THEORIZING COLLECTIVE SELF-DETERMINATION

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Light refreshments will be available at 4:45 pm and you are welcome to come a little early to mingle.

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How does a state acquire legitimate jurisdiction over a particular territory and population? One story, to which I am sympathetic, holds that when people come into conflict about rights and resources, they are obliged to set up a state that can fairly resolve their disputes, since a state is necessary to the legitimate interpretation and enforcement of rights. Immanuel Kant, on whose writings I draw in this chapter, holds that we have an unconditional duty to enter the state, since a state is the condition of possibility of “conclusive” property rights (DoR 6:245). He also suggests that a person claiming property is permitted to coerce his neighbors to enter a civil condition along with him (6:255). This duty is binding on us independently of any special relationships we have, or any voluntary transactions we have engaged in.

Yet this Kantian view is subject to an important objection, which holds that it is unable to provide any determinate account of the state’s proper boundaries. Critics argue that while the Kantian may show that states are in general necessary to establish justice, the view cannot address which particular people or places should be included within any state’s jurisdiction, or indeed, why we should prefer a plurality of states to a single world state. Those who press this objection typically interpret Kant as offering a purely functionalist account of state legitimacy. As outlined in the Introduction, this view holds that a state has a right to rule a population and territory insofar as it performs morally mandated governance functions in a reasonably just manner. Functionalism comes in both maximizing and threshold variants. The maximizing variant holds that a particular state has a right to rule a territory if—compared to its rivals—it can do best at delivering justice. The threshold variant holds that the state has a right to rule a territory if it achieves a decent level of success in that task. Meeting the threshold gives it a claim against interference by foreign powers that would do an even better job. An important worry about functionalism, however, is that it may license colonialism—the unilateral imposition of political institutions on unwilling groups—or involuntary annexation—the incorporation by one state of territory that previously belonged to another, against the will of its inhabitants. This chapter argues that the Kantian account of state legitimacy should not be assimilated to functionalism (on either variant), but should instead be understood as incorporating a (limited) claim to collective self-determination.

2 Simmons, Boundaries of Authority, 60.
5 Kant himself disavowed the “colonial” conclusions to which critics suggest his theory leads. First, he argues against a world state: while he holds that there is a duty to create an international juridical institution (6:311), he maintains that this should not be a federal state but rather a loose league or confederation (6:350). Second, Kant rules out involuntary annexation: “a defeated state or its subjects,” he says, “do not
1. Functionalism and Colonialism

The charge is not that functionalists will endorse colonial annexation in all cases. Colonialism and annexation frequently involve unjust violence and rights-violations, and may be ruled out on these grounds. Allowing states to annex territory also promotes war, which has predictably bad consequences for international peace and security. A functionalist may therefore endorse a general rule requiring respect for other states’ territorial integrity, except in cases of national self-defense or humanitarian intervention. Finally, functionalists would condemn most historical instances of colonialism. Colonial rulers dispossessed indigenous populations of their lands and sometimes exterminated them, they engaged in forced labor and economic exploitation, and they institutionalized systems of racial and cultural discrimination. Functionalist commitments to human rights and basic justice explain why these acts were wrong.

Still, the functionalist does not rule out a benign colonial regime if it did a reasonable job at providing good governance. Indeed, functionalism might even be invoked to support “civilizing” colonialism: particularly in the later colonial period, European colonizers often invoked arguments grounded in liberal principles to justify their practices. Colonial rule was defended on the basis that it would help abolish the slave trade in Africa, or that it would further the moral and material well-being of native populations, or advance commerce and development. The U.S. occupation of the Philippines, for example, supposedly aimed to improve “the well-being, prosperity, and the happiness of the Philippine people” and to establish “an enlightened system of government.”

These claims were not bare rhetoric: beginning in the late nineteenth century, significant efforts were made to bring colonial practices into line with “civilizing” ideals. Reformers such as the British Anti-Slavery and Aborigines Protection Society lobbied for humane practices. While these reformers sought the amelioration of various abuses, they did not question the basic institution of colonialism itself. As one French critic of forced labor, writing in 1934, put it: “it is precisely because we accept the general and abstract justice of colonization that we desire, in the specific and concrete instance, to purify it of all that soils it.” An important expression of this reform impulse was the establishment of the international Mandate system under the League of Nations in 1919. The Mandate

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6 As codified in Article 2(4) of the UN Charter, which prohibits “the threat or use of force against the territorial integrity or political independence of any state.” See also Allen Buchanan, Justice, Legitimacy, and Self-Determination, 275-288; 355-357.
7 For a similar critique, see Lea Ypi, “What’s Wrong with Colonialism,” Philosophy and Public Affairs, 41:2 (2013), 168.
System sought to ensure that colonial powers ruled in the interest of native populations. A Permanent Mandates Commission was established to exercise oversight and articulate criteria for good imperial governance. It required annual reports by mandatory powers and investigated and publicized abuses.\(^\text{10}\)

Suppose a benevolent colonial regime was successful in living up to its “civilizing” ideology: it protected its subjects’ rights and delivered enlightened governance to them. In that case, on either variant of functionalism, no claim to self-determination could be pressed against it. *Ex hypothesi*, this regime meets the minimal justice-threshold, and it may do better at securing justice than its rivals (also satisfying the maximizing criterion). Still, it seems that a population subjected to benign colonial administration would have a morally significant complaint: while not subject to grave injustice, they are denied self-rule. This violation of self-rule, I believe, is in itself a wrong, even when not accompanied by further violence or rights-violations.\(^\text{11}\) The aim of this chapter is to understand the nature of the *pro tanto* wrong involved in the denial of political self-determination.

Violations of self-determination can occur in other cases. Consider:

*Military Occupation.*\(^\text{12}\) In 1945, the Allies occupied Germany through a just use of force. Suppose that instead of restoring the territory to the German people, the US had annexed their zone of occupation, turning it into an additional state of the union. After annexation, the US governed reasonably justly, protecting the Germans’ human rights and granting them rights of democratic participation in the now-unified polity. Would the Germans have had a claim to political independence?

*Humanitarian Intervention.* Proponents of humanitarian intervention argue that it is permissible to intervene militarily in another state in cases of genocide, mass expulsions, or gross violations of basic human rights.\(^\text{13}\) They believe temporary foreign rule can be acceptable in the aftermath of a justified humanitarian intervention. Yet most people think occupiers are obliged to restore the country to independence once a decent domestic government can be established. Why do they have this responsibility?

The best way to characterize our intuitions about these cases, I believe, is to hold that annexed, colonized, or occupied populations have a claim to govern themselves and


\(^{12}\) This example is drawn from an earlier published chapter. See Anna Stilz, “Nations, States, and Territory” *Ethics*, vol. 121, no. 3, (2011), 590.

their territory independently, and to order their political institutions as they choose. This claim to self-determination is defeasible, and may sometimes be outweighed by competing concerns, as in a justified humanitarian intervention. But where weighty countervailing considerations are not at stake, it ought to be respected. Functionalism, however, seems unable to account for self-determination. On its maximizing variant, no political group can ever claim a right—against a more just colonizing power—to govern itself independently. And while its threshold variant allows a political group that achieves decent rule to govern themselves, their right to independence holds only pro tem, and may be lost if in the future they become subject to reasonably just foreign rule.

To foreshadow, I will agree with the threshold-functionalist that to be legitimate, a state must do a minimally good job protecting basic rights. Where foreign rule is the only option for securing these rights, it may be temporarily permissible, and I will say more about such cases in Chapter 5. Yet even where self-determination is outweighed by other considerations, on my view, it remains important and may ground future claims to political independence. Unlike the functionalist, then, I deny that minimal provision of justice is sufficient to give a state a valid claim to territory. Instead, we should distinguish between a temporary liberty for an effective agent to use force to secure basic rights, and full legitimacy—a claim-right, held by a particular state against its competitors, to be the preferred ruler of a territory and its population. Full legitimacy requires a state that enables the self-determination of its population.

