

Individual Autonomy, Institutional Legitimacy, Global Justiceⁱ

1. Introduction

There are many good arguments for the conclusion that states must enable their subjects to secure a basic minimum of autonomy. Some human rights arguments, for instance, yield this conclusion.ⁱⁱ This paper starts from a concern for individual freedom to argue that all coercive institutional systems have such obligations. This argument should buttress the traditional arguments for an obligation to protect autonomous functioning in two ways. First, this argument suggests that *all* coercive institutional systems, not just states, have this obligation. It shows, for instance, that local governments and supranational entities like the European Union must also enable their subjects to secure a basic minimum of autonomy. Second, it is not grounded directly in institutional systems' capacity to help people secure autonomy or even in the importance of autonomy itself. Coercive institutional systems *may* have a general duty to protect autonomous functioning when, for instance, they are well placed to do so. The primary reason for this may even be the importance of autonomy. But many reject these claims.ⁱⁱⁱ Some of those most concerned about individual freedom (e.g. those with anti-perfectionist or libertarian leanings) believe that coercive institutional systems need not enable their subjects to secure any autonomy. They believe that this requires some to sacrifice their freedom for others. Others, deeply concerned about communities (e.g. communitarians and statist), also reject the idea that all coercive institutional systems have such significant obligations to their subjects. They believe that few obligations extend beyond borders.^{iv}

This paper does not address the details of every competing position nor are all of its basic concepts worked out in full detail.^v Rather, it provides a very preliminary sketch of one possible argument for the conclusion that coercive institutional systems must enable their subjects to secure a basic minimum of autonomy.

This paper is important, however, precisely because it highlights the general form of an argument for the conclusion that liberals of *all* sorts have to agree that coercive institutional systems must enable their subjects to secure a basic minimum of autonomy.^{vi} For, in our world, many cannot secure a basic

minimum of autonomy because they lack access to minimally adequate food, water, shelter, medical care and so forth. So the argument may help forge consensus on the conclusion that coercive institutional systems must enable their subjects to secure these things.

2. *Coercive Institutional Systems*

Institutional Systems

An *institutional system* is, roughly, a set of institutions and rules that governs the distribution of fundamental duties, rights, advantages, and disadvantages that result from social interaction.^{vii} Such a system is, in some ways, akin to a basic structure in John Rawls' sense. Like a basic structure, an institutional system is more than just a dense network of social interaction. A trade network does not, for instance, constitute an institutional system. To sustain such networks, however, institutional systems may be necessary and a set of rules and institutions governing trade are often part of an institutional system. Further, an institutional system, like a basic structure, provides the ground rules for social cooperation. (Though, as we will see, the relevant realm of social cooperation can be smaller or larger than that of a society.^{viii})

The main difference between an institutional system and a basic structure is that institutional systems are composed only of organizations with formal rules and structure. The relevant institutions are not informal social arrangements, practices, or customs like the family, voting, marriage, or etiquette. Nor do institutions include political constitutions, forms of property, or the way the economy is organized.

Very roughly, an *institution* is an organization that creates, enforces, and/or arbitrates between rules governing interaction among individuals or groups.^{ix} The British Parliament, the US Department of Homeland Security, and the European Court of Justice are, rather, paradigmatic examples of institutions. The British Parliament creates rules. The US Department of Homeland Security enforces rules. The European Court of Justice arbitrates between rules. Some non-public organizations like churches and corporations may, however, qualify as institutions.

Furthermore, the institutions which largely constitute institutional systems must have a profound effect (at least in conjunction with other institutions) on individuals' basic life prospects. So organizations like the International Tennis Association are not part of any institutional system. The International Tennis Association may, however, qualify as an institution and create international rules, norms, and procedures, it

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does not help govern the distribution of fundamental duties, rights, advantages, and disadvantages that result from social interaction.

A single institution on its own cannot constitute an institutional system. For, even if institutions like Chiquita greatly impact individuals' basic life prospects, they do not themselves contain political, economic, and legal institutions. Though, institutions like Chiquita are often part of an institutional system.^x

States are the least controversial examples of institutional systems. States possess executives, judiciaries, treasuries and so forth and create laws that govern everything from markets to families. So, states are legal, political, and/or economic systems that govern the distribution of fundamental duties, rights, advantages, and disadvantages that result from social interaction within their borders.

It should be obvious, however, that institutional systems can be less substantial than states. Though, they must be more substantial than informal systems of interaction. Institutional systems only require a framework of institutions and rules that structure social interaction and determine individuals' basic life prospects.

Some local governments and supranational organizations are institutional systems. New York and the European Union, for instance, constitute such systems. They each contain legal, political, and economic institutions governing the distribution of fundamental duties, rights, advantages, and disadvantages that result from social interaction within their borders. Furthermore, I have argued elsewhere that the Bretton Woods Institutions (including the World Trade Organization, International Monetary Fund, and World Bank) in conjunction with many other international institutions, states, non-governmental organizations, and multinational corporations constitute a global institutional system.^{xi} This system is supposed to regulate social interaction at the global level shaping, in conjunction with other institutional systems, individuals' basic life prospects.

People are *subject* to an institutional system when the rules of the system apply to them. For instance, most rules created by the Thai government apply to those in Thailand.^{xii} Supranational rules, like those embodied in the EU or WTO, on the other hand, have larger application. Almost everyone is subject to the WTO's rules. Ninety-seven percent of world trade occurs under its auspices.^{xiii} Even people in member states' remotest villages cannot trade in any manner they like without violating international law

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embodied in the WTO. Although there is a sense in which states may themselves be subject to institutional systems (as states are members of institutions like the WTO) *subjects* will be used here in a restricted sense only to refer to individuals.

Individuals may be subject to many institutional systems. If one agrees that the examples of sub- and supra- national institutional systems above are genuine, a citizen of the Philippines living in Manila, for instance, is subject to at least three such systems. First, the citizen is subject to the local government in Manila. Next, the citizen is a subject of the Philippine state. Finally, the citizen is subject to the global institutional system.

