perceived legitimacy of the tax” (White, 2003, p. 185, italic in the original). Likewise, Halliday concludes his book by arguing that “people might become more accepting of inheritance taxes if they were being spent on something particularly important” (Halliday, 2018, p. 206). This focus on how tax revenues would

be invested would hence help changing the narrative about such a heavy inheritance tax, and it is likely to increase its approval.

To sum up, there are two general reasons why we should care about the redistribution of a limitarian inheritance tax's revenues: (1) the disvalue of waste, i.e., we do not want to waste the wealth we withdraw via limitarian inheritance tax, and (2) the perception of legitimacy, i.e., linking such a tax with certain goals is likely to make it appear as more acceptable.

When it comes to neo-republicanism, then, the revenues we collect from a limitarian inheritance tax could and should be employed to meet the sufficiency goal of granting everyone material independence. Remember that this is the main reason why Dumitru (2020) advocates limitarianism within neo-republicanism in the first place (see chapter three). According to him, limitarianism would complement the neo-republican sufficientarian claim regarding material independence, namely the idea that to be free from domination, a person must own at least the relevant resources that are needed to be self-sustaining, otherwise she will depend on the arbitrary power of others to do so. Limitarianism would indicate where the necessary resources to provide everyone with such a minimum could be collected from. Furthermore, it would allow the collection of those resources without violating anyone's rights.

Although, unlike Dumitru, I argue that limitarianism should be advocated within neo-republicanism first and foremost to prevent the wealthy from dominating the democratic process and that the threshold should be put at that level at which wealth provides individuals with boundless, disproportionate political influence – rather than at that point at which individual wealth can be withdrawn without violating people's right to full flourish –, I believe that, even under this construal, limitarianism could indicate where to collect the resources to ensure everyone's material independence. Moreover, given that material independence represents the other substantive requirement for the political legitimacy grounding freedom as non-domination, it appears straightforward that, from a neo-republican perspective, the revenues we collect from a limitarian inheritance tax should be redistributed firstly towards this end.

Two remarks are needed before going on. On the one hand, note that the revenues we collect from such a limitarian inheritance tax might not suffice to grant everyone material independence. However, this would not be an argument against the tax itself.

Such a fiscal policy is justified insofar as it prevents the super-rich from dominating politics because of their wealth, whether it collects enough resources to meet the sufficientarian goal does not stand as a condition for it to be justified. By contrast, the fact that it could help meeting the sufficientarian goal stands as nothing but a positive side effect. On the other hand, the revenues we collect from such a tax might exceed the resources we need to grant everyone material independence – this case is less likely, but it can still be envisaged. Again, this would not be an argument against the limitarian inheritance tax itself – more precisely, this would not be an argument to raise the ceiling. Extra wealth could simply be employed otherwise, for instance to grant everyone a higher level of material independence, or to finance further public services, e.g., public schools and hospitals.¹⁰⁹

Let's now go back to the neo-republican sufficientarian goal. As mentioned in chapter two, a minimum material independence is necessary for freedom as non-domination to be secured: if people do not have enough resources for their self-sustainment, they will inevitably depend on others. Neo-republicans overall advocate the provision of a basic income, indeed, as a mean to grant everyone such a material independence (e.g., Dagger, 2006; Raventós, 2007; Pettit, 2007; Lovett, 2009; 2010).

Lovett (2009; 2010) especially argues that an unconditional basic income should be provided to give people enough resources to meet their basic needs – among which he enumerates “an adequate level of nutrition and health, minimal clothing and shelter, an education sufficient to function in their community, and so on” (Lovett, 2010, p. 194). Moreover, he holds that there are two ways to “publicly meet” those basic needs: a “*means-testing* approach”, on the one hand, and “the public provision of an *unconditional basic income*” on the other (Lovett, 2010, p. 198-199; Lovett, 2009, p. 826, italic in the original). The first consists in publicly addresses individual needs case-by-case and has the upside of paying only for those who really cannot meet their basic needs themselves.

¹⁰⁹ Besides, notice that raising the bottom would result in raising the top as well. Given that the limitarian threshold is calculated in relation to citizens' *median* wealth (see chapter three), if for example citizens' overall inherited wealth increases, the maximum inheritance lifetime quota will increase too. This could incentivize rich people to accumulate more wealth in spite of a heavy inheritance taxation rate being in place.