2. Two Dimensions of Legitimacy

If we accept the claim to self-determination, then we view state legitimacy as having two distinct dimensions. Let me define “legitimacy” as the state’s possession of an exclusive moral right to make law and policy on behalf of a particular group and to use coercion or force to implement those laws and policies. While a theory of justice addresses the question: “What scheme of rules about rights ought a political community (ideally) to adopt and enforce?,” a theory of legitimacy addresses a different question, namely: “Who has the right to decide what scheme of rules a political community will adopt and enforce?” The concept of legitimacy is contested: some see legitimacy as correlative to subjects’ obligations to obey the state’s directives, while others define legitimacy as a mere liberty to enforce, which imposes no obligations on subjects, not even the obligation to refrain from vigilante justice. The definition I adopt here is agnostic about whether a legitimate state imposes duties to obey the law, but it does hold that legitimacy correlates to some obligations on subjects, namely, the obligation not to interfere with, compete with, or resist a legitimate state’s efforts to issue and enforce directives.

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14 Buchanan allows that a government of military occupation might satisfy his functionalist criteria for political legitimacy. See Justice, Legitimacy, and Self-Determination, 236.
15 A. John Simmons, Justification and Legitimacy, 122-157, also distinguishes a state’s legitimacy from what he calls its justification (roughly synonymous with what I refer to as “justice”). For a similar argument, see Philip Pettit, On the People’s Terms, (Cambridge: Cambridge University Press, 2012), ch. 3.
In theorizing state legitimacy, functionalism focuses on a (reasonably just) state’s role in providing justice-related benefits to its members. As institutional “takers,” individuals have interests in protection of their rights, a fair scheme of distributive justice, or public goods that only a state can provide. This “taker” dimension of evaluation focuses on familiar aspects of the basic structure, e.g., “the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation.” It is concerned with the quality of state institutions, independent of anyone’s acceptance or endorsement of them.

But on a self-determination theory, legitimacy also has a second, “maker” dimension: people have an interest in seeing themselves as the authors of their political institutions. It may be as important that their institutions reflect their priorities and values (in their role as “makers”), as that these institutions be good ones (from their perspective as “takers”). This second dimension of evaluation focuses not on the internal structure of the state itself (its qualities or characteristics), but rather on the relation between that state and those it rules.

The principle of self-determination was popularized internationally by Woodrow Wilson, who conceived it as an extension of the doctrine—enshrined in the US Declaration of Independence—that governments derive “their just powers from the consent of the governed.” Since Wilson’s time, self-determination has come to play a major role in international law. Article 1 of both 1966 international human rights covenants declares that “all peoples have the right of self-determination,” by virtue of which “they freely determine their political status and freely pursue their economic, social, and cultural development.” Article 1(2) of the UN Charter, the 1960 General Assembly Resolution Granting Independence to Colonial Peoples, and the 1970 Declaration on Friendly Relations also give prominent place to the principle. As its positioning in these international documents suggests, self-determination is a central organizing principle of our postwar international system.

We can distinguish two aspects of self-determination. The “internal” aspect refers to a people’s right to choose a government that reflects their values and priorities, while the “external” aspect denotes a people’s right to be free from foreign interference. It is plausible to see this external side of self-determination as parasitic on the internal one. We have a duty not to interfere with a foreign political order because that order reflects the will of the people subject to it. Self-determination holds that people should choose or

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authorize their government, and it is for this reason that outsiders are obliged not to interfere.

On one account of self-determination, the nationalist theory, cultural nations are bearers of self-determination rights. A nation is a group marked out by shared characteristics that specially suit them for self-rule, particularly a common culture. On the nationalist view, a state has a right to rule a particular population and territory if (a) the majority of that territory’s population forms a nation, (b) the state is properly authorized by that nation, and (c) the state acts to reproduce the nation’s culture over time, granting it privileged status in state symbols, ceremonies, the public education system, and so on.

A second account, the voluntarist theory, holds that collectives’ rights of self-determination are constructed on the basis of free consent of the governed. Voluntarists argue that subjecting people to political coercion without their consent objectionably infringes their “natural freedom,” their ability to determine their lives by their own actions and decisions. A particular state has a right to rule a particular population only where individual subjects have actually historically consented to that state’s exercise of political power.

In this chapter and the next, I develop a third account of self-determination, which I call the political autonomy theory. My account draws in important ways on Kant’s political philosophy, especially his argument that the rules governing our collective political life ought not to be enforced unilaterally. Kant instead holds that to have the right to make and enforce law and policy for a population, the state must represent its subjects’ omnilateral will: “Only the concurring and united will of all, insofar as each decides the same thing for all, and all for each, and so only the general united will of the people, can be legislative” (6:314).

A key question is: what exactly makes for an omnilateral will? I will suggest that an omnilateral will is an actual popular will. To be in a position to legitimately enforce law and policy, a state needs to reflect its people’s shared intention to cooperate together through particular institutions. Only then does a state represent rightful occupants in a way that gives it a moral right to permanent jurisdiction over their territory.

In offering this reading, I hope to complicate our understanding of Kant’s political theory. Our most basic natural duties to others, for Kant, require us not only to set up a legitimate state, but also to impose that state’s political order in a manner that is sufficiently respectful of others’ capacity for rational judgment, including their capacity to make judgments about how they should be ruled. Once the conditions of an omnilateral will are unpacked, we will see that it is permissible to impose a political order on unwilling participants only in a narrow range of cases, and that the Kantian view does

22 Simmons, “Justification and Legitimacy,” 129.
not sanction colonial annexation. Understanding the problem of unilateralism, in my view, also allows us to explain why a Kantian should prefer a system of states to a single world state.

3. Justice in the State of Nature

I begin by briefly recapitulating some main elements of Kant’s theory of legitimate state authority. I will pass over this quickly, since Kant’s political philosophy is by now relatively familiar, simply isolating the main claims that are of interest for my argument.

(1) **Natural Duty:** We have a natural duty of justice to respect others’ innate right to freedom-as-independence.

(2) **State:** We cannot fulfill this natural duty without coordinating in a state that can define and enforce one unitary scheme of substantive rights, especially property and contract rights, that binds us all. Our duties to do justice to others are thus mediated by the state, which can promulgate and enforce a scheme of substantive rights necessary for us to fulfill these duties.

(3) **Omnilateralism:** The public scheme of rights ought not to be imposed unilaterally, that is, it ought not to be coercively implemented by an agent who demands that everyone else conform to her own judgment of what justice requires, and privately enforces this demand. Instead, for its imposition to be legitimate, a public scheme of rights must reflect an omnilateral will, that is, a set of judgments about the enforcement of justice that are shared.

Kant begins from the idea that each individual has an innate right to freedom, which requires him to be independent from the will of other persons. A necessary condition for autonomous, self-directed action is being free from the will of others, who might otherwise interfere with one’s capacity to set and pursue one’s own goals. To be independent, each agent must enjoy a secure sphere of personal self-determination within which others cannot interfere.

The bounds of a person’s sphere are defined by her acquired rights, including the right to property, to enter into contracts, and to establish legally recognized personal relationships. Each individual has a fundamental, coercible natural duty of justice to respect others’ independence, by respecting their acquired rights (**Natural Duty**). This natural duty of justice is enforceable and binding on us without our consent. If you don’t perform your duty to respect my property, for example, I can make you do so, by demanding your compliance and if necessary, by calling the police. Our natural duty of justice differs in this respect from purely voluntary obligations and duties of charity or beneficence.

Kant further argues that we cannot fulfill the natural duty of justice without entering a civil condition (**State**). At least some of our general, coercible duties of justice—particularly the duty to respect other people’s property and contractual rights—are mediated by legitimate state institutions. Since our duties of justice are in this way
mediated, we have a duty to comply with and support a legitimate state’s system of law, because this is necessary to treat other people justly.

Why might duties of justice be institutionally mediated in the way Kant suggests? The main problem is that people disagree about which scheme of rules ought to guide their attempts to do justice to one another, and these disagreements require legitimate authority for their resolution:

Before a public lawful condition is established, individual human beings, peoples and states can never be secure against violence from one another, since each has its own right to do what seems right and good to it and not to be dependent upon another’s opinion about this (6:312).

Due to disagreement, it would be difficult for even well-meaning individuals to carry out their duties of justice through private action in a state of nature.