Coercion

Very roughly, an institution or rule is *coercive* when individuals or groups violating its dictates are likely to face sanctions for the violation.^{xiv} A *sanction* is a punishment or penalty. Coercion usually creates conditions under which one's best alternative is to do what one's coercer wants one to do. This is usually explained by the fact that the coerced are threatened by sanctions.^{xv}

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. Institutional systems can be coercive even if they do not coerce anyone into doing anything. If, for instance, a state only creates just laws and everyone willingly obeys, it may still be coercive. The state is still subjecting people to coercive laws, though it never has to sanction anyone for disobedience.

Finally, someone can be coerced on this account even if they can freely leave a territory. States, for instance, do not have to have closed borders to coerce their subjects into paying taxes. They just have to threaten people with jail if they remain within the state's territory and do not pay taxes. If people are not violating others' rights by remaining in the territory, this would count as coercion.^{xvi}

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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} Many believe, for instance, that only threats can be coercive while some want to say sanctions can include with-holding an offered good.^{xviii} There is also disagreement about the appropriate baseline relative to which something counts as a sanction. It is not clear, for instance, whether one can be sanctioned in ways that do not violate rights.^{xix} It is impossible, however, to resolve all of the debates about coercion here.

This paper can rely, however, on relatively uncontroversial examples of coercion for its audience. Most liberals who are deeply concerned about coercion will agree that taxation and law enforcement, military and economic sanctions are coercive.^{xx} Furthermore, if law enforcement, for instance, was primarily carried out by volunteer bounty hunters or external armies, these liberals would not think that law enforcement was less coercive.^{xxi} None of this tells us, however, when an institutional system is coercive.^{xxii}

One feature of coercive institutional systems is that they usually do not restrain themselves to only protecting individuals' rights. At least an institutional system that only protects individuals' rights does not exercise the kind of coercion that requires (additional) legitimation. To use an example from John Simmons, even "the Third Reich was justified in prohibiting rape and punishing rapists."^{xxiii} Some acts are impermissible violations of individual liberty and these acts can be legitimately prevented by any person or institution even if prevention requires coercion. But most coercive institutional systems do more than this. When they create norms, rules, and procedures governing the use of force, for instance, they prevent people from defending their own rights. Even taking this feature of coercive institutional systems into account, however, drawing a bright line between coercive and non-coercive systems may be impossible.

To get clearer on what makes an institutional system coercive, it will help to examine some of the most clearly coercive institutional systems. Perhaps the least controversial examples of coercive institutional systems are states. States exercise a great deal of coercion. The US, for instance, indirectly coerces those who violate its rules when it enforces citizen arrests, relies upon bounty hunters, and allows vigilante groups to aid the border patrol. It exercises direct coercion over individuals when its police officers and military officials enforce its criminal statutes and military rules. Not every rule or institution in Belgium or Brazil is coercive, but many are. These states often coercively enforce their laws. Even much weaker states, with poor enforcement mechanisms, are generally characterized as coercive. When people

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violate state rules they can be, and often are, punished. Coercively collected taxes are also necessary to sustain even non-coercive institutions and rules constituting most states.^{xxiv} The most natural way of understanding why these states are coercive is that they are largely constituted by coercive rules and institutions. So, it is plausible that when an institutional system is largely constituted by coercive rules and institutions, the system is coercive.

Whether or not local governments or supranational institutional systems are coercive, then, will depend on how many of their rules and institutions are coercive. One might argue, for instance, that New York is coercive by showing that many of its institutions and rules are coercive. New York contains a police and court system that collect taxes and enforce its laws. Similarly, one might argue that the EU is coercive by showing that many of its constitutive institutions and rules are 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 with which individual addressees (e.g. companies or individuals) must comply.^{xxv} The EU also has a criminal intelligence agency (EUROPOL) and commands active military forces. It recently deployed troops in Bosnia, for instance.^{xxvi}

As long as one grants that there are some coercive institutional systems besides states (i.e. countries), this paper's argument should be interesting. It will show that coercive institutional systems must enable their subjects to secure some necessary components of autonomy. It does not matter much, for our purposes, whether or not New York and the EU are coercive. As long as there are some coercive institutional systems besides states this paper's argument should be interesting as it applies to these systems. Further, I have argued elsewhere that there are several coercive institutional systems. I refer the reader to that discussion and will not descend into those empirical details again here.^{xxvii}

One might object, however, that sub- and supra- national institutional systems are not coercive but are, rather, voluntary organizations. 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. One might suggest that only the later case constitutes coercion. In the first case Jones

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has freely agreed to pay a penalty, while in the second case Jones has not freely agreed to pay a tax. One might sub- and supra- national institutional systems are store-like voluntary organizations and, so, do not coerce people in legitimately enforcing its contracts. But, if this is right, the only entities that will count as coercive are states (and perhaps, in the future, a world state). So this paper's argument will not show anything interesting: There are many good arguments for the conclusion that legitimate states must enable their subjects to secure a basic minimum of autonomy.

I do not see why the fact that people consent to an institutional system means that the system is not coercive. Rather, I believe purely-voluntary-store-like institutional systems (and even stores themselves) can be as coercive as states. As noted above, one of the things that makes states coercive is that the exit options are generally not very good. One cannot escape taxation by leaving the U.S. because other states also tax their subjects. Similarly, people cannot generally avoid Wal-Mart's rules by shopping at K-Mart - people still have to sign contracts to put things on lay away, pay their credit card bills, and so forth. Since people have to shop somewhere, they have no good option but to submit to the rules of some store or other.^{xxviii}

But, even if non-state institutional systems are not coercive if they secure their subjects' consent, some sub- and supra-national institutional systems are coercive. Some sub- and supra- national systems have not secured this consent. New York has not secured its subjects' autonomous consent, for instance, though it forces individuals to abide by the laws its legislature writes with its own police force and court system. It probably even forces more people to abide by its rules than do some countries as it is larger and better at creating, arbitrating between, and enforcing its rules than some countries. Similarly, many supranational systems only secure their member states', but not their individual subjects', consent (recall that states are not subjects of institutional systems in the requisite sense, only individuals can be institutional subjects). Even the EU only secures consent from its member states. It does not secure the autonomous consent of all of its individual subjects, though some individuals have agreed to be subject to the EU through a majoritarian vote.^{xxix} At least, I know of no supranational institution (or institutional system) that has secured the autonomous consent of all of its individual subjects in a store-like way.

