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2009

Coercion, Legitimacy, and Global Justice

Nicole Hassoun
Carnegie Mellon University

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Coercion, Legitimacy, and Global Justice[i]

1. Introduction

Many people lack basic reasoning and planning capacities, though this lack is remediable: this includes people who are ill or mentally disabled to such a degree that their ability to reason and plan is compromised - schizophrenics, people with severe autism, those who are suffering from malaria-induced delusions, and so forth. Several lines of argument converge on the conclusion that there is an obligation to ensure that these people can develop the minimal capacities at issue, even if this requires providing them with necessary resources. On many human rights arguments, for instance, people must secure basic reasoning and planning capacities.[ii] Those concerned about basic fairness might argue, similarly, that there is an obligation to ensure that people secure this much.[iii] Even those concerned only about welfare might endorse this obligation.[iv] This paper will advance a new line of argument for the conclusion that people are owed the resources and assistance they need to secure basic reasoning and planning capacities. More precisely, it will argue that when people are subject to coercive rules, those imposing these rules over them owe them at least this much.

The line of argument above is supported by two general propositions, suggested by conventional theories of political legitimacy. The first of which highlights the fact that the basic capacities at issue are components of even the most minimal kind of autonomy (though nothing in this paper hangs on this being so):

(a) the legitimate coercion-autonomy thesis: coercion can only be legitimate if it is exercised over people who secure basic reasoning and planning capacities;

(b) the legitimacy-obligation thesis: those exercising coercion are obligated to ensure that the coercion is legitimate.

While most people assume that only states exercise the kind of coercive power that requires legitimation, the above propositions apply quite widely: wherever there is coercive rule-making. They derive from the coercive core of the ruler-ruled relationship. So the penultimate sections of the paper suggest that, although global and supra-national rules may not amount to a global basic structure, coercive rule-making probably exists at the global or supra-national level.[v] Finally, the paper considers and replies to objections.

II. Basic Capacities, Coercion, and the Nature of Legitimacy

Consider, first, why many people lack even basic reasoning and planning capacities. To have these capacities people must at least be able to reason about, make, and carry out some significant plans on the basis of their beliefs, values, desires, and goals (henceforth: *commitments*). Consider what this requires.

First, to reason on the basis of one's commitments one must have some instrumental reasoning ability. Some hold much more demanding conceptions of rationality and reasoning ability. Kant, for instance, thinks that reason requires each of us to acknowledge the categorical imperative as unconditionally required.[vi] The reasoning capacities at issue do not require this much, however. People need only have the ability to do some instrumental reasoning.

Next, to make some significant plans on the basis of one's commitments one need not plan one's whole life or every detail of one's day. Rather, it must not be exceedingly difficult for one to navigate through one's day and make general plans for the future. One must not be, like Joseph Raz's proverbial man in a pit or hounded woman, constrained to making plans only about how to meet one's basic needs.[vii] Though one might not choose to exercise this ability, one must have the planning ability necessary to pursue the projects one values, to pursue a good life as one sees it. This ability requires a kind of internal freedom one can have even if subject to external constraint. Internal freedom is roughly the capacity to decide "for oneself what is worth doing," one must be able to make "the decisions of a normative agent"; to recognize and respond to value as one sees it.[viii] One must be able to form some significant plans that would work if implemented. One must be able to make some significant plans that one could carry through if free from external constraint.

To make sense of this idea, one might analyze the ability to make some significant plans on the basis of one's commitments in terms of the ability to make one's motivating commitments generally coherent. Alternately, one might give a decision-theoretic analysis of planning in terms of a consistent preference ordering. Yet another option is to cash out the ability to make some significant plans on the basis of one's commitments in terms of ordering one's ends perhaps by drawing on John Rawls' work on plans of life.[ix] Since these moves have all been explored at some length elsewhere, this paper will not explicate the ability to make some significant plans on the basis of one's commitments further.[x]

Finally, to carry out some significant plans one requires both some internal freedom and external freedom. Once again, internal freedom is (roughly) the capacity to recognize and respond to value as one sees it.[xi] External freedom, or liberty, is (roughly) freedom from interference to pursue a "worthwhile life."[xii] To carry out some significant plans one must have enough freedom from constraint to carry out those actions necessary to bring some valuable plans to fruition.

The qualifier *some* emphasizes that one need not be able to carry out every valuable plan that one might want to carry out to have this capacity. Still, the ability to carry out *some* significant plans is necessary.

The relevant capacities are traditional liberal ones, but they are not particularly Western. They are compatible with concern for community and care. So there is little reason to suppose they are inappropriate for evaluating non-Western institutions. To see this, suppose Aadil is a devout Muslim. He wants to live his whole life according to his faith. Occasionally he wants to drink with the other young men who live in his neighborhood. Fortunately, he is able to reason about, make, and carry out some simple plans on the basis of his competing commitments. Aadil might reasonably decide, for instance, that his commitment to being a good Muslim is much stronger than his desire to drink and, thus, never drink at all. So Aadil has the reasoning and planning capacities at issue.[xiii]

It should be clear that many people lack the reasoning and planning capacities sketched above, though this lack is remediable: this includes people who are ill or mentally disabled to such a degree that their ability to reason and plan is severely compromised - schizophrenics, people with severe autism, those who are suffering from malaria-induced delusions and so forth. But, it is only those whose minds become so clouded that they cannot reason or plan or who are imprisoned or otherwise severely constrained who lack these conditions.

It is also pretty uncontroversial that the above capacities are necessary (though not sufficient) for autonomous conduct, so it is fair to say that the next section will defend the legitimate coercion-autonomy thesis. The reasoning and planning capacities are, for instance, analogous to some of the conditions for autonomy in Joseph Raz's account. If one rejects this conclusion, however, nothing will be lost if one refers to the relevant thesis as the legitimate coercion-reasoning-and-planning thesis.

The fact that the capacities at issue are so minimal will, however, help secure agreement on this paper's conclusions. Many reject the idea that people must secure robust liberal conceptions of autonomy for it to be acceptable to coerce them. Even these people may accept the legitimate coercion-autonomy thesis properly understood. For, subsequent sections will argue that even some of those who believe there are significant constraints on what public morality can require of us hold that people must be able to reason and plan under coercive rules.[xiv] Before proceeding, however, consider the nature of coercion.

Very roughly, a rule is *coercive* when violators are likely to face sanctions for the violation.[xv] A *sanction* is a punishment or penalty. Coercion usually creates conditions under which one's best alternative is to do what those subjecting one to coercive rules want one to do. This is usually explained by the fact that the coerced are threatened by sanctions.[xvi]

Depending on the kind and amount of coercion and so forth, coercion may or may not undermine autonomy. Usually, it engages the will of the coerced. Consider a paradigmatic case of coercion. Suppose a homeless woman threatens a man with a gun saying "your money or your life." The man does not literally have to give over his money, though he has no good alternative and will face severe sanctions if he resists. Rather, the man has to choose to hand over his money.

People can be coerced into doing what they would otherwise do freely. Perhaps the man would have given money to the homeless woman, if he had not been coerced into doing so. Rules can even be coercive if they do not coerce anyone into doing anything. Suppose, for instance, a state only creates just laws and everyone willingly obeys. The state is still subjecting people to coercive laws, though it never has to sanction anyone for disobedience.