Kant argues that these problems of disagreement mean that acquired rights—including provisional property rights—are not legitimately enforceable in the state of nature. When two individuals—each acting to implement a set of rights that they believe, in good faith, protects the independence of all—disagree in their interpretations of justice, neither is required to submit to the other’s judgments. No one can claim an exclusive moral right to interpret and enforce justice for others, in a way that would put those others under an obligation not to interfere with, compete with, or resist his efforts.23 As Kant puts it, “rights are in dispute (ius controversum)” in the state of nature, since in cases of conflict, there is “no judge competent to render a verdict having rightful force” (6:312).

Kant’s reflections on private right in the state of nature lead him to two conclusions. First, he argues that people living side-by-side under these conditions have a derivative duty—grounded in their more fundamental natural duty of justice—to coordinate under public authority (State). If they are to discharge their duty to treat others justly, they need to settle on some unitary public scheme of rights, because without any shared rules, their independence will become precarious indeed. A world in which there is no commonly accepted scheme of rights—only a set of competing and conflicting interpretations—is a world in which no one’s external freedom is secure. The natural duty to treat others justly therefore grounds a derivative duty to coordinate, through the state, on a common scheme of rights that can be enforced in a unitary way amid disagreement.24

Much more could be said about Kant’s argument for the duty to enter the civil condition. But I propose to take this background argument largely for granted here and instead to focus on a less-noticed aspect of Kant’s view: he holds not only that we ought to coordinate in a state, but also that we ought to coordinate in a particular way:

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24 For an account of legitimacy that emphasizes the need to coordinate amid disagreement, see Jeremy Waldron, Law and Disagreement, (New York: Oxford University Press, 1999).
omnilaterally, not unilaterally. The public scheme of rights ought not to be imposed *unilaterally*, since “a unilateral will cannot serve as a coercive law for everyone” (6:356). That is, a scheme of rules ought not to be implemented by an agent who demands that others conform to her own view of what justice requires, and coercively enforces this demand.

To bring out Kant’s position here, imagine a private individual whose interpretation of justice is substantively correct—i.e., she holds justified, true beliefs about everyone’s moral rights—and who is endowed with sufficient power to successfully bring other people to coordinate around her view. Perhaps she has access to a new weapon no one else possesses. The details do not matter: she has some effective way of bringing others into line. Though she could successfully impose a perfectly just scheme of rights by acting unilaterally, Kant claims that she has some reason not to do that. The fact that her judgment is correct is not sufficient to give her the right to force others to comply with her decisions. Instead, Kant suggests that “from the viewpoint of laws of freedom,” the “relation of a *superior* over all” can be occupied by “none other than the united people itself” (6:315).

Kant’s basic complaint about unilateralism can be expressed by analogy to international relations. Suppose Country A proposes to undertake a war that, objectively speaking, is perfectly justified: A has a just cause, the war has a reasonable prospect of success, it is a last resort (A has already tried all other methods to resolve the injustice), and the means it proposes to use to prosecute the war are proportionate to the wrong. Still, many people believe that this war is defective unless it receives *multilateral* authorization: it is not Country A’s right to make this decision all on its own and without submitting to an appropriate procedure, such as perhaps (though this is controversial) seeking authorization from the UN.  Kant holds that the enforcement of rules about private rights is subject to a multilateral authorization requirement of a broadly similar kind.

To fully understand Kant’s account of legitimate authority, then, we need to understand the *pro tanto* wrong involved in unilateral enforcement. We also need to understand how this wrong might be overcome, that is, how an agent could be in a position to *omnilaterally* enforce a scheme of rules about rights. Here Kant argues that

> The legislative authority can belong only to the united will of the people. For since all right is to proceed from it, it cannot do anyone wrong by its law. Now when someone makes arrangements about another, it is always possible for him to do the other wrong; but he can never do wrong in what he decides upon with regard to himself (for *volenti non fit inuria*). Therefore only the concurring and united will of all, insofar as each decides the same thing for all and all for each, and so only the general

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25 In conditions where multilateral authorization is impossible, it may be permissible for Country A to go ahead and fight; yet we might still think this course of action is less-than-ideal. If there had been a legitimate multilateral body in place, Country A ought to have submitted to its decisions. Further, the international order is defective to the extent that it allows such decisions to be made unilaterally.
united will of the people, can be legislative (6:314).

Under what conditions could an agent who interprets and enforces justice be said to represent the “general united will of the people?” To qualify, I argue that such a governing agent must be authorized by cooperators who share a joint intention to act together to establish justice through particular institutions. Cooperators are those individuals who are willing to acknowledge the basic Kantian natural duty of justice, by recognizing and respecting one another as bearers of a claim to freedom-as-independence (Natural Duty), and who adhere to the requirement of political coordination in the civil condition that flows from this commitment (State). Cooperators who share a will constitute a collectively self-determining people.

4. Two Accounts of the Wrong of Unilateralism

What exactly is wrong with unilateralism? I believe there are two problems, both usually present, but one more fundamental than the other. The first—in my view less fundamental—problem concerns inequality: unilateral enforcement sets up a hierarchical relationship between the parties involved. Suppose your state-of-nature neighbor goes ahead and uses her powerful weapon to enforce her objectively correct interpretation of private rights. Even though she implements a substantively just scheme, she wields unequal power over us. This might lead the rest of us to see and treat her as our superior. If so, then our social relations might fail to exhibit certain intrinsically valuable features—like parity of respect and status—that relations among equals ought to have. The basic thought is that unilateral enforcement sets up two classes of people: the powerful rulers, on the one hand, and the others, who must obey the decisions that the rulers make.

If equal social relations are of intrinsic value, then your neighbor has pro tanto reason to refrain from acting unilaterally—i.e., to refrain from using her superior private power to implement the substantively correct decision. Recent arguments for the authority of democracy have appealed to this inequality worry about unilateralism, and to the role that democratic procedures play in overcoming it. On these accounts, since social equality is intrinsically important, we have reason to make decisions democratically, and to treat those decisions as authoritative, even if, in doing so, we settle on a distribution of rights, opportunities, and resources that is less substantively just than we might have achieved through the imposition of one particular agent’s view. The pro tanto reason in favor of egalitarian authority might sometimes be outweighed by countervailing concerns (e.g., for the quality of political decisions), but it is an important reason nonetheless.

This offers a particular account of the wrong of unilateralism—it threatens social equality—and an accompanying interpretation of how a decision-maker might come to be

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in a position to enforce a scheme of rights *omnilaterally*: such an agent must be authorized through an egalitarian political procedure in which each person subject to the scheme has equal opportunity for influence.

Though social equality is important, I doubt it is our most fundamental worry about unilateralism. Note too that when our state-of-nature neighbor enforces her interpretation of justice, she does so in a way that ignores and supplants everyone else’s rational agency. An important part of treating others as independent persons involves respecting them as autonomous rational deliberators, who can reason for themselves how to act.\(^{27}\) Yet our imagined neighbor is insensitive to the need to engage her fellows in this way. She does not offer them any reasons that might lead them to share her point of view about what justice requires, nor does she inquire into, or respond to, their reasons for not sharing it. Instead, she imposes her judgments by force, leaving others powerless to do anything but go along. This, it seems to me, is a disrespectful method for organizing a society. It also fails to acknowledge others’ claim to live in a social world that makes sense to them, that in some way reflects their own convictions about how society should be arranged.

Of course, before coercing her fellows, the neighbor could offer them reasons, hoping to bring them to endorse her rule. Still, this may not suffice to treat others as autonomous co-deliberators. Consider three scenarios. In the first case, reflecting on the reasons she offers, her fellows come to see her rule as justified, and form the intention to cooperate in carrying out her directives. Here, there is no disrespect to their rational autonomy. In the second case, while her fellows see the substance of their neighbor’s decisions as justified, they do not see it as equally justified that *she* be the one to make and impose these decisions. Why not instead act together to establish a just scheme of rights, rather than being subjected to their neighbor’s self-appointed rule? In the third scenario, her fellows do not come to endorse the substance of her decisions: their moral judgments are simply too far removed from hers. Whatever justification there may be for the scheme she imposes, it is not one they can appreciate.