Now, one might reply that supranational institutions are not coercive because they only force states to abide by their rules. Parts of supranational institutional systems do not force individuals to comply

with their rules. 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.

Some parts of supranational institutional systems force individuals to comply by their rules *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. In many cases, laws passed by states, as a result of IMF or WB pressure, for instance, eventually coerce businesses and individuals into abiding by their requirements. Individuals and companies that do not abide by these requirements are often fined by countries forced by the IMF and WB into doing so. Many countries have, for instance, had to coerce individuals into allowing their water to be privatized 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.^{xxx}

But even if one denies that supra-national institutional systems ever coerce individuals indirectly, many coerce individuals directly. The EU does this on a large scale when it intervenes militarily into countries. The EU does this on a small scale when it takes individuals accused of war crimes to the Hague.

Furthermore, the last objection does not apply at all to sub-national institutional systems. Few would deny that New York's coercive rules apply directly to individuals.

Perhaps one could argue that institutional systems other than states are not coercive because the coercion they exercise and rely upon is not official. After all, coercion by rogue parties or institutions within states (e.g. terrorist organizations) does not make a state coercive.^{xxxii} One could adapt a suggestion from Thomas Nagel here -- arguing that, most of the time, parts of non-state institutional systems do not exercise coercion on behalf of their subjects or in their names.^{xxxiii} Rather, non-state institutional systems are composed of a bunch of loosely related institutions exercising coercion willy-nilly in their own best interests.

But coercion need not be exercised on behalf of a coercive institutional system to make the system coercive. To see this, consider what is necessary for a state to be coercive. The coercion the Philippines' local police forces exercise need not aim at maintaining or promoting the Philippines' objectives to contribute to the fact that the Philippines is a coercive state. The coercion could aim only at promoting a particular local government's aims or at upholding a particular city's rules. So, there is compelling reason

to believe that the coercion parts of an institutional system exercise in their official capacity as part of this system contributes to the coerciveness of the institutional system if that coercion contributes to the maintenance of (or at least does not undermine) the system. And much of the coercion parts of non-state institutional systems exercise is exercised in an official capacity and does not undermine but, rather, supports the system. When, for instance, the UN or NATO use coercion to uphold international law, they are (usually) helping to uphold the global institutional system, not undermine it. Similarly, when states use coercion to collect dues for the EU they are normally helping to uphold this system, not undermine it.

Perhaps there is another way to deny that any non-state institutional systems are coercive. What follows, however, will proceed from the assumption that at least some non-state institutional systems are coercive.^{xxxiii}

Legitimacy

To be legitimate, a coercive institutional system must have the justification-right to use coercive force.^{xxxiv} Having a *justification-right* is having moral permission to make coercive rules and give coercive commands.^{xxxv} Knowing that an institutional system has a justification-right to rule does not tell us whether or not it is permissible for others to interfere with its rule.^{xxxvi} Some rights may carry with them correlative duties.^{xxxvii} Nevertheless, this paper need not suppose that if a coercive institutional system has a right to rule through force, its subjects are obligated to obey its dictates.

Any coercive institutional system must be legitimate. Consider one possible line of reasoning for this conclusion 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.^{xxxviii} 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..."^{xxxix} 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..."^{xl} So, as long as one does not harm another, justification is necessary to abridge one's natural right to freedom. So coercive institutional systems require justification to use coercive force; they must have the right to use such force.

If one requires an argument for the premise that there is a natural right to freedom, one might appeal 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.^{xii} Alternately, one might appeal to the importance of individuals' interests in freedom.

Statists might argue, however, that sub- and supra- national institutional systems are not the kind of things that can be legitimate or illegitimate. Perhaps it is only when an institutional system is a collectively authorized sovereign that it can be legitimate or illegitimate. This seems to be Thomas Nagel's view in "The Problem of Global Justice." He says only sovereign states claim a right to exercise coercive force in the name of their subjects and it is this fact which raises the question of legitimacy.^{xiii}

Nagel never gives an argument for the conclusion that only those systems that claim a right to exercise coercive force in the name of their subjects must be legitimate. It is not immediately obvious why this should be. So Nagel's assertion gives us no reason to question the conclusion that any coercive institutional system must be justified in exercising coercive force.

Nagel does say that "the newer forms of international governance share with the old a markedly indirect relation to individual citizens and that this is morally significant."^{xliii} So maybe his idea is that non-state institutional systems need not be justified in coercing people because they have secured their states' consent.

There are several problems with this suggestion, however. First, not all non-state institutional systems are backed by the consent of states. Second, even if states did consent to all non-state systems, it is not clear how this would entail that the systems need not be justified in coercing people. For, previous sections argued that, non-state systems coerce individuals as well as states.^{xliv}

3. Autonomy

The previous section argued that coercive institutional system must be legitimate. It said nothing about what is necessary for legitimacy. Philosophers advance many conditions for legitimacy. Legitimate institutional systems might need to treat people equally. They might need to embody a commitment to reciprocity, publicity, free speech, or due process. Legitimate institutional systems might have to give the disadvantaged a significant stake in the system.^{xlv} They might even need to give all people equal status, respect, consideration, resources, or opportunity for welfare.

This section defends one *necessary* condition for coercive institutional systems to be legitimate. It argues that coercive institutional systems must enable their subjects to secure at least some necessary components of autonomy. This *enabling* condition for legitimacy requires institutional systems to secure for each person some elementary capabilities. It differs from at least Martha Nussbaum's capability theory, however. Nussbaum provides a theory of *justice* that requires both state and international institutional systems to secure for people basic capabilities.^{xlvi} The enabling condition is compatible with a capability theory of justice. It does not, however, provide a complete account of justice. Rather, it only requires coercive institutional systems to provide for subjects some elementary capabilities.