Certainly, there is more to say. A lot hangs on what counts as a violation, a punishment or penalty, and a good alternative in this analysis.[xvii] People disagree, for instance, about whether coercion must violate rights or entitlements. Some think offers as well as threats can be coercive. And so forth.

For now, however, this paper will rely on a rough and ready characterization of the concept. For, its main argument should go through for whatever coercive rules one is willing to grant exist. Though, different readers will take different views on the scope and significance of this result.

At this stage of the argument, it is only important that liberals agree that, whatever else coercion requires, it requires justification. That is, *coercion must be legitimate -- those imposing coercive rules must*

have the justification-right to use coercive force.[xviii] Having a *justification-right* is having moral permission to make coercive rules and give coercive commands.[xix] Knowing that those imposing coercive rules have a justification-right to rule does not tell us whether or not it is permissible for others to interfere with their rule.[xx] Some rights may carry with them correlative duties.[xxi] Nevertheless, this paper need not suppose that if those imposing coercive rules have a right to rule through force, their subjects are obligated to obey its dictates.

The claim that coercion must be legitimate tells us nothing about what legitimacy requires. Philosophers advance many conditions for legitimacy. Those imposing coercive rules might need to treat people equally. They might need to embody a commitment to reciprocity, publicity, free speech, or due process. Those imposing coercive rules might even need to give all people equal status, respect, consideration, resources, or opportunity for welfare. Some of those who think coercion requires justification believe it is legitimate if it does not violate rights or promotes welfare.

This paper is only intended to address those who think coercion must be justified on liberal grounds. On these grounds, it defends one *necessary* condition for coercion to be legitimate. It argues that those imposing coercive rules over others must ensure that their subjects secure at least the basic reasoning and planning capacities cashed out above. This condition for legitimacy further requires those imposing coercive rules on others to ensure that their subjects secure these elementary capabilities.

This paper's argument differs, however, from Martha Nussbaum's capability theory. Nussbaum provides a theory of *justice* that requires both state and international institutions to secure for people basic capabilities.[xxii] This paper's condition for legitimacy is compatible with a capability theory of justice. It does not, however, provide a complete account of justice. Rather, it only requires rulers to provide for their subjects some elementary capabilities.

This paper's argument is also different from Thomas Pogge's, in part, because of its focus on legitimacy rather than justice but also because of its focus on coercion rather than harm. Pogge argues that there is a global basic structure that is harming the poor and concludes that there are duties of restorative justice to help the global poor. This paper does not try to establish the premise that global and supra-national rules are harming the poor and, so, are unjust.[xxiii] Rather, it only argues that some global and supra-

national rules are coercive and, so, raise questions about legitimacy. The next section defends the first step in arriving at this conclusion.

The next section defends the legitimate coercion-autonomy thesis. Namely, it argues that, for coercion to be legitimate, those subject to it must secure basic reasoning and planning capacities. It derives this thesis from several of the main competing accounts of legitimacy political liberals embrace.

III. The Legitimate Coercion-Autonomy Thesis

At the heart of liberalism is the concern for individual freedom. Recently liberals have focused primarily on arguing that whatever coercive rules are imposed upon people must be decent, if not fully just.[xxiv] An equally powerful strand in liberal thought, however, expresses the idea that the *actual* relationship between rulers and *each person* who is ruled must be voluntary in some way. Still, those who are concerned about individual freedom disagree about what makes this relationship voluntary. On liberal communitarian theories, this relationship is voluntary if rulers allow or support communities of appropriate kinds that need not be explicitly consensual. Other liberal theories make consent central to legitimacy. On (reasonable and) hypothetical consent theories, for instance, the relationship between ruler and ruled is only voluntary if (reasonable) people *would* agree to (at least the general structure of) coercive rules to which they are subject *were* they asked.[xxv] On democratic theory, legitimacy usually arises through the democratic process where the majority must actually consent to being subject to coercive rules for it to be legitimate to coerce them. On actual consent theory, everyone subject to coercive rules must consent.

Those who are concerned about individual freedom disagree about what makes the relationship between the rulers and ruled voluntary, but they all agree that this relationship can only be voluntary if the ruled possess at least some freedom. The kind of freedom at issue here is not overly expansive or limited. This freedom is not constituted by the social order but it is compatible with significant constraints on social life.[xxvi] The key idea is that subjects must be able to determine their actions and shape the nature of their relationship to those imposing coercive rules over them.[xxvii] Although individuals may not have a choice of whether or not they are subject to coercive rules, freedom requires that individuals be able to control the way they react to their subjection. Subjects should get to decide whether or not to abide by, dissent from, or consent to coercive rules for themselves.[xxviii] Political liberals almost unanimously agree, for instance, that people have a right to dissent from coercive rules by conscientious objection, non-violent protest, passive

resistance, and so forth. To do this, people must be able to reason about, make, and carry out significant plans in light of their beliefs, desires, values, and goals; they must secure basic reasoning and planning capacities.[xxix] So liberals implicitly accept the legitimate coercion-autonomy thesis -- coercion can only be legitimate if it is exercised over people who secure basic reasoning and planning capacities.

This may be controversial. So, what follows will argue, first, that communitarians as well as democratic, hypothetical, and actual consent theorists must agree to this much: legitimacy requires that subjects be able to determine their actions and shape the nature of their relationships to those imposing coercive rules over them. Next, it will argue that reasoning and planning are necessary for people to do this.

Consider, first, why communitarians have to agree that subjects must be able to determine their actions and shape the nature of their relationship to those imposing coercive rules over them. Recall that some communitarians think that legitimacy vests in relationships of various kinds that need not rely on consent. They believe communities are valuable independently of their role in supporting, promoting, or giving rise to individual identity.[xxx] Some communitarians hold that communities are independently valuable.[xxxi] They primarily care that communities and relationships themselves flourish. To keep communities and relationships strong and vibrant, however, orthodoxies have to be open to challenge -- at least from within.[xxxii] People must have a right to dissent from coercive rules by leaving or at least by voicing their disagreement with their communities' rules. As Charles Taylor puts it, these sorts of freedoms protect the "crucial moral interest that each one of us has in the authentic development of the other."[xxxiii] Even if rulers do not want to hear heretics or reformers, communities cannot remain strong unless their members are capable of inhabiting their traditions in a way that keeps them alive and responsive. So this kind of liberal communitarian has to agree that subjects must get to decide whether or not to abide by, dissent from, or consent to coercive rules for themselves, even if that is only for the good of their communities. Other communitarians think communities are primarily valuable because they support, promote, or give rise to individual identity. To support, promote, or give rise to individuals' identity, individuals must be able to decide whether or not to abide by, dissent from, or consent to communities' coercive rules for themselves. People must have at least this much freedom for it to be legitimate to impose coercive rules over them.

Some communitarians might believe they are liberals and yet not think individuals need any substantive freedoms at all for it to be legitimate to coerce them.[xxxiv] These communitarians may just be committed to the liberal principle of toleration and believe that toleration only requires respecting individuals' right to exit from their communities.[xxxv] Chandran Kukathas, for instance, defends this claim. Kukathas thinks people must only have freedom of conscience under coercive rules and believes that a right to freedom of exit is sufficient to preserve freedom of conscience.[xxxvi]

But, individuals have to be able to decide whether or not to abide by, dissent from, or consent to coercive rules to have a real right to exit. If communitarian theories deny this, they are illiberal.[xxxvii] William Kymlicka puts the point this way: "liberalism is committed to (and perhaps even defined by) the view that individuals should have the freedom and capacity to question and possibly revise the traditional practices of their community, should they come to see them as no longer worthy of their allegiance."[xxxviii] On *liberal* communitarian theories, subjects must be able to shape the nature of their relationship to those imposing coercive rules over them.

