

ABUSE OF POWER

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THE ELECTION of Barack Obama to the presidency of the United States left Illinois with a vacant senate seat. Under Illinois law, then-Governor Rod Blagojevich was charged with appointing someone to fill the remainder of Obama's term. According to investigators, Blagojevich attempted to sell that seat to the highest bidder. His scheme was discovered, and he was duly impeached by the Illinois General Assembly. The first article of impeachment reads:

Based on the totality of the evidence contained in the Record of the House Special Investigative Committee created under House Resolution 1650 . . . in his conduct while Governor of the State of Illinois, Rod R. Blagojevich has abused the power of his office in some or all of the following ways: (1) The Governor's plot to obtain a personal benefit in exchange for his appointment to fill the vacant seat in the United States Senate.¹

These impeachment proceedings begin with the accusation of *abuse of power*. This is far from rare in such proceedings. The impeachments (or near impeachments) of Richard Nixon, Donald Trump, and a number of other officials specifically cite abuse of power as among the reasons for impeachment and removal from office.

But reference to abuse of power goes far beyond the quasi-legal proceedings cited here. We accuse doctors, attorneys, police officers, and so on of abusing their power. But what is the abuse of power? How does it differ from other forms of power exercise? How does it differ from a simple commission of immoral, unjust, or otherwise impermissible behavior? What are the normative dimensions of power abuse? Must it be morally illegitimate or unjust? Illegitimate in some other way? Is abuse of power just a chimera? Note that not

1 Illinois General Assembly, 95th General Assembly (2009–11), House Resolution 1671 ("Impeachment of Governor"), <https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1671&GAID=9&DocTypeID=HR&LegID=40049&SessionID=51&GA=95>.

all public officials who are, e.g., impeached, are charged with abuse of power.² This raises the possibility that abuse of power is just what we call something when we do not like what power holders have done but cannot figure out what else to call it.

In this paper, I aim to accomplish two things. First, I offer an analysis of the abuse of power that roughly defines power abuse as the exercise of power by one individual over another (or others) outside of the *raison d'être* of the power relation that they occupy. Second, I argue that, conceived in this way, individuals have (not necessarily decisive) practical reasons to avoid abusing power. Generally, then, the use to which the notion of power abuse is put in public life is not a normative chimera. One abuses power when one steps beyond the point of one's power relation over others, the point of which power holders have practical reason to observe.

The plan of the paper is as follows. After discussing a set of preliminary matters in section 1, I begin my analysis of the abuse of power in section 2 with a discussion of the notion of power at issue. In section 3, I discuss various accounts of how this power might be abused and argue for a relationship-centric account: i.e., what constitutes an abuse of power must be determined by the point of the power relation itself. After discussing an important objection to this account, I then consider the normative significance of power abuse in sections 4 and 5. I argue that individuals face reason not to abuse power irrespective of the justice, morality, or overall justifiability of such abuse.

1. PRELIMINARIES

Before I begin my examination, I should say a bit more to triangulate the concept I am interested in discussing. Arguably, any wrong behavior could be trivially dubbed an abuse of power, insofar as doing anything at all implies a kind of power (i.e., the power to do that thing) and insofar as wrong behavior is a *misuse* of that kind of power. But this is not typically what is meant by the term 'abuse of power'. When a president is impeached for abuse of power, when an athletic director is fired by a university for abuse of power, and so on, we do not mean that he or she acted in any old way that could be classified as rude, imprudent, or immoral. Rather, we seem to be referring to a particular kind

2 Donald Trump, for instance, in his second impeachment was charged with "incitement of insurrection" but not with abuse of power. See United States House of Representatives, 117th Congress (2021–22), House Resolution 24 ("Impeaching Donald John Trump, President of the United States, for High Crimes and Misdemeanors"), <https://www.congress.gov/bill/117th-congress/house-resolution/24/committees>.

of abuse—abuse that is tied specifically to the power of the position he or she holds over others and the expectations of behavior given that position.

Often when we talk about abuse of power, we mean to focus our attention on holders of some public office or others that maintain some sort of “official” status: governors who sell senate seats to the highest bidder, judges who find defendants guilty for issuing public criticism, presidents who blackmail dependent allies into dishing dirt on political opponents, prime ministers who prorogue parliament for the sake of avoiding parliamentary scrutiny of controversial policies, and so forth.³ But there is no clear reason why we need to hold that abuse of power *must*, at least as a conceptual matter, be tied specifically to “officials” in this way. Employers, even if they are not public officials, can clearly abuse their power over employees.⁴ A physician can abuse power over a patient. A professor can abuse power over students.

Relatedly, I wish to distinguish abuse of power from *corruption*. Though power abuse and corruption can clearly overlap and while certain accounts of corruption (see section 3.5 below) have some similarities with power abuse, these concepts are not plausibly synonymous or coextensive.⁵ Of course, the proper analysis of corruption is contested, but intuitively speaking, there appears to be substantial daylight between abuse of power and corruption. A president who uses his position to seduce an impressionable intern is plausibly abusing power but is not, or at least need not be, corrupt. And while there is considerable dispute concerning the notion of corruption, many (though not all) hold that corruption must feature some sort of *moral* degradation, which may or may not be present (as I argue later) in cases of power abuse.⁶

- 3 See, e.g., the impeachment of District Court Judge James Peck (*Journal of the United States House of Representatives*, 21st Congress (1829–30), April 27, 1830); and article 1 of the first impeachment of President Donald Trump (United States House of Representatives, 116th Congress (2019–20), House Resolution 755 (“Impeaching Donald John Trump, President of the United States, for High Crimes and Misdemeanors”), <https://www.congress.gov/bills/116/congress-house-resolution/755>). Note that there may be a more general *legalistic* sense of abuse of power that is relevant here. I am ignoring that for present purposes and simply inquiring whether there is a normatively significant notion of power abuse that the legalistic sense may or may not track. Thanks to an anonymous reviewer.
- 4 See, for instance, Vredenburg and Brender, “The Hierarchical Abuse of Power in Work Organizations.”
- 5 Notwithstanding an important definition of corruption (Nye, “Corruption and Political Development”) that identifies it as “abuse of power for personal gain.” For independent critique of this suggestion, see Miller, “Corruption.”
- 6 Miller identifies corruption as a “species of immorality” (“Corruption”). For a case of power abuse that does not entail moral degradation, see the case of the medical skeptic in section 3.3 below. Thanks to an anonymous reviewer for prompting this discussion.

In genuine instances of power abuse, we seem to attribute a special kind of failure that stems from the power that is possessed by the abusers. And it is this sense of abuse of power—the intuitive idea of which I hope will be straightforward—that I investigate here.

2. ABUSE OF POWER, PART ONE: POWER

To begin, abuse of power requires power to be abused. But what is *power* of this kind? Abuse of power as it is commonly understood seems to make reference to power in social and interpersonal forms. Let us take the second clause first. Typical examples of power abuse seem to indicate that to abuse power is to abuse a particular form of power that one maintains *with regard to or over some other person or persons*—i.e., power that exists in the context of interpersonal relations. Indeed, there is a straightforward rationale for this point: if use of power in some particular way has no effect on any other person, it is hard to see how it can rightly be said to be an *abuse*.

