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COERCION, LEGITIMACY, AND INDIVIDUAL FREEDOM

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ABSTRACT:

In "World Poverty and Individual Freedom" (WPIF) I argue that the global order – because it is coercive – is obligated to do what it can to ensure that its subjects are capable of autonomously agreeing to its rule. This requires helping them meet their basic needs. In "World Poverty and Not Respecting Individual Freedom Enough" Jorn Sonderholm asserts that this argument is invalid and unsound, in part, because it is too demanding. This article explains why Sonderholm's critique is mistaken and misses the main point of WPIF's argument. It also explains why WPIF is important — it can address some of those most resistant to significant obligations of global justice – libertarians, actual consent theorists, and statists.

COERCION, LEGITIMACY, AND INDIVIDUAL FREEDOM

I. INTRODUCTION

In "World Poverty and Individual Freedom" (henceforth WPIF) I present an argument that goes roughly as follows:

- (1) There is a coercive global institutional system.
- (2) Because this system deeply impacts the lives of individuals and communities in morally significant ways, we are obligated to ensure that it is legitimate.
- (3) For any coercive institutional system to be even minimally legitimate, as many of those subject to the system as possible must be able to autonomously agree to live under it.
- (4) For most people to be able to autonomously agree to live under an institutional system, they must be able to preserve the integrity of their body and mind.
- (5) Since it is not possible to tell which individuals will be capable of autonomously agreeing to live under an institutional system without being able to preserve this integrity, legitimate institutional systems must enable all of their subjects to do so.
- (6) The ability to preserve the integrity of one's body and mind requires that one is able to meet one's basic needs.
- (C) So we are, prima facie, obligated to ensure that the global institutional system enables all people to meet their basic needs.

In "World Poverty and Not Respecting Individual Freedom Enough" Jorn Sonderholm claims that this argument is both invalid and unsound. This article will suggest that Sonderholm is mistaken because his critique misses the main point of WPIF's argument. In doing so, this paper will primarily address Sonderholm's concerns about the truth of the premises of WPIF's argument. It will not focus on Sonderholm's worries about validity as he acknowledges that the summary above of WPIF's key claims is just intended to provide a rough sketch of its argument and can be filled in."

II. CRITIQUE: WPIF NEGLECTS THE IMPORTANCE OF RESPONSIBILITY

Sonderholm's main critique is that the fifth premise of WPIF's argument is false. Recall this premise: Since it is not possible to tell which individuals will be capable of autonomously agreeing to live under an institutional system without being able to preserve the integrity of their bodies and minds, legitimate institutional systems must enable all of their subjects to do so. Sonderholm provides three primary reasons to think this premise is false. First, he says that on the requisite account of basic needs it is "not only the poor in the developing world who do not have their basic needs met." He believes that it is not plausible that we have to help relatively affluent people secure things like very expensive medical care even if they cannot secure what they need on their own (and it is possible to help them). Second, he makes the related point that helping people secure all the medical care they need "is bound to be extremely expensive for those who will have to bear the financial costs." Finally, he says people may be responsible for their poverty and, so, legitimate (coercive) institutions may have no obligation to enable them to meet their basic needs.

Sonderholm allows that sometimes moral duties can be very demanding (e.g. he says we cannot hold slaves, even if we will suffer significantly in refusing to do so). Nevertheless, Sonderholm claims, it is only when one violates a negative right that one has an obligation to bear such costs. The global order, he says, is not responsible for the fact that many people are sick, so it has no responsibility to them.

Sonderholm says that I cannot simply endorse the implications of WPIF's argument as he lays them out since I am committed to respecting individual freedom. Wii However, he recognizes that some cosmopolitan liberals will do so. Sonderholm just believes that providing (at least expensive) aid requires some to sacrifice their (economic) freedom for others. He says this is inconsistent with my claim that "no one should be required to sacrifice her freedom for others."

