The Gates Foundation, global health and domination: a republican critique of transnational philanthropy

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On 6 July 2020 President Donald Trump notified Congress and the UN that the United States was withdrawing from the World Health Organization (WHO). Thus the most prominent international public health agency lost its largest source of funding during the worst global health crisis in over a century. This role was taken up not by another member of the club of liberal democracies or a geopolitical rival, but by a private organization: the Bill and Melinda Gates Foundation.[1]

Since its incorporation, the Gates Foundation has become a major player in global health, as well as in the broader global development agenda. The COVID-19 pandemic prompted the Gates Foundation to turn its 'total attention' to funding research into treatments for the virus and supporting the WHO.[2] Given the harm caused by the pandemic, it is not surprising that the foundation has received a great deal of praise for its efforts; but it is equally unsurprising that it has also attracted criticism. The actions of the powerful often provoke suspicion, and there are no shortages of conspiracy theories connecting Bill Gates with lurid plots, such as implanting people with tracking devices hidden in COVID-19 vaccines.[3] However, one does not need to sport a tin-foil hat to be alarmed by the power of philanthropists like Gates.

The Gates Foundation has generated a critical literature among scholars of development studies and international politics. It has been criticized for its preference for high-tech health interventions over more mundane elements of public health; for its lack of legitimacy in determining global health policy; and for its connection to cut-throat capitalism.[4] Yet the Gates Foundation, and transnational

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[1] Rema Nagarajan, 'Gates Foundation now WHO's biggest funder', *Times of India*, 2 June 2020, https://timesofindia.indiatimes.com/world/us/gates-foundation-now-whos-biggest-funder/articleshow/76145069.cms. (Unless otherwise noted at point of citation, all URLs cited in this article were accessible on 27 Jan. 2022.)

[2] Clive Cookson, 'Gates Foundation to concentrate on coronavirus', *Financial Times*, 26 April 2020, https://www.ft.com/content/f4557f2c-2464-46bd-a844-d08cadc3da59; Hannah Kuchler, 'Gates Foundation opposes Trump's funding freeze', *Financial Times*, 15 April 2020, https://www.ft.com/content/1f4b6d9c-71b7-49bc-a3d1-01bf2d3e5db7.

[3] Joanne M. Miller, 'Do COVID-19 conspiracy theory beliefs form a monological belief system?', *Canadian Journal of Political Science* 53: 2, 2020, p. 321.

[4] Katerini T. Storeng, 'The GAVI Alliance and the "Gates approach" to health system strengthening', *Global Public Health* 9: 8, 2014, p. 869; Sophie Harman, 'The Bill and Melinda Gates Foundation and legitimacy in

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philanthropy in general, have been largely neglected in the literature on global poverty and distributive justice, which has emerged as one of the central debates in political philosophy over the past 50 years. This is a mistake.

Transnational philanthropy, embodied in the Gates Foundation, is a source of domination; and this is a serious problem, because it gives the wealthy uncontrolled power over the basic interests of other people in a way that is difficult to reconcile with the commitments to minimal autonomy that underpin much of the distributive global justice literature. This article aligns with the critical literature mentioned above, and also provides a structured normative framework to help us understand why, even if one thinks the Gates Foundation does good work, transnational philanthropy poses a serious problem of justice.

Philanthropic foundations and the Bill and Melinda Gates Foundation

Modern philanthropic foundations have their roots in the Gilded Age (1870–1900), when some of the great industrialists and financiers turned their fortunes towards philanthropy and incorporated foundations. Philanthropic foundations are a curious mixture of the private and the public. They are private not-for-profit organizations that possess independent wealth in the form of endowments, are self-governing, and pursue their own interests. Yet they are also public bodies in so far as their institutional structure is shaped by public authorities, they are publicly incorporated entities, and they act, ostensibly, for their conception of the public good.[5] This last point deserves elaboration. The 'good' in question tends not to be the direct provision of services to individuals, but solutions to the deeper causes of social problems: 'they work "wholesale" rather than "retail"'.[6] To put it in a more formal way, they are able to affect the 'basic structure of society', which, through the distribution of the benefits and burdens of social cooperation, shapes the life prospects of their members.[7] Moreover, in the case of the largest philanthropic foundations, the 'public' cannot be limited to that of a single state, but is embodied in transnational publics, such as people living in severe poverty; the leaders of these organizations are 'self-conscious global civil society builders'.[8] They can affect the basic structure of global society.[9]

Philanthropic foundations have flourished in the twenty-first century. As of 2015, there were more than 85,000 foundations in the United States alone; half of them were founded after the turn of the century, and on average 5,000 are

global health goverance', *Global Governance* 22: 3, 2016, pp. 350–51; Linsey McGoey, *No such thing as a free gift: the Gates Foundation and the price of philanthropy* (London: Verso, 2015), pp. 143–4.

5 Inderjeet Parmar, *Foundations of the American century: the Ford, Carnegie, and Rockefeller Foundations in the rise of American power* (New York: Columbia University Press, 2012), p. 6; Jonathan Levy, 'Altruism and the origin of nonprofit philanthropy', in Robert Reich, Chiara Cordelli and Lucy Bernholtz, eds, *Philanthropy in democratic society: history, institutions, values* (London: University of Chicago Press, 2016), pp. 19–20; Robert Reich, 'On the role of foundations in democracy', in Reich et al., eds, *Philanthropy in democratic society*, pp. 65–6.

6 Robert Reich, *Just giving: why philanthropy is failing democracy and how it can do better* (Oxford: Princeton University Press, 2018), p. 141.

7 John Rawls, *A theory of justice* (London: Belknap Press of Harvard University Press, 1999), pp. 6–7.

8 Parmar, *Foundations of the American century*, p. 6.

9 Thomas Pogge, *Realizing Rawls* (London: Cornell University Press, 1989), pp. 211–39.

incorporated each year.[10] Together they have a total capitalization of approximately $800 billion—but not all foundations are created equal.[11] Many of these foundations have endowments of a few million dollars, but there are some that have endowments in the billions. The Gates Foundation is one of these immensely wealthy foundations.