However, according to Lovett, this upside is followed by a relative downside which is that:

it is doubtful whether means testing can be carried out in a suitably non-arbitrary manner: practical experience suggests that state welfare agencies must inevitably employ extensive bureaucratic discretion in carrying out such policies, and that the particular vulnerability of persons in need of public assistance renders the usual sorts of constraints on such discretion more or less ineffective (Lovett, 2010, p. 199).

Furthermore, as he adds in the footnote, “[p]ersons needing public assistance generally lack the political resources necessary to ensure that their interests are given a fair hearing” (Lovett, 2010, p. 199). Remember indeed that material independence represents the other substantive condition for political equality grounding freedom as non-domination. For these reasons, Lovett prefers the second option, i.e., the provision of an unconditional basic income. Everyone should be provided with a certain (equal) quantity of resources so that they can meet their need themselves and avoid arbitrariness by both their fellows and the state – presumably these resources should be provided via cash, or a combination of cash and vouchers (Lovett, 2010, p. 199).

Nonetheless, one might say that providing people with the same amount of resources would not ensure them the same (independent) ability to meet their basic needs (Al Salman, 2021, p. 125). This is the well-known claim which stands at the core of the capabilities theory as Amartya Sen developed it: “the conversion of goods to capabilities varies from person to person substantially, and the equality of the former may still be far from the equality of the latter” (Sen, 1980, p. 219). Thus, as Yara Al Salman argues, to be material independent people should be provided with a set of “*basic capabilities*” to “actually perform do or be those things that are necessary not to be too vulnerable to arbitrary power” (Al Salman, 2021, p. 125, italic in the original) – this idea has already been advanced by Rutger Claassen and Liza Herzog (2019) in relation to their account of economic agency; for them, to avoid economic domination, people require a set of basic capabilities.

This does not mean that basic income should be abandoned. Rather it seems to me that this could vary from one person to another so as to provide everyone with the resources they need to possess the relevant set of basic capabilities. In other words, basic income stands as a suitable mean (although not necessarily the only one) to provide everyone with the needed resources to meet the capabilities requirement. Moreover, Pettit

himself envisages both. On the other hand, he claims that “[r]epublican political theory can make a firmer and more persuasive case for a right to basic income than any of these approaches [liberalism and utilitarianism]” (Pettit, 2007). On the one hand, he argues that “[t]o be independent [...] is, in Amartya Sen’s illuminating account of these things, to have the basic capabilities that are required for functioning in the local culture” (Pettit, 1997, p. 158) – thesis that he reasserts in his 2012 book wherein, by following Sen’s approach again, he affirms that “to lack a basic functioning capability in your society [...] is closely related [...] to being unable to live without shame amongst your fellows” i.e., to be unable to meet the eyeball test (Pettit, 2012, p. 87). One might say that Pettit’s list of basic liberties indeed parallels a list of capabilities. As noted earlier, though, Pettit’s basic liberties are better understood as those individual choices that must be secured from anyone else’s arbitrary power, rather than being resources, or at best that have to be resourced only to a minimal extent as a matter of material independence. This minimal extent can be read as Al Salman’s set of basic capabilities.

However, it seems to me that this reading of material independence is too demanding. As I see it, within neo-republicanism, material independence is a matter of sheer self-sustainment, say not trading away their liberty for eating, rather than a matter of basic functionings. For freedom as non-domination is a freedom *from* anyone else’s arbitrary power – and having an economic minimum allows everyone not to be exposed to anyone else’s arbitrary power for their self-sustainment –, rather than a freedom *to* reach a certain functioning, even if basic. Hence, it seems to me that in a neo-republican vein, a basic income should better provide everyone with the resources that allow them to be independently self-sustaining *tout court*.

Which form should this basic income take? Within his civic economy, Dagger argues for “some kind of ‘social’ or ‘civic’ minimum of support” which can be provided via either a “basic income” or a “basic-capital grant” (Dagger, 2006, p. 166). According to Carole Pateman, at first glance, it is not the former but the latter to fit better in the republican tradition. This is because, although basic capital – “i.e., provision of a lump sum to each individual when he or she becomes an adult” – “does not give quite the same security as having a piece of land, [...] it gives each citizen a resource base – property in form of capital – to use as wished” (Pateman, 2007, p. 2). Nonetheless, Pateman herself underlines that whereas a basic capital is more about opportunities – it provides citizens