This section does not specify what coercive institutional systems are required to do to enable people to secure sufficient autonomy in particular instances. This should not be surprising. The traditional arguments for the conclusion that states have such obligations are similarly uninformative.^{xlvii} But this paper is not trying to give an account of responsibility for institutional change and there may be no general answer to what institutional systems must do to help people secure autonomy in different circumstances. With regard to states, in some cases, better social safety nets may be a good idea. So perhaps, at the global level, some redistribution is called for – perhaps the global institutional system should institute something like Thomas Pogge's Global Resource Dividend. I have considered some such possibilities in other papers.^{xlviii} But this paper is not concerned to argue that institutional systems should fulfill their obligations to enable people to secure sufficient autonomy in any particular way.

Nor, is this paper concerned to argue for a particular way of distributing responsibility within institutional systems. To ensure that institutional systems enable their subjects to secure these components of autonomy, different individuals and institutions within those systems may be responsible for doing different kinds of things. Assuming that there is a global institutional system, for instance, states may bear primary responsibility for enabling their citizens to secure the relevant components of autonomy. The IMF may have primary responsibility for helping poor states secure the funds to do so if they cannot secure these funds on their own.^{xlix} Only if some institutional systems or institutions fail in their primary responsibilities will others have to fill the breach. The World Bank, for instance, may have to act as a lender of last resort if the IMF fails in this role. Individuals may have role-based obligations within such institutions to ensure that they uphold their responsibilities.

Before defending the enabling condition for legitimacy, the next sub-section will consider what it means to say that coercive institutional systems must enable subjects to secure some necessary components of autonomy.

Explicating the Enabling Condition

First, what are the necessary components of autonomy at issue here? The basic idea is this: People must at least be able to live lives in which they can reason about, make, and carry out some significant plans on the basis of their beliefs, values, desires, and goals (henceforth: *commitments*). Securing these *reasoning* and *planning* components of autonomy *may not be sufficient* for full autonomy. Rather the reasoning and planning components of autonomy are *necessary* components of autonomy-as-a-prerequisite-for-free-action.

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 on which saying that autonomy requires the ability to reason would be controversial. Kant, for instance, thinks that reason requires each of us to acknowledge the categorical imperative as unconditionally required.ⁱ The rationality component of autonomy at issue does not require this much, however. The rationality component only requires that people 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.ⁱⁱ 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.ⁱⁱⁱ 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.

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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.^{liii} Since these moves have all been explored at some length elsewhere, this paper will not explicate the ability to make some significant plans on one's commitments further.^{liv}

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.^{lv} External freedom, or liberty, is roughly freedom from interference to pursue a "worthwhile life."^{lvi} To carry out some significant plans one must have enough freedom from coercion and 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 component of autonomy. Still, the ability to carry out *some* significant plans is a necessary component of the kind of autonomy at issue.

This conception of autonomy is fairly standard in the literature on autonomy. It is, for instance, quite similar to an account Joseph Raz suggests. So it is not necessary to explicate the ability to reason about, make, and carry out some significant plans on one's commitments further here.^{lvii}

One might object, however, to cashing out autonomy in this way. If one can only secure the reasoning and planning components of autonomy, one can autonomously decide to become a slave or to have one's left foot burned off. As Hume said, "Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger."^{lviii}

The relevant components of autonomy are, however, only *necessary* components of the most minimal kind of autonomy. To have full autonomy people may need to be capable of more than instrumental reasoning and planning. Full autonomy may be Kantian, for instance, it may require recognizing the categorical imperative as self-imposed. Only a minimal conception of autonomy is necessary to defend the enabling condition for legitimacy, however.

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Communitarians might object that autonomy is a Western ideal. They might argue that it is incompatible with the kind of concern for community and care central to many non-Western countries. So, these communitarians might conclude, it is inappropriate for evaluating non-Western institutions.^{lix}

The conception of autonomy at issue here, however, is not particularly Western. It is compatible with concern for community and care. So there is little reason to suppose it is 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 autonomously decide, for instance, that his desire to be a good Muslim is much stronger than his desire to drink and, thus, never drink at all. So Aadil has the components of autonomy at issue.^{lx}

Next, consider what *enabling* someone to secure the reasoning and planning components of autonomy requires. The basic idea is that coercive institutional systems must ensure that their subjects can secure and maintain these components of autonomy until and unless they autonomously relinquish their ability to do so.^{lxi}

Since the definition of *enabling* plays such a large role in this paper's argument it is worth stressing that what is necessary to enable someone to secure these components of autonomy will vary with the case. It depends on how close people are to being able to secure such autonomy 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 enable someone to secure sufficient autonomy, coercive institutional systems have to provide whatever assistance is necessary for that person to secure such autonomy (though in some cases no assistance will be necessary). Some people will be able to secure the reasoning and planning components of autonomy as long as they are free from interference. Others will receive the necessary assistance from family, friends or benefactors. Some, however, will only secure sufficient autonomy with their coercive institutional system(s) assistance. These systems 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

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receiving such care from friends, family, or benefactors then the institutional systems to which that person is subject must provide it.^{lxii}

Finally, it is important to note an exception to the enabling condition that, for simplicity's sake, was not mentioned above.^{lxiii} A system does not lose legitimacy if it does not enable someone to secure the reasoning and planning components of autonomy if there is no implementable institutional system which could enable this person to secure this autonomy. People who are permanently comatose are not able to secure any autonomy at all. So institutional systems need not enable them to do so. Some of those in comas can secure the reasoning and planning components of autonomy with good medical care, however. Legitimate institutional systems must enable these people to secure these components of autonomy.^{lxiv} Similarly, though small children are not able to secure any autonomy when they are small, most children who receive proper care will be able to secure the reasoning and planning components of autonomy as they get older. To be legitimate, coercive institutional systems must enable these children to secure this autonomy once they are old enough. This constraint can, however, be left implicit in what follows.

Defending the First Part of the Enabling Condition for Legitimacy

There are two parts to the enabling condition. First, it embodies the claim that coercive institutional systems can only be legitimate if their subjects secure the reasoning and planning components of autonomy. Second, it embodies the claim that such institutional systems must enable subjects to secure this much autonomy. This sub-section will consider the first claim, the next sub-section will consider the second.