The Bill and Melinda Gates Foundation was established in August 1999. It consolidated the couple's interest in philanthropy in a single organization with an endowment of $17 billion. Over the next two decades the Gates Foundation grew rapidly: its endowment more than doubled to $45 billion, in large part due to a monumental gift from Warren Buffett of some ten million shares in Berkshire-Hathaway worth $31 billion over a three-year period.[12] It has grown from employing 130 people in 1999 to employing nearly 1,500 in 2012, resulting in administrative expenses of over $550 million.[13] The foundation's grant-making has also increased dramatically, from approximately $1 billion in 1999 to approximately $5 billion in 2020.[14] This gives it spending power comparable to what an affluent state such as Canada or Australia spends on overseas development each year. The Gates Foundation disperses these funds across several grant-making areas: Gender Equality, the Global Development Program, the Global Growth and Opportunity Program, the Global Health Program, Global Policy and Advocacy, and the United States Program. This article will primarily examine its influence on global health.

This sketch of the Gates Foundation will be expanded as the article moves forward, but this serves our present needs. The Gates Foundation is a private not-for-profit organization which, at the direction of its small board, disperses billions of dollars per year across a broad range of grant-making areas which generally address the needs of the world's worst-off people.

Domination

The conception of domination used in this article is drawn from the republican tradition of political thought. Domination focuses on the presence of arbitrary power within social relationships or institutions.[15] The presence of domination requires that four necessary conditions be met:

1 it must occur in a social relationship or social institution;
2 there must be an asymmetric division of power;

[10] McGoey, *No such thing as a free gift*, p. 17.
[11] Reich, *Just giving*, p. 9.
[12] Patrick Kilby, *Philanthropic foundations in international development* (Abingdon: Routledge, 2021), p. 87.
[13] Adam Moe Fejerskov, *The Gates Foundation's rise to power: private authority in global politics* (Abingdon: Routledge, 2018), p. 78.
[14] KPMG LLP, 'Bill & Melinda Gates Foundation consolidated financial statements December 31 2019 and 2018 (with independent auditor's report therein)', 1 May 2020, https://docs.gatesfoundation.org/Documents/F_087119F-1B_19_BillMelindaGatesFoundation_FS.PDF.
[15] Philip Pettit, *Republicanism: a theory of freedom and government* (Oxford: Clarendon, 1997), p. 52; Francis Lovett, *A general theory of domination and justice* (Oxford: Oxford University Press, 2010), p. 120; Gwilym David Blunt, 'On the source, site and modes of domination', *Journal of Political Power* 8: 1, 2015, pp. 18–19.

3 this division of power must be sufficient to produce dependency;
4 this power must be arbitrary in at least one of two senses: its use rests on the judgement of the more powerful agent, and/or the terms of social cooperation must be incontestable by the weaker agent.

The paradigmatic example of domination is slavery. It is a social relationship between the master and the slave as well as a social institution that is shaped by laws and norms. There is a clear asymmetric division of power between the slave-owner and the slave which favours the former; this division is sufficient to produce dependence on the part of the slave as the costs of non-compliance are severe enough to make it unreasonable. Finally, the power is arbitrary in both senses; the slave-owner's ability to interfere in the choices available to the slave rests on their judgement, while the slave cannot block interference without violating the terms of social cooperation. These terms are also beyond the slave's ability for contestation; they have no way of challenging their status as a slave within the social institution.

The reader may think it uncharitable to compare Bill and Melinda Gates, who have been credited with saving 122 million lives through their foundation, with slave-owners.[16] This line of thought focuses on the intention of the philanthropist and the outcomes of their philanthropy. The Gateses, so the story goes, read an article about rotavirus in the mid-1990s and decided to use their wealth to improve global health; the consequence of this was millions of lives being saved.[17] According to this account, good intentions and good outcomes make philanthropy incomparable to slavery.

Despite the plausibility of this claim, it rests on a misguided understanding of slavery and its history. There were many defences of slavery on the grounds of the good intentions of slave-owners and good outcomes for those enslaved. James Henry Hammond, an anti-abolitionist, argued that slaves were less exploited than free labour. It was in the slave-owner's interest to keep his property well fed and content; and, beyond that, there existed a paternal sentiment that benefited the slaves. The logic of the free market, by comparison, did not establish this benign social relationship and compelled capitalists to pay the lowest wage possible.[18] Moreover, looking outside the American experience of slavery, Orlando Patterson argued that some slaves in Muslim societies often enjoyed relatively privileged lifestyles when compared to free persons.[19]

The republican conception of domination is useful because it sets aside questions of intention and outcome. A slave-owner may be a good-natured person who seeks only the best for their slaves and provides them with a life significantly better

[16] Sarah Bosely, 'How Bill and Melinda Gates helped to save 122m lives—and what they want to do next', *Guardian*, 14 Feb. 2017, https://www.theguardian.com/world/2017/feb/14/bill-gates-philanthropy-warren-buffett-vaccines-infant-mortality.
[17] Fejerskov, *The Gates Foundation's rise to power*, p. 65.
[18] James Henry Hammond, *Selections from the letters and speeches of the Hon. James Henry Hammond of South Carolina* (New York: John F. Trow, 1866), pp. 108–10, 154–5.
[19] Orlando Patterson, *Slavery and social death: a comparative study* (London: Harvard University Press, 1982), pp. 11, 308–14.

than their free contemporaries, but would still dominate them. This conception of domination is structural; it is based on the distribution of power between agents and/or institutions. It makes no reference to the psychological disposition or moral character of those who hold power. It does not matter whether a person exercises their power with benevolence or malevolence—indeed, it does not matter whether they exercise their power at all. What is at issue is simply their capacity to interfere and the inability of the dominated person to contest the terms of social cooperation.

Thus domination is distinct from a related criticism that philanthropy is paternalistic. Emma Saunders-Hastings has made a powerful argument that philanthropy has a problem with paternalism, which she defines as interventions that aim to restrict, manipulate or circumvent an agent's choices and are justified by the paternalist's belief that they are better suited to making these choices than the agent subjected to the intervention.[20] It seems possible that paternalism must be dominating, but that domination is not necessarily paternalistic. This is because according to this understanding paternalism requires an intervention that is driven by a specific motivation. The conception of domination is more fundamental because it is structural. It is not determined by actions or motivations.