The relationality of power is clear from typical examples—employee/employer, president/dependent ally, governor/constituents, physician/patient, lawyer/client, and so on. The first party has power *over* another or others. Now, for one person to have power *over* another calls out for analysis. For my purposes and for the sake of brevity, to say that a person has power over someone else is to say that she has power to influence that person or persons.⁷ Of course, influence of this kind can take many forms. The clearest example of this kind of power is the power to influence action.⁸ The power I have to compel behavior on the part of others is liable to abuse if, say, I compel a dependent ally to dish political dirt on my opponent or if I compel a student to wash my car on pain of a failing grade. But compelling power is not the only form of power that is relevant here. Consider, for instance, power of attorney. If my client is in a coma, I have no capacity to compel behavior. But I still have power to materially affect the aims, interests, and welfare of my client. Such power can clearly be abused—if, for instance, I used my client's money to pay off my gambling debts.⁹ Indeed, while Blagojevich possessed *some* forms of power to compel his constituents, the exercise of power in selling a senate seat was not compelling power but

7 Nothing in this analysis is committed to the view, expressed by Brian Fay, that power of this kind is *necessarily* dyadic—i.e., a power holder versus the person over whom that power is held. See Fay, *Critical Social Science*, 120.

8 Dahl, "The Concept of Power."

9 Abuse of power of attorney is generally understood as the use of power of attorney against the best interests of the client. See, for instance, Stiegel, "Durable Power of Attorney Abuse."

rather, as we might say, *establishment power*: power to install an individual in a senate seat on his constituent's behalf.¹⁰ "Influence," when it comes to power, should therefore be interpreted broadly; person *X* has power over person *Y* to the extent that *X* can influence the behavior, well-being, material interests, and so on, of *Y*. Note that these power relations need not be unidirectional: *X* might have power over *Y*, and *Y* over *X*, (as in, e.g., a joint fiduciary arrangement). But this sort of bidirectional power is surely subject to abuse.

Abuse of power thus makes reference to interpersonal power relations. But this power is also *social* in nature. In particular, abuse of power seems to require forms of power that are embedded within *social institutions*. For instance, Blagojevich abused his power over his constituents insofar as he was the governor of Illinois; employers abuse their power given their status as boss in firms. Now, the word 'institution' here might get us into trouble. We should avoid reading this term in a too narrow "official" mode, such that we refer only to political or legal institutions. There are broader notions of institutions that are more apt. Andrei Marmor, for instance, distinguishes between *conventional* practices, such as forms of art, conventional games, and social ceremonies (which are plausibly not homes for power abuse), and *institutional* practices, such as legal, political, religious, educational institutions.¹¹ We should allow that the practices in question here can cover institutional practices in the broader sense used by Marmor. But we should be careful to interpret even this broad notion as broadly as possible: surely medical institutions, theaters, sports leagues, and so forth should count as institutions of this sort. For instance, one might imagine a boxer and his trainer.¹² Here, there is no *office per se*, but there remains a form of institution engaged in by the trainer and boxer—namely, the institution of prizefighting. Given the nature of this practice, however, the trainer maintains substantial power to, e.g., influence and manipulate the good of the boxer—power that can plausibly be abused (say, by insisting he throw a fight for personal gain).

To avoid confusion, therefore, when it comes to institutions in our understanding of abuse of power, I will use the term 'practice' to identify Marmor's sense of institutional practices in the broadest sense. Thus, for the purposes of analyzing power abuse, I will make use of the notion of *practice-based power*. What does this mean? I will call a power relation between *X* and *Y* practice-based so long as the power maintained by *X* over *Y* is explained by *X*'s and

10 One might meaningfully suggest that the forms of power possessed by legal and political officials is variable in just the same way that H. L. A. Hart notes in his infamous argument against John Austin's command theory of law. See Hart, *The Concept of Law*, ch. 1.

11 Marmor, *Social Conventions*, 35–36.

12 Miller, "Corruption."

Y's participation in a particular institution (in the broad sense I mean here). One note on the use of 'explained' here. If I am the president, I will have a number of specific powers granted me by the practice of the federal government and the nature of its constitution. However, these are not the only powers that I have that are *explained* by my being president. I will, for instance, have the power to compel behavior from subordinates, to influence the actions of other individuals even outside my "official" powers. The existence of these powers, while not an aspect of the practice of the presidency, is nevertheless explained by the practice and my position within it, and hence, these powers are liable to abuse. We can now more usefully define power:

Power: For the purposes of investigating power abuse, X has power over Y to the extent that X maintains a form of practice-based power over Y.

In other words, an essential aspect of the explanation of the power that X has over Y is a social practice in which X and Y are participants.

In coming to understand the nature of power liable for abuse, there are a number of tangential notions that we should distinguish from the central notion of practice-derived power. First is *consent*. Power that can be abused (in the sense I mean here) need not be the result of contractual or even consensual arrangements, though of course some will be.¹³ The power that a judge possesses over a convicted defendant during sentencing is clear, but it is not, or at least not generally, conceived of as consensual. As a military conscript, I may be assigned a superior officer, but *ex hypothesi*, neither my military service nor my status as subordinate to this officer is consensual on my part. Furthermore, I may be a military conscript and assigned *subordinates*—in this case I may possess power liable to abuse through no consent of my own.

Second is the issue of *conferral*. Of course, all power must be conferred to some extent (i.e., we are not born with it), but the nature and manner of such conferral (whether it is institutional, formal, informal, or so on) is not significant so long as the power is explained by a standing social practice in which the power holder participates.

Third is the notion of *recognition*. Abuse-labile power relations need not be explicit or recognized by the participants involved. For instance, the rules of baseball indicate that the umpire has the power to call balls and strikes. This power, however, grants the umpire the influence noted above: the ability to affect the aims, ends, well-being of the players, and so forth. This power can be abused by, say, refusing to call a pitch a strike until the pitcher pays a bribe. In addition, a judge's power over the accused is relatively clearly demarcated

13 Thanks to two anonymous reviewers.

given the practice of law, but the judge possesses practice-given power not just over the accused but over others as well: community members, legislators (whose aim is to see the law applied), plaintiffs, victims, and so on. And this power can be abused.

Thus, the central idea in understanding the nature of power in an analysis of the abuse of power is that power of this sort is *practice derived*. Many practices will differ (along lines of consent/recognition/etc.), but abuse of power seems to make essential reference to such practices where it arises.

3. ABUSE OF POWER, PART TWO: ABUSE

So what does to mean to abuse practice-derived power? Clearly it is to engage in a kind of behavior that is somehow, well, abusive. But how do we understand this notion?¹⁴ I will consider three possibilities here that I regard as mistaken and argue in favor of a fourth.

3.1. *The Kantian Framework*

Kant's moral framework is a natural starting place in understanding abuse of power. After all, we may think that what is involved in the abuse of power is a kind of subversion of another's rationality or autonomy, given the exercise of such power.¹⁵ When I refuse to grant you promised humanitarian aid unless you dig up dirt on my political opponent, we may say that I have subverted your ends, compelled you to act in a way that is contrary to your rational concerns; in short, I have used you *merely as a means*. (Perhaps, following Bernard Williams, we might call this the sub-Kantian model.)¹⁶ In a nutshell:

X abuses power over Y to the extent that X uses practice-derived power over Y in a way that is contrary to Y's rational ends.

This proposal, as stated, may explain why we believe that the president abused his power in manipulating a dependent ally for political gain or that an employer, in extorting sexual favors and an attorney sapping a client's fortune are abusing

14 Adrian Vermeule suggests that there are two understandings of abuse of power: "Abuse may be defined in legal terms as action that flagrantly transgresses the bounds of constitutional or statutory authorization, or in welfare-economic terms as action that produces welfare losses—either because officials have ill-formed beliefs or because they act with self-interested motivations" ("Optimal Abuse of Power," 675). However, I argue here that neither of those accounts fits a proper analysis of power abuse.