At the heart of liberalism is the concern for individual freedom. Recently liberals have focused primarily on arguing that whatever coercive institutional systems are imposed upon people must be decent, if not fully just.^{lxv} An equally powerful strand in liberal thought, however, expresses the idea that the *actual* relationship between the 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, for instance, this relationship is voluntary if the 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 be subject to a

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coercive system *were* they asked.^{lxvi} On democratic theory, legitimacy usually arises through the democratic process where the majority must actually consent to their institutional system's rule for their system to be legitimate. On actual consent theory, the actual consent of everyone subject to a coercive institutional system is required to legitimize the system.

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.^{lxvii} The key idea is that subjects must be free to determine their actions and shape the nature of their relationship with the system to which they are subject.^{lxviii} Although individuals may not have a choice of whether or not they are subject to a coercive system, 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 systems for themselves.^{lix} Political liberals almost unanimously agree, for instance, that people have a right to dissent from the rule of their institutional systems 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 be able to secure the reasoning and planning components of autonomy.^{lxx} So liberals implicitly accept the first claim embodied in the enabling condition for legitimacy; those living under coercive institutional systems must be able to secure these necessary components of autonomy for their system to be legitimate.

This may be controversial. So, what follows will make the case that liberals have to accept the first claim embodied in the enabling condition in more detail. To do so, this paper must do two things. First, it must show that communitarians as well as democratic, hypothetical, and actual consent theorists must at least agree to this much: legitimacy requires that subjects be free to determine their actions and shape the nature of their relationships with coercive institutional systems. Second, it must show that reasoning and planning are necessary for people to determine their actions and shape the nature of their relationships with coercive institutional systems.

Consider, first, why communitarians have to agree that subjects must be free to determine their actions and shape the nature of their relationships with coercive institutional systems. Recall that some

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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.^{lxxi} Some communitarians hold that communities are independently valuable.^{lxxii} 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.^{lxxiii} People must have a right to dissent from the rule of their institutional systems by leaving or at least by voicing their disagreement with their communities' rule. 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."^{lxxiv} Even if communities 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 communities for themselves, even if it is only because subjects who are capable of keeping their communities alive and vibrant must have this freedom. 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, communities must at least protect individuals' right to decide whether or not to abide by, dissent from, or consent to coercive institutional systems for themselves. People must have at least this much freedom for the institutional systems containing their communities to be legitimate.

Some communitarians might believe they are liberals and yet not think individuals need any substantive freedoms at all under legitimate institutional systems.^{lxxv} 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 community.^{lxxvi} Chandran Kukathas, for instance, argues that institutional systems can be legitimate even if their subjects do not have the freedom to decide whether or not to abide by, dissent from, or consent to their rule. Kukathas thinks people must only have freedom of conscience under a coercive institutional system and believes that a right to freedom of exit is sufficient to preserve freedom of conscience.^{lxxvii}

But, individuals have to be able to decide whether or not to abide by, dissent from, or consent to a coercive institutional system to have a real right to exit. If communitarian theories deny this, they are

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illiberal.^{lxxviii} 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.”^{lxxix} On *liberal* communitarian theories, subjects must be free to shape the nature of their relationship to their institutional system for their system to be legitimate.

It is clearer that hypothetical (or reasonable) consent theorists have to agree that subjects must have the freedoms at issue. On hypothetical (or reasonable) consent theory, legitimacy requires that coercive institutional systems be organized according to 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 a coercive institutional system under which they are able to abide by, dissent from, or consent to the system.^{lxxx} 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.^{lxxxi} Hypothetical (and reasonable) consent theory requires this much.

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 their institutional systems 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 enable everyone to secure this freedom.

This objection does not go through. There may, as the objector claims, be times when it is impossible for everyone to have the relevant abilities. Still, hypothetical consent theorists must agree that *insofar as possible* people have to be able to shape the nature of their relationships to their institutional systems *for these systems to be fully legitimate*.

Consider, next, why a democratic theorist must endorse the first part of the enabling condition for legitimacy. On democratic theory, everyone must be free to participate in the democratic process. People must be able to decide whether or not to abide by, dissent from, or consent to these systems to be able to do so.^{lxxxii} 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 the rule of their coercive institutional systems by conscientious objection, non-violent protest, or passive resistance.

Finally, the idea that subjects must be free to determine their actions and shape the nature of their relationships with coercive institutional systems is implicit in actual consent theory.^{lxxxiii} Recall that, on actual consent theory, coercive institutional systems are *legitimate* if and only if they secure their subjects' autonomous consent. The ability to determine one's actions and shape the nature of one's relationship to the systems to which one is subject is a precondition for autonomous consent. For subjects to actually autonomously consent to a coercive institutional system, 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 their coercive institutional systems for their systems to be legitimate.^{lxxxiv}

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

If liberals have to agree that subjects must be free to determine their actions and shape the nature of their relationship with the coercive systems to which they are subject, subjects must be able to abide by, dissent from, or consent to these systems. 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 their coercive institutional systems; they must be able to plan support, protest against, or surrender to these systems. In other words, subjects must have the reasoning and planning components of autonomy-as-a-prerequisite-for-free-action.^{lxxxv} So, liberals must agree that coercive institutional systems can only be legitimate if their subjects have the necessary components of autonomy.^{lxxxvi} This just is the first claim embodied in the enabling condition.

Defending the Second Part of the Enabling Condition

The key to defending the enabling condition, then, is defending its second claim; showing that legitimacy requires that coercive institutional systems enable their subjects to secure the reasoning and planning components of autonomy. The previous section argued that when institutional systems subject people who cannot secure the reasoning and planning components of autonomy to coercive rules and do not enable these people to secure these components, they are illegitimate. This is because such institutional systems are not justified in exercising coercive force over those who cannot secure the reasoning and planning components of autonomy and yet such institutional systems exercise such force.

The crucial observation is that the above argument entails the following claim: *If such institutional systems continue to exercise such force, legitimacy requires that they must enable those they subject to this force to secure these necessary components of autonomy.* Coercive institutional systems do, necessarily, continue to exercise such force. If they stopped exercising such force they would cease to be coercive institutional systems. So, coercive institutional systems must enable their subjects to secure the reasoning and planning components of autonomy.