III. RESPONSE: COERCION VS. HARM OR CAUSATION

It is precisely because the global order is violating people's negative rights – their freedom – that the argument in WPIF works. Sonderholm fails to recognize the main reason for WPIF's conclusion -- that the global order is *coercing* people. WPIF does not rely on the claim that the global order is harming anyone or causing their poverty. Hence, much of Sonderholm's criticism of the idea that the global order is "playing a causally important role in bringing it about that so many people among the global poor suffer from ill-health" simply misses the mark.*

WPIF's argument is novel and important, in part, because it does not contend that the global order is harming anyone or causing their poverty. It does not just reiterate standard cosmopolitan arguments for significant obligations to the global poor. A Of course, causal/harm-based arguments may provide independent reasons for aiding the poor. There may also be other good arguments for protecting and promoting individuals' basic interests and autonomy. Still, WPIF's argument is important because it can address even some of those who do not accept such arguments.

The claim that the global order is doing something to people that requires legitimation – coercing them – is also the reason that the argument respects individual freedom. It is not just because people need help that the global order (and those of us supporting and upholding it) must aid the poor (and others who require assistance to autonomously agree to live under it). It is because this order is responsible for doing something to people that can only be justified if, at a minimum, those subject to its rules have the capacities they need to autonomously agree to live under it. This often requires providing the necessary aid (even to relatively affluent) people who will not otherwise meet their most basic needs. Aid is required even if it is expensive and those receiving aid are lazy or stupid and even if the global order did not cause their problems. The reason is this: Coercing even the stupid or lazy requires justification. People should at least be able to dissent from, or consent to, coercive rule.

Perhaps holding that we are sometimes obligated to provide, even expensive, aid to some relatively affluent people who are responsible for their plights, amounts to "biting" Sonderholm's "bullets." If so, however, this is something all welfare liberals will enthusiastically endorse (at least within states). The next section suggests, however, that this argument can still address some of those most concerned about individual freedom – libertarians and actual consent theorists – it does not require denying the importance of economic freedom. It also explains how WPIF's argument poses a challenge to statists who deny its conclusion because they do not think there are significant obligations of properly global legitimacy or justice.

IV. WPIF'S IMPORT: ADDRESSING LIBERTARIANS, ACTUAL CONSENT THEORISTS, AND STATISTS

WPIF's argument is important, in part, because it can address (right) libertarians (henceforth, simply *libertarians*) and actual consent theorists.^{xvi} There is a nice argument in the debate between libertarians and

anarchists that suggests libertarians should be actual consent theorists.**vii If coercive rule requires justification by free consent, it should follow fairly quickly that people should be able to autonomously agree to live under the global order.**viii So, if no one else is ensuring that those subject to this order can secure the things they need to consent, the global order must provide the requisite assistance. At least this is so if libertarians 1. maintain their commitment to a state with the traditional kind of territorial integrity (they do not think states must cede territory to the non-autonomous as anarchists do) and 2. hold that even those who are only potentially autonomous retain their basic libertarian rights.**xix Libertarians may maintain that it is acceptable to threaten (or otherwise coerce) merely potentially autonomous people to protect their autonomy or interests.**x Still, as long as they do not violate others' rights, these people retain their rights (e.g. to protect their property insofar as possible).