A response to this point might be to shrug and to assert that perhaps domination does not really matter. The ends justify the means. It is easy to imagine 'effective altruists', like Peter Singer, arguing that good done by philanthropic foundations outweighs concerns about domination. Indeed, such figures have been particularly supportive of the Gates Foundation as a model institution; Singer has gone so far as to call Gates and Buffett 'the greatest effective altruists in history'.[21] If one's only concern is the efficiency with which assistance can be delivered, then this argument is plausible; but Singer has always presented his approach to the ethics of giving as being a 'big tent', acceptable to all reasonable people. Yet domination, even when it is benevolent, is difficult to justify to anyone who takes autonomy seriously. Autonomy in this instance is understood in a very minimal sense as a person's ability to choose and pursue their conception of a good life.[22] A simple thought experiment can explain why this is the case. A wealthy benefactor shows up at your door and offers to raise your standard of living beyond a level that you can realistically hope to reach in your lifetime. There is only one catch: you must agree to be their slave. But they promise that this is only *pro forma* and that in practice you will be free to do what you like. The benefactor is known to be a good person and keeps their promises. Would you accept?

My suspicion is that you would not, and neither would I, despite the promised benefits. This is because being subjected to domination invariably undermines the ability to live one's life as one sees fit. The history of slavery is replete with examples of exploitation, but the underpinning injustice of domination is the

[20] Emma Saunders-Hastings, 'Benevolent giving and the problem of paternalism', in Hilary Greaves and Theron Pummer, eds, *Effective altruism: philosophical issues* (Oxford: Oxford University Press, 2019), p. 116.

[21] Peter Singer, *The most good you can do: how effective altruism is changing ideas about living ethically* (London: Yale University Press, 2015), p. 50.

[22] Pettit, *Republicanism*, pp. 90–92; Lovett, *A general theory*, pp. 130–31.

absence of control over both one's person and the social institutions that shape one's life.

The capacity of the subject of domination to act as a minimally autonomous agent is undermined. The subject of domination is aware of their inferior status in the social relationship and often internalizes this in a form of self-abasement.[23] Frederick Douglass's account of slavery is punctuated by the near-annihilation of his capacity to be a self-guiding person:

> I was broken in body, soul and spirit. My natural elasticity was crushed; my intellect languished; my disposition to read departed; the cheerful spark that lingered around my eye died; the dark night of slavery closed in upon me; and behold a man transformed into a brute![24]

This denial of autonomy helps to account for the type of fatalism that characterizes the condition of slavery. The condition of dependency attached to domination not only inhibits one's ability to achieve goals, but also undermines the very capacity to formulate those goals. Thus, when Douglass described his condition as that of a brute, it was because he had almost lost his ability to flourish as a human being.

This may be true in the case of extreme domination, such as slavery, but does it also apply in less severe instances, such as that which might attach to philanthropy? This question must be answered in the affirmative as, even in the optimal case, the state of disempowerment leaves the dominated voiceless. This constitutes the fundamental way in which a dominated agent is denied the status of an agent capable of minimal autonomy. Douglass also captured this condition:

> But ask a slave what is his condition—what his state of mind—what he thinks of enslavement? And you had as well address your inquiries to the *silent dead*. There comes no *voice* from the enslaved. We are left to gather his feelings by imagining what ours would be, were our souls in his soul's stead.
>
> If there were no other fact descriptive of slavery, than that the slave is dumb, this alone would be sufficient to mark the slave system as a grand aggregation of human horrors.[25]

Domination undermines minimal autonomy because it denies the dominated subject the status of an agent who can speak with a voice that cannot be ignored in those institutions and relationships that deeply affect their lives.[26]

Is philanthropy a social relationship or a social institution?

Having set out what domination is and why it wrong, we must now assess whether philanthropy meets the four necessary conditions listed above. The first condition addresses the site of domination. Domination is a social phenomenon, but it can manifest on two distinct levels which are not mutually exclusive. Specifically, it can be found in social relationships, social institutions, or both simultaneously.

[23] Quentin Skinner, *Liberty before liberalism* (Cambridge: Cambridge University Press, 1998), pp. 88–9; Pettit, *Republicanism*, p. 84; Lovett, *A general theory*, pp. 132–3.
[24] Frederick Douglass, *The Frederick Douglass papers* (London: Yale University Press, 2003), p. 125.
[25] Douglass, *The Frederick Douglass papers*, p. 258.
[26] Pettit, *Republicanism*, p. 91.

A social relationship is understood in Weberian terms: it encompasses at least two agents each of which is, to some extent, required to consider the actions of the other when planning and pursuing their goals.[27] These agents are minimally rational in that they can plan and pursue these goals in a consistent fashion.[28] Their plans, however, are vulnerable to circumstances and can be upset by other agents.[29] This site of domination is interactional, as it focuses on how individual agents relate to each other; the second site of domination is systemic, as it addresses social institutions.

Social institutions go beyond one-off interactions between individuals. They are understood here in Rawlsian terms, as widespread publicly known social practices.[30] The roles within them have defined rights and duties which are enshrined in law, custom or both. Social institutions are to some degree analogous with games or rituals, the operation of which is governed by rules or rites, but with the important distinction that participation is sometimes involuntary.[31] One can choose not to play football or not to take part in the ritual practices of the Satanic Temple, but it is significantly more difficult to opt out of the basic structure of society.

Social institutions can relate to social relationships in the same way that the rules of the game structure the relationships between the players of the game, but they should not be confused. Domination can exist in the way that players interact with each other, but it is possible that domination can also be present in how the rules themselves are formulated. The levels are interrelated but distinct.

Once again, consider slavery. This is often presented as a simple dyadic social relationship between the slave-owner and the slave. It is a dominating social relationship because the master can arbitrarily interfere in the choices available to the slave. This is a simple and effective illustration of domination, but it is incomplete. This becomes evident when it is compared to another example of domination: a highwayman aiming a pistol at a traveller and offering the choice of 'Your money or your life'.[32] At the level of social relationships, there does not seem to be much to distinguish the master from the bandit; both are exercising arbitrary power over the choices available to a weaker agent. However, what distinguishes the former from the latter is that slavery is a social institution and banditry is not.