Faced with either of these latter two scenarios, suppose that the neighbor goes ahead and coerces her fellows anyhow. If she does, they will suffer three related harms. First, they are unable to act independently, on the basis of their own sense of justice, to establish and comply with a political order they can affirm. Instead, they see their activities coordinated by external threats they do not endorse (or—in the third scenario—even comprehend). Because of this, they are likely to find life under their powerful neighbor’s rule significantly *alienating*. Subject to the neighbor, I imagine I would feel as though a hostile force exercised near-complete control over my life. Finally, participants will not experience their political and social world as a cooperative enterprise, in which they have valuable relationships with other participants, or where they can feel at home.

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\(^{27}\) Famously, Kant’s Formula of Humanity, which enjoins us to “so act that you use humanity, whether in your own person, or in the person of any other, always at the same time as an end, never merely as a means” (*G.*, 4:429), constrains how we are to interact with others’ rational nature, their capacity to set and pursue ends. See Christine Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” in *The Kingdom of Ends*, (Cambridge: Cambridge University Press, 1996), 142.
Because it involves these important harms, I believe unilateral coercion is normally *pro tanto* wrong. There is an important class of exceptions: the requirement to refrain from unilateral coercion is restricted to those *cooperators* who are willing to recognize and respect others as possessing an equal moral right to independence and to coordinate in establishing a public authority to specify and enforce this right. Some people—think of murderers or rapists—refuse to recognize others’ independence, even in a minimal way. Suppose I hold you back while you are trying to stab me—thus thwarting your unjust attempt to kill me. It is not reasonable for you to press as an objection to my coercion that you find it alienating. By attempting to murder me, you have denied me any agency independent from your will. When someone refuses to acknowledge very basic elements of personal independence, his denial of my moral status releases me, in turn, from any requirement to respect his, by refraining from unilaterally coercing him. Of course, more needs to be said about how to define the basic elements of independence that condition the requirement to refrain from unilateral coercion, and I return to this issue below. But in cases where people refuse to acknowledge others as bearers of a claim to independence, there is no moral loss in coercing them in ways that do not reflect their judgments.

So long as people *are* willing to recognize others’ basic claim to personal independence, however, I believe it is *pro tanto* wrong to coerce them unilaterally. This is so even when their interpretation of the precise demands of mutual independence is mistaken. When other people attempt, in good faith, to respect the claims that, by their lights, I have—even when their interpretation of my claims is incorrect—I respond to them very differently than I do to people who fail to acknowledge that I have any claim to independence at all. Though they are mistaken, they do not treat me with contempt. For that reason, their capacity for making their own political judgments places demands on me, and I owe them respect for that capacity. I have *pro tanto* reason to interact with them using persuasive means, rather than coercively.

I should note that even in cases where unilateral coercion is wrong—in the case of *cooperators* who respect others’ independence and are willing to act together to establish a common public authority—sometimes this wrong can be morally outweighed by other important social values. Perhaps a functioning legal system cannot be achieved unless we subject some dissenters to unilateral coercion. If there is no other way to secure the essentials of justice, security, and public order, the wrong of unilateral coercion—though important—may be trumped by its strongly beneficial effects. So the constraint on unilateral coercion can be lifted where its recognition would threaten decent governance, or entail grave social harms. While self-determination is of very great weight, it is not the only value, and the requirement to respect it is not absolute. I return to this issue below.

To sum up: on my view, there is a distinct *autonomy* worry about unilateral coercion.  The principle of individual self-determination holds that, as rational agents,
we ought to be able to direct our lives, to a significant degree, according to our own judgments. This idea grounds important basic liberties, like freedom of speech, conscience, association, privacy, and the freedom to form valuable intimate relationships. These private liberties enable us to carry out our own values in areas central to our personal identity and self-conception, by granting us a protected sphere of individual freedom. But I believe the autonomy principle also has implications for the making and enforcement of political decisions. A scheme of rules about rights might be imposed in a manner that manifests proper respect for the autonomy of its subjects, or it might not. If a set of rules is forced on a population of cooperators over their explicit objections, and against their will, then the process of its imposition fails to adequately respect their autonomy. This is so, I believe, even if that scheme of rules sets up an otherwise just distribution of rights, duties, and material advantages. Surely it would be better to decide and carry out the rules governing our common life through the deliberative agency of those subject to them, rather than via a process that circumvents subjects’ agential capacities.

The idea that a legitimate procedure for imposing rules about rights must manifest appropriate respect for each person’s rational autonomy is still vague. There are many problems about how exactly to understand this requirement, especially when there is internal disagreement among members of a group about collective decisions, and I will return to these problems later. But for now, I note that if political autonomy is indeed an important value, then unilateral enforcement in the state of nature fails to respect it.

5. Autonomy and Colonialism

I also think failure of respect for autonomy is at the core of our complaints about colonialism. Of course, colonialism was wrong for many reasons, including human rights abuses, economic exploitation, and racism. But unilateral coercion was one of its key wrong-making features. A particularly destructive effect of “civilizing” colonialism, for example, was the forcible imposition, onto a subject population, of a social order that bore no relation to their own judgments about how, and by whom, they should be governed. Those who lived through this experience tell of a sense of powerlessness, and a loss of orientation and control. This produced lasting alienation among these peoples, a problem distinct from other abuses perpetrated by colonial institutions, and one which persists today in the form of great bitterness and resentment. Even in the best imaginable scenario, where colonial institutions are substantively just, still they deny the autonomy of colonized subjects, disregarding their claim to shape their common life on the basis of their own judgments.

holds any political power. While the robot’s subjects are socially equal, they lack political autonomy. As Kolodny puts it, the interest in social equality “would be satisfied equally well by one’s having no influence at all—so long as no one else had any influence either.” Kolodny, “Rule over None II,” 325. But this would not suffice for political autonomy.

29 For powerful accounts, see Luther Standing Bear, My People, the Sioux, (Bison Books, 2013); Jonathan Lear, Radical Hope, (Cambridge, MA: Harvard, 2006).
Of course, most historical cases of colonialism also raise concerns about social equality, since colonial rulers typically stood in relations of political superiority to those they ruled. Subject peoples were often denied input into political decisions, which were made by a separate class of rulers. One might therefore object that I have misidentified the wrong in colonialism. Perhaps what makes colonialism pro tanto wrong is not a violation of autonomy, but rather a violation of the subject people’s democratic rights to exercise a fair share of political power. Again, while important, I doubt that political inequality is truly the fundamental concern here. One way to see this is to ask whether our objection to colonialism would be neutralized if the colonizers treated their subjects as political equals.

Consider the following case:

*Democratic Incorporation.* Suppose that instead of extending support to the 2011 Libyan revolutionary movement, France had overthrown Qaddafi’s regime, occupied the country, and annexed Libya’s territory, much as it annexed Algeria in 1830. Further suppose that after annexation, France governed Libya reasonably justly and extended its inhabitants democratic participation rights within a wider French republic. Imagine that there were no distinctions between French citizens and “the former Libyans” in terms of their democratic or other rights. Would the former Libyans have had a complaint?

If the imagined incorporation is objectionably unilateral—as I believe it is—then it is hard to see how the democratic equality argument explains this. Because Qaddafi’s regime threatened grave humanitarian abuses, there was arguably a right to intervene in Libya in 2011. Since Libya was a non-democracy prior to the intervention, on the democratic argument, each Libyan had an outstanding individual claim to be enfranchised in the political decisions governing him. But France responded to these claims by granting the Libyans democratic rights after the annexation. Indeed, there are real colonial cases that followed this model, cases in which colonizers democratically enfranchised their subjects. In the 1950s, for instance, France granted full citizenship—with suffrage rights—to all adult men and women in its former Algerian colony. A second case is the United Kingdom of Great Britain and Ireland: from the Act of Union in 1801 until its independence in 1922, Ireland formed an integral part of a wider Britain, electing their own MPs to the British House of Commons.