15 Kant, *Groundwork of the Metaphysics of Morals*, 4:427–29.

16 Williams, "Internal and External Reasons," 78.

their power.¹⁷ After all, these seem to be instances of practice-derived power used to subvert the rational ends of those over whom power is possessed.

However, the sub-Kantian model is not acceptable as an analysis of what it means to abuse power. First, it appears to be too broad. Imagine a judge sentencing someone for a minor crime. The law states that the judge is required to deliver a sentence of three years' hard time. Assuming the judge issues this sentence, she clearly uses her power contrary to the rational ends of the person before her. But this is not an abuse of power. Of course, one might say that such an action is not contrary to the rational aims of the criminal.¹⁸ In a (surprise, surprise) quasi-(sub-)Kantian vein, one might say that if one wills the crime, one wills the punishment for the crime alongside. And while this may be true, it does not solve the problem—surely there are limits of basic justice concerning what the criminal can be said to will. But imagine that the law in this case is extremely unjust: three years of hard time is the sentence for, say, shoplifting a pack of gum. Even if this were so, the judge—though she furthers an unjust system of law—does not abuse power in so sentencing the criminal.

Even if you disagree with my intuitions in this case, it brings up an important set of questions for the sub-Kantian model. In particular, it is hard to see how we should understand the notion of rational aims. For instance, as an employee, I might be required to do all sorts of tasks I find unpleasant. As chair of a department, I may be tasked by the dean with making substantial budget cuts, which would require me to fire a number of graduate students. This is contrary to my rational aims but not an abuse of power on the part of the dean. Of course, one might hold that, in rationally agreeing to take over the role as chair, I have agreed to perform all sorts of tasks I may find unpleasant. But which have I agreed to take on that are contrary to my rational aims and which have I not? It is hard to answer this question without a *further* analysis of when the dean does and does not abuse her power *qua* dean.

3.2. *The Self-Interested Framework*

A further thing that paradigmatic examples of power abuse seem to share is that, in abusing power, power abusers do so for their own ends or interests.¹⁹ A boss requiring an underling to embezzle money for him uses the power of employer over employee for his own benefit. A president requesting dirt on a political rival extorts information that will benefit the president in a reelection

17 Something like this is suggested by Vrendenburg and Brender. On their view, the abuse of power is in part constituted by acts that “manifest disrespect for a subordinate’s dignity” (“The Hierarchical Abuse of Power in Work Organizations,” 1339).

18 Morris, “Persons and Punishment,” esp. 490.

19 See Vermeule, “Optimal Abuse of Power,” 675.

bid or a difficult legislative negotiation. And so one possibility might be that when someone has power over another, the power holder abuses that power to the extent that this power is used in the self-interest of the power holder. This would, for instance, avoid the conclusion that a judge acting in accordance with unjust law abuses power.

To this proposal, we must add a caveat. If I am your boss, and I exercise my power over you in a perfectly upright manner, it may still be that I use this power for the sake of my self-interest. I do so because in so doing I demonstrate competence at my job, which is in my self-interest when it comes to, for instance, staying employed myself. But the fix is easy. We might say that abuses of power are those exercises of power that benefit *solely* the power holder. In the case of the perfectly upright boss, while my actions clearly benefit myself, they do not simply benefit me but presumably benefit many others as well. With that in mind, we might consider:

X abuses power over Y to the extent that X uses practice-derived power over Y for the sake of solely benefiting X.

However, this cannot be correct. One can clearly abuse power on behalf of others. For instance, it would be no less of an abuse of power if an employer required an employee who is seeking a satisfactory performance review to embezzle money for the sake of someone the employer knows rather than for himself. Furthermore, one might imagine that the president of country *A* has a good relationship with the prime minister of country *B*, and the prime minister is politically imperiled. The president of *A* then requires a dependent ally to dig up dirt on the political rival of this prime minister, with the aim of keeping the prime minister in power. This is an abuse of power, even though it is not solely for the benefit of the president.

An alternative might be proposed along the following lines. Also inspired by Kant, one might say that power abusers use power in a way that solely advances their particular or *private* ends (rather than their own *interests*, per se).²⁰ The president who benefits his prime minister buddy does not solely benefit himself, but he does advance *his own ends*. However, this account seems to me far too thin. In particular, we might ask: His own ends *as compared to what*? Imagine that a corporation founder's ends are to become the world's most significant manufacturer of widgets. His employees are in it only for the money. Is acting in a way that advances his company's widget production a "private" end? If so, the founder would appear to be abusing power in so doing, which is clearly absurd. If not, then what is a private end? I submit that to understand this, we

20 See Kant, *The Metaphysics of Morals*, 6:311–6:338.

first need to understand the notion of a *proper* end of a given office, which just seems to me to be asking the question we are here to answer—namely, what is a proper use of practice-derived power versus an abusive one?

3.3. *The Moralized Framework*

One obvious possibility is that to abuse one's power is to use one's power in ways that are morally illegitimate or unjust.²¹ So, we might consider:

X abuses power over Y to the extent that X's use of such power over Y is morally illegitimate or unjust.

This would rule out the president's untoward pressure on a dependent ally: clearly, doing so is morally illegitimate or unjust. It would also seem to rule out the selling of a vacant senate seat to the highest bidder or bankrupting one's helpless client.

But I think the moralized approach to the abuse of power is both over- and underinclusive. To begin, we might imagine a senator using the power of office to push for a highly inegalitarian agenda—massive tax cuts for the rich at the expense of the poor. While we may think that this is wrongful (morally reprehensible and extremely unjust), it is not an abuse of power.

Furthermore, it is not at all clear that using one's power in morally legitimate ways cannot constitute an abuse. Imagine, for instance, that an employer believes very deeply in a morally important cause, so much so that she threatens to withhold satisfactory performance reviews from those employees who fail to donate substantial sums to that cause. This case strikes me as an abuse of power, but it is not at all clear that the action is or must be morally illegitimate, at least independently of a consideration of the significance of the cause. To put this in concrete terms, imagine that the employee is a medical skeptic who refuses to submit his child to a routine medical procedure that would save the child's life. Without intervention, the child will die. The employer knows this and threatens to withhold a satisfactory performance evaluation from the employee unless the employee takes his child to the doctor for this routine

21 Something like the moralized framework is suggested by Raday, according to whom abuse of power is mainly treated as the use of power contrary to individual human rights ("Privatizing Human Rights and the Abuse of Power"). In addition, Jaggar and Tobin also suggest that "power and vulnerability are abused when people take wrongful advantage of them" ("Situating Moral Justification," 388). Though not discussing abuse of power directly, Miller suggests that corruption is essentially a form of immorality: "Corruption is . . . one species of immorality." He continues: "corruption in general, including institutional corruption frequently, if not typically, involves the despoiling of the moral character of persons and in particular, in the case of institutional corruption, the despoiling of the moral character of institutional role occupants qua institutional role occupants" ("Corruption").

procedure. I find it very implausible to hold that the employer has done something morally wrong here. Indeed, or so I suspect, exercising power in this way may very well be morally required. But I also find it quite plausible to hold that the employer has *abused her power*—has exercised her power in a way that is beyond its appropriate extension.²²

3.4. *The Relationship Framework*

The above proposals suffer from a common defect. In each case, they understand the abuse of power with reference to a means of evaluation that is external to the power relation and its practice—whether the behavior of the power holder is, e.g., compatible with the subordinate’s rational aims, purely self-interested, or morally inappropriate or unjust. But in considering power abuse, we are typically led to look not to external methods of evaluation but rather to *internal* methods of evaluation—evaluation internal to the practice that governs the power relation.