Let me put the point another way. The previous section argued for the following claim: For coercive institutional systems to be legitimate they must 1) enable their subjects to secure the necessary components of autonomy. The only other alternative is for coercive institutional systems to 2) stop coercing people. Because coercive institutional systems are coercive institutional systems they will not 2) stop coercing people, so they must 1) enable their subjects to secure the necessary components of autonomy.

One might object that an institutional system that subjects people to coercive rules, even wrongly, need not enable its subjects to secure sufficient autonomy. Consider an analogy. Suppose Samantha is not autonomous but agrees to give me a large sum of money. I do not thereby have a duty to do what I can to enable Samantha to secure the reasoning and planning components of autonomy. I merely fail to have a contract with her. Samantha has not, by agreeing to give me a large sum of money, incurred an enforceable debt to me. If I were to try to enforce the agreement on Samantha, I would act wrongly. But, as long as I do not try to extract any money from her, I have no obligation to her.

The objector is probably right about Samantha's case. As long as I do not try to extract any money from her I have incurred no obligation to her. Similarly, by subjecting people to coercive rules, institutional

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systems do not thereby need to enable these people to secure the reasoning and planning components of autonomy. This does not, however, undercut the argument for the conclusion that coercive institutional systems must enable their subjects to secure these components of autonomy. The problem is that the objection does not appreciate the nature of coercive institutional systems. Such systems can be legitimate *only if* they enable their subjects to secure the reasoning and planning components of autonomy. Insofar as *coercive* institutional systems continue to exist, they *continue* to subject people to coercive rules. Coercive institutional systems must enable those they coerce to secure sufficient autonomy because they will not cease subjecting people to their rules (if they did, they would not be coercive). A better analogy to illustrate the import of these observations is this. I find out Samantha is incapable of autonomously agreeing to give me her money and do not go elsewhere. Rather I continue to coerce her. In this case, I act illegitimately unless I get her free consent to give me the money (which, by supposition, requires enabling her to autonomously agree). Similarly, coercive institutional systems, because they continually subject people to coercive rules must enable their subjects to secure the reasoning and planning components of autonomy. Otherwise, they cannot be legitimate.

One might worry that this response relies on a false premise. According to the response, coercive institutional systems can be legitimate *only if* they enable their subjects to secure the reasoning and planning components of autonomy. Perhaps relatives or charities can enable these people to secure these components of autonomy. Sticking with the analogy, the objection would be that Samantha may be able to secure the reasoning and planning components of autonomy (and freely consent to the loan) without my enabling her to do so. Perhaps her family or others involved in charitable work can do so instead. I may be able to legitimately enforce the contract without enabling Samantha to secure the relevant components of autonomy.

This objection has some truth in it. Families, friends, or charitable organizations may enable those subject to a coercive institutional system to secure the reasoning and planning components of autonomy. They may even have primary responsibility for doing so. But the objection misunderstands the nature of *enabling*. Enabling is like being a lender of last resort. If people secure autonomy on their own or with the help of friends and/or benefactors their coercive institutional systems need not do a thing. These institutional systems must step into the breach, however, if help is required. It is only if coercive

institutional systems do this that all of their subjects will secure the reasoning and planning components of autonomy. Coercive institutional systems must enable their subjects to secure autonomy. This is the only way such institutional systems can be legitimate in our imperfect world.

4. *Objections*

Those most concerned about individual freedom (e.g. libertarians) are most likely to reject the enabling condition for legitimacy. They are likely to point out that the enabling condition implies that institutional systems may have to fix problems they did not create. Coercive institutional systems may not be responsible for the fact that some people are not able to reason or plan. Cancer, for instance, can undermine these abilities. Furthermore, coercive institutional systems may make people better off with respect to the very components of autonomy at issue than they would otherwise be. Certainly, the objectors might conclude, an institutional system need not enable someone to secure the reasoning and planning components of autonomy if the system has not undermined but has, rather, improved this person's ability to secure these components.

But this is exactly where the contract analogy came into play. Samantha is incapable of autonomous consent. So, she has not, by agreeing to give me a large sum of money, incurred an enforceable debt to me. I can act legitimately only if I do one of two things. I can either enable her to secure the reasoning and planning components of autonomy (and get her free consent to give me the money), or I can stop coercing her. If I do not stop coercing her, I must enable her to secure these necessary components of autonomy (and get her free consent to give me the money). Otherwise, I act illegitimately. Coercive institutional systems, because they are coercive, continually subjects people to coercive rules. To be legitimate, they must, thus, enable their subjects to secure the reasoning and planning components of autonomy. Most liberals do not advocate anarchy even in the international arena (even libertarians resist this conclusion).^{lxxxvii} They believe some coercive institutional systems should exist.

If some institutional systems stopped coercing individuals, they would then cease to be *coercive* institutional systems. So, the argument would not apply to those systems. But, in our world, there will probably always be some such systems. The important point is only that this paper's argument applies to whatever coercive institutional systems exist.

A better objection, more likely to be advanced by moderate liberals (e.g. statist embracing democratic or hypothetical consent theory or communitarians), is that it may cost a lot to enable subjects to secure the necessary components of autonomy. Perhaps institutional systems should enable people to do other things before enabling their subjects to secure the reasoning and planning components of autonomy.

This point is fair enough. This paper's argument contains an implicit qualification. One should view it as defending a necessary condition for legitimacy *assuming* that institutional systems are otherwise legitimate. There may be other conditions for institutional legitimacy besides the enabling condition. Legitimacy may require ensuring that everyone receives a minimum wage, for instance. In imperfect worlds, trade-offs between ensuring that everyone receives a minimum wage and enabling subjects to secure the reasoning and planning components of autonomy may be necessary.^{lxxxviii} Suppose that minimum wage laws are necessary for people to secure a minimum wage but not for reasoning and planning. Suppose that education is essential for reasoning and planning but not for a minimum wage. It might be acceptable to use resources to pass minimum wage laws before hiring teachers.^{lxxxix} Still, enabling people to secure a basic minimum of autonomy merits a good deal of priority. Although some may not be able to grant the point, autonomy is a component of welfare and necessary for many other things to have value.^{xc}

A more general worry underlying the objection, however, may be that the obligations the argument entails are too demanding. But there are several ways in which these obligations are limited. First, the conception of autonomy relied upon here is minimal. Second, we have only argued that institutional systems have to ensure that their subjects *can* secure autonomy. We have not argued that these systems must ensure that their subjects actually obtain any autonomy. This argument alone does not even show that these systems must enable their subjects to survive diseases that do not threaten subjects' autonomy. Seeing the arguments' consequences spelled out in this way, one might even have the opposite worry that the obligations it generates are not demanding enough. But, again, this paper's argument only tries to establish one necessary condition for legitimacy. Other arguments can probably show much more. In any case, this paper has argued that this condition for legitimacy is derived from a concern for freedom implicit in liberalism. One cannot deny the conclusion that coercive institutional systems must enable people to secure the reasoning and planning components of autonomy without denying a premise in this paper's argument (and explaining where the argument in favor of the premise goes wrong).