with similar (starting) opportunities, and in this sense, people can run their risks and even lose this capital –, an economic provision for freedom as non-domination should be about power – in particular, political power. With her words: “the usual republican argument is that material resources provide a private foundation for public life, for active citizenship”, for self-government (Pateman, 2007, p. 2). Thus, more than a one-life-time capital, citizens should be provided with a continuum minimum that is constantly granted to them so that they would not to be dominated by their fellows especially in the public decision-making process: “[u]nlike basic capital (a once-only grant), basic income – if sufficient for a modest living standard – would provide individuals with subsistence security over their lifetime” (Pateman, 2007, p. 5). As a result, it does not come as a surprise that many neo-republican thinkers endorse basic income, instead (Dagger, 2006; Pettit, 2007; Raventós, 2007; Lovett, 2009).

Although Dagger does not present basic income and basic capital as strict alternatives, he himself envisages also the former. However, he rules out the possibility of an *unconditional* basic income *à la* Philippe Van Parijs, since, according to him, in order to receive this type of funding, within a neo-republican framework, citizens should meet certain civic requirements. There is not space here to go deeper in Van Parijs’s position, however, it is worth underlining that, according to him, basic income is necessarily unconditional, and it is so in three senses (Van Parijs, 1991; 2018). Namely, it should be provided to all individuals, universally (i.e., to both rich and poor) and independently of their personal bonds (e.g., obligations to find a job). Basically, such an economic minimum should be nothing but a further neutral right that people should enjoy. What scares Dagger is precisely such a neutrality, for him unacceptable from a neo-republican perspective: from such a perspective basic income should instead be linked to a civic ethos encouraging self-governing. Indeed, he refers to White’s definition of “republican basic income” which relies on “an enforceable obligation to perform productive services for the community” (White, 2003, p. 171; Dagger, 2006).

Yet stating specific conditions to obtain basic income would turn it into a privilege, as Pateman points out (Pateman, 2008). Moreover, as abovementioned, conditional proposals risk reproducing forms of domination since “it is doubtful whether means-testing can be carried out in a nonarbitrary way” (Lovett, 2009, p. 826). Overall, hence, conditional measures represent a danger for a republic, not only because

bureaucracy often represents a risk of domination, but also, as Lovett underlines, because such methods would classify citizens and create second-class subsets, e.g., the poor. In other words, they would create stigmas which would make more difficult for some people to look others in the eye without shame – i.e., meeting Pettit’s eyeball test. By contrast, unconditional basic income would have the twofold merit of being “nonarbitrary in its operation” (Lovett, 2009) and treating everyone equally (Pettit, 2007).

What is essential is that we understand the basic income grant to be unconditional, both in the sense that everyone receives the same basic income regardless of means, and in the sense that everyone receives it automatically, without having to satisfy some sort of participation or contribution requirement (Lovett, 2010, p. 199; 2009, p. 826-827).

Such a grant would be a necessary condition for citizens’ material independence, which itself stands as a necessary (although not sufficient) condition for citizens’ equal say in the public decision-making process, thus for freedom as non-domination.

As a result, it appears clear why the revenues we collect from the abovementioned limitarian inheritance tax should first and foremost finance the provision of such an unconditional basic income. In this way, neither anyone would have too much, nor anyone would have too little, thus both the substantive conditions for political legitimacy grounding neo-republican liberty would be satisfied. Again, I am not arguing that these policies (a limitarian inheritance tax and an unconditional basic income) would necessarily be the best ways to reach this outcome. What I am arguing is that they are valid ways, and that there are reasons from a neo-republican perspective to advocate them. If citizens in the democratic process want to change them, they should be able to do so insofar as both the upper and the bottom thresholds remain in place so that everyone really enjoy an equal opportunity for political influence.

Conclusion

By way of conclusion let's recall the starting research question, namely: what distributive justice for freedom as non-domination?