What is an internal evaluation of this kind? Notice that practice-given power relations do not just spring from the ether. They are established, and they are established *for a reason*—there is a *raison d’être* or *point* of the power relation. For instance, the power the president has over a dependent ally has a *raison d’être* of this kind—namely, the strategic goals of the constituent nations. In the case of an employer/employee relation, the *raison d’être* includes the health of the firm, the efficiency of a particular office, and so on.

Leaving aside some details to be filled in, I think we are in a place to offer an account of the abuse of power that is more successful than previous attempts. To see this, note the example given at the end of the previous section. It seems right that, though her motives are as morally pure as the driven snow, an employer who withholds a satisfactory performance evaluation unless an employee assents to take his child in for a medical procedure uses the power she possesses over this employee beyond its appropriate extension. In my view, then, the *appropriate extension of power* in this case is limited to the exercise of practice-derived power to advance, promote, or contribute to the *raison d’être* of the power relationship. Assuming that the *raison d’être* of the employee/employer relationship concerns the health of the firm, the efficiency of the department, and so forth, the use of power over an employee to compel the employee to do the right thing by his child is beyond the *raison d’être* of the employee/employer relation. And hence, in this case, power is abused.

22 Note that this provides another plausible example of the divergence between *corruption*, on the one hand, and power abuse, on the other. This is an example of power abuse, but the employer here is not corrupt—plausibly given the linkage between corruption and moral degradation, as already noted.

This is the rough idea, but accounting for this basic thought in precise terms is challenging. To see this, consider one possibility:

X abuses power over Y to the extent that X uses practice-derived power in a way that does not conform to the *raison d'être* of the practice from which such power is derived.

This account is unacceptable because it wrongly characterizes *mistaken* uses of power as *abuses* of power. For instance, I may act, as holder of power of attorney, against the best interests of my client. But I may do so as a simple mistake rather than as a genuine abuse of power.

This reflection seems to indicate that whether or not one is abusing one's power depends, at least in part, on one's own beliefs, attitudes, or intentions. Perhaps intentions are the correct approach: Blagojevich intended to line his pockets; I, the mistaken attorney, intended to promote my client's interests, though I did so incompetently. Perhaps, then:

X abuses power over Y to the extent that X uses practice-derived power with the intention of promoting states, acts, events, and so on, that do not conform to the *raison d'être* of the practice-derived power relation.

This formulation correctly characterizes Blagojevich as abusing power and the mistaken attorney as not abusing power. This is an improvement, but further refinement is required. Imagine an elected official who makes every decision for the sake of getting reelected. Assume for the purposes of argument that his own reelection is not within the *raison d'être* of this elected official's practice-derived power relation.²³ Nevertheless, let us say that the elected official actually does advance the point of this power relation (by making good decisions, etc., perhaps because he believes doing so is the most efficient way to get reelected). The previous account would seem to categorize this official as abusing power because he uses his practice-derived power *for the sake of* his reelection, which—*arguendo*—does not conform to the power relation's point. This seems overinclusive. In addition, this account is underinclusive. Imagine a delusional fascist leader who genuinely believes that his own self-interest is in the best interest of his nation and embezzles all of the nation's funds to build a gigantic palace in the Alps. This plausibly constitutes an abuse of power even though, given his delusion, the fascist leader may have sincerely done so *for the sake of* the interests of the nation.

23 This, I think, is a contentious assumption in the case of democratically elected officials, but I will entertain it *arguendo*.

What, then, explains our intuitions in the case of the elected official or delusional fascist dictator? I think this: in the case of the elected official, there is at least a reasonably expected correlation between the pursuing reelection and the promotion of the point of the power relation (good governance, etc.). In the case of the fascist leader, however, there is no such correlation: no sensible person would believe that promoting the dictator's own interests is correlated with the interests of the state. So rather than focusing on the *intentions* of the agent, it seems better to focus instead on the agent's *beliefs*, specifically whether the agent can or can reasonably foresee the action they engage in or the states they promote as correlated with the *raison d'être* of their power relation. With that in mind, consider the following adjusted proposal:

X abuses power over Y to the extent that X uses practice-derived power in a way that is not foreseeably correlated with the promotion of the *raison d'être* of the power relation.

We should understand 'foreseeable' to be indexed to the *agent's* beliefs, with a *weak* test of reasonability (which would presumably rule out the delusional dictator). In the case of the mistaken attorney, he does not foresee that his act would lead to his client's misfortune (though one might imagine that if he is mistaken *enough*, abuse of power could arise in the same way as the fascist leader). In the case of the official seeking to get reelected, it is not the case that his action is not so correlated; typically, we should imagine, officials seeking to get reelected will act competently (or at least as the populace desires). One might wonder how strong the correlation must be in typical cases: must it, say, maximally contribute to the *raison d'être*? Contribute to a sufficient degree? I am tempted to hold the latter, but in a way in which the "sufficient" degree is tied to the particular practice in question. For instance, selling a senate seat to the highest bidder might foreseeably correlate with the point of a state governor's power *to some degree* (i.e., at the very least there is a warm body in the seat), but surely it does not do so to a sufficient degree given the demands of the office. Further refinement of this notion is surely permissible given additional consultation with considered judgment.

Interpreted in this way, the above account seems to get the proper answers. In the case of Blagojevich, he could be expected to know that selling a senate seat to the highest bidder is not the sort of action typically correlated with to the *raison d'être* of his political power relation. Likewise, the *raison d'être* of the president/ally relation is clearly not the political fortunes of the president but rather the intertwining strategic goals of both nations. Plausibly, the *raison d'être* of the relation between a judge and a convicted criminal is the maintenance and application of the rules of law. And so in acting in accordance with that *raison d'être*, the

judge is not abusing power by imposing a sentence, though of course the judge may deliver a manifestly unjust sentence given the nature of the law itself. And an attorney who robs his client is using his power in ways that cannot be foreseen to contribute to the interests of his client. Finally, requiring a medical skeptic to take better care of his children is (at least in virtually every such relation) beyond the *raison d'être* of the power relation that exists between boss and employee and thus cannot be reasonably expected to be correlated with that *raison d'être*.²⁴

3.5. Contrasts

Two notes of contrast would be helpful here. Joseph Raz, in describing the notion of *arbitrary power*, holds that “an act which is the exercise of power is arbitrary only if it was done either with indifference as to whether it will serve the purposes which alone can justify use of that power or with belief that it will not serve them.”²⁵ This may seem superficially similar to the view I have proposed here, but Raz’s view is importantly different. First, a minor point: Raz’s view would continue to classify the delusional fascist dictator as *not* exercising arbitrary power, when it seems to me clear that this is a case of power abuse. But more importantly, notice that the *raison d'être* of a power relation need not *justify* the use of power. A senator who uses his power to advance immoral or unjust ends acts within the *raison d'être* of the senatorial power dynamic. But this clearly does not justify the *use* of such power—for justification, clearly some reference to the moral quality of the ends is required. Thus, arbitrary power (as Raz conceives of it) differs from the abuse of power in this way. Just because the power I maintain over you is not *justified* does not mean that there is no distinction between abusing my power and not abusing my power.²⁶

24 This account also sheds additional light on the difference between power abuse and corruption. The city council member accepting a bribe despite acting as he deems best in no way *uses* practice-derived power in a way that tells against the *raison d'être* of office. There is simply no abuse of power here. But no plausible analysis of corruption would leave out such behavior. Furthermore, the president who seduces an impressionable intern is clearly using his practice-derived power in ways that are not foreseeably correlated with the point of his presidential power, and he knows it. But I hesitate to say that the president is *thereby* corrupt. Of course, there may be a *sense* of corruption that applies to the president in this case: the more general sense of moral degradation (as suggested by Miller, “Corruption”). But this simply adds to the sense in which power abuse, which need not be an instance of moral degradation, and corruption are nonidentical concepts.