It is clearer that hypothetical (or reasonable) consent theorists have to agree that subjects must have the freedoms and capacities at issue. On hypothetical (or reasonable) consent theory, legitimacy requires that coercion be in accordance with those principles that would be chosen in an appropriately specified original position. But (reasonable) people in a liberally construed original position would only agree to coercive rules under which they are able to abide by, dissent from, or consent to being subject to (at least the general structure of) these rules.[xxxix] On John Rawls' theory, for instance, people would choose principles of justice on which they would be fully autonomous and people living under these principles would be able to understand and embrace them. Full autonomy and the ability to understand and embrace Rawls' principles of justice require these abilities.[xl]

One might object, here, that people, even in a liberally construed original position, would accept some risk of not being able to shape their relationship to those imposing coercive rules over them to reduce other risks or secure other benefits. In Rawls' original position, for instance, the deliberators are heads of families and might accept some risk of not being able to shape this relationship to ensure that their family members can do so. This is especially likely if there are not enough resources to ensure that everyone secure this much.

There may, as the objector claims, be times when it is impossible for everyone to have the relevant freedoms and capacities. Still, hypothetical consent theorists must agree that, *for coercion to be fully legitimate,* people have to be able to shape the nature of their relationships to those imposing coercive rules over them.

On democratic theory, everyone must be able to participate in the democratic process. People must be able to decide whether or not to abide by, dissent from, or consent to coercive rules to be able to do so.[xli] Furthermore, most democratic theorists accept important institutional constraints on the exercise of coercive force that protect individuals' basic freedoms. Written or unwritten constitutions often form the basis of democratic societies and protect individuals' rights to, for instance, dissent from coercive rules by conscientious objection, non-violent protest, or passive resistance.

Finally, the idea that subjects must be able to determine their actions and shape the nature of their relationship to those imposing coercive rules over them is implicit in actual consent theory.[xlii] Recall that, on actual consent theory, coercion is *legitimate* if and only if people autonomously consent to the coercive rules to which they are subject. For subjects to actually autonomously consent to coercive rules, they must be able to do so. So, actual consent theorists have to agree that subjects must *be able* to decide whether or not to abide by, dissent from, or consent to coercive rules for it to be legitimate to subject them to these rules.[xliii]

What would accounts of legitimacy look like that denied that subjects must have basic freedoms under coercive rules? On such accounts, it could be legitimate to coerce people *even though they could not even freely object to them.* It is hard to see how such rules are not totalitarian. After all, people would not be able to dissent from the coercive rules by voting, conscientious objection, non-violent protest, or even passive resistance. Even if rulers provide their subjects with some formal freedoms, and are otherwise decent, it is hard to see how their relationship to their subjects is voluntary.

If liberals have to agree that subjects must be able to determine their actions under and shape the nature of their relationship to rulers, subjects must be able to abide by, dissent from, or consent to their rule. So, subjects must be able to reason about, make, and carry out some significant plans on the basis of their commitments. Subjects must not be constrained to making plans only to satisfy their immediate needs. Though they might not exercise this ability, subjects must be able to pursue the good life as they see it,

whether or not that includes obedience to those imposing coercive rules over them; they must be able to plan support, protest against, or surrender to coercive rules. In other words, for coercion to be legitimate, subjects must have basic reasoning and planning capacities.[xliv] This just is the legitimate coercion-autonomy thesis.[xlv]

IV. The Legitimacy-Obligation Thesis

On the assumption that there is an obligation to act legitimately, all that remains is to show that legitimacy requires that coercive rule-makers ensure that their subjects secure basic reasoning and planning capacities. The previous section argued that it is illegitimate to subject people who have not secured these capacities to coercive rules unless rulers ensure their subjects secure this much. This is because rulers are not justified in exercising coercive force over those who have not secured basic reasoning and planning capacities and yet they do exercise such force.

The crucial observation is that the above argument entails the following claim: *Legitimacy requires that rulers ensure that their subjects secure the necessary* reasoning and planning capacities. For, whenever those coercing people who have not secured basic reasoning and planning capacities do not ensure that their subjects secure these capacities, they are illegitimate. So rulers must ensure that their subjects secure these capacities.

Let me put the point another way. The previous section argued for the following claim: For coercive rules to be legitimate those imposing these rules must 1) ensure that their subjects secure basic reasoning and planning capacities. The only other alternative is for those imposing coercive rules to 2) stop coercing people. Those who impose coercive rules over others, however, do not 2) stop coercing people, so they must 1) ensure that their subjects secure basic reasoning and planning capacities.

It is important to note an exception to this conclusion that, for simplicity's sake, was not mentioned above.[xlvi] It may be legitimate to coerce people without ensuring that they secure basic reasoning and planning capacities if there is no nomologically possible way in which rulers can ensure that these people secure these capacities. People who are permanently comatose are not able to reason or plan at all. So it may not make sense to say rulers muse ensure that they can do so. Some of those in comas can secure basic reasoning and planning capacities with good medical care, however. Those who subject them to coercive rules must ensure that these people secure these capacities.[xlvii] Similarly, though small children are

not able to reason or plan at all when they are small, most children who receive proper care will be able to do so as they get older. To be legitimate, rulers must ensure that these children secure basic reasoning and planning capacities once they are old enough. This constraint can, however, be left implicit in what follows.[xlviii]

One might object that those imposing coercive rules, even wrongly, need not ensure that their subjects secure basic reasoning and planning capacities. Consider an analogy. Suppose Samantha is ill with malaria and, so, is not autonomous. Nevertheless, in the throes of one of her malaria-induced delusions she agrees to abide by my rules. I do not thereby have a duty to ensure that Samantha secure basic reasoning and planning capacities. I merely fail to have a contract with her. Samantha has not, by agreeing to follow my rules, given me the right to coerce her. If I force Samantha to follow my rules, I act wrongly. But, as long as I do not do so, I have no obligation to her.

The objector is probably right about Samantha's case. As long as I do not force Samantha to follow my rules I have incurred no obligation to her. More generally, by subjecting people to coercive rules, one does not thereby acquire an obligation to ensure that these people secure basic reasoning and planning capacities. This does not, however, undercut the argument for the thesis that rulers must ensure that their subjects secure these capacities. The problem is that rulers continue to coerce people who have not secured the necessary capacities without their assistance. A better analogy to illustrate the import of these observations is this. I find out Samantha is incapable of autonomously agreeing to my rules and do not go elsewhere. Rather I continue to coerce her. In this case, I act illegitimately unless I get her free consent to my rules. By supposition, this requires ensuring that she has the reasoning and planning capacities necessary to freely agree.