H. L. A Hart's distinction between being obliged and having an obligation helps to clarify this point. The bandit who draws a pistol on a passer-by and demands their wallet obliges compliance through his threat. The slave-owner puts the slave under an obligation to obey because their power is derived from a social

[27] Lovett, *A general theory*, pp. 34–6.
[28] Philip Pettit, 'Republican freedom: three axioms, four theorems', in Cécile Laborde and John W. Maynor, eds, *Republicanism and political theory* (Oxford: Blackwell, 2008), pp. 104–105.
[29] Pettit, 'Republican freedom', pp. 106–108; Lovett, *A general theory*, pp. 41–2.
[30] Rawls, *A theory of justice*, pp. 7–8.
[31] Thomas Pogge, *Politics as usual: what lies behind the pro-poor rhetoric* (Cambridge: Polity, 2010), p. 15.
[32] Quentin Skinner, 'Freedom as the absence of arbitrary power', in Laborde and Maynor, eds, *Republicanism and political theory*, pp. 95–6.

institution that is deemed legitimate.[33] Slavery is a social institution that can define rights and duties for its members.[34] The slave is dominated on two different levels as a result: they are interactionally dominated by their owner, but they are also dominated by the social institution of slavery because they are unable to challenge or contest their role within it.

Philanthropy is both a social relationship and a social institution. In the case of the former, we see it in the relationships between donors and recipients, both of whom are assumed to be able to form and pursue complex plans that are contingent on the actions of other agents. The Gates Foundation's Global Health Program, for example, has the goal of improving vaccine delivery to communities in the global South that are hard to reach; Aktiv-Dry LLC is developing needle-free vaccine technology that would help realize this goal, but is in need of investment.[35] The two agents enter a social relationship when the foundation provides funding to the company, as their objectives become intertwined. However, philanthropy is significantly more complex than a simple dyadic social relationship. In the example above we may want to include the beneficiaries, those people who will receive the needle-less vaccines if the research is successful. Their lives will, after all, be significantly affected by this research.

Moreover, the way in which the Global Health Program operates is often more complicated than simply giving money to a single recipient agent. The example of GAVI (formerly known as the Global Alliance for Vaccination and Immunization) is helpful here. GAVI was the product of Gates Foundation advocacy in reaction to declining funding of existing vaccine initiatives targeting people in the global South.[36] It was launched at the World Economic Forum (WEF) in Davos in 2000, and by 2005 the Gates Foundation had committed $1.6 billion to the organization, which then used this funding to leverage commitments from wealthy states and organizations.[37]

GAVI is a public–private partnership which aims to improve vaccination rates in the developing world. The vaccines in question have not received attention from the pharmaceutical industry because the diseases they treat afflict people who are not reliable consumers; they may generate intense demand for treatments, but they have no means to pay for them. GAVI aims to reshape the vaccine market so that these vaccines are simultaneously profitable and accessible. It does this by supporting immunization programmes in the global South, but also by creating incentives for research into new vaccines through initiatives such as 'advanced marketing commitments', in which donors commit money in advance to fix the price of vaccines.[38] This is no small task, and as a result GAVI has a complex struc-

[33] H. L. A. Hart, *The concept of law* (Oxford: Clarendon, 1994), pp. 82–91.
[34] Henry S. Richardson, *Democratic autonomy: public reasoning about the ends of policy* (Oxford: Oxford University Press, 2002), pp. 33–4.
[35] David McCoy, Gayatri Kembhavi, Jinesh Patel and Akish Luintel, 'The Bill & Melinda Gates Foundation's grant-making programme for global health', *Lancet* 273: 9675, 2009, pp. 1647–9.
[36] Fejerskov, *The Gates Foundation's rise to power*, p. 80.
[37] Kilby, *Philanthropic foundations*, p. 92.
[38] Andrew Hamer and Carlos Bruen, 'Global Alliance for Vaccines and Immunisation', in Thomas Hales and David Held, eds, *The handbook of transnational governance* (Cambridge: Polity, 2011) p. 388.

ture; this is reflected in its board, which has members drawn from major international organizations, donor and recipient states, the pharmaceutical industry and the Gates Foundation.[39] GAVI is particularly interesting because it does not 'deliver programs'; it plays a coordinating role for numerous other actors.[40] GAVI serves as an example of the intersection of transnational philanthropy and global health as social institutions in the international system, setting terms for social cooperation on vaccination and immunization that affect states, pharmaceutical companies and, most importantly, people vulnerable to these diseases.

This reveals a shortcoming that is prevalent in much of the republican literature, namely, too intense a focus on the first site of domination. Slavery is often described in dyadic terms: the master and the slave. However, it is often more complex than this. Numerous agents are involved in slavery: brokers selling slaves, merchants buying the products of slave labour, overseers and managers running plantations, slave-catchers and patrols ensuring compliance and so on.[41] This tendency to reductivism is also found in the few instances where republicans touch on charity, which we might extend to philanthropy. Pettit and Lovett both depict this as a relationship between donor and recipient.[42] The same is true of Robert S. Taylor's more detailed republican account of charity without domination, though in fairness he does identify a wider 'market' of charitable organizations offering products to recipients.[43] Indeed, this image is ingrained in the history of republican thought in the concern that private beneficence can corrupt beneficiaries and undermine republican governance.[44] This dyadic characterization of philanthropy is sufficient to confirm the first condition of domination, but it misses the importance of the second site of domination—and as a consequence it misses ways in which domination can become manifest in social institutions.

It may seem obvious to most people who research the activities of large philanthropic organizations that their activities are more than one-off interactions with the recipients of their largess. However, this is an aspect that many writing on global distributive justice and the ethics of global inequality tend to overlook or dismiss as irrelevant. This seems evident in respect of both the republicans and the effective altruists mentioned above. To them, there seems to be little difference between giving $1 to a beggar or dispersing $1.5 billion to create GAVI: such difference as there is is simply one of scale.