25 Raz, “The Rule of Law and Its Virtue,” 219.

26 Note also that Larissa Katz suggests a general account of abusing *rights* that is similar to Raz. For instance, she holds that the point of the power of ownership rights is, e.g., the “setting of the agenda” for a particular thing. For Katz, this limits the morally justifiable reasons one has with respect to that thing. See Katz, “Spite and Extortion,” 103–7. However, her account of the abuse of this right requires that there be a political justificatory rationale

Second, my proposal should be distinguished from another superficially similar view. Emanuela Ceva and Maria Paola Ferretti hold that political corruption is understood in the following way: “There must be a public official who (1) acts in her institutional capacity as an officeholder (*office condition*) (2) for the pursuit of an agenda whose rationale may not be vindicated as coherent with the terms of the mandate of her power of office (*mandate condition*).”²⁷ Leaving aside the concern with public office holders (Ceva and Ferretti’s topic is, after all, *political* corruption), the *mandate* of public office should be understood as conceptually distinct from the *raison d’être* of that particular power relation or institutional office. Notice that the mandates of office or of a particular power relation will necessarily include the various written rules or norms of behavior. But as I argue in more detail below, the *rules* that govern power use are or can be distinct from the *raison d’être* of a power relation, and hence their breach may not constitute an abuse of power.²⁸

Now, one might challenge this proposal and hold instead that it is these very “deontological rules” that govern the exercise of power in an institutional context that are a viable alternative to the relationship framework.²⁹ After all, these rules are internal to the practice itself just as much as the *raison d’être*. But this is not plausible as a substantive matter. First, one might imagine, say, that an employer is required to give certain reports about employees every thirty days—this is a written rule that governs her interaction with her subordinates and is part and parcel of her “mandate” when it comes to such power. She might decide to break this rule, however—maybe because she knows this rule is a hinderance to rather than a catalyst for worker productivity. This is not plausibly an abuse of power, though it may be a breach of what might be called the deontological rules that govern the role in question.³⁰

for the office/practice in general, and that abuse of power in that case would be use of that power that runs counter to the political justification of the office.

27 Ceva and Ferretti, *Political Corruption*, 19.

28 In some cases, these rules can form *part* of the *raison d’être* (e.g., in the case of the police, insofar as at least one point of the police power relation is the upholding of the very written laws that apply to the police, or, in the case of the US president, who is sworn to uphold the Constitution, which itself determines the proper extension of presidential power), but in other cases, it need not.

29 Thanks to an anonymous reviewer.

30 An anonymous reviewer responds with the following argument: what constitutes power abuse can change over time. We may consider corporal punishment an abuse of power now, but the power relation of school principal–student still retains its *raison d’être* even during times when corporal punishment was not considered an abuse of power. Hence it must be the *rules*—that now, but not then, forbid corporal punishment—that define abuse of power, not the point or *telos* of the power relation (which would never, I assume, have

Summing up, on my view, abuse of power is a fundamentally contextual notion. Whether someone has abused power clearly depends on the nature, function, and aims of the practice-determined power relationship they occupy. It is perfectly possible for morally upright individuals who never act contrary to moral principles to abuse power if the relationships they inhabit lack moral principles as a guiding *raison d'être*. Furthermore, it is possible for individuals who act in morally egregious ways to nonetheless fail to abuse their power given the nature of the relationships they inhabit.

3.6. Practices, Power, and *Raisons d'être*

A key concept in understanding the abuse of power is a power relation's *raison d'être*. But what is this? And how do we determine it? Above, I suggested that the *raison d'être* of the president/dependent ally relationship is, e.g., the advancement of national strategic interests in the region; that the *raison d'être* of the judge/convicted relation is the maintenance and application of the rules of law; and so on. But why should this be? Is there a general account of the nature of a *raison d'être* of any particular power relation that would bear out the relevant claims and/or answer our questions concerning what the *raison d'être* of any given such relation is?

Consider first the structure of social practices in which such power relations are embedded. Such practices have both a constitutive set of *rules* (i.e., what it is to be engaged in such a practice, the "deontological rules," the standards that constitute holding office, and so on) and also a constitutive *aim* or *reason* for the existence of the given practice.³¹ This reason or aim itself can be conventional.³² It could also respond to some general human need, specific coordination prob-

permitted corporal punishment). But this analysis is mistaken. The relationship framework requires that the person with power (the principal) reasonably foresee that their action is correlated with the promotion of the point (i.e., education of children) of their practice (i.e., schooling)-derived power. And I think that has been true of most principals, even in the past; generally, people reasonably thought, given evidence and tradition, and so on, that corporal punishment was an acceptable means to promote educational outcomes and good behavior. But we now know that it does not, and this knowledge is widespread; hence, school disciplinarians cannot reasonably foresee that it will. And hence, now corporal punishment of children is an abuse of power, whereas it was not at other times. The change in deontological rules of the institution is therefore an *indicator* rather than a proper explanatory principle in the change in the status of corporal punishment *qua* power abuse.

31 See Marmor, *Social Conventions*, 5.

32 This is what Marmor calls a "deep convention" as opposed to a "surface convention." The surface convention of, e.g., not wearing white to a wedding is given by the fundamental (deep conventional) aim of showing respect to those who are to be married. See Marmor, *Social Conventions*, 74–76.

lem, or some other concern.³³ But in service of this general aim, some practices give rise to power relations that have a constitutive aim or end *given* by the practice. To see how this might bear out, take baseball. The umpire has power over the pitcher, batter, etc.: power to call balls and strikes. But what is the aim of this power relation? In this case, the aim is to have a rule-guided authority on balls and strikes. That there is such a need is dependent on the practice itself: one cannot play a baseball game (or in any event play it effectively or efficiently) without some such rule-guided authority. And it is *this* aim that, in my view, constitutes the *raison d'être* of a given power relation.