5. Conclusion

Many people care about individual freedom. Some of those most concerned about this freedom (e.g. libertarians) believe that coercive institutional systems need not enable subjects to secure any autonomy at all because this requires some to sacrifice their freedom for others. Others, deeply concerned about communities (e.g. communitarians and statist) also reject the idea that all coercive institutional systems have such significant obligations to their subjects.^{xci} They believe that few of our obligations extend beyond borders. If this paper's argument goes through, liberals of all sorts must agree that all coercive institutional systems (not just states) have to enable their subjects to secure the reasoning and planning components of autonomy. To some, this paper's argument may seem anemic because it does not appeal to the details of every competing position. But that is what gives the argument its strength. This paper's argument only relies upon a very minimal commitment to individual freedom -- those who believe that legitimate institutional systems need not protect even the minimal freedom involved in this argument are totalitarians. It 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. And there are many things coercive institutional systems can and must do to help these people.

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i Acknowledgements with-held to preserve anonymity.

ii Allen Buchanan. 2004. *Justice, Legitimacy, and Self-determination: Moral Foundations for International Law*. Oxford University Press: Oxford.

Thomas Pogge. 2005. "Severe Poverty as a Human Rights Violation." *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?*

Thomas Pogge ed. Oxford University Press: Oxford. For arguments from other perspectives on this see: Martha Nussbaum. 2000. *Women and Human*

Development: The Capabilities Approach. Cambridge University Press: Cambridge. Gillian Brock. 1998. *Necessary Goods: Our Responsibilities to Meet*

Others' Needs. Roman and Littlefield Publishers Inc.: New York.

iii 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. Of course, some do accept this paper's

conclusion. See, for instance: Gillian Brock. 1998. *Necessary Goods: Our Responsibilities to Meet Others' Needs*. Roman and Littlefield Publishers Inc.:

New York. For other cosmopolitan arguments regarding obligations to the poor see: Allen Buchanan. 1990. "Justice as Reciprocity vs. Subject-Centered

Justice." *Philosophy and Public Affairs*. Princeton University Press: New Jersey. Simon Caney. 2002. "Survey Article: Cosmopolitanism and the Law of

Peoples." *The Journal of Political Philosophy*. Volume 10, Number 1: 95-133. Thomas Pogge. 2005. "Severe Poverty as a Human Rights Violation."

Freedom from Poverty as a Human Right: Who Owes What to the Very Poor? Thomas Pogge ed. Oxford University Press: Oxford.

iv See, for instance, some of the essays in: Roderick Long and Tibor Machan, *Anarchism/Minarchism: Is a Government Part of a Free Country?*

(London: Ashgate Press, 2008). Though, this paper will not address anarchists.

v I say more about some of the basic concepts upon which this argument relies and consider how this argument can be extended to address the details of

some competing positions in other papers. See: Author. Reference a. Withheld. Author. Reference b. Withheld. Author. Reference c. Withheld.

vi Part of figuring out who is responsible for bringing about necessary institutional change is figuring out what kinds of changes are necessary. This paper

is concerned only with figuring out what needs to be done. So, although it will say a few words about responsibility below, it will not provide an account

of responsibility.

vii Such a system is similar to Rawls' basic structure except that my use of *institution* may be closer to Rawls' use of *association* than his use of

institution. As this paper uses the term, an *institutional system* does not require cooperation. It merely requires social interaction. For discussion of this

change and Rawls' use of *institution* see: Thomas Pogge. 1989. *Realizing Rawls*. Cornell University Press: New York.

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viii See: John Rawls. 1993. *Political Liberalism*. Columbia University Press: New York. For discussion of Rawls' use of *institution* see: Thomas Pogge.

1989. *Realizing Rawls*. Cornell University Press: New York. Also see Allen Buchanan. 2004. *Justice, Legitimacy, and Self-determination: Moral Foundations for International Law*. Oxford University Press: Oxford.

ix Because institutions create, enforce, and/or arbitrate between norms, rules, or procedures governing interaction between individuals or groups, they are not mere practices.

x When Chiquita calls on the US government to defend its interests in the WTO, it is acting as part of the global institutional system.

xi Thomas Pogge. 2002. *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*. Cambridge, Polity Press. Author. Reference a withheld.

xii The rules regulating immigration raise questions here. Does a Thai rule prohibiting immigration apply to the same people as a Thai traffic law? For now, suppose that immigration laws only apply to those who are not Thai when they reach or reside within that state's boundaries. Were non-citizens to enter the state's territory they would be ejected. Certainly immigration laws are not enforced upon non-citizens when they reside outside of the state.

xiii World Trade Organization. 2004. "The WTO in Brief." World Trade Organization: Geneva. Available at: <<http://www.wto.org>>.

xiv 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.

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

xvi The loss of a moral entitlement may count as a cost.

xvii Some statist 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 coercive sub- and supra- national institutions 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 Ibid.

xix Ibid.

xx 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.

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xxi 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.

xxii At least those who are most likely to resist this paper's conclusions (e.g. libertarians) should accept these examples as these people are deeply concerned about individual freedoms. Furthermore, if law enforcement, for instance, were primarily carried out by volunteer bounty hunters or external armies these people would not think that law enforcement was less coercive. State rules are often enforced indirectly through local police forces, bounty hunters or, 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. This is important for those that want to argue that the global institutional system is coercive.

xxiii John Simmons. 1999. "Justification and Legitimacy." *Ethics*. Vol. 109, No. 4: 770.

xxiv For further explanation of why state governments are coercive 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.

xxv 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>>.