Of course, families, friends, or charitable organizations may ensure that those subject to coercive rules secure basic reasoning and planning capacities. They may even have primary responsibility for doing so. But, properly understood, rulers must still *ensure* that their subjects secure these capacities - they must act like lenders of last resort. If people secure basic reasoning and planning capacities on their own or with the help of friends and/or benefactors, those imposing coercive rules over them need not do a thing. Rulers must step into the breech, however, if help is required. It is only if they do this that all of their subjects will secure basic reasoning and planning capacities.

What is necessary to ensure that someone secure basic reasoning and planning capacities will vary with the case. It depends on how close people are to being able to secure these capacities and what resources are already available. In cold climates, for instance, people may need heat in winter. In the tropics, heat is usually unnecessary. To ensure that people secure sufficient basic reasoning and planning capacities, rulers have to provide whatever assistance is necessary for them to secure these capacities (though in some cases no assistance will be necessary). Some people will secure basic reasoning and planning capacities as long as they are free from interference. Others will receive the necessary assistance from family, friends or benefactors. Some, however, will only secure basic reasoning and planning capacities if those subjecting them to coercive rules provide a lot of assistance. In this case, rulers have to provide this assistance. If, for instance, someone is in a coma from which that person could only recover with proper medical care and that person is not receiving such care from friends, family, or benefactors then those who subject the person to coercive rules must provide it.[xlix] That is the only way coercion can be legitimate in our imperfect world.

There may, of course, be other conditions for legitimacy besides the one this paper has defended. Legitimacy may require that everyone have a say in important or ensuring that everyone receives a minimum wage, for instance. In imperfect worlds, trade-offs between these conditions for legitimacy may be necessary.[l] Suppose, for instance, that legitimacy does require a minimum wage and laws are necessary for people to secure this wage but not for reasoning and planning. Suppose that at least some education is essential for people to reason or plan but not for a minimum wage. It might be acceptable to use resources to pass minimum wage laws before hiring teachers.[li] Still, ensuring that people secure basic reasoning and planning capacities merits a good deal of priority. This paper has not relied on it being the case that these capacities are components of welfare or necessary for many other things to have value. Some will reject this assertion. Nevertheless, there are compelling arguments for this conclusion.[lii]

That this paper does not provide everything one might want is no objection to its argument. It would be a great thing if other (e.g. human rights) arguments show much more but this paper's argument only tries to establish one necessary condition for legitimacy.

If this paper's argument is successful, however, it should be *incredibly* important. After all, hundreds of thousands suffer from malaria alone.[liii] Millions lose basic reasoning and planning capacities

every year from easily preventable poverty related illnesses.[liv] Before considering exactly how far this paper's argument can go, however, consider a few objections to some of its details.

VI. Objections

One might worry that insofar as coercion violates individuals' rights or undermines their entitlements, this paper's argument *presupposes* another account of legitimacy. If, for instance, coercion requires violating human rights, the account of legitimacy at issue is one on which coercion is never legitimate, and the only obligation is to protect human rights. So, if there is an obligation to ensure that people secure basic reasoning and planning capacities, that obligation follows directly from the account of rights at issue.

This objection misses several important components of this paper's argument. First, it should be relatively uncontroversial that the use or threat of force requires some kind of justification even if it is not coercive on some accounts of coercion. Although this threat or use of force *may* be justified by a human rights theory or even an appeal to the general welfare, many believe that a liberal theory is necessary. This paper's argument should address these people. Second, this paper's argument may get a hold even on those who hold conceptions of coercion on which coercion necessarily violates individuals' rights or undermines their entitlements. Suppose, for instance, one believes coercion violates human rights including a right to basic reasoning and planning capacities. Then, there would be a direct obligation not to undermine these capacities in most cases. There may, however, be some exceptions. If coercion is sometimes justifiable, one still needs an account of when it is justifiable. Perhaps coercion which violates rights is justifiable when it protects the greater good *as long as the relationship between the rulers and the ruled remains free.* If so, this paper's argument would show that rulers *also* have a *derivative* obligation to ensure that subjects secure basic reasoning and planning capacities.

Those most concerned about individual freedom (e.g. actual consent theorists) would probably object, however, that this paper's argument implies that those imposing coercive rules on others may have to fix problems they did not create. Rulers may not be causally responsible for the fact that some people are not able to reason or plan. Brain cancer, for instance, can undermine these abilities. So can other people and organizations. Alternately, objectors might point out, rulers may already be doing their fair share to ensure that their subjects secure these capacities. And, as acknowledged above, other people or organizations may

be primarily responsible for helping a ruler's subjects secure basic reasoning and planning capacities. If these people fail in their obligations it is not clear that rulers must take up any, never mind all, of the slack. Coercive rules may bring real benefits to people (e.g. peace or security). These rules may even make people better off with respect to the very reasoning and planning capacities at issue than they would otherwise be. Certainly, the objectors might conclude, rulers need not ensure that their subjects secure basic reasoning and planning capacities if they have not undermined but have, rather, done their fair share to ensure that their subjects secure them.

Coercive rulers may have an obligation to provide people with benefits like peace and security or promote the capacities necessary for autonomy. Nevertheless, the legitimate coercion-autonomy thesis cannot be undercut simply by pointing out that rulers are not responsible for the fact that their subjects cannot always secure basic reasoning and planning capacities. Nor does it help to point out that rulers may benefit their subjects or even provide their fair share of these benefits without ensuring that all of their subjects secure these capacities. For this denies the conclusion of this paper's argument without denying a premise.

Perhaps those who want to argue that rulers have no obligation to ensure that people secure basic reasoning and planning capacities for any of the reasons canvassed above should deny the assumption with which the previous section started: They might deny that there is an obligation to act legitimately (i.e. be justified in exercising coercion). For, if one accepts the legitimate coercion-autonomy thesis, one cannot deny the legitimacy-obligation thesis without denying that there is an obligation to act legitimately. The legitimacy-obligation thesis follows logically from the legitimate coercion-autonomy thesis and the fact that there is an obligation to act legitimately. That is, the obligation to ensure that people secure basic capacities follows, as a matter of pure logic, from the fact that coercion is otherwise illegitimate and there is an obligation to act legitimately. One might contend that it is not obvious that there is an obligation to act legitimately once it is clear what legitimacy requires.

It is, however, possible to justify the claim that there is an obligation to act legitimately in a way that even those least likely to accept this paper's conclusions should endorse. Consider just one possible line of reasoning for the conclusion that coercion requires justification that is particularly likely to appeal to those who are deeply concerned about individual freedom. Following John Locke, one might suggest that

each person has a natural right to freedom; hence, sane adults cannot be subject to others' commands without justification.[lv] Locke claimed that people are "naturally in… a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man..."[lvi] The constraint that all are subject to the law of nature is cashed out in terms of being subject to reason, which "teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions…"[lvii] So, as long as one does not harm another, justification is necessary to abridge one's natural right to freedom. If one requires an argument for the premise that there is a natural right to freedom, one might appeal to H.L.A. Hart's argument for this conclusion. Hart argues that if there are any natural rights, there is a natural right to freedom.[lviii] Alternately, one might try to ground the concern for freedom in another way, perhaps in a concern for individuals' interests.

Furthermore, it is radically implausible to deny that there is an obligation to act legitimately, it is better to deny this paper's claims about what legitimacy requires. One way of doing this is to reject the legitimacy-obligation thesis by rejecting the legitimate coercion-autonomy thesis. That is, one could deny there is an obligation to ensure that people secure basic capacities if one is willing to assert that coercion can be legitimate even if it is exercised over people who cannot secure these capacities.