With this in mind, there are (at least) five important notions from which the *raison d'être* of a power relation must be distinguished. First is the *motives* of the individual participants to a practice. Take the baseball game. One might imagine that the umpire just wants a payday; the pitcher wants a strikeout to advance his career. But the aim of this power relation refers not to the aims of either participant but rather to the function or role this power relation plays within the practice—namely, the need for a rule-guided authority. The second notion that must be distinguished is the *beliefs* of the individual participants about the *raison d'être* of the power relation. I may be an employee at a firm and believe that the whole point of such employment is to make *me* money. But it is still the case that the *raison d'être* of the employer/employee relationship is at least in part characterized in terms of the health of the firm, the advancement of the firm's ends, and so on. The third notion is *other domains of evaluation*. There is no guarantee that the *raison d'être* of any particular power relationship of this kind will overlap with other domains of evaluation, such as morality or practical normativity generally. It depends on the relation and its place in the practice in which it is embedded.³⁴ Fourth, we must consider the *behavior*, even *tolerated behavior*, of those in power. Imagine a Hollywood producer of the bad old days who simply treats the casting couch as his sexual breeding ground. Indeed, such behavior from such individuals may be extremely widespread and tolerated, but this does not entail that the point of this power, derived as it is from the practice of making movies, is the sexual exploitation of ingenues. The fifth thing that must be distinguished from the *raison d'être* is the so-called *code of conduct* of a given power relation. Such codes or rules will, if they are

33 See Lewis, *Convention*.

34 Note that one person's power over another can be embedded within multiple different practices. For instance, a father could have power over his son by virtue of the parent/child practice but also by virtue of the fact that the son is his father's apprentice. But this causes no problem for the analysis: in this case, as this power relation will have different *raison d'être* given the different practices in which it is embedded. The father could potentially abuse his power *qua* parent but not *qua* mentor, and so forth.

well designed, be such that conformity to them will *in typical cases* lead to a furtherance of the constitutive end of the relation. And so in well designed codes or norms, there will be a strong correlation between norm-conforming action and power nonabuse. But this need not always be the case. If, for instance, the code of conduct is known to be badly designed and foreseeably lead to circumventing the *raison d'être* of a power relation, it could be that conforming to such a code is an abuse of power and that circumventing it is not.³⁵

Putting this all together, then, the *raison d'être* of a practice-given power relation is the aim or end of the power relation *given* the practice in which it is embedded. Consider now the paradigmatic examples we have so far been discussing. Rod Blagojevich maintained a certain power over his constituents, namely, the powers held by a governor (including, for instance, the power to appoint a senator). What is the reason, given the practice (here, the practice of state government), that such a power relation exists? The answer (plausibly) is the efficient exercise of state government in accordance with the Constitution of Illinois. Similarly, the *raison d'être* of the power relation between employer and employee is, as already suggested, the furtherance of the goals of the firm, the efficient running of a department, and so on. But the use of such practice-given power to further other goals—even morally appropriate ones—when those goals are foreseeably uncorrelated with the *raison d'être*, constitutes an abuse of power. The power relation between a president and dependent ally is embedded within a certain practice of international diplomacy, and the aim of such a power relation is the furtherance of the strategic goals of both nations. It is not the digging up of political dirt.

3.7. *Is the Relationship Framework Overinclusive?*

An important objection to the analysis of abuse of power that I have suggested here is that it is overinclusive: it categorizes what may seem intuitively not to be an abuse of power as an abuse of power. Consider the following case:

Jennifer has a young daughter, Emily, who, by conventional standards, is extremely cute. Because of this, she enters Emily into grueling beauty pageants and forces her to work long hours in front of cameras for photo

35 It is also worth noting that *raisons d'être* are not set in stone but can morph and change with the nature and content of the social practice. For instance, it may be that the *raison d'être* of social practices like marriage, childrearing, even political power and office, has changed over millennia (and may change again), giving rise to new understandings of what does and does not constitute an abuse of power from within such practices. (Of course, when and how such *raisons d'être* change will be subject to indeterminacy and grey area given the nature and inertia of social institutions.) I take this to be a simple consequence of the nature of social practices. Thanks to two anonymous reviewers for helpfully making this point.

shoots and local commercials. Rather than saving the child's earnings, Jennifer spends it on her own lavish lifestyle.

Clearly, Jennifer is doing something wrong. But is this an abuse of power? The relationship framework as I outline it here would seem to say yes. After all, Jennifer and her daughter are in a power relationship (parent/child) within a given practice (i.e., the practice of family life, raising children, etc.). Furthermore, we can assume that the *raison d'être* of this power relation is certainly *not* funding a lavish lifestyle for the parent but rather the care and flourishing of the child. But this may seem strange. Why think that a parent's abuse of her child constitutes an abuse of power? Why is this not just a case of irresponsible parenting?

I am not compelled by this argument. Nothing stops us from saying that in addition to abusing her power as a parent, she is *also* an irresponsible parent or *also* behaving immorally. Indeed, it may sound a bit strange to say that Jennifer commits an abuse of power, but this may be explained by noting that, plausibly, the more significant violation is failing to be a responsible parent to her child, exploiting her child for her own gain, and so on. Indeed, there seem to be cases that are quite clearly instances of parent/child abuse of power. To see this, consider:

Ronald Crump is a self-aggrandizing politician with a wickedly inflated ego. To stroke his confidence, he insists that his children, over whom he wields great power, introduce him at campaign events with over-the-top stories of his prowess as a father and family man.

This seems to me a clear abuse of power—an abuse of Ronald's power over his children. If this is right, I am inclined to hold that the parent/child relationship is one that can play host to abuse of power, even if other, more significant violations have a tendency to drown out the accusation of power abuse.

To see the next objection, consider:

Joe is a midlevel mafia enforcer with a number of underlings. One day, troubled by the increasing violence of his job but without the courage to do it himself, he goes to one of his henchmen, Bob, and tells him that unless Bob becomes an informant for the FBI and turns in the head honchos of the crime organization, Joe will tell the Big Cheese that Bob has been skimming the take. Bob complies, informs, and the syndicate is disbanded.

In this case, we are to imagine that Joe has power over Bob that is embedded within a particular social practice, namely, an organized crime syndicate. It seems quite obviously not correlated with the *raison d'être* of this power

relationship (characterized, as it is, by, e.g., shaking down vulnerable business owners or threatening rival gangs) for Joe to insist that Bob become an FBI informant. And hence, or so it would seem, my proposal seems to characterize Joe's actions as an abuse of power.

But, again, this may seem overinclusive. Why think that, in forcing one of his underlings to do the right thing and help destroy the organization, Joe's action constitutes an abuse of power? Ultimately, I think we should, in fact, accept this conclusion. Part of my temptation here involves the cost of alternatives. For instance, one might suggest that the current view could be amended by holding that for an abuse of power to occur, it must be the case that the *raison d'être* of the power relationship itself has moral value. If we say this, then we could pretty straightforwardly suggest that Joe's actions do not constitute an abuse of power because the power relationship that he maintains with Bob has a morally unacceptable *raison d'être* (namely, the furthering of the interests of an organized crime syndicate). But we should reject this amendment. It would imply that no abuse of power can occur unless the *raison d'être* of the power relationship has moral content. But this is clearly wrong. Indeed, it seems wrong in the mafia case: if a mob boss exploits his power over an underling for sexual favors, this seems like a clear case of power abuse.

Rather, I think what drives our reaction to Joe's case is not so much that no abuse of power can occur within a mafia framework but rather a concern about what precisely Joe is asking Bob to do. After all, it seems like the "right thing" or at least a *good* thing. And though the right thing is not foreseeably correlated with the *raison d'être* of the mafia organization and its internal power structures, it seems plausible to hold that someone within that structure is not misusing his power when he forces an underling to become an FBI informant.

Now we have a choice. We could amend the relationship framework to hold that abuse of power does not occur when an would-be abuser does the right thing. But this proposal is too strong: it would have the effect of holding that the employer of the medical skeptic does not abuse employment power over her employee. The other possibility is better. We should not try to shoehorn the plausible judgment that Joe's use of power over Bob had moral content or was the right thing to do into the analysis of whether or not Joe abused this power. Instead, we should treat these questions—*Was ϕ an abuse of power?* and *Was ϕ the right thing to do?*—as separate inquiries, at least for the purposes of analysis. If squeamishness at describing Joe's case as abuse of power is, as I submit it is, down to the fact that Joe does the right thing or something for which there was strong justificatory reason, we should treat this as shedding light not on our analysis of the concept of power abuse but rather on the *normative significance* of power abuse. To this I now turn.