WPIF also poses a challenge to the coherence of some common libertarian commitments and this explains why I can maintain that "no one should be required to sacrifice her freedom for others." xxi Like most liberals, libertarians believe economic freedom is incredibly important. Poor people (especially women) are often poor because they are denied property rights. Moreover, property and other economic rights are important for many things besides escaping poverty. Part of the problem for libertarians, however, is this: Libertarians often hold that property rights are absolute and inviolable so taxation to do things like protect basic needs is unjustifiable. If ensuring that everyone can meet their basic needs requires violating (libertarian) economic rights, their position may be incoherent. XXII Let me put the point another way. Suppose Sonderholm and I are both right that "no one should be required to sacrifice her freedom for others." If the version of WPIF's argument sketched above is correct, we are obligated to protect individuals' freedom to dissent from, or consent to, coercive rule if we insist on coercing them. xxiv But if this requires taxation to protect basic needs, not all libertarian obligations (to respect and protect freedom) are clearly compatible.xxv Some may have to sacrifice (or to be made to sacrifice) some of their important libertarian freedoms for others. So libertarians have a problem. It may be better to maintain a much less robust account of property rights (and corresponding freedoms) that allows for the necessary taxation. At least libertarians may have to endorse some tradeoffs between protecting (libertarian) economic freedom and ensuring that people are free to dissent from, or consent to, coercive rule. In either case, I might summarize WPIF's point for libertarians this way: Libertarians agree that "no one should be required to sacrifice her freedom for others." WPIF's argument shows that it is precisely to protect individual freedom that there are significant obligations to the global poor. If this causes problems for libertarians, that is just too bad for them.

WPIF's argument is also important, however, because it can address statists who are deeply concerned about coercion within a state but who do not believe there are any significant obligations of properly global legitimacy or justice. These people may hold that we are obligated to help everyone secure autonomy but they do not believe this is required by legitimacy or justice. **xxviii** This is not so if WPIF is correct, however. Just like states, the global order must be justified in coercing people. If this justification is of a traditional contractualist (or perhaps liberal**xxviii*) sort then, it should follow that as many of those subject to the global institutional system as possible must be able to autonomously agree to live under it. It is on this claim that WPIF's argument really hangs (this claim is embodied in the conjunction of premise 5 and premise 3). At least it should be the most contentious philosophical thesis in the article. Others have, subsequently, pushed this point as well but I also defend it at much greater length in several longer papers (cited in WPIF) and my book *Globalization and Global Justice*.**

V. CONCLUSION

In WPIF I argue that the global order – because it is coercive – is obligated to do what it can to ensure that its subjects are capable of autonomously agreeing to, or dissent from, its rule.**

This requires helping them meet their basic needs. Sonderholm believes that this argument is invalid and unsound, in part, because it is too demanding.**

Nevertheless, it can easily be made valid and when it is, there is some reason to believe it is sound. Since negative rights violations can yield demanding obligations, this is not surprising. The argument's main point did, however, require some emphasis and clarification. WPIF is important because it can address some of those most resistant to significant obligations of global justice - libertarians, actual consent theorists, and statists. It may even pose a challenge to the coherence of libertarian or actual consent theories. If enabling people to secure the freedom they need to consent to coercion requires taxation, some may have to sacrifice their (libertarian economic) freedom. On non-libertarian theories, however, there is little reason to believe that anyone will have to "sacrifice her freedom for others."

Sonderholm says this argument is invalid for two reasons. First, the linking premises that would make the argument valid are not included in the summary that appears at the start of the paper. Second, the "prima facie" qualification that appears in the conclusion is not included in any of the premises. Once the linking premises are added, however, it is possible to derive the qualified version of the argument straightforwardly from the unqualified version. The prima facie exception in the conclusion was only meant in the traditional way. If it is impossible for the global order to help someone meet their basic needs, or another strong moral requirement is in conflict with the one defended in WPIF, we may not be obligated to ensure that the global institutional system enables all people to meet their basic needs. Further ethical reflection is required to arrive at an all things considered conclusion about what to do. I do not believe either of these qualifications goes to the heart of Sonderholm's main critique however. For discussion, see: Nicole Hassoun, Globalization and Global Justice: Shrinking Distance, Expanding Obligations (Cambridge: Cambridge University Press, 2012a). Also see: Nicole Hassoun, "Freedom and Autonomy," in New Waves in Global Justice, ed. Thom Brooks (Hampshire and New York: Palgrave MacMillion, forthcoming). Finally, see: Nicole Hassoun, "Coercion, Legitimacy, and Global Justice." Carnegie Mellon Working Paper. 2012b. Available at: http://www.hss.cmu.edu/philosophy/hassoun/faculty-hassoun.php (the later were originally cited in WPIF as Hassoun, 2008a and b). While one might try to use the prima facie qualification to avoid Sonderholm's criticisms, I do not take that line in what follows. So, I believe we can safely set aside his concern that the "prima facie" qualification that appears in WPIF's conclusion is not included in any of the premises. I discuss Sonderholm's concern about the argument's missing premises in subsequent notes.