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31 I recognize that this controversial judgment could be challenged. But my argument does not hang on whether the particular intervention in Libya was justified. So long as the reader agrees that intervention in a non-democratic country can sometimes be justified, she should feel free to substitute a case she regards as meeting the appropriate criteria of justification.
32 Libya did have an organ of political representation under Qaddafi—the General People’s Congress. However, real power remained with Qaddafi himself: there was no right to form political parties or contest elections.
One might object here that an imposed regime, like the one envisaged above, cannot be democratically legitimate. The thought is that the incorporation itself was not authorized through an egalitarian procedure, even if later decisions were. But suppose that just prior to incorporation, a referendum had been held in the combined Franco-Libyan territory, and that a majority (composed almost entirely of metropolitan French) had voted in favor. Would the annexation then be legitimate? If legitimacy simply requires that all involved individuals have equal influence over the decision, it seems it would: no individual has been disenfranchised here. Yet intuitively, the annexation still seems objectionable.35

It might be further objected that a combined referendum does not represent a fair distribution of political power. But what—in addition to equal influence over the decision—is required for a fair distribution of political power? Presumably the idea is that granting citizens from larger countries the power to vote on decisions about whether to incorporate smaller countries has the de facto effect of disenfranchising them, preventing them from exercising any effective say in this matter.

One might therefore supplement the equal influence criterion with some “boundary-drawing” principle. One possible suggestion is that those people who are primarily affected by a political decision are entitled to exercise a greater share of political authority about that decision. Applied to cases of annexation, this might imply that people who reside in a territory are presumptively entitled to exercise greater influence over decisions about that territory’s annexation. After all, these people are most strongly affected by proposals to sharply depart from existing political arrangements.36

I am skeptical that affectedness will justify our intuitions about democratic incorporation. Intuitively, a fair merger requires two separate referenda—one within French territory, one in Libya. But the affectedness criterion simply tells us that since both French and Libyan residents are affected, both should have a say. It cannot tell us why that process should take the form of two separate votes, rather than a single one (at least not without importing prior assumptions, beyond affectedness, about normatively appropriate boundaries between groups). Further, affectedness produces counterintuitive conclusions when applied to cases of decolonization. While annexation is a sharp departure from the status quo, so too was decolonization. Should French citizens, for that reason, have been allowed to vote in a referendum on whether Algeria should remain within their Empire? While French imperialists were affected, I do not think they were entitled to a say. Finally, as already discussed in the Introduction, affectedness tells in favor of far-reaching revisions to existing boundaries. Advocates of global democracy, for example, commonly appeal to the fact that our decisions affect people beyond our borders. Given the economic and political power of the US, many proponents of


36 I thank Jonathan Quong for suggesting this argument to me.
affectedness support extending everyone a vote in US elections. For this reason,
affectedness seems unlikely to support claims to collective self-determination.

The objector might finally reply that a fair distribution of political power requires
some other boundary-drawing principle. Perhaps boundaries should be demarcated, so
far as possible, to align with people’s shared preferences, so as not to create permanent
minorities. I am sympathetic to this proposal. Relatedly, the existence of majority voting
procedures strikes me as insufficient to realize self-determination in the absence of
further conditions on the group constituted by those procedures, including whether it
contains subordinated minorities. But this view seems to me indistinguishable from my
own: to be legitimate, a state needs to reflect its people’s shared will as to how they ought
to be governed. If this view is correct, however, it has implications beyond political
annexation and decolonization. Groups that persistently find themselves in the minority
when it comes to fundamental issues about how to organize political life, and who seek a
sphere in which to shape their institutions in accordance with their distinctive shared
goals, will also have pro tanto claims to political autonomy.

To sum up, then, I believe the autonomy worry about unilateralism—the worry
that unilateral enforcement fails to adequately respect subjects’ claim to guide their lives
by their own rational judgments—is best positioned to explain our concerns about
colonialism. Individuals have an interest in political autonomy: in being subject to
political institutions that in some way reflect their judgments and priorities. In the next
section, I try to say more about what political autonomy is. While autonomy is familiar
in the personal context, it is unclear how it might be extended to the context of collective
decision-making.

6. What is Political Autonomy?

To move forward, it may help to say more about the nature of autonomy in
general. In the broadest sense, autonomy describes a person’s ability to freely conduct her
life on the basis of her own judgments and values. But this capacity can be broken down
into two distinct components.

The first component is self-directed agency. We act in a self-directed way when
we act on motives that are in some appropriate sense “our own.” On prominent
“hierarchical” accounts of autonomy, a desire counts as the agent’s “own” when that
agent endorses its functioning from the perspective of a higher-order attitude that has the
authority to “speak for” the agent. This higher-order attitude reflects her practical
judgment, her capacity to weigh and engage with reasons.37 The self-directed person, in
other words, has her own evaluative and moral judgments, and she identifies with some
of her occurrent desires, and rejects others, on the basis of these values.

37 See Michael Bratman, Structures of Agency, (Oxford: Oxford University Press, 2007), 101. See also
Gary Watson, “Free Agency,” in John Christman, ed., The Inner Citadel, (Brattleboro VT: Echo Point,
University Press, 1995).
We can define self-directed agency, then, as action that is reflectively endorsed by the agent on the basis of her judgments. Self-directed action, on this view, is not the same thing as doing what the agent wants, since not everything we desire accords with our practical judgments. An “unwilling” addict who acts on his desire for a drug he prefers not to take, is moved by a desire that does not reflect his values. In taking the drug, he is not self-directed. It is only when I act on desires endorsed by my practical judgments that I act in a self-directed way.

Yet self-directed agency is not sufficient for autonomy. Autonomy also has a second, thinking component. An autonomous agent holds her judgments in a way that is responsive to her own independent reasoning processes. Of course, many of our values are acquired as a byproduct of socialization, not necessarily through conscious reflection. But normally, an autonomous agent is able to critically reflect on her values, and freely to endorse or discard them, if she chooses to do so. We hold our values because we see their objects as good, and we are able to raise the question of whether or not they truly are good, by deliberating about this. If, upon deliberation, we no longer see our evaluative and moral commitments as supported by reasons, then we can modify them. So an autonomous agent’s practical judgments are undergirded by, and responsive to, her own authentic reasoning. One way of interfering with an agent’s autonomy is to interfere with the authenticity of that agent’s reasoning processes, through methods like manipulation, deception, brainwashing, or mind control. The neuroscientist who implants new values into a subject, preventing her from calling those implanted values into question, makes her the instrument of his judgments, not her own. So autonomy has two components: (a) self-directed action that reflects the agent’s evaluative and moral judgments, where those judgments are (b) supported by her authentic reasoning.

The importance of autonomy tells in favor of granting individuals a considerable degree of control over their personal lives, especially when it comes to core identity-related features of that life, such as one’s choice of religion, associates, sexual partners, occupation, whether or not to found a family, and so on. The value of autonomy is less commonly thought to bear on the choice or enforcement of other-regarding social rules. Yet there is a classic line of argument—dating to Rousseau—which holds that personal autonomy has an important political analogue. The basic idea is that just as our central life-commitments express our own judgments, so too should our political institutions. Rousseau held political autonomy to be a key element in the justification of democratic procedures, subjection to which, he argued, enabled the subject to obey laws she prescribed to herself.

38 For this example, see Harry Frankfurt, “Freedom of the Will and the Concept of a Person,” in The Importance of What We Care About, (Cambridge: Cambridge University Press, 1988), 17.
39 Alfred Mele, Autonomous Agents, ch. 9.
40 Cf. Michael Walzer’s worry about a Swedish government that introduces a wondrous chemical into Algeria’s water supply, turning the Algerians into Swedish style social democrats. Surely the objection to this intervention is an objection to manipulation: it circumvents the Algerians’ ability to rationally form and implement their own political judgments. Walzer, “The Moral Standing of States,” in Thinking Politically, ed. David Miller, (New Haven: Yale University Press, 2007), 231.
A familiar rejoinder to this Rousseauian argument points out that democratic voting procedures are insufficient to render obedience to law compatible with individual autonomy. Citizens have only a tiny, negligible influence over political decisions, and this influence rarely if ever affords them the power to ensure that these decisions reflect their own judgments. Since other people always share in political power, whether or not decisions reflect my judgments is always partly up to them. Indeed, they may impose their alien views on me, as happens whenever I am in the dissenting minority on some serious political question. Here, it seems, we are ruled by the majority, we do not rule ourselves.  