This seems to gloss over some important questions around how one goes about dispersing $1 billion. As I have argued elsewhere, this requires complex organizations that affect the basic interests of millions of people, and the structure of these

[39] Hamer and Bruen, 'Global Alliance', p. 386.
[40] Michael Moran, *Private foundations and development partnerships: American philanthropy and global development agendas* (Abingdon: Routledge, 2014), p. 78.
[41] Blunt, 'On the source', pp. 8–9.
[42] Philip Pettit, *On the people's terms: a republican theory and model of democracy* (Cambridge: Cambridge University Press, 2012), p. 113; Lovett, *A general theory*, p. 195.
[43] Robert S. Taylor, 'Donation without domination: private charity and republican liberty', *Journal of Political Philosophy* 26: 4, 2018, pp. 441–3.
[44] Robert Sparling, 'Corruption and the concept of dependence in republican thought', *Political Theory* 41: 4, 2013, p. 626.

organizations raises questions around the distribution of the benefits and burdens of social cooperation, questions of justice.[45] Complementary arguments are found in the empirical studies of philanthropy and domestic political philosophy. Inderjeet Parmar has provided an excellent account of how the major philanthropic foundations created transnational networks which spread the ideology of power elites and shaped American hegemony within the international system.[46] They created a common understanding of the rules of the game, what knowledge counts as legitimate and what is left unheard. These understandings may shift over time. Sophie Harman points out that the vision of philanthropy favoured by the Gates Foundation is far more sceptical of the state and supportive of the market than older foundations; but for our purpose what matters is that this points to a shared understanding about the rules of the game.[47] This is further supported by Rob Reich's argument that philanthropy is a proper subject for political philosophy because it is shaped by and shapes politics and legislation; one of the most obvious examples is the tax-free status granted to philanthropic foundations in the United States and indeed many other jurisdictions.[48] Philanthropy is far more than simple one-time interactions between agents. It is a complex transnational social institution.

Is there an asymmetric division of power in philanthropy?

The second necessary condition for domination is that there needs to be an asymmetric division of power within a social relationship or institution. Power describes the capacity to interfere in the choices of another agent either interactionally or through the shaping of roles within institutions. This can take the form of removing and replacing choices; deceiving agents as to the choices that are available to them; or manipulation which affects the cognitive capacity of an agent even if the objective choice remains.[49] The concept of power found in the republican literature is overtly agent-centred; it is about the will of dominators and their capacity to impose their will on dominated agents.[50] By this standard we can see that philanthropy, at least when it is conceived of as a dyadic social relationship, has an asymmetric distribution of power: the donor possesses a resource that the recipient desires or requires. However, this dyadic form of philanthropy does not adequately reflect the complexity of philanthropy as a social institution and how power operates within it.

Several republicans have sought to develop the concept of power beyond the agent-centred approach. In the context of philanthropy, the attempts to incorporate epistemic power in the concept of domination are particularly interesting. Miranda Fricker's work on epistemic injustice has proved inspirational; she argues

[45] Gwilym David Blunt, 'Justice in assistance: a critique of the "Singer solution"', *Journal of Global Ethics* 11: 3, 2015, pp. 326–30.
[46] Parmar, *Foundations of the American century*, pp. 256–65.
[47] Harman, 'The Bill and Melinda Gates Foundation and legitimacy', pp. 349–50.
[48] Reich, *Just giving*, pp. 13–19, 106–10.
[49] Pettit, *On the people's terms*, pp. 50–56.
[50] Steven Lukes, 'Power and domination', *Journal of Political Power* 14: 1, 2021, pp. 99–100.

that power is not just about the shaping of choices but also about the shaping of identities and knowledge.[51] The use of 'identity power' determines the status of agents as sources of knowledge. It polices the boundaries of what counts as acceptable knowledge and who counts as a legitimate knower. A patriarchal society, for example, denies the status of women as contributors to collective knowledge or denies evidence of gender equality. James Bohman tied epistemic injustice to the presence of domination; it requires the power to shape one's status in a way that cannot be contested and to this we might add the power to shape the field of acceptable knowledge.[52]

This epistemic power is particularly relevant when it comes to the Gates Foundation, as this organization is actively engaged in the production and legitimation of knowledge. This is not something new: Parmar argues in his analysis of twentieth-century philanthropy and American power that philanthropies, under the guise of neutral social scientific 'positivism', built networks of academics, think tanks, institutes and universities which helped to propagate American hegemony through the production of knowledge.[53] The difference perhaps between these earlier institutions and the Gates Foundation lies in the latter's overtly pro-market, anti-state sentiments. Bill Gates has stated that the Gates Foundation seeks to solve the problems of global poverty through 'creative capitalism' . To return to GAVI, we can see the Gates Foundation exercising power in the creation of the organization. It provided the initial funds to leverage further contributions from other states to create a pool of capital that could be used to subsidize research; but the nature of this research is equally important. It uses market mechanisms to develop health interventions in the form of new vaccinations. Thus it represents an exercise of power that shapes the contours of global health and philanthropy through the production and legitimation of knowledge.

Is this power sufficient to produce dependence?

The previous section addressed the asymmetric distribution of power fairly briefly; this is because more attention must be paid to whether this asymmetry is sufficient to produce dependence. It may be that there is an unequal distribution of power, but that this inequality is small enough to prevent the stronger agent from being able to remove, replace, manipulate or deceive the weaker. A weaker agent can yet be sufficiently powerful to deter such interventions. In the case of systemic domination, the weaker agent can challenge the position in a social institution that the more powerful agent seeks to assign to them. If such control is possible, then it cannot be said that the weaker agent is dominated. In order for domination to exist, the weaker agent needs to be dependent on the more powerful agent. Dependency does not mean that the weaker agent is completely powerless. It

[51] Miranda Fricker, *Epistemic injustice: power and the ethics of knowledge* (Oxford: Oxford University Press, 2007), pp. 14–17.
[52] James Bohman, 'Domination, epistemic injustice and republican epistemology', *Social Epistemology* 26: 2, 2012, p. 177; Gwilym David Blunt, 'The case for epistemic republicanism', *Politics* 40: 3, 2020, pp. 11–13.
[53] Parmar, *Foundations of the American century*, pp. 11–15.