Sonderholm calls 5*. That is, filling in the elliptical phrase at the end of this premise we get: Since it is not possible to tell which individuals will be *capable* of autonomously agreeing to live under an institutional system without being able to preserve this integrity, legitimate institutional systems must enable all of their subjects to preserve this *capability*. That is, the premise suggests that the global order has to ensure people have a *capability*. This may do little to alleviate Sonderholm's concern about responsibility since people may be responsible for the fact that they lack a capability. Noting the correct interpretation of this premise may, however, help resolve Sonderholm's question about whether the things I say about autonomy are consistent. Jorn Sonderholm, "World Poverty and Not Respecting Individual Freedom Enough." *Journal of Philosophical Research* 36 (2011): 215, nt. 4. Those who find it compelling, however, can also accept the stronger conclusion that the global order must ensure that people actually secure integrity of body and mind. I defend a version of the stronger conclusion in: Hassoun, 2012a and Hassoun, 2012b. Second, a note on autonomy that addresses a minor worry Sonderholm expressed elsewhere: The reason it may be strictly impossible to make someone autonomous is that we cannot always make people reason or plan, though we can often provide the food, water, and education etc. that they need to do so. On the necessary linking premises see the next note. Finally, some discussion of "enabling" and "ensuring" is important for understanding my argument. Interested readers can also refer to my other work for further explication.

- iii Consider a different way of expressing the main point of the argument that should make it clear that the argument is valid:
- a) The global institutional system is coercive and impacts the lives of individuals and communities in morally significant ways.
- b) Since the global institutional system is coercive and impacts the lives of individuals and communities in morally significant ways, the global institutional system must be legitimate.
- c) The global institutional system must be legitimate. (from a and b)
- d) For the global institutional system to be legitimate, as many of those subject to the system as possible must be able to autonomously agree to live under it.
- e) For as many of those subject to the global institutional system as possible to be able to autonomously agree to live under an institutional system, they must be able to preserve the integrity of their body and mind. f) For the global institutional system to be legitimate, as many of those subject to the system as possible must be able to preserve the integrity of their body and mind. (from d and e)
- g) If, for the global institutional system to be legitimate, as many of those subject to the system as possible must be able to preserve the integrity of their body and mind then if it is not possible to tell which individuals will be capable of autonomously agreeing to live under an institutional system without being able to preserve the integrity of their body and mind then, for the global institutional system to be legitimate, it must enable as many of its subjects as possible to preserve the integrity of their body and mind.

- h) It is not possible to tell which individuals will be capable of autonomously agreeing to live under an institutional system without being able to preserve the integrity of their body and mind.
- i) For the global institutional system to be legitimate, it must enable as many of its subjects as possible to preserve the integrity of their body and mind. (from f, g, and h)
- j) For anyone to preserve the integrity of their body and mind, they must be able to meet their basic needs.
- k) For the global institutional system to be legitimate it must enable as many of its subjects as possible meet their basic needs. (from i and j)
- l) If the coercive global institutional system must be legitimate and this requires that it enable as many of its subjects as possible to meet their basic needs, the global institutional system must enable these people to do so.
- .. So, the global institutional system must enable these people meet their basic needs. (from c and l)
- *It also follows quickly that the global institutional system must (prima facie) enable as many people as possible to meet their basic needs. This alternate conclusion is just a weakening of the stronger version.
- *Finally, note that I omit here any mention of who bears responsibility for the requisite institutional change, although the conclusion of WPIF was originally put this way: "we are, prima facie, obligated to ensure that the global institutional system enables people to meet their basic needs." I omit this addition here only because it is not pertinent to addressing Sonderholm's critique and the paper's main point is not to set out or defend an account of responsibility for institutional change. Though, as noted in WPIF, who is responsible for bringing about the requisite institutional changes will depend, in part, on what changes are required and it is plausible that the relatively affluent members of the world's population who inaugurate, uphold, or are in a position to change the global institutional system bear some responsibility for doing so.