Since the legitimacy-coercion-autonomy thesis was intended to appeal to those who accept a liberal theory of legitimacy, perhaps it is best to deny this thesis by arguing that one of the liberal theories of legitimacy in the literature does not entail the legitimate-coercion-autonomy thesis. One might deny, that is, that this paper's condition for legitimacy can be derived from a concern for freedom implicit in liberalism. One might argue, for instance, that actual consent is required only when it is not too demanding to secure and no one else is responsible for ensuring that the coerced secure basic reasoning and planning capacities.

Even if one can make a move like this, however, one would still have to accept a radically implausible conclusion. One would have to agree that coercion can be legitimately exercised even over those who lack basic reasoning and planning capacities and cannot even dissent from rulers' dictates. For, to deny the legitimate coercion-autonomy thesis, one would have to deny what it asserts – that those subject to coercive rules must maintain at least be able to object to these rules.

Of course, the consequences of accepting this paper's argument may be so implausible that it provides a reductio ad absurdum of liberal theories of legitimacy. That would, however, be an interesting conclusion in and of itself. Nevertheless, those who reject this move and cannot provide a better objection should accept this paper's argument. The next section considers this argument's implications for global justice (or, more properly, legitimacy).

VI. Implications of the Argument for Global Justice

So far this paper has argued that those subjecting others to coercive rules owe them whatever resources and assistance they need to secure basic reasoning and planning capacities. To establish this conclusion, it defended the following theses:

(a) the legitimate coercion-autonomy thesis: coercion can only be legitimate if it is exercised over people who secure basic reasoning and planning capacities;

(b) the legitimacy-obligation thesis: those exercising coercion are obligated to ensure that their coercion is legitimate.

While most people assume that only states exercise the kind of coercive power that requires this kind of legitimation, the above propositions apply quite widely: wherever there is coercive rule-making. They derive from the coercive core of the ruler-ruled relationship. So this section will advance a tentative argument for the conclusion that coercive rule-making exists at the global and supra-national level.

Once again there are many disputes about what exactly constitutes coercion. What is a sanction? Are all threats coercive? Can offers be coercive? Etc. Some hold much more restrictive accounts of coercion than others.

Rather than try to resolve all of the disputes about coercion here, this paper will try to avoid them. For its primary aim is not to delineate the limits, or try to explicate the precise scope, of its argument. Rather, it tries to explicate a general line of reasoning worth further exploration from a variety of perspectives. So, it should suffice to make only the minimal assumption that *some* paradigmatic threats or uses of force are coercive. It should be relatively uncontroversial to assume that taxation and law enforcement, military and economic sanctions are coercive.[lix] Furthermore, if law enforcement, for instance, was primarily carried out by volunteer bounty hunters or external armies, most liberals will still agree that it is coercive.[lx] What follows can, then, provide examples of such coercion at the global and

supra-national level. Not everyone will accept the examples of coercive global and supra-national rules below but hopefully everyone can accept at least some of them. This paper's argument will only be strengthened if there are other cases of coercion.

Furthermore, even if some think *none* of the examples below are examples of coercive rules, the arguments that follow may still go through. For, even these people may agree that these rules require justification because they rely on the use or threat of force. If these rules must be justified by appeal to a liberal account of legitimacy, this paper's argument should provide a contribution to the global justice literature. It should follow that those who make these rules are obligated to ensure that those they subject to them secure the reasoning and planning capacities suggested above.[lxi]

The EU illustrates a large range of ways in which global and supra-national rules can be coercive. The EU passes regulations which become laws in member states even without states' taking action to implement the relevant laws; directives with which member states must comply; and decisions to which individual addressees (e.g. companies or individuals) must submit.[lxii] The EU also has a criminal intelligence agency (EUROPOL) and commands active military forces. It recently deployed troops in Bosnia, for instance.[lxiii]

One might object, however, that global and supra-national rules are not coercive but are, rather, voluntary agreements. Consider two cases. In the first, suppose a store puts up a sign advertising used cars for sale. Suppose Jones freely agrees to a financing contract with a ten percent penalty for late payments. Jones does not make his payments on time and the store owner forces Jones to pay an extra ten percent by threatening to take him to court. Compare this case with the state forcing Jones to pay a ten percent sales tax on the car, which Jones has not freely agreed to pay. It seems that these cases are importantly different. In the first case Jones has freely agreed to pay a penalty, while in the second case Jones has not freely agreed to pay a tax. One might argue that global and supra-national rules are like the voluntary agreements stores offer and, so, are justified. Since subjects consent to global and supra-national rules, they have satisfied this paper's condition for legitimacy.

Most global and supra- national rules are not backed by consent, however. Many global and supra-national rules have secured some states' consent. I know of none that have secure all of their individual subjects' consent. Even the EU only secures consent from its member states. It does not secure

the free consent of all of its individual subjects, though some individuals have agreed to be subject to EU rules through a majoritarian vote.[lxiv] At least, I know of no global or supra-national rules that are backed by the free consent of all of their individual subjects in a store-like way. But, even if global or supra-national rules did secure this consent, the relevant threats or uses of force they rely upon must be justified (they just *are* justified on the condition for legitimacy at issue).

Now, one might reply that global and supra-national rules do apply to individuals -- they only apply to states, so those who create these rules need not ensure that anyone secure basic reasoning and planning capacities. The European Court of Human Rights, for instance, may force member states to abide by its rules, but its rules do not apply to individuals. So it has no obligations to individuals.

Some global and supra-national entities coerce individuals *indirectly*. Just like citizens of a state are usually punished by local police forces when they violate state rules, subjects violating international rules are usually punished by states. Consider, for instance, how many of the global rules and institutions governing trade are backed by indirect coercion. Institutions like the WTO and the NAFTA impose sanctions on countries that violate property rights or the rules of the market. State institutions and rules enforce these sanctions. The NAFTA sanctioned Mexico for prohibiting Metalclad from operating a toxic waste dump in San Luis Potosi, for instance. Mexico had to pay Metalclad 16 million US dollars in damages.[lxv] The WTO found the US guilty of violating its rules with the Byrd amendment. It allowed prosecuting countries to impose import duties on the US until the US repealed the act.[lxvi] Recently the WTO sanctioned the EU by allowing the US to impose tariffs on EU goods because the EU had used import licensing requirements to support Caribbean banana producers.[lxvii] In many cases, laws passed by states as a result of WTO rulings eventually coerce businesses and individuals into abiding by the rulings.