I agree with the rejoinder’s proponents that democratic voting procedures are neither necessary nor sufficient to realize self-determination, and I say more about this in the next chapter. Still, I think Rousseau was right to hold that there is a political analogue to personal autonomy, though I propose to conceive it differently than he did.

Why might autonomy be an important value in the political context? Consider that the characteristic means by which political rules are imposed and implemented is via coercion or force. Like others, I think the use of this type of means poses a special threat to autonomy. The problem is not simply that coercion limits my options or deprives me of freedom. Many permissible acts of others—and even some acts of nature—can limit my options and deprive me of freedom. Yet even when deprived of the specific options I might have preferred, I am usually still able to make self-directed choices, setting and pursuing my own ends among the options that remain. But most cases of coercion or force go beyond this, subjecting the coercee to the will of the coercer. A coercer intends for his target to perform a relatively specific course of action, and he deliberately changes the circumstances of her choice so that she has no reasonable alternative to doing this. He “makes her” do what he wishes. Normally, this deprives the coercee of self-directed agency, substituting the coercer’s judgments for her own. Thus, coercion presumptively threatens autonomy.

Note, however, that the state is a comprehensively coercive institution. States impose a whole web of threats upon their subjects, which structure the very social world in which those subjects live and operate. Moreover, political coercion is inescapable: individuals cannot generally leave their state or take refuge in other social associations to get away from it. So it is natural to think that subjection to such a comprehensively coercive institution raises a concern about its subjects’ ability to live their lives according to their own judgments. This is particularly true of alien political coercion, that is, political coercion that bears no relation to the priorities, values, and beliefs of those subjected to it. When one is pervasively subject to alien coercion, substantial aspects of one’s life can come to seem hostile, threatening, and completely beyond one’s grasp. In such a scenario, it can become difficult to maintain any sense of oneself as an agent who

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charts her life in accordance with her own purposes. Indeed, this worry seems to be what motivates many voluntarists, who hold that it is an impermissible infringement of our freedom to subject us to state power without our consent.\textsuperscript{43}

The importance of the political analogue to personal autonomy, I believe, lies in mitigating this threat of alien state coercion. Where the state’s use of coercion reflects subjects’ own judgments as to how they should be governed, they are enabled to relate in a distinctive way to their state and to the constraints it imposes on them. Because the subject can see the point of these coercive demands—in terms of judgments she is herself committed to—she also sees reason to hold herself to such demands (though she may not always desire to do so). Here, the state is no longer an overwhelming, alien power, but rather a tool that allows her to more effectively carry out practical commitments that are her own.

I suggest, then, that there is an important autonomy interest in enjoying what Niko Kolodny has termed \textit{correspondence}. Someone enjoys correspondence when her political institutions match her judgments in some way.\textsuperscript{44} She lives under an institution that she endorses, accepts, or believes to be justified or appropriate. The importance of correspondence is not that congruence between subjects’ attitudes and their institutions is intrinsically valuable, but that where it exists, it allows for individuals to experience self-directed agency, even while subject to political power.

Of course, no individual’s personal priorities can be mirrored in each-and-every political decision. Yet diversity of political opinions does not make correspondence impossible. There is a second-order sense in which an individual’s priorities are often reflected in group decisions: namely, when she shares a commitment to a valued cooperative enterprise, and to certain shared policies by which she believes that enterprise should be structured. Participants can freely accept their group’s policies, and the outcomes that result from them, even when those outcomes diverge from their first-order judgments, so long as they share a commitment to the collective political venture and to the values and procedures that structure it. A commitment to participating in collective political action, on this view, is important in enabling correspondence.\textsuperscript{45}

Consider a partnership undertaking a joint venture, say, running a coffee shop together. Several philosophers have offered theories of the agency involved in such cases, arguing that it is undergirded by a structure of joint intentions. As they cooperate over time, this group will likely develop some shared commitments about how their enterprise should run. This does not mean that the partners will converge in all their judgments. More probably, they will divide on some issues. Yet even when they do not converge, partners are often able to generate shared commitments—not reducible to their own judgments—about how their joint venture should go. Such commitments can unify a group even when they diverge in their views on specific issues. Once such shared

\textsuperscript{43} Simmons, “Justification and Legitimacy,” 136.
\textsuperscript{44} Kolodny, “Rule Over None I: What Justifies Democracy?,” 199.
commitments have developed, members will generally act on them, and feel entitled to expect the others to act on them. Because a group can arrive at shared commitments, they can develop a group standpoint. This standpoint consists of a set of core values and priorities about how to organize more specific plans of action. The group standpoint will probably not fully correspond to any particular person’s first-order views about what to value. Still, each member can accept the group’s standpoint and share in it, as long as he intends to participate in their joint venture.

I believe there is a perfectly straightforward sense in which we can speak of this small-scale partnership as sharing a will. Their shared will is to cooperate together in running their coffee shop, and to license the values and priorities that make up their group standpoint. A shared will, then, is nothing more than an interlocking structure of cooperative intentions on the part of each participant, amid common knowledge on the part of all that those intentions obtain. The object of a group’s shared commitments need not be first-order policy decisions: it can be fairly abstract ideals and political procedures.

Further, if they value their enterprise, members may feel slighted when their group’s standpoint is not respected by others. While I often disagree with my colleagues about whom to hire, I prefer that we make our own hiring decisions together—through our accepted consultation processes—even though that means recognizing some decisions with which I disagree. Indeed, I would consider myself disrespected if the dean overruled our collective decision, even if the result was to impose my preferred candidate. Though our hiring decisions do not always correspond to my first-order preferences, there is still an important, second-order sense in which my priorities are reflected in these decisions. I share a commitment to a valued cooperative enterprise together with these colleagues, and to certain shared policies by which I believe that enterprise should be governed.

Though there is more to be said about the notion of a shared will, for now, let me stress the important role that a group’s shared political will plays in ensuring correspondence for its members. When each member participates in a group’s shared will, and government imposes laws and policies that reflect that shared will, then this use of political coercion will not be alien to the members. Though she does not personally endorse every political outcome, each member is governed by political institutions that she views as appropriate, since she endorses the higher-order values and procedures by which her joint political venture is conducted.

Omnilateral coercion differs from alien coercion, then, because it is based on a joint intention—in which each cooperator shares—to act together to establish justice through particular institutions. Though correspondence is ultimately an interest of individuals, it can be furthered by an individual’s membership in a self-determining group, if she affirms her participation in the group and accepts the higher-order values and procedures that structure it. In this case, rule by the group’s institutions will be in the service of each individual’s interests in self-directed agency and in non-alienation.

To be valuable, however, correspondence must meet four additional conditions. First, correspondence only serves autonomy under conditions where the subjects’ shared political will is freely formed in a manner that is accountable to their own deliberative
processes. If rulers instead “implant” their subjects’ political judgments—through manipulation, deception, brainwashing, or the like—then correspondence will not promote their autonomy. In this case, subjects will be instruments of their rulers’ judgments, not their own.

Second, correspondence between a group’s shared will and their institutions must come about through some causal process. A group might enjoy correspondence merely due to the goodwill of a benevolent absolutist who happens to give the people what they think right. But to ensure political self-determination, a government must be constrained to reflect the citizens’ shared will. This requires some channel by which the people might revoke authorization of their government if it ceases to reflect their shared will.

Third, correspondence is valuable only for a restricted domain of constituents and a restricted domain of judgments. The reason correspondence is valuable is that it promotes autonomy. But autonomy has a private as well as a public dimension, and political autonomy has moral weight only where it is consistent with basic elements of personal autonomy. The popular will that a state ought to represent is therefore a will that is shared among cooperators, those individuals who are willing to recognize and respect others as bearers of a claim to independence and to coordinate in political institutions that will protect this claim. There is no requirement to refrain from unilaterally coercing non-cooperators.

Finally, the state has reason to respond only to a restricted domain of the cooperators’ judgments, namely, their judgments concerning the appropriate way to establish justice, not their judgments concerning other matters, such as the good life. An omnilateral will is a will concerning how a group should coordinate to specify, interpret, and enforce the substantive rights that define their respective spheres of personal independence. It is not a will concerning religious, moral, or cultural values. In that sense, the state need not strive for congruence with all its subjects’ attitudes and judgments.