4. NORMATIVITY AND THE ABUSE OF POWER

If my proposal is correct, there arises a serious question about the normative significance of power abuse as a category of action evaluation. After all, Joe abuses his power, but not in a way that is wrong or normatively ruled out. How, then, should we understand the *normative* consequences of the abuse of power?

We should, at the very least, reject the claim that one is required to avoid abusing power. Consider again the case of the medical skeptic. Imagine that the skeptic's boss notices that several of her employee's children will likely die of a very serious and painful illness if not given an utterly trivial medical treatment. If there are no other options available, and the employer abuses power for the sake of protecting those children, then it seems right to say that the employee acted in a way that was, on the whole, permissible. If that is right, then the mere fact that we abuse power does not entail that we act wrongly.

However, there does seem to be at least some reason to avoid power abuse. Imagine in the case of the medical skeptic that the employer has two options to save the lives of her employees' children. The first is to abuse her power and force the medical skeptic to provide the medical treatment to his children if he is to keep his job. The second is to offer to personally pay him \$2,000 to do so. It seems right in this case that the employer faces stronger reason to pay her employee rather than to withhold a positive employment evaluation. There is something about the employer abusing her power, in this case, that seems normatively unsavory *in comparison* to the other alternative. This seems generally true. It would be better for, say, Joe to convince Bob through non-power-abuse means to become an FBI informant. (Perhaps he could simply buy Bob a beer and explain, or promise Bob a big payout, or employ some other means of persuasion.) It would be better for the president to find some other way of dishing dirt on his political rival rather than abusing his power to do so, leaving all other things equal. When other means are available to accomplish the same end, abusing one's power seems normatively disfavored.

But one challenge to this proposal concerns what the reason is to avoid power abuse. The challenge here arises from the thought that the abuse of power is a very diverse category, given, as noted already, the diversity of practices and the power relations so embedded.³⁶ It is not obviously the case that all abuses of power share some feature that is normatively significant and tells

36 Perhaps the most obvious possibility is that, e.g., in abusing her power, the employer is *coercing* her medical skeptic employee into action. But this cannot be the whole story. After all, not all instances of the abuse of power are coercive—see the abusive attorney who drains the bank account of his comatose client or the governor who sells a senate seat to the highest bidder. Given the diverse ways in which individuals possess power, let alone

against abusing power. However, this should not unduly concern us: as I shall now argue, the fact that one abuses power in ϕ -ing is *itself* a reason not to ϕ .

5. ABUSE OF POWER AS A REASON

I argue that the fact that X abuses power over Y is a reason against so doing. My defense of this claim relies on the following principle:

Power Expectations Principle: In any practice-embedded power relation, a subordinate Y can adopt a rational normative expectation that power-holder X will confine the use of X 's practice-derived power over Y to instances in which the use of such power foreseeably conforms to the *raison d'être* of this power relation. This rational expectation is (or implies) a reason for X to confine such power to uses that so conform.³⁷

The Power Expectations Principle is really a conjunction of two claims, the first concerning what a subordinate can normatively expect when in the midst of an embedded power relation, the second concerning the normative significance of such an expectation.

A word on expectations. The word 'expectation' should be disambiguated between what might be called *predictive expectations* (e.g., when I say to a fellow bus rider, "I expect it to rain") and *normative expectations* (e.g., when a parent says to their child before a fancy dinner, "I expect you to say 'please' when asking for the salt"). I use the notion of expectation in the normative, not predictive, sense.³⁸ And there are two features of the notion of a normative expectation that I mean to bring out. First, normative expectations can and will carry with them negative reactive attitudes if they are thwarted. (This is in part what makes them "normative.") But second, some such expectations will be *rational* and others *irrational*—alternatively, one might call them *fitting* or *unfitting*. One rational normative expectation, for instance, would be for my employer to pay me according to our agreed wage when I have completed my work rather than threatening to withhold such payments for personal ends. And some expectations of this kind may be irrational—e.g., I may expect my

abuse it, it seems plausible to hold that the fact of abuse of power is *itself* of normative significance.

37 The qualifier 'imply' is intended to render the power expectations principle ecumenical between views according to which the underlying practice is normative via the fitting expectation and those views according to which the underlying practice is a reason and the fitting expectation is merely *indicative* of the underlying reason.

38 It could be, for instance, that I know you are corrupt or sexually exploitative, and so forth, and I know full well that you will abuse your power.

employer to pay for my children's schooling or to continue to pay me even if I fail to show up or consistently show up drunk, and so forth.

I argue that these rational expectations have normative significance below, but I will start here with the first claim embedded in the Power Expectations Principle, namely, that subordinates can adopt a rational normative expectation that those who hold practice-derived power over them will confine the use of such power to the *raison d'être* of the power relation. Why believe it? I will offer two arguments here. First, it is plausible on its face. When I am a subordinate in a power relation, and I understand the nature and function of this power relation (that is, I understand the *raison d'être* given the practice in which we participate), I expect that you will restrain your use of power over me to those cases that are at least foreseeably correlated with the point of your power. Of course, it may be that power holders placed within such power relationships do in fact go beyond the *raison d'être* of such power relations. (One might imagine, say, rampant sexual harassment of employees in certain companies.) But even if this is true as an empirical matter, it remains the case that I have a fitting *normative* expectation that if you have power over me, you will (foreseeably) *stick to the point*.

Second, this claim seems to make sense of everyday experience. Take a humdrum example. Imagine that you are an usher at a professional baseball game, and I present you my ticket to show that I belong in the section over which you have authority. This relation is one of power—given the practice in which we are engaged (the practice of, e.g., spectator sports), you as an usher have power to dismiss me from the stadium, seat me properly, etc. But in this power relation, I, as a spectator with a ticket, have a normative expectation that you will use this power only in the proper way, e.g., seating me upon presentation of a valid ticket, not that you will seat me only if I present a bribe or agree to donate to Oxfam International or agree not to speak sharply to my kids when I get home. Note that not every possible expectation on the part of the person over whom power is wielded will generate practical reasons for the power wielder. I may expect that if I present to you a valid ticket, you will not just seat me but also give me \$100. This may be a normative expectation, but it is certainly inappropriate in such a case. But why? What distinguishes the expectation that you will seat me and the expectation that you will cough up? Plausibly, the answer is that giving me one hundred dollars does not have anything to do with the point of your having this power over me.³⁹ It seems right to say that if we are both

39 A reader has suggested that this expectation may have more to do with the contractual obligations of the usher. But this misses the point: it is the normative relation between the ticket holder and the usher that is doing the work here, not the normative relation between the stadium owner and the usher. But if this is bothersome, assume that the usher

participating in a given practice, it seems fitting for me to expect you to limit your uses of practice-given power to the *raison d'être* of the power relation, given that practice. The relation of power between, e.g., ushers and spectators appears to be that paying customers are properly seated, making sure everyone has an enjoyable time at the ballpark, maintaining order, and so on.

Objection: one might argue that the first part of the Power Expectations Principle is overly broad. Imagine I am unjustly imprisoned in a jail cell. The warden has power over me—to release me, keep me locked up, and so on. But it would seem that given that the *raison d'être* of the warden–prisoner power relation is to (in part) keep prisoners imprisoned given the duly applied dictates of the law, it would appear that I, the prisoner, could rationally expect that the warden to, e.g., keep me locked up. But this is absurd, and a general point might hold: in cases in which a particular practice suggests that the point of a power relation is to, say, harm me, treat me immorally and unjustly, and so on, surely it would not be fitting for me to expect that I be treated so (especially if I have been thrust into such a power relation without choice)!