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

xxvii This paper's argument might even be extended to show that all coercive institutions are obligated to enable their subjects to secure sufficient autonomy. Though, it focuses only on establishing the more limited conclusion that coercive institutional systems have this obligation. For at the heart of this paper's argument is just the idea that, if a coercer does not stop coercing, the coercer must enable the coerced to secure sufficient autonomy.

xxviii Acknowledgements withheld to preserve anonymity.

xxix 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 institutional systems can hold compatriots responsible for their co-national's agreement to abide by institutional rules.

Individuals do not sign the equivalent of matrimonial or incorporation contracts, however.

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

xxxi At least not if the state took reasonable efforts to prevent the coercion.

xxxi Thomas Nagel. 2005. "The Problem of Global Justice." *Philosophy and Public Affairs*. Vol. 33, No. 2. 113-147.

xxxi But even if all non-state institutional systems 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.

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xxxiv 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 an institutional system 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 systems must be reformed. See: Allan Buchanan. 2004. *Justice, Legitimacy, and Self-determination: Moral Foundations for International Law*. Oxford University Press: Oxford.

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

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

xxxvi See: Thomas Christiano. 2004. "Political Authority." *Stanford Encyclopedia of Philosophy*. Available:

<<http://plato.stanford.edu/entries/authority/>>.

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

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

xxxix Ibid. Section 4.

xl Ibid. Section 6.

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

xlii Of course, Nagel is only concerned about the connection between equality and legitimacy and this paper is concerned about the connection between autonomy and legitimacy. But, because he does not say much about the connection between legitimacy and equality, modified versions of his arguments might apply here as well. In any case, they are worth considering.

xliii Nagel. 2005. "The Problem of Global Justice." *Philosophy and Public Affairs*. Vol. 33, No. 2. 432.

xliv At least those who are deeply concerned about individual freedom should agree that coercive institutional systems must be justified in exercising coercive force over their subjects (even if state consent is sufficient to justify this coercion).

xlvi See: Andrew Hurrell. 2001. "Global Inequality and International Institutions." *Global Justice*. Thomas Pogge ed. Meta-philosophy Series in Philosophy A.T. Maroobian and Brian Huschle eds. Blackwell Publishing: Oxford.

xlvi 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.

xlvi Ibid.

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xlvi Citations with-held to preserve anonymity.

xlx It is plausible, however, that primary responsibility for making any necessary changes to an institutional system will fall on those who implement, uphold, or are in a position to change the system. Sometimes a system's leaders may be the only ones who inaugurate, uphold, or are in a position to change a system. Suppose, for instance, that a state perpetuates human rights abuses that undermine autonomy. Furthermore, suppose that the dictator of the state came to power in a coup many years ago and has since upheld the state through force. Finally, suppose that the dictator was and is the only one in a position to make whatever changes to the state are necessary to prevent the abuse. The dictator is responsible for stopping the human rights abuses. Often, however, those subject to an institutional system also uphold and are in a position to change it. In some democracies, for instance, the subjects of the state may share primary responsibility for their state's actions.

l 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.

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

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

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

liv 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.

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

lvi Ibid.

lvii See, for instance: Joseph Raz. 1998. *The Morality of Freedom*. Clarendon Press: Oxford.

lviii David Hume. 1969. *A Treatise of Human Nature*. Penguin Books: New York. p. 463.

lix For discussion see: Will Kymlicka. 1995. *Multicultural Citizenship*. Oxford University Press: Oxford.

lx The conditions for autonomy I have set out do not prevent one from acting from poor reasons (e.g., wishful thinking). If one thinks this is not compatible with autonomy, additional criteria for autonomy will be necessary to rule out this possibility.

lxi Presumably, they must relinquish their ability to maintain their autonomy and to obtain it again once they lose it.

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lxii The kinds of programs that will, normally, enable people to secure the reasoning and planning components of autonomy are almost exclusively welfare programs (e.g. health and education programs). While radically simplifying institutional rules may help the severely disabled better navigate their surroundings, for instance, it will not enable them to reason and plan.

lxiii 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.

lxiv If an institutional system simply lacks the resources to enable everyone who could secure some necessary components of autonomy to do so, then further restrictions will be necessary. I discuss these issues elsewhere. See: Author. Reference d. Withheld.

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

lxvi 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.

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

lxviii Ibid pp. 132.

lxix Ibid pp. 146.

lxx 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.

lxxi 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.

lxxii Ibid.

lxxiii Alisdair 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.

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

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

lxxvi Ibid.

lxxvii Ibid.

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

lxxix Ibid: 142

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

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

lxxxii 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.

lxxxiii 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.

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

lxxxv 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 kind of autonomy at issue. John Rawls. 1980. "Kantian Constructivism in Moral Theory." *Journal of Philosophy*. Vol. 88: 532.

lxxxvi Those who accept this freedom-based condition for legitimacy might hold that some coercive acts of institutional systems are acceptable even if some of those subject to the system are not capable of securing any autonomy under it. 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.

lxxxvii Loren Lomasky. 2007. "Liberalism Beyond Borders." *Social Philosophy and Policy*. Vol. 24: 206-233.

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

lxxxix As intimated above, it might help to specify that legitimacy comes in degrees. Institutional systems 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 a system can be perfectly legitimate is if it enables its subjects to secure the reasoning and planning components of autonomy. If there is more than one condition for legitimacy, however, then a coercive system will not be perfectly legitimate unless it fulfills all of the conditions for legitimacy but it can be pretty legitimate if it comes close to fulfilling most of the conditions. A different way of looking at legitimacy is as legitimacy-with-respect-to-individual-

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subjects. If a system only secures the autonomous consent of some of the people it coerces it may be fully-legitimate-with-respect-to-(those)-individual-subjects but not fully-legitimate-with-respect-to-(its other)-individual-subjects.

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

xcii 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.