means that resisting the stronger agent carries with it costs that are unreasonable. Lovett argues that dependency is best understood in terms of 'exit costs': if one can leave a social relationship or institution without incurring subjectively severe costs, either materially or psychologically, then one cannot be dominated.[54]

There is a recurring criticism that charity and philanthropy produce dependence in those whom they seek to help. This reservation certainly underpins republican viewpoints. Lovett cites concerns about dependence in his objection to charitable giving;[55] Pettit also expresses concern about philanthropy and dependence, going so far as to call the recipients 'dominated supplicants' in earlier work,[56] while dependence is at the core of Taylor's critique of charity: his solution is to have competitive charity markets, so that recipients do not rely on a single source of benefaction but may choose the one they prefer.[57] Even as far back as Machiavelli, we find the fear that benevolent giving can produce dependency and patronage networks that undermine the foundations of republican government.[58]

If one imagines philanthropy as being comparable to giving directly to a deeply impoverished person, it is easy to imagine this dependency; the 'supplicant', to use Pettit's term, relies on the goodwill of their benefactor for their basic needs, and if they were to exit this relationship then they would pay the unreasonable price of living in abject poverty. The issue with this characterization is not only that it is solely focused on the interactional site of domination, but also that it does not accurately describe philanthropy. Gates does not transfer money directly to those living in poverty; nor do the grants provided by the Gates Foundation often go to small organizations. In its first decade of operation, almost two-thirds of its funding went to 20 organizations including the WHO, PATH (formerly known as the Program for Appropriate Technology in Health), GAVI and major research universities such as Harvard, Johns Hopkins and the London School of Hygiene and Tropical Medicine.[59] These are organizations that have deep pockets and possess diverse streams of income. If we think of dependency in terms of exit costs, it seems plausible that at least some of the recipients of Gates Foundation funding can exit the relationship without incurring unreasonable burdens.

This, however, does not mean that the dependency condition cannot be satisfied. Even at a well-endowed university, for example, there will still be significant internal pressure to make successful bids for external funding, and this means tailoring one's research to the priorities of powerful funding bodies like the Gates Foundation. Even in the case of relatively powerful recipients, the Gates Foundation has been found to exert pressure when outcomes and expectations do not align; the precariousness of funding and the relative dearth of alternative sources make the Gates Foundation highly influential.[60] If the foundation can shape

[54] Lovett, *A general theory*, pp. 39–40.
[55] Lovett, *A general theory*, p. 195.
[56] Pettit, *Republicanism*, p. 160; Pettit, *On the people's terms*, p. 113.
[57] Taylor, 'Donation without domination', pp. 454–9.
[58] Niccolò Machiavelli, 'Discourses on the first ten books of Titus Livius', in *The historical, political, and diplomatic writings of Niccolo Machiavelli* (Boston: James R. Osgood, 1882), p. 394.
[59] McCoy et al., 'The Bill & Melinda Gates Foundation's grant-making programme', p. 1649.
[60] Chelsea Clinton and Devi Sridhar, 'Who pays for cooperation in global health? A comparative analysis of

research priorities and put pressure on recipients to conform to their vision of the public good, then dependence does not seem so far-fetched.

Shifting the perspective to the systemic site of domination reveals even more complex forms of dependence rooted in epistemic power. Parmar exposed the way in which foundation funding of universities, research laboratories and civil society organizations imposes a systemic form of dependence through epistemic power.[61] It enabled the powerful foundations of the previous century to build institutions that reflected the hegemonic interests of the American elite. The trend continues with the Gates Foundation in this century. Let's return to the example of GAVI, which enabled the foundation to reshape the priorities of global health to accord top ranking to the development and distribution of vaccines in a way that coheres with its trustees' faith in technology and markets. This creates a framework in which global health agents must operate regardless; they may deal directly with the foundation, or may have the power to exit an interactional relationship, but they cannot exit from the broader social institution's understanding of what constitutes legitimate knowledge and research priorities.

This epistemic control shapes the social institution of philanthropy and the other institutions with which it overlaps. Sheila Nair has looked at how the language of capitalism and the market has permeated global health and philanthropy. She provides an example of a speech given by Sylvia Matthews Burwell, then president of the Global Development Program of the Gates Foundation. It is a fascinating speech in so far as it is highly critical of how the beneficiaries of aid have been represented; Burwell claims that her 'boss' is not Bill Gates and Melinda French Gates but the individual people who benefit from philanthropy (in this case an 18-month-old Senegalese girl). However, as Nair points out, the language of this speech explicitly draws on the language, such as 'knowing our consumers', that couches the discourse of development in the language of the marketplace.[62]

This epistemic control is complemented by what Peggy Dulany, a scion of the Rockefeller clan, called 'convening power', the ability to get other powerful people together.[63] Bill Gates managed to persuade his friend Warren Buffet to donate more than $30 billion in shares to the Gates Foundation's endowment. Bill Gates and Warren Buffett also managed to prevail upon David Rockefeller to preside over a meeting of the super-rich to discuss philanthropy. The meetings of the so-called 'Good Club' reportedly included George Soros, Ted Turner and Michael Bloomberg, among others.[64] After a series of meetings, the result was the 'Giving Pledge', in which some 70 billionaires pledged to donate at least half of their wealth to philanthropy over their lifetimes. In the back rooms of the WEF or in the informal meetings of the Good Club, we see the norms of contemporary philanthropy taking shape. This has been called, by both advocates and

WHO, the World Bank, the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, and GAVI, the Vaccine Alliance', *Lancet* 390: 10091, 2017, p. 331.

[61] Parmar, *Foundations of the American century*, pp. 256–62.

[62] Sheila Nair, 'Governance, representation and international aid', *Third World Quarterly* 34: 4, 2013, pp. 643–4.

[63] Matthew Bishop and Michael Green, *Philanthrocapitalism: how giving can save the world* (London: A. & C. Black, 2008), p. 49.

[64] Robin Rogers, 'Why philanthro-policymaking matters', *Society* 48: 5, 2011, p. 376.

detractors, 'philanthrocapitalism', according to which the legitimacy of philanthropic endeavours rests on the business acumen of the successful capitalist and the structures of the market.[65] Some actors may be able to resist interactional dependence on the Gates Foundation, but they are still playing a game whose rules it was instrumental in creating.