Or, consider indirect coercion exercised by the UN. The UN Security Council imposes economic sanctions, air traffic controls, and arms embargos on countries and groups within countries that threaten international security. The UN has sanctioned Rhodesia, Iraq, South Africa, Serbia, Montenegro, Yugoslavia, Somalia, Libya, Haiti, Sudan, Rwanda, Sierra Leon, Ethiopia, Eritrea, and groups within Cambodia, Angola, and Afghanistan.[lxviii] The UN Security Council also authorizes the use of force against countries threatening international peace. When Iraq invaded Kuwait the UN authorized the use of force to

stop the invasion. The UN-mandated International Security Assistance Force of about 30,000 troops is currently involved in military action in Afghanistan.[lxix]

Perhaps what this paper has called *indirect coercion* is not genuine coercion. Consider an analogy. Suppose that a matriarch wants her family to join a club which requires a membership fee. Even if the club refuses to waive the fee, and the matriarch forces her family to join the club, the club does not coerce the family by its rules. Only the matriarch coerces the family.[lxx]

Although this move may work against some of the examples above, it misses a crucial point. Many countries' participation in international trade and organizations is not voluntary in the way that becoming a member of a club is voluntary. Countries often pay significant penalties if they do not abide by WTO, UN, WB, or IMF rules. Sometimes these countries do not have other good options and so are not free to resist these organization's conditions. Highly indebted poor countries facing default, for instance, may have to abide by IMF conditionality.[lxxi] Many countries have, for example, had to coerce individuals into allowing their public services to be privatized or to accept additional taxes to abide by IMF conditions, despite violent protests. When these states do not have any other reasonable options but to abide by these institutions' dictates, the proper analogy is of a person being forced to threaten another at gun point.[lxxii]

In 1998, for instance, the World Bank (WB) and International Monetary Fund (IMF) worked with the Bolivian government to privatize its public enterprises – including Bolivia's water company (SEMAPA) – as a condition of giving Bolivia a loan.[lxxiii] Subsequently, when the Bechtel Corporation took over the Bolivian water supply, many poor Bolivians saw their water bills triple or quadruple. In March 2000, Bolivians took to the streets in protest—demanding affordable water. In another case, the IMF required Ecuador to privatize its water and sewage system as a condition of giving Ecuador a loan. Although service improved in some respects, poor infrastructure led to an outbreak of hepatitis A, and poor Ecuadorians suffered as prices rose and subsidies were eliminated. As a result, some suggest that, in some parts of Ecuador, the poor were unable gain access to clean water and sanitation.[lxxiv] Finally, in a third case, the IMF pressured Niger to put a 19 percent value-added tax on goods – including foodstuffs – as a condition of giving Niger a loan. The tax was levied even though the price of basic grains had risen by up to 89% percent in the previous five years, and even though Niger's nomadic herders' main source of income (livestock) had fallen 25 percent in value.[lxxv] Although causation is notoriously hard to prove, we

know there was famine in Niger that year. The tax may well have been an aggravating factor in the famine.[lxxvi] Bolivia, Ecuador, and Niger may have had to accept the international financial institutions' conditions. If so, these international institutions have indirectly coerced individuals in these countries in the way that a man with a gun indirectly coerces someone if he forces another person to threaten the first.[lxxvii]

Furthermore, some global and supra-national rules are *directly* coercive. UN peacekeeping forces exercise direct coercion by, for instance, taking over territory, patrolling borders, and creating safe havens for refugees. Those who attempt to wrest control from the UN or enter its protectorates or safe zones without permission face sanctions for the violation. Peacekeeping forces have been deployed in places as diverse as Congo, Iran, Lebanon, Sinai, Yemen, the Golan Heights and Cyprus. Between 1988 and 1999 alone, the UN initiated forty peacekeeping missions.[lxxviii]

Other international institutions also coerce individuals directly. The NATO's role in the Balkans provides an interesting case study. As the humanitarian crisis in the Balkans developed, the UN imposed an arms embargo against the former Yugoslavia, a flight ban over Bosnia and Herzegovina, and economic sanctions against Montenegro and Serbia. The NATO enforced these measures. In 1999, when the UN peacekeeping force failed to prevent the Srebrenica massacre, the NATO bombed Bosnia. The NATO then enforced the Bosnia-Herzegovina peace agreement under the auspices of a UN protectorate and brought individuals accused of war crimes to The Hague. It thereby directly coerced, and enabled the court to coerce, individuals. Eventually, the NATO ceded command in Bosnia to the EU, which deployed its own troops.[lxxix] Again, not everyone will accept these examples of coercive global or supra-national rules, but it is at least arguable that some global and supra-national rules must be justified because they are coercive.

Finally, even some of those who deny this can agree that these rules must be justified because they rely on the use or threat of force.[lxxx] If they are justified by appeal to a liberal theory of legitimacy and the previous sections' arguments are correct, those implementing these rules are obligated to ensure that those they coerce secure basic reasoning and planning capacities.

VII. Conclusion

Many people care about individual freedom. Some of those most concerned about this freedom (e.g. libertarians) believe that rulers need not ensure that subjects secure any reasoning and planning capacities at all because this requires some to sacrifice their freedom for others. Others, deeply concerned

about communities (e.g. communitarians and statists) also reject the idea that all rulers have such significant obligations to their subjects.[lxxxi] They believe that few of our obligations extend beyond borders. If this paper's argument goes through, liberals of all sorts must agree that those imposing coercive rules on others have to ensure that their subjects secure basic reasoning and planning capacities. To some, this paper's argument may seem anemic because it does not appeal to the details of every competing position. But the fact that it only requires a very minimal commitment to individual freedom is what gives the argument its strength. Those who believe that rulers need not protect even the minimal freedom involved in this argument are not liberals, they may even be totalitarians.[lxxxii] The paper then derives from this minimal commitment to freedom some very significant obligations. For, our world is one in which many cannot reason or plan because they lack access to minimally adequate food, water, shelter, medical care and so forth. There are many things those imposing coercive rules can and must do to help these people.[lxxxiii]

i Acknowledgements with-held to preserve anonymity.

ii James Nickel. 2006. Making Sense of Human Rights. 2nd ed. Wiley-Blackwell: New Jersey. Henry Shue. 1980. Basic Rights. Princeton University Press: New Jersey.

iii Those concerned about forcing people to secure basic reasoning and planning capacities might weaken this claim slightly.

iv Joseph Raz. 1998. *The Morality of Freedom*. Clarendon Press: Oxford.

v I argue at more length for this proposition in: Author, Reference a. With-held. On the global basic structure see: Thomas Pogge. 1989. *Realizing Rawls*. Cornell University Press: New York. Gillian Brock. 2009. *Global Justice: A Cosmopolitan Account.* Oxford University Press: Oxford.

vi See: Thomas E. Hill Jr. 1989. "The Kantian Conception of Autonomy." *The Inner Citadel: Essays on Autonomy*. John Christman Ed. Oxford University Press: Oxford. Also see: Onora O'Neill. 1986. *Faces of Hunger: An Essay on Poverty, Justice and Development.* Allen and Unwin: London.

vii See: Joseph Raz. 1998. *The Morality of Freedom*. Clarendon Press: Oxford.

viii James Griffin. 2006. *Human Rights: The Incomplete Idea* (Working Draft). Oxford, Corpus Christi College: Ch. 7.

ix John Rawls. 1971. *A Theory of Justice*. Belknap Press: Massachusetts.

x See, for instance: Michael Bratman. 2005. "Planning Agency, Autonomous Agency." *New Essays on Personal Autonomy and its Role in Contemporary Moral Philosophy*. James Stacy Taylor ed. Cambridge University Press: Cambridge.

xi James Griffin. 2006. *Human Rights: The Incomplete Idea* (Working Draft). Oxford, Corpus Christi College: Ch. 7.

xii Ibid.

xiii The basic reasoning and planning capacities set out above do not prevent one from acting from poor reasons (e.g., wishful thinking). If one thinks more is required, this paper's argument will only be stronger.