In replying to this question, I develop a threefold argument. Firstly, I argue that one of the major threats posed by the unequal distribution of wealth to freedom as non-domination is the political domination of economic elites. To support this argument, I first show that very wealthy citizens enjoy disproportionate opportunities to influence politics because of their wealth, and second that formal solutions can prevent this danger only to a limited extent. Secondly, I claim that, therefore, a limitarian principle of distributive justice should be advocated within neo-republicanism. This is because, in my view, unlike procedural alternatives, an upper limit to excess individual wealth can extensively prevent the danger of political domination by economic elites. Besides, such an upper limit, or limitarian threshold, can be reformulated in neo-republican terms, that is, for the sake of freedom as non-domination. In this respect, I argue that the limit should be put where the risk of political domination by economic elites materializes and without reference to the value of full flourishing; this latter indeed is problematic both vis-à-vis the plurality of human lifegoals and with respect to neo-republican liberty which shall be conceived as a negative rather than as a positive liberty, i.e., a liberty *from* others' domination, rather than a liberty *to* reach a certain level of flourishing. Finally, I suggest that the relevant threshold could be implemented through a top marginal taxation rate of 100% on inheritance. This is because a top marginal taxation rate of 100% does not reduce individuals' freedom, if we understand it as freedom as non-domination, and inheritance is one of the main sources of wealth accumulation and concentration grounding the very existence of economic elites.

As I anticipated in the introduction, the interest of this study is twofold. On the one hand, by addressing the issue of the super-rich, this work deals with a common problem for contemporary democracies, i.e., the inexorable growth of the gap between rich and poor. More precisely, it underlines that this gap is problematic not only because of someone's deprivation, but also because of others' excess. Furthermore, the present dissertation theorizes a possible alternative, that is, a model of just society which gets rid of this injustice – even if, it shall be remembered that this dissertation does not put forward

a way of transition from the unjust present world to the just ideal world. By justifying a ceiling to individual wealth, on the other hand, this work challenges the mainstream understanding of wealth inequalities. Broadly speaking, in contemporary Western societies wherein, in principle, everyone is equal before the law and disparities depend on the competitive logic of the market – or at least that is how it should be – wealth inequalities appear legitimate. Of course, it could be argued that in reality, despite being formally equals, people do not enjoy equal opportunities, hence market competition is vitiated by unequal starting conditions. However, the argument roughly goes, if the opposite was true, namely if they enjoyed equal opportunities, the market game would be fairly competitive, thus wealth inequalities, even huge ones, would be justified since people would own the money they deserve. Instead, I argue that, if we care about the democratic ideal of political equality, even in that case, we should limit the rise of wealth inequalities: if some people have too much indeed they inevitably enjoy disproportionate opportunities to influence politics.

This upshot has two theoretical implications. First, it implies rethinking redistributive matters. Rather than focusing on the worst-off or on inequality *per se*, the idea of an economic ceiling imposes to put the attention on the best-off, that is on the top side of the distributive ladder, rather than on the bottom side or on the range itself. This shift of attention is generally seen as a merit of limitarianism overall. Robeyns herself observes:

it is surprising that so little (if any) contemporary theorizing on justice has focused on the upper tail of income and wealth distribution. Obviously, there is a great deal of literature about theories of justice in relation to inequality in general; it may well be that political philosophers assume that it is not necessary to single out the upper tail of the distribution in particular. Still, I think it would be helpful for political philosophers to conduct a normative analysis of the upper tail of the distribution. For one thing, this would make it possible for philosophers to have greater impact on existing debates in society (Robeyns, 2017, p. 2)

By inserting itself within limitarianism, one of the positive implications of this thesis, hence, is to move the focus of distributive justice debates towards the worrisome existence of economic elites. The second theoretical implication, instead, concerns the link between distributive justice and political legitimacy. Generally speaking, distributive justice is seen either as something that has to be discussed in theory or as something that cannot but be discussed within the democratic assembly. The present work proposes an

in-between understanding, instead. On the one hand, citizens should be let free to decide in democratic assemblies how to redistribute resources among them as a matter of justice, nevertheless, on the other hand, for them to be free to do so, some distributive principles should apply *ex ante*. In other words, there are reasons of political legitimacy to support some principles of distributive justice, among which limitarianism, since formal political equality cannot be ensured without certain material requirements being met. Furthermore, this reading seems to better grasp the real world wherein politics and economics appear to be deeply interrelated.

In addition to bring about these implications, the present work also contributes to both neo-republican and limitarian literature. With respect to the former, it does so by addressing an overall overlooked problem which is the political domination by economic elites, as well as by addressing it from the (unusual) distributive perspective, rather than from the (classical) procedural one. By contrast, regarding the limitarian debate, this thesis puts forward a novel justification of the upper limit grounded in the idea of freedom as non-domination; this makes it possible to abandon the problematic reference to the value of full flourishing when it comes to establish the limitarian threshold.