This systemic form of dependence shows why Taylor's marketplace of benevolence might not solve the problem of domination and philanthropy. He believes that a wide array of providers will enable recipients to avoid domination by removing dependency; if they find that their benefactor is too paternalistic, they can move to one that is less so. However, we might look at the philanthropic organizations and note that their employees and directors are drawn from a pool of remarkably similar people, and that their ideas of what philanthropy ought to do and how it should operate are ideologically aligned.[66] This problem can be compounded when the regulatory agent charged with ensuring 'competition' is drawn from the same class of people. They may not be dependent on any single provider of charity, but they are caught in a social institution within which they exert little control over their normative status, and the cost of exiting is high indeed.

Is this power arbitrary?

Arbitrary power is at the core of the republican conception of domination. It refers to the capacity of an agent to interfere without constraint. Pettit has expressed a preference for the term 'uncontrolled' interference;[67] this is perhaps a better description as 'arbitrary' power implies an active will driving the use of power, which masks the possibility of uncontrolled systemic domination.

Two examples can help clarify this point. We can return to the highwayman example, where the victim is dominated as their life rests solely on the will of the bandit. Contrast this with Frank Lovett's example of a state where a majority of people have fewer rights than a privileged minority, but the laws are publicly known and impartially enforced. Lovett claims that while this may be unjust, it is not dominating, because no one has the power to arbitrarily interfere.[68] I have argued, however, that the inferior position of the discriminated-against majority must be the product of arbitrary power since they have no ability to challenge their position within the terms of social cooperation.[69] They may not be subject to arbitrary power in the sense of being dominated by the will of another person, but they are subjected to uncontrolled interference because the terms of social cooperation are beyond their control.[70] I do not wish to labour the point, but this demonstrates the importance of the distinct sites of domination.

[65] Harman, 'The Bill and Melinda Gates Foundation and legitimacy', pp. 357–60.
[66] Parmar, *Foundations of the American century*, pp. 58–63.
[67] Pettit, *On the people's terms*, p. 58.
[68] Lovett, *A general theory*, p. 115
[69] Blunt, 'On the source', pp. 16–18.
[70] Christopher McCammon, 'Domination: a rethinking', *Ethics* 125: 4, 2015, pp. 1041–42.

At a fundamental level, we might point to the presence of interactional arbitrary power in philanthropy. Philanthropic foundations decide what to fund and exercise uncontrolled discretion over whether funding continues. As Reich points out, philanthropic foundations, with their secure endowments, are in a peculiar situation: they lack the accountability to voters that government has in democratic states, they lack the accountability to the market that ideally exists for capitalist firms, and they lack the accountability to donors that characterizes many public charities.[71]

This problem is particularly acute in the Gates Foundation. Initially, the foundation very publicly declared its first guiding principle, namely: 'This is a family foundation driven by the interests and passions of the Gates family'.[72] This page has been removed from the foundation's website, but there is no reason to believe that the principle does not still apply, as the fundamental power structure of the organization remains intact. In the wake of the divorce between Bill Gates and Melinda French Gates, a Governing Board was appointed to provide 'additional independent voices'. However, two things can be noted of the members. Excluding Bill Gates, Melinda French Gates and CEO Mark Suzman, the members of this board all have ties to major financial institutions, international organizations and elite philanthropy.[73] One might ask whether representation is sufficiently diverse and independent. Secondly, the Bill and Melinda Gates Foundation Trust, which controls the Gates Foundation's endowment, remains under the exclusive control of Bill Gates and Melinda French Gates.

As with any large transnational organization, this power is delegated to subordinate managers of various programmes and projects. The trustees control the general direction of the foundation; while they generally don't involve themselves in grants worth less than $40 million, there is some evidence that they may intervene when projects touch on areas in which they have particular interests.[74]

This has led to criticism of the influence of the Gates Foundation over the global health agenda. Arata Kochi, former head of the WHO's malaria programme, has compared the Gates Foundation's funding to working in a 'cartel', with researchers locked into the agenda of a foundation with 'a closed internal process, and as far as can be seen accountable to none other than itself'.[75] The Gates Foundation has been accused of not following data-driven policies. Its preference for technology and new vaccines, for example, has failed to acknowledge that child mortality is driven by lack of basic resources such as sanitation, housing and nutrition; children who die from rotavirus may benefit from a clinical solution like a vaccine, but a public health intervention such as ensuring access to clean water and sanitation

[71] Reich, *Just giving*, pp. 467–8.
[72] The Bill and Melinda Gates Foundation, 'Guiding principles', 2011, https://web.archive.org/web/20110716194702/http://www.gatesfoundation.org/about/Pages/guiding-principles.aspx.
[73] Talha Burki, 'Fresh questions of Gates Foundation governance', *The Lancet* 399: 10324, 2022, p. 508.
[74] Moran, *Private foundations and development partnerships*, pp. 68–71; Fejerskov, *The Gates Foundation's rise to power*, p. 79.
[75] Donald G. McNeil, 'Gates Foundation's influence criticized', *New York Times*, 16 Feb. 2008, https://www.nytimes.com/2008/02/16/science/16malaria.html.

may reduce deaths more quickly and with less expense.[76] The same shortcoming can also be seen in the Gates Foundation's commitment to polio eradication; this is an admirable ambition, but, as Donald Henderson has succinctly put it: 'When you are doing polio, you are not doing other things.'[77] The price of 'doing polio' was to neglect other lethal diseases with higher prevalence among the world's poorest people. This feeds into a longstanding criticism that philanthropy has an accountability problem.[78] The accountability issue, however, is symptomatic of the greater issue of domination.