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He frames his argument as a modus ponens - modus tollens move denying WPIF's conclusion (the consequent of premise 5 in combination with premise 6). Jorn Sonderholm, "World Poverty and Not Respecting Individual Freedom Enough." *Journal of Philosophical Research* 36 (2011): 215, nt. 5. This, I believe, is not the most charitable construal of Sonderholm's main point. He provides reasons for denying WPIF's conclusion – he says it is too demanding in various ways. The problem is that his argument does not address the reasons given in WPIF for accepting the claims he denies and Sonderholm provides little defense of the claim that an argument should not be so demanding.

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Jorn Sonderholm, "World Poverty and Not Respecting Individual Freedom Enough." *Journal of Philosophical Research* 36 (2011): 211. Sonderholm also worries that I do not provide a full account of the basic needs at issue for this argument. The requisite account must just specify that people need whatever will enable them to autonomously consent to the global institutional system's rule. I have, however, defended much more robust accounts of basic needs elsewhere. See, for instance: Nicole Hassoun, "Basic Needs," *Justice in a Complex World. Global Economy and International Aid*, Paulo Barcelos and Gabriele De Angelis eds., (Berlin: de Gruyter Press, forthcoming).

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Jorn Sonderholm, "World Poverty and Not Respecting Individual Freedom Enough." *Journal of Philosophical Research* 36 (2011): 212.

vi

Jorn Sonderholm, "World Poverty and Not Respecting Individual Freedom Enough." Journal of Philosophical Research 36 (2011): 213. Sonderholm might reply that: "In order to underpin the suggestion that the current global institutional system is illegitimate, it must be established that a substantial amount of people with unmet basic needs are in this position, not because of intentional acts of their own or because of features of the domestic/regional political institutions and/or religious/cultural traditions to which they are subject or because of negative effects of trade policies unilaterally enacted by individual nation states, but because the global institutional system does not offer them the possibility to meet their basic needs" Jorn Sonderholm, "World Poverty and Not Respecting Individual Freedom Enough." Journal of Philosophical Research 36 (2011): 214-215. The power of this passage seems to me to come from the fact that "because" has a causal

connotation but there is no causal link at issue in WPIF's argument. What has to be the case is that there are at least some people the global institutional system subjects to coercive rule who cannot meet their needs. Moreover, it is not clear why Sonderholm believes the fact that people are responsible for their plights entails that there is no obligation to aid them.

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Nicole Hassoun, "World Poverty and Individual Freedom," American Philosophical Quarterly 45, 2 (2008): 191-198.

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Though, it does suggest that a negative-rights violation entails a positive duty.

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See, for instance, Jorn Sonderholm, "World Poverty and Not Respecting Individual Freedom Enough." *Journal of Philosophical Research* 36 (2011): 213 and 215. Sonderholm does suggest that showing that the global order is causing poverty would help to show that this order "makes it impossible for a substantial amount of people to meet their basic needs." Jorn Sonderholm, "World Poverty and Not Respecting Individual Freedom Enough." *Journal of Philosophical Research* 36 (2011): 215. However, all that is required for WPIF's argument is that there are at least some people subject to the global order who cannot meet their needs. See discussion in preceding notes on this point.

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See, for instance: Thomas Pogge, World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms (Cambridge: Polity Press, 2002).