I disagree. This objection is based on one (or more) of four potential confusions. First and most importantly, it is simply incorrect to say that the *raison d'être* of the power relation will not form a fitting expectation of the warden on my behalf. After all, if the warden proposes not simply imprisoning me unjustly but also subjecting me to daily beatings, humiliation, or personally motivated abuse, I will *certainly* expect that the warden not do so. And while I may form this expectation on many grounds (including its profound immorality), surely *one* basis of this expectation is that *this is not how our power relation is supposed to work*. So clearly, the *raison d'être* will form a locus of expectation at least to this degree. Now, of course, I may also (quite fittingly) expect that the warden release me from my unjust imprisonment. But second, this perfectly sensible normative expectation is fully compatible with the Power Expectations Principle. Nothing in that principle holds that it is the *sole* source of normative expectations. If I am imprisoned unjustly, for instance, I can form normative expectations based on my unjust treatment. I can form expectations that the warden act for my benefit rather than my ill insofar as he clearly has reasons to do so. But none of this is a violation of the Power Expectations Principle. Third, the Power Expectations Principle says nothing about whether I can or cannot fittingly expect that you *use your power*; rather, rather it says only that I can rationally expect that the use of your power, if you are going to use it, is confined to the point of our power relation. So in the prison case, I may be

is simply a volunteer and maintains no contractual obligation whatever. Nothing about the case seems to change.

unjustly imprisoned and have no rational expectation that you will keep me here. But I can rationally expect that, insofar as you are going to use your prison warden power over me, you confine it to the point of our relation rather than, e.g., using me for your own ends. Fourth, recall that the Power Expectations Principle holds that it is fitting to attribute reasons to the warden to stick to the point of our power relation, not that I *will* do so. Imagine, for instance, that it is part of my aims to remain imprisoned—I see myself deserving of punishment and believe that the long arm of the law got me in a fair cop. If the warden uses his practice-derived power to release me early, it would seem perfectly rational for me to complain specifically on grounds of the nature of our power relation: the duly applied dictates of law. Of course, most will not complain under these circumstances. But those who do would do so fittingly, just as they would fittingly complain if the warden used his power to force the prisoner to engage in humiliating activities for the warden's amusement.

So far, I have argued in favor of the first part of the Power Expectations Principle—namely, that in any power relation, subordinate *Y* can adopt a rational normative expectation of power-holder *X* to constrain the use of practice-given power in ways that conform to the *raison d'être* of the power relation. But the second part of the Power Expectations Principle also requires defense. Though some might, I do not hold that a rational normative expectation to act in some way entails a reason to do so.⁴⁰ But even if this entailment does not hold in the general case, it seems to hold in the context of power relations. And the explanation concerns quite general facts concerning the normative expectations of those over whom one has any kind of power.

Note that every person over whom power—the ability to influence well-being, interests, behavior, and so forth, whether practice-derived or not—is wielded is thereby put in a position of vulnerability. This in and of itself is not a bad thing. We recognize that power over others and others' power over us necessary features of many aspects of our lives. But this vulnerability plausibly generates reasons for those who wield power. This position of vulnerability makes the power holder specially *answerable* to the normative expectations of the vulnerable in that power relation. If I have power over you, I am answerable to *your* normative expectations (or perhaps, put it more precisely, to the normative expectations that would be fitting for you to adopt). Now, I may be answerable to the normative expectations of others as well, but because your interests, your actions, the satisfaction of your aims, and so on are susceptible to my influence, this seems to put special weight on my responsibility to take your normative expectations seriously. Note that this is a weak principle. The

40 See Darwall, *The Second-Person Standpoint*.

normative expectations you have of me do not attribute to me an obligation to act come what may—they attribute to me only a *reason*, a *consideration I must take seriously*. There may yet be other factors—including, importantly, moral factors—that determine how I am to use my power. The normative expectations hold only that I am answerable to you in the sense that, if I do not conform to your expectation of me, there had better be some justificatory reason.

One major objection remains. Just as in the case of fitting expectation, one may be concerned that there is no *reason* to conform to the *raison d'être* of a given power relation (even in the presence of such fitting expectations) in the context of power relations that seem morally heinous. But *in general*, the Power Expectations Principle does not deny this. There is surely no reason whatsoever for someone to, e.g., engage in the practice of slavery or to use the power derived from or explained by that practice. Rather, the Power Expectations Principle holds only that *if such power is to be used*, it not go beyond the point of the practice. (If, for instance, I repent and decide to allow my slaves to escape or to help them become free people, this is not the *use* of practice-derived power but rather an *abdication* of such power.) But (hence the qualifier ‘in general’) perhaps there are cases of morally bad power relations, in which the morally optimal option involves power abuse. Does this show that the principle is incorrect? Does it show that there is no reason to refrain from abusing power?

The answer is no. This is because even if it would be normatively preferable for a power holder to abuse power in order to bring about the morally correct outcome (surely right), there remain reasons for the power holder not to abuse power to *other* ends. To see what I mean here, consider a case in which a power holder in an oppressive regime acts beyond the purview of his power to, e.g., humiliate his subordinates. The subordinates will clearly have a fitting moral complaint. But they will also have a fitting complaint given his role in the oppressive regime. Whatever else you might say about it, their relationship is *not supposed to work that way*. And if that is right, we should accept the normative significance of the *raison d'être* of even morally outrageous power relations, even if (in some cases) abusing power is the right thing to do, all things considered. Now, one might say that the normative significance of the way this relationship is supposed to work is limited only to particular cases (i.e., humiliation, yes; freeing from oppression, no). But recall that there are good reasons to be skeptical of the suggestion that there exists “no reason” to perform some action in cases in which, if there were such a reason, it would be massively outweighed by other considerations, as they clearly would be in the case of freeing someone from oppression or slavery.⁴¹ It may seem that I

41 Schroeder, *Slaves of the Passions*, ch. 6.

have no reason to, say, be an authoritarian prison warden in an abusive penal system rather than abusing my power to benefit the prisoners. But this would be a mistake: there is such a reason, but in such cases, the reason is so massively outweighed that it is of slight account.

If all this is right, then abuse of power is itself a normatively significant fact—abuse of power is a failure to conform to the rational normative expectations of those over whom power is exercised.

6. CONCLUSION

Abuse of power seems to be one of the most significant categories of misdeed in public life. After all, presidents do not get impeached for immorality, imprudence, injustice, or a failure of virtue. They do get impeached, however, for abuse of power.

But as I have so far indicated, it is not so easy to understand just what abuse of power is and why we may have reason to avoid it. I have argued here that the proper understanding of abuse of power is to be found from *within* practice-embedded power relations (i.e., in the *raisons d'être* of power relations), not from *without* (i.e., not in violations of moral norms, norms of justice, or advancement of one's self-interest). Furthermore, I have argued that there is good reason to believe that an account of this kind can deliver on the claim that we have practical reason to avoid abusing power, the strength of which will depend on the nature and structure of the practice in which the power is embedded.

Of course, much work remains to be done, as many of the concepts discussed here permit of further refinement. But I hope to have shown that the role abuse of power plays in popular conceptions of wrongdoing is not a chimera. Abuse of power is a genuine normative category—a category we have reason to avoid.⁴²

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