There is also a systemic dimension to this that follows from the analysis in the previous section on epistemic power and dependence. The influence of the Gates Foundation has helped move global health towards high-tech, vaccine-focused initiatives. This can be seen in the so-called 'Atlantic divide' in GAVI, between European advocates of funding public health care systems and Americans resistant to such moves, with Bill Gates vehemently insisting that not 'one cent' of his money should go into public systems. The result was the forcing out of Julian Lob-Levyt, the chief advocate for public health care funding, from his role as head of GAVI, and the winding down of funding for supporting health systems.[79]

This is only a snapshot, but it links into a longstanding criticism of private foundations: first the Rockefeller Foundation and now the Gates Foundation have shaped global health programmes along narrow, technocratic lines that obscure both the politics of global health inequalities within the international system and the politics of philanthropy. The 'cartel' criticism mentioned above is not simply about grant-making decision processes, but about how notions of what constitute valued or legitimate health interventions are shaped, with vaccinations being placed above everything else despite scepticism from developing countries and health care professionals.[80] This claim does not apply to GAVI alone; the sheer magnitude of Gates Foundation donations has allowed it to set standards of credibility in global health. David McCoy and Linsey McGoey interviewed a senior policy expert at Médecins Sans Frontières who efficiently summarized the epistemic power of the Gates Foundation: 'If you get Gates funding, it gives you some credit about your work. If you don't, people wonder what's wrong with your work, that you haven't got Gates funding because Gates is funding so many things.'[81]

A plausible objection to this argument is that philanthropies operate under significant external constraints to make their exercise of power non-arbitrary. The Gates Foundation, and other philanthropic foundations in the United States, are subject to oversight by federal and state authorities. They must follow the '5 per

[76] McCoy et al., 'The Bill & Melinda Gates Foundation's grant-making programme', p. 1652.
[77] Cited in McGoey, *No such thing as a free gift*, p. 158.
[78] Angela M. Eikenberry and Roseanne Marie Mirabella, 'Extreme philanthropy: philanthrocapitalism, effective altruism, and the discourse of neoliberalism', *PS: Political Science and Politics* 51: 1, 2018, p. 43.
[79] Kilby, *Philanthropic foundations*, pp. 93–4.
[80] William Muraskin, 'The Global Alliance for Vaccines and Immunization: is it a new model for effective public–private cooperation in international public health?', *American Journal of Public Health* 94: 11, 2004, p. 1924.
[81] David McCoy and Linsey McGoey, 'Global health and the Gates Foundation—in perspective', in Simon Rushton and Owain David Williams, eds, *Partnerships and foundations in global health governance* (Basingstoke: Palgrave Macmillan, 2011), pp. 152–3.

cent disbursement rule', meaning they are required to distribute 5 per cent of their non-charitable use assets each year, and open their books to government scrutiny to ensure they are operating within the defined limits of a 501(c)(3) non-profit organization, which grants them wide-ranging tax exemptions; but, as Reich says, this is not substantive regulation. It leaves philanthropic organizations with widespread discretion over how they deploy their endowments.[82]

This discretion is further compounded by the transnational dimension of the major philanthropies, which has been under-appreciated in recent work in the political philosophy of philanthropy. The agents most affected by the Gates Foundation are likely to live in the global South. The fact that the Gates Foundation is regulated by the US government means that it is not subject to the control of the people whose basic interests are affected by its policy choices. Third-party invigilation is not sufficient to counter arbitrary power because the invigilators' power is also uncontrolled by the relevant agents; the latter are still subject to a systemic form of domination, even if the rules of a social institution are publicly known and impartially enforced, because they are unable to contest their status within the social institution.[83] Consequently, the final condition for domination is met on both sites as well.

Conclusion

It follows from the above analysis that transnational philanthropy is systemically and interactionally dominating. Using the Gates Foundation as a test case, I have shown how each of the four necessary conditions for domination has been met.

Transnational philanthropy is a social institution that produces social relationships (the first condition); there is an asymmetry of power within both social phenomena (the second condition); that asymmetry is sufficient to produce dependence (the third condition); and the power in question is arbitrary because it rests on the will of the dominant or produces rules that dependent agents are unable to contest (the fourth condition).

This is not a problem that can be dismissed even by those who champion transnational philanthropy as a force for good in the international system. If individual human beings have the right to exert control over the social institutions that profoundly affect their basic interests, then it is difficult to see how, in the absence of such control, transnational philanthropy avoids what is essentially a problem of justice.

This is a problem of justice rather than of individual ethics because it applies to the design of social institutions—philanthropy in our case—rather than the behaviour of a particular agent, such as Bill Gates.

A further challenge for political philosophers seeking to take the conceptual thinking forward, and for those working on (or, indeed, *in*) philanthropy and policy is to move beyond the state-centric analysis. Philanthropy is a transna-

[82] Reich, *Just giving*, p. 145.
[83] Blunt, 'On the source', pp. 15–16.

tional social institution that reaches beyond borders. It produces social relationships between people who do not have a common citizenship mediated by the state. Thus the problem identified here is not just one of justice, but one of global justice. It will require global solutions.

Determining what principles of justice are appropriate to apply is not a straightforward task because transnational philanthropy is a peculiar institution. Philanthropies are not primary agents of justice, like the state, which determine how principles of justice ought to be institutionalized; but neither are they secondary agents that exist to support and conform to the principles institutionalized by primary agents.[84] They operate in areas where the primary agent of justice is absent, as in the international system, or where the primary agent is dysfunctional or fragile, as is the case with the states responsible for many of the world's poorest people. They often fill a gap where people's basic needs would otherwise be unfulfilled, acting as a transitional agent of justice.[85] Any regulating principle of justice would have to be suited to this chimeric role in the global basic structure.

Republican non-domination suits the brief if it can be applied to negate at least one of the necessary conditions that make philanthropy problematic, but there is no easy fix. If the international system is characterized by severe and intransigent forms of domination that foreseeably and avoidably produce poverty to generate the extreme wealth that enables philanthropy in the first place, then rendering philanthropy non-dominating, were it even achievable, would not be sufficient.[86] The problem would be conceptually intractable: philanthropy would be compensation owed by the beneficiaries of an unjust system to its victims. In other words, philanthropy as it is commonly understood could never be just.

[84] Onora O'Neill, 'Agents of justice', *Metaphilosophy* 32: 1–2, 2001, p. 181.
[85] Blunt, 'Justice in assistance', p. 331.
[86] Gwilym David Blunt, *Global poverty, injustice, and resistance* (Cambridge: Cambridge University Press, 2019), pp. 71–100.