xiv See, for instance: Gerald Gaus. 2005. "The Place of Autonomy within Liberalism." *Autonomy and the Challenges To Liberalism: New Essays.* John Christman & Joel Anderson eds. Cambridge University Press: New York.

xv For further discussion of coercion and its moral significance see: Gerald Gaus. 2003. "Liberal Neutrality: A Compelling and Radical Principle." *Perfectionism and Neutrality: Essays in Liberal Theory*. Steven Wall and George Klosko eds. Rowman and Littlefield Publishers: New York.

xvi Mathias Risse. 2006. "What to Say about the State." Mimeo. John F. Kennedy School of Government. March draft. Harvard University.

xvii Some statists believe that there are few obligations to those beyond state borders because coercive force is necessary to generate such obligations. Whether or not this paper will address these people will depend, in part,

on whether or not they accept the examples of coercion given below. There is, however, reason to believe that at least some staists will. See: Michael Blake. 2001. "Distributive Justice, State Coercion, and Autonomy." *Philosophy and Public Affairs*. Vol. 30, No. 3. 257-296.

xviii Legitimacy, as I will use the term, comes in degrees. Some people believe legitimacy is an all or none affair. This is not a substantive disagreement. Those who hold a binary theory of legitimacy can specify that a rule is legitimate in the binary sense if it surpasses a threshold of legitimacy in my sense. Understanding *legitimacy* as a degree term, allows one to specify different thresholds on legitimacy for different purposes. In what follows, one need only suppose that imperfectly legitimate rules must be reformed. See: Allan Buchanan. 2004. *Justice, Legitimacy, and Self-determination: Moral Foundations for International Law*. Oxford University Press: Oxford.

xviii Pyarelal. 1958. *Mahatma Gandhi: The Last Phase*. Vol. 2. Navajivan Press: India. p. 65.

xix Robert Landenson. 1980. "In Defense of a Hobbesian Conception of Law." *Philosophy and Public Affairs*. Vol. 9, No. 2: 134-159.

xx See: Thomas Christiano. 2004. "Political Authority." *Stanford Encyclopedia of Philosophy.* Available: <http://plato.stanford.edu/entries/authority/>.

xxi John Simmons. 1979. *Moral Principles and Political Obligations*. Princeton University Press: New Jersey.

xxii See: Martha Nussbaum. 2000. *Women and Human Development: The Capabilities Approach.* Cambridge University Press: Cambridge. Also see: Amartya Sen. 1999. *Development as Freedom.* Anchor Books: New York.

xxiii One might argue, however, that global rules harm the poor when their coercive nature undermines basic reasoning and planning capacities. Coercion is also an affront to one's dignity and independence. Libertarians may, however, be more likely to agree that some global and supranational rules are coercive than that the global basic structure is harming the poor.

xxiv See: John Rawls. 1993. *Political Liberalism*. Columbia University Press: New York. Also see: Thomas Pogge. 1989. *Realizing Rawls*. Cornell University Press: New York.

xxv See: Thomas Pogge. 1989. *Realizing Rawls*. Cornell University Press: Ithaca. Also see: Charles Beitz. 1979. *Political Theory and International Relations*. Princeton University Press: New Jersey.

xxvi Jeremy Waldron. 1987. "Theoretical Foundations of Liberalism." *Philosophical Quarterly.* Vol. 37. No. 147: 133.

xxvii Ibid pp. 132.

xxviii Ibid pp. 146.

xxix This does not mean that freedom cannot be shaped by society in important ways. Society can have a great influence on individuals' preferences, for instance, without undermining individuals' ability to reason about, make, and carry out some significant plans.

xxx Will Kymlicka. 1992. "The Rights of Minority Cultures: Reply to Kukathas." *Political Theory*. Vol. 20, No. 1: 140-46. Bikhu Parekh. 2000. *Rethinking Multiculturalism: Cultural Diversity and Political Theory.* Macmillan: Basingstoke.

xxxi Ibid.

xxxii Alasdair Macintire. 1988. *Whose Justice? Which Rationality?* University of Notre Dame Press: Notre Dame. Charles Taylor. 1985. "Atomism." *Philosophical Papers*. Vol. 2. *Philosophy and Human Science.* Cambridge University Press: Cambridge.

xxxiii Charles Taylor. 1998. "The Dynamics of Democratic Exclusion." *Journal of Democracy*. Vol. 9, No. 4: 153.

xxxiv Chandran Kukathas. 2003. *The Liberal Archipelago: A Theory of Diversity and Freedom.* Oxford University Press: Oxford.

xxxv Ibid.

xxxvi Ibid.

xxxvii Will Kymlicka. 1992. "The Rights of Minority Cultures: Reply to Kukathas. *Political Theory.* Vol. 20, No. 1: 140-46.

xxxviii Ibid: 142

xxxix John Rawls. 1993. *Political Liberalism*. Columbia University Press: New York: 68-81.

xl John Rawls. 1980. "Kantian Constructivism in Moral Theory." *Journal of Philosophy*. Vol. 88: 520-532.

xli Jack Knight and James Johnson. 1997. "What Sort of Political Equality Does Deliberative Democracy Require?" *Deliberative Democracy.* James Bohman and William Reh eds. MIT Press: Boston.

xlii I argue at length elsewhere that libertarians should accept this claim in part because they should (as John Simmons argues) be actual consent theorists. I also respond to obvious objections to this claim. See: Author. Reference b. With-held. Also see: John Simmons. 2005. "Consent Theory for Libertarians." *Social Philosophy and Policy.* Vol. 22,, No. 1: 330-356.

xliii I have argued for this at greater length elsewhere. See: Author. Reference b. With-held.

xliv On Rawls' theory, full autonomy requires more than the rational autonomy people possess in the original position. Rawls was also quite clear that even the rational autonomy attributed to the agents includes more than minimal basic reasoning and planning capacities at issue. John Rawls. 1980. "Kantian Constructivism in Moral Theory." *Journal of Philosophy*. Vol. 88: 532.

xlv Those who accept this freedom-based condition for legitimacy might hold that some coercive rules are acceptable even if some of those subject to the rules are not capable of securing any basic reasoning and planning capacities under them. For recall that some acts are impermissible violations of individual liberty and these acts are legitimately prevented by any person or institution even if prevention requires coercion. For further discussion, see: John Simmons. 1999. "Justification and Legitimacy." *Ethics*. Vol. 109, No. 4: 770.

xlvi As is common in political philosophy, I am interested in policies that could be implemented in the real world for (and by) real people in the foreseeable future.

xlvii If a ruler simply lacks the resources to ensure that everyone who could secure basic reasoning and planning capacities does so, then further restrictions will be necessary. I discuss these issues elsewhere. See: Author. Reference d. Withheld.

xlviii Perhaps people should also be able to freely give up these capacities without undermining their rulers' legitimacy.

xlix The kinds of programs that will, normally, ensure that people secure basic reasoning and planning capacities are almost exclusively welfare programs (e.g. health and education programs). While radically simplifying some coercive rules may help the severely disabled better navigate their surroundings, for instance, it will not ensure that them can reason and plan.

l These tradeoffs would be particularly difficult if what fulfills one condition for legitimacy makes it more difficult to fulfill another condition.