Why care about correspondence, even for this restricted domain of agents, and for this restricted domain of judgments? Unless we suppose that the Kantian state reflects the shared will of its people, it is difficult to see how it could ever solve the problem of unilateral coercion characteristic of the state of nature. The problem of unilateral coercion is a problem of deciding for others what justice requires and compelling them to submit to one’s judgments. This is supposed to be a problem even where the coercer’s view of justice is correct. But if unilateralism is a problem for private individuals in a state of nature, then it is also a problem for the state. What makes the state’s enforcement of a system of rights—even an objectively correct system of rights—any less unilateral than the powerful neighbor’s enforcement of justice in the state of nature? Only, I submit, the fact that the cooperators among its population affirm its procedures and institutions, judging this an appropriate way to enforce justice among themselves. In this way, they grant their state the standing to decide on their behalf.

My political autonomy account overlaps in some ways with Michael Walzer’s views, so it may help to briefly discuss his account here. Walzer argues that “a state is
legitimate or not depending upon the ‘fit’ of government and community, that is, the degree to which the government actually represents the political life of its people.”

He holds that this explains why it is wrong to coercively interfere with another political community: such interference forces its people to be governed by “someone else’s conceptions of political justice and political prudence.” Instead, he maintains that “people should be treated in accordance with their own ideas about how people should be treated.”

I agree with Walzer that there is an important value for people in being governed in a way that reflects their own shared judgments, so long as these judgments are consistent with basic claims to personal autonomy and independence. Like him, I have argued that state legitimacy requires a certain “fit” between government and its people’s shared political will. Unlike Walzer, however, I have argued that there is no reason to strive for “fit” with all possible political values. In particular, I do not believe Kantian political autonomy requires us to favor institutions that reflect a majority’s religious or cultural values. On my view, correspondence is valuable when it comes to judgments about how best to secure the conditions of mutual independence. Walzer, on the other hand, characterizes the interest in “fit” in a much broader way. He sees self-determination as the right of a community to be “governed in accordance with its own traditions” and links this to the existence of an “inherited culture.”

My political autonomy account also overlaps in some ways with Rawls’s “liberal principle of legitimacy.” I share with Rawls the concern that it is wrong to exercise coercive power over someone where they cannot accept the moral basis for that power. Unlike Rawls, however, I appeal to morally controversial values of independence and autonomy to explain why this is so. I also differ from Rawls about what exactly is required to render political power legitimate. Rawls holds that it is sufficient that political power be exercised in accordance with a constitution that could be hypothetically accepted by adherents of diverse reasonable comprehensive doctrines. But I hold instead that an actual shared commitment to a collective political venture—a commitment to pursuing these ideals together, through particular institutions—is required.

To pull these threads together, then, let me define political autonomy as (a) a causal relation of correspondence (b) between the shared political will of cooperators and their institutions, (c) when that relation is achieved under conditions that enable their free deliberative reasoning.

7. Is Political Autonomy Possible?

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It is natural to object that however desirable this ideal of political autonomy might be, it is unachievable. As Michael Blake notes, “we should take care before we insist that a given attitude or political conception simply is that which is held by the country in question.” Instead, as he emphasizes, states “are composed of persons, who disagree and quarrel and find their own answers to a variety of disputed questions.”

A good account of political autonomy must be compatible with these facts. Even if it is conceptually possible for a group to share a will, as I suggested in the last section, one might still object that it is extremely unlikely that an entire territorially-defined population will achieve unanimity of this kind. There is a wide range of values and attitudes among us. Must a legitimate state be responsive to all these values and attitudes?

No. As I have emphasized, there is reason to ensure ‘fit’ between state institutions and the shared intentions only of a restricted domain of cooperators, those who are committed to showing respect for the independence of others and to establishing institutions that reflect this commitment. Essential elements of such a commitment are: (1) a willingness to define a scheme of private rights that meets the conditions of what I shall call basic justice, and (2) an acknowledgement that this requires coordinating in a territorially defined state, which can enforce a unitary interpretation of the contours of those rights. Claims to political autonomy, then, are necessarily moralized claims.

I also hold that even when unilateral coercion is wrong, because it disrespects a cooperator’s autonomy, sometimes this wrong can be outweighed. The requirement to respect self-determination is not absolute: it is sometimes permissible to subject people to alien coercion if this is the only way to achieve social goals of truly overriding importance.

I unpack these ideas by briefly outlining three paradigm cases of dissent, where there is some lack of “fit” between state institutions and the shared priorities of a subpopulation of the state’s constituents. In the first two cases, I believe it is permissible to subject dissenters to alien coercion, either because they fall outside the domain of cooperators, or because their claims to autonomy, though important, are outweighed. In the third kind of case, however, I believe dissenters have a claim to an institutional means that would afford them greater political self-determination.

In my first paradigm case, dissenters lack the “fit” constitutive of political autonomy only because they refuse to acknowledge any duty to cooperate on minimally just terms. Where dissenters’ priorities are incompatible with the foundational duty to respect others’ independence, as I have argued, there is no moral loss in overriding their judgments. I believe there is some essential minimal content as to what could count as a reasonable interpretation of mutual independence. Where dissenters are unwilling to cooperate in a state that meets these minimal requirements, their claims to political autonomy have no weight because they are inconsistent with basic justice for others.

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51 Michael Blake, *Justice and Foreign Policy*, 32.
Basic justice, as I define it, is a condition on political legitimacy, a condition for a group to have the right to make and enforce its own laws and policies. As I stressed in Section 2, legitimacy and justice are distinct values. Sometimes it is impermissible to enforce even ideally just laws and policies, for example where their enforcement would involve colonial rule. Sometimes it is permissible for a state to enforce laws and policies that are not ideally just, so long as those laws are enacted in accordance with collectively authorized procedures. Still, the failure to acknowledge very basic elements of personal independence may undercut a group’s claim to decide collectively, by demonstrating that they lack a commitment to the fundamental requirement from which political autonomy’s value is derived.

A community respects basic justice, on my view, when it aims at securing mutual independence for its members, on a reasonable (though possibly mistaken) understanding of what that value means. Even where a community makes mistakes about justice, its laws and policies may be legitimate, so long as they reflect a good-faith attempt to define a scheme of rights that secures mutual independence for all. But some acts cannot be reconciled with even a minimal commitment to mutual independence. Basic justice sets that threshold. A minimally just state, on my view, must protect at least:

1. **security rights**, to freedom from torture, slavery, arbitrary imprisonment, and severe threats to personal integrity;

2. **subsistence rights**, to an economic minimum capable of meeting basic needs;

3. **core personal autonomy rights**, to freedom of conscience and thought, to personal property, and the freedom to form family relationships; and

4. **the preconditions of collective self-determination**, to free expression, free association, and public political dissent.

**Security and subsistence rights** are prerequisites for autonomous agency of any kind. They define a minimum level of control necessary to lead a life of our own. To some extent, these rights could be recognized—if imperfectly—even in a preinstitutional state of nature. Even in that scenario, others would have a duty to refrain from deliberately harming us in ways that infringe our bodily integrity or threaten subsistence.

**Personal autonomy rights** reflect the principle that each person should be free from the will of others when forming her own values and expressing these the conduct of her life. Personal autonomy is especially important when it comes to judgments about fundamental ethical obligations, in matters of religion and intimate relationships. Personal autonomy is a scalar value, and protections for it can be more or less robust. But no society that failed to protect religious freedom, freedom of thought, the right to family, and personal property, could be said to have even a minimal commitment to it.

Finally, the **preconditions of collective self-determination** are meant to ensure that individuals to have an opportunity to form their own autonomous political judgments. These rights ensure that citizens can develop their own political views and make

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informed assessments of their institutions. If members of a society are coerced or manipulated into their political values, then outsiders have less reason to respect or defer to these commitments. Like personal autonomy, protections for collective self-determination can be more and less robust, but no society that controls its citizens’ access to information, prohibits free discussion and free association, or denies its citizens the right to publicly express political dissent safeguards these preconditions.  