Nonetheless, two main limitations follow. First, when addressing the problem of political domination my argument focuses only on individual wealth, while, as mentioned earlier, actors such as lobbies and business corporations represent a serious problem for democracy as well. Yet, as I argue, one problem does not exclude the other, which means that the danger entailed by lobbies and business corporations does not eliminate the danger entailed by some individuals possessing many more resources than their fellows, thus the possibility of addressing the second issue alone. However, this reasoning applies also the other way around, that is to say, even if this justifies my choice of focusing on excess individual wealth only, this does not alter the fact that the political domination by lobbies and business corporations should be investigated too. Remember that I put forward some considerations in this respect. Namely, I argue that limiting excess individual wealth would already have some consequences for the sake of limiting such actors' political power, e.g., it would reduce the purchasing power of individual shareholders. Notwithstanding, further analyses are needed to properly deal with this issue.

On the other hand, the present work does not exhaust the scope of distributive justice for freedom as non-domination – it goes without saying that this represents its second limitation. What I focus on, indeed, are only matters of distributive justice vis-à-vis political legitimacy: once citizens have equal opportunities to influence the public decision-making process, they should be let free to decide how to redistribute resources among them, as well as they should be let free to restructure economy as they think it would be better as a matter of justice. When no one has too much or too little, thus political (vertical) domination does not arise, indeed, citizens could choose among different ways to minimize economic (horizontal) domination, for instance, they could agree on establishing workplace democracy (Gourevitch, 2013; Anderson, 2015), as well as they could endorse socialist solutions (O’Shea, 2020). Furthermore, given the top-down bottom-up process I argue for – i.e., the fact that although the upper economic limit should be set *ex ante*, citizens should then be free to challenge the way in which it is implemented – in the ideal world, citizens should be able to change the way in which the ceiling is fulfilled, that is they could drop the limitarian inheritance tax off in favour of other policies. A full discussion of whether there is a preferable solution and why it is so goes beyond the scope of this dissertation which main aim is that of justifying the need of limiting excess individual wealth as a matter of freedom as non-domination.

Where exactly this limit should be put remains an open question. This seems to be a question for empirical studies, which should inform us about how much individual wealth actually represents a danger to democracy. In particular, in line with the envisaged limitarian policy, they should inform us about how much inherited wealth represents such a danger. That is, how much wealth people would have to inherit to be part of (or to establish) worrisome economic elites, thus enjoying unfair political influence. The guiding criterion for these empirical studies being to what extent individual wealth has an adverse effect on the vertical dimension of freedom as non-domination. Another open question concerns political participation. Remember that in the definition I consider political equality means having equal opportunities to influence the public decision-making process independently from individuals’ willingness or even ability to take part in it. However, what would happen if, despite enjoying such equal opportunities, people decided not to participate at all? Would citizens still enjoy control over the laws they comply with, that is to say, would they still enjoy freedom as non-domination? The

answer to this question has to be affirmative: insofar as citizens enjoy equal opportunities, the vertical dimension of their freedom as non-domination is secured. In other words, even if only one person legislates, as long as everyone has an equal opportunity to intervene and challenge her decisions, vertical domination will not arise. Still, political participation seems to play a significant role when it comes to freedom as non-domination: although we cannot force people to participate, it seems that we should at least foster them to do so – to go back to Skinner’s understanding of neo-republican liberty (Skinner, 1984). How that should and could be done compatibly with pluralism remains a question for further research.

The present research mostly focuses on issues of distributive justice related to political equality. In particular, it deals with the problem of economic elites when it comes to the vertical dimension of freedom as non-domination. I argue that to prevent those elites from dominating democracy excess individual wealth should be limited, and that this could be done through what I call a limitarian inheritance tax. Both such an upper threshold and a bottom one granting everyone material independence (which could be implemented via an unconditional basic income) stand as *sine qua non* conditions for people to enjoy equal opportunities for political influence. Moreover, given that people are not free from domination if they do not enjoy such equal opportunities (namely if they have to comply with arbitrary laws, i.e., laws they cannot control) these two thresholds represent necessary material requirements, in addition to the formal guarantee of equality, for neo-republican liberty to be ensured. How wealth should be redistributed in-between, then, would be up to citizens, who could hence promulgate non-arbitrary laws by enjoying equal control over their decision-making.

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