li As intimated above, it might help to specify that legitimacy comes in degrees. Rules can be more or less legitimate depending on how well they fulfill all existing conditions for legitimacy. On this way of understanding legitimacy, this paper shows that the only way coercion can be perfectly legitimate is if those implementing it ensure that their subjects secure basic reasoning and planning capacities. If there is more than one condition for legitimacy, however, coercion will not be perfectly legitimate unless rulers fulfill all of the conditions for legitimacy but it can be pretty legitimate if they come close to fulfilling most of the conditions. A different way of looking at legitimacy is as legitimacy-with-respect-to-individual-subjects. If rulers only secure the

autonomous consent of some of their subjects, the rulers may be fully-legitimate-with-respect-to-(those)-individual-subjects but not fully-legitimate-with-respect-to-(their other)-individual-subjects.

lii I defend this claim in: Author. Reference d.

liii World Health Organization. 2003. "Malaria is Alive and Well and Killing More Than 3000 African Children Every Day." World Health Organization: Geneva. Available at: <http://www.who.int/mediacentre/news/releases/2003/pr33/en/>.

liv World Health Organization (WHO). 2004b. "World Health Report 2004." World Health Organization: Geneva. Many diseases associated with malnutrition can undermine basic reasoning and planning capacities. Scurvy results from a lack of vitamin C, beri-beri from a lack of thiamine, pellagra from niacin deficiency, and macrocytic and microcytic anemia from folic acid and iron deficiencies, for instance. There is also a lot of evidence that decent nourishment is important for good cognitive functioning. Keratomalacia which results from vitamin A deficiency, kwashiorkor which results from protein deficiency, and iodine deficiencies can all lead to severe disabilities and death. Children's mental functioning may even be impaired if their mothers do not receive proper nourishment during pregnancy. See: Howard Leathers and Phillips Foster. 2004. The World Food Problem: Tackling the Causes of Undernutrition in the Third World. Lynne. Rienner Publisher: Colorado.

lv John Locke. 1690. *Second Treatise on Civil Government*. 1990. C.B. MacPherson ed. Hackett: Indianapolis.

lvi Ibid. Section 4.

lvii Ibid. Section 6.

lviii H.L.A. Hart. 1955. "Are There Any Natural Rights?" *The Philosophical Review*. Vol. 64: 175-191.

lix Gerald Gaus. 2003. "Liberal Neutrality: A Compelling and Radical Principle." *Perfectionism and Neutrality: Essays in Liberal Theory*. Steven Wall and George Klosko eds. Rowman and Littlefield Publishers: New York.

lx State rules are often enforced indirectly through local police forces, bounty hunters and, at least historically, by the victims of a crime or the victims' agent. In Viking-age Iceland, for instance, tribunals sometimes allowed victims to punish the perpetrators of a crime.

lxi Some do not believe the use or threat of force must be justified, but this paper will not attempt to convince these people that it does.

lxii Major Michael McCormick. 2002. "A Primer on the European Union and Its Legal System." U.S. Embassy: Rome. Available at: <http://rome.usembassy.gov/ussso/files/EU.pdf>.

lxiii NATO. 2007. "What's on NATO's Agenda?" North Atlantic Treaty Organization. <Available at: http://www.nato.int/#>.

lxiv One might respond that, just as a store might hold Jones's wife or business partners responsible for Jones's agreement (if, for instance, Jones fails to pay his bill), supranational rulers can hold compatriots responsible for their co-national's agreement to abide by their rules. Individuals do not sign the equivalent of matrimonial or incorporation contracts, however.

lxv Lori Wallach. 2005. "Slow Motion Coup d'Etat: Global Trade Agreements and the Displacement of Democracy." *Multinational Monitor.* Vol. 26, Nos. 1-2. Available online at: <http://multinationalmonitor.org/mm2005/012005/wallach.html>.

lxvi European Union. 2005. "U.S. Congress Repeals Byrd Amendment but Allows for a Transition Period. No. 128/05. Available at: <http://www.eurunion.org/News/press/2005/2005128.htm>.

lxvii British Broadcasting Company. 1999. " WTO Approves Banana Sanctions." Available at: <http://news.bbc.co.uk/2/hi/business/322938.stm>.

lxviii Adam Roberts. 2001. "United Nations." *The Oxford Companion to Politics of the World*. Second ed. Edited by Joel Krieger. Oxford University Press: Oxford.

lxix United Nations. 2003. Press Release SC/7894. "Security Council Seeks Expansion of Role of International Effort in Afghanistan, to Extend Beyond Kabul." Security Council 4840th Meeting (PM) 13/10/2003. Available at: <http://www.un.org/News/Press/docs/2003/sc7894.doc.htm>.

lxx Acknowledgment with-held to preserve anonymity.

lxxi IMF and World Bank. 1999. Heavily Indebted Poor Countries (HIPC) Initiative. Available online at: <http://www.imf.org/external/np/hipc/modify/hipc.htm>.

lxxii Public Citizen. "Water Privatization Case Study: Cochabamba, Bolivia." Available at: <http://www.citizen.org/documents/Bolivia_(PDF).PDF>.

lxxiii IMF and World Bank. 1998. ESAF Policy Framework Paper. Available online at: <www.imf.org/

external/np/pfp/bolivia/index.htm>. Cited here <http://www. citizen.org/documents /Bolivia_(PDF).PDF)>.

lxxiv (Expreso de Guayaquil, 2005; Delgado, 2005) cited in: Emily Joiner. 2007. "Murky Waters: A Look at the Perpetual Puzzle of Water and Sanitation Services in Guayaquil, Ecuador." ILASSA Student Conference Proceedings Archive. Available online at: <http://lanic.utexas.edu/ project /etext/ llilas/ilassa/2007/ joiner.pdf>. p. 15.

lxxv Judith Amanthis. 2005. "Niger: The IMF and World Bank's Invisible War on Africans," Global Policy Forum. Available online at: <http://www.globalpolicy.org/socecon/bwi-wto/imf/2005/0901invisible.htm>.

lxxvi Ibid.

lxxvii Even if individuals' states have other options and are thus partly responsible for coercing people, those implementing coercive global rules may still be acting illegitimately. Knowing how states are likely to act, it may not be acceptable to implement these rules. But this paper will set this point aside.

lxxviii Adam Roberts. 2001. "United Nations." *The Oxford Companion to Politics of the World*. Second ed. Edited by Joel Krieger. Oxford University Press: Oxford.

lxxix NATO. 2007. "What's on NATO's Agenda?" North Atlantic Treaty Organization. Available at: <http://www.nato.int/#>.

lxxx But even if all non-state rulers secured their subjects' consent, a modified version of this paper's argument may still go through. For, if this consent is to legitimize coercion it must be autonomous. This should become clearer below.

lxxxi See: Michael Blake. 2001. "Distributive Justice, State Coercion, and Autonomy." *Philosophy and Public Affairs*. Vol. 30, No. 3. 257-296. Also see: Richard Miller. 1998. "Cosmopolitan Respect and Patriotic Concern." *Philosophy and Public Affairs*. Vol. 27, No. 3. 202-224. Finally, see: Thomas Nagel. 2005. "The Problem of Global Justice." *Philosophy and Public Affairs*. Vol . 33, No. 2. 113-147.

lxxxii For, recall that these people must hold that it can be legitimate to subject people to coercive rules even though they could not even freely object to them.

lxxxiii I defend the empirical claim in: Author. Reference e.