On this interpretation, then, the Kantian view is committed to certain basic rights as threshold criteria for state legitimacy. Of course, most well-ordered states will implement substantive rights that go beyond these minimal conditions, and outsiders and the international community may wish to promote and incentivize respect for a longer list of rights than this. But the idea is that a state must grant at least these minimal guarantees to have legitimate jurisdiction over its population and territory. It is crucial to keep this distinction between basic justice and other aspirations in view.

For their claims to political autonomy to carry moral weight, then, claimants must be willing to cooperate together in a legitimate state that can secure basic justice. We are not required, out of respect for their judgments and values, to allow dissenters to act in ways that clearly violate this moral requirement. To such dissenters—including fascists, racists, theocrats, and so on—we can only say: your alienation must be discounted, because greater recognition for your values is not compatible with upholding basic justice for others.

More difficult, perhaps, is the case of dissenters—such as anarchists—who may acknowledge duties of basic justice in principle, but refuse to accept the derivative duty to support a political state. If Kant’s argument for the injustice of anarchism is correct, however, we also have a reply to these dissenters: a territorial authority is necessary to specify, interpret, and enforce a common, public interpretation of rights. If a state is necessary to secure basic justice, then those who live alongside the anarchist have a claim against him to support and comply with that state.

Finally, some dissenters are alienated because their values are incompatible with acknowledging others’ equal claims to political autonomy. At the moment of decolonization, for example, many British imperialists were disaffected at the thought that they could no longer continue living in the glorious British Empire. Should their disaffection count as a reason to coerce Indians to continue to be ruled by the Raj? No.

53 For similar criteria, see Leif Wenar, Blood Oil, (Oxford: Oxford University Press, 2016), 227-229 and 235-238.
55 As others have suggested, this may ground reasons for foreign states and other agents in the international community to act to secure these basic rights. For the idea that the function of human rights is to set bounds to states’ external legitimacy and can trigger duties of international assistance, interference, or intervention, see Rawls, The Law of Peoples, 79-80; Beitz, The Idea of Human Rights, 116; Joseph Raz, “Human Rights without Foundations,” in The Philosophy of International Law, ed. J. Tasioulas and S. Besson (Oxford: Oxford University Press, 2010). I particularly emphasize the role of basic justice as setting a threshold for coercive intervention.
56 For a similar line of thought, see Quong, Liberalism without Perfection, 128.
While dissenters can permissibly be forced to cooperate against their will when their cooperation is essential to sustaining basic justice for others, that is the only reason they can permissibly be forced to cooperate. Since basic justice for the British could perfectly well be guaranteed within “little” Britain, imperialists had no right to coerce the alienated Indians to uphold their imperial identity. Using coercion to force a dissenter to uphold someone else’s identity, without any further justice-based rationale, is wrong. So if greater recognition for one person’s values would involve forcing the unwilling cooperation of another—under conditions where the latter’s cooperation is not required to sustain minimally just institutions—then the former’s dissent must be discounted.

These three scenarios together make up our first paradigm: cases where dissenters in some way refuse to recognize the equal autonomy of others. Our discussion illustrates that claims to self-determination must be understood as moralized claims: not everyone has a claim to be coerced by a state that reflects their judgments, because not everyone’s judgments are worthy of respect. Where dissenters refuse to acknowledge the requirements of basic justice, to recognize a duty to cooperate in a legitimate state, or to respect others’ equivalent claims to self-determination, then their values and priorities can be overridden without any moral loss.

Let me comment briefly on a second paradigm where dissent should be discounted. These are cases where dissenters’ priorities are compatible with others’ rights in principle but not in practice, due to institutional infeasibility constraints. Here I appeal to the importantly territorial nature of our natural duties of justice: we cannot establish a unitary interpretation of property and contractual rights, enforce those rights, and punish violators, unless people who live in proximity and interact regularly are subject to the same institution. If each person signed up for the jurisdictional organization of his choice, then interactions between persons in the same contiguous space would continue to generate conflicts and disputes. If disaffected individuals refuse participation in any feasible institutional configuration, then their alienation should be overridden. To explain this, I stress once again that self-determination is not absolute: when respecting it would entail very grave social costs, it can be outweighed. In this case, there is indeed a pro tanto wrong in coercing dissenters who fail to participate in a group’s shared political will. But this wrong is outweighed by the fact that there may be no other feasible way to secure the essentials of justice, security, and public order. Where very weighty social goods cannot otherwise be achieved, it is permissible all-things-considered to subject some dissenters to alien coercion, despite the pro tanto wrong to them. I will say more about such cases in the next chapter.

Finally, there are some scenarios where I believe we have a duty to allow for the self-determination of those whose shared will does not “fit” with their institutions. This brings us to the third paradigm case, where alienated groups have a claim to an institutional response. Here I have in mind groups who have shared political commitments that are (a) consistent with the provision of basic justice for others, (b) who possess or can create a territorially organized structure of representation, and (c) whose

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57 For similar points, see Christopher Wellman in Wellman and Simmons, *Is There a Duty to Obey the Law*, (Cambridge: Cambridge University Press, 2005), 14-16 and Quong, *Liberalism without Perfection*, 129.
dissent can be feasibly addressed, at reasonable cost, by granting them separate political institutions. In cases of this kind, I believe we compromise the political autonomy of dissenters by coercing them within alien institutions that they reject. Because a variety of institutional configurations are consistent with our natural duty of justice, it is often not true that *coercion by the current coercer* is necessary for basic justice to be realized. The innate Kantian right to independence—the right to determine our lives in accordance with our own judgments—gives people standing to reject alien state coercion whenever that coercion is not *necessary* to securing basic justice for others. This means that people’s shared political will as to how they ought to be governed should be extended some respect, so long as that is consistent with fulfilling basic duties of justice. As I develop further in the next chapter, the political autonomy account will often give reason to support claims on the part of persistently alienated minorities to internal autonomy and sometimes to secession.

Let me now sum up this account. To have an exclusive moral right to make and enforce law and policy within a particular territory, on my view, a state must show:

1. That it meets the requirements of basic justice, enacting a scheme of private rights that guarantees security, subsistence, a minimum of personal autonomy, and the preconditions for collective self-determination for all its subjects.

2. That its population has a right to occupy their territory, i.e., that the area is fundamental to their located life-plans, which were not unjustly established (i.e., no expulsion of prior occupants or violation of others’ claims to an equitable distribution of space). *Note to readers: this has been defended in an earlier part of my book*.

3. That its institutions reflect the shared political will of a significant majority of cooperators among these occupants—i.e., their actual joint commitment to a political endeavor, and to a set of procedures as to how that endeavor should be governed.

4. That those who dissent from this shared will lack any right to an institutional alternative, because (a) their claims are inconsistent with respecting others’ independence; or (b) their priorities cannot currently be accommodated by a feasible alternative institution, and so are outweighed.

I believe this account provides a convincing, and broadly Kantian, response to the worries about colonialism and involuntary annexation with which we began. The essential thought is that our natural duty of justice has two dimensions: on the one hand, we are bound to respect others’ *private autonomy*, which requires us to cooperate together in a legitimate state that can enforce private rights; but on the other, we are also bound to respect their *political autonomy*—the moralized claim, held by cooperators, to be ruled in a way that reflects their shared judgments.

This value of self-determination, in my view, provides us moral reason to favor a system of separate states to a single world state. While coercion by some minimally just state is necessary for securing private autonomy, by itself, this is insufficient to decide
how many states we should have, or which particular people should be subject to which ones. Should we institute a unitary world state, or a plurality of states? A federal system? Internal autonomy for indigenous peoples or other minorities? The view I have developed suggests we should adopt the feasible institutional configuration that ensures the greatest “fit” between people’s convictions regarding how they should be governed, on the one hand, and the institutions that rule them, on the other. So long as they are willing to respect others as independent equals, people have a pro tanto claim to be ruled in a way they endorse. If basic justice can be provided within a plurality of distinct states, then those who prefer separate institutions will have a prima facie claim to establish them. Further, it is the violation of self-determination that explains what is wrong with colonialism and involuntary annexation. Securing basic justice for people in the metropole almost never requires coercively imposing a political order on unwilling subject peoples.

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58 Kant does suggest that for right to be fully realized, a global juridical framework is required. But which particular units should exist within that framework is indeterminate.