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For a nice argument for positive rights, see: James Nickel, *Making Sense of Human Rights* (Oxford: Oxford University Press, 2006).

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For examples of some WPIF might address who would deny the conclusion of its argument, see: Jan Narveson, *The Libertarian Idea* (Philadelphia: Temple University Press, 1998).

Also see: Tibor Machan. 2001. "The Perils of Positive Rights," The Freeman: Ideas on Liberty, 51.

xiv

Recall, moreover, that the global order must make it possible for these people to secure what they need to do so. Nicole Hassoun, *Globalization and Global Justice: Shrinking Distance, Expanding Obligations* (Cambridge: Cambridge University Press, 2012a). Also see: Nicole Hassoun, "Freedom and Autonomy," in *New Waves in Global Justice*, ed. Thom Brooks (Hampshire and New York: Palgrave MacMillion, forthcoming). Finally, see: Nicole Hassoun, "Coercion, Legitimacy, and Global Justice." Carnegie Mellon Working Paper. 2012b. Available at: http://www.hss.cmu.edu/philosophy/hassoun/faculty-hassoun.php. The later were originally cited in WPIF as Hassoun, 2008a and b.

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Jorn Sonderholm, "World Poverty and Not Respecting Individual Freedom Enough." Journal of Philosophical Research 36

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Nicole Hassoun, *Globalization and Global Justice: Shrinking Distance, Expanding Obligations* (Cambridge: Cambridge University Press, 2012a). Nicole Hassoun, "Libertarian Welfare Rights? The Coherence of Some Common Libertarian Commitments." Carnegie Mellon Working Paper. 2012c. Available at: http://www.hss.cmu.edu/philosophy/hassoun/faculty-hassoun.php

xvii

See, for instance: John Simmons, "Consent Theory for Libertarians," Social Philosophy and Policy 22, 1 (2005): 331.

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At least this is so as long as this coercion will otherwise violate their basic libertarian rights and the conditions for autonomy are required for free consent. This is plausible as the conditions for autonomy at issue in WPIF (and my subsequent work on this argument) are fairly minimal – they do not embody, e.g., a Kantian conception of reasoning. See: Nicole Hassoun, Globalization and Global Justice: Shrinking Distance, Expanding Obligations. (Cambridge: Cambridge University Press, 2012a). Also see: Nicole Hassoun, "Freedom and Autonomy," in New Waves in Global Justice, ed. Thom Brooks (Hampshire and New York: Palgrave MacMillion, forthcoming). Finally, see: Nicole Hassoun, "Coercion, Legitimacy, and Global Justice." Carnegie Mellon Working Paper. 2012b. Available http://www.hss.cmu.edu/philosophy/hassoun/faculty-hassoun.php (the later were originally cited in WPIF as Hassoun, 2008a and b).

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Some exceptions to protect individuals' autonomy or interests may be in order here.

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There are independent reasons to think that libertarians will reject the claim that we can coerce even potentially autonomous people just to protect their interests, but this claim is not ruled out by WPIF's argument.

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Nicole Hassoun, "World Poverty and Individual Freedom," American Philosophical Quarterly 45, 2 (2008): 191-198.

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Nicole Hassoun, *Globalization and Global Justice: Shrinking Distance, Expanding Obligations* (Cambridge: Cambridge University Press, 2012a). Nicole Hassoun, "Libertarian Welfare Rights? The Coherence of Some Common Libertarian Commitments." Carnegie Mellon Working Paper. 2012c. Available at: http://www.hss.cmu.edu/philosophy/hassoun/faculty-hassoun.php

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Nicole Hassoun, "World Poverty and Individual Freedom," American Philosophical Quarterly 45, 2 (2008): 191-198.

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Nicole Hassoun, *Globalization and Global Justice: Shrinking Distance, Expanding Obligations*. (Cambridge: Cambridge University Press, 2012a). Nicole Hassoun, "Libertarian Welfare Rights? The Coherence of Some Common Libertarian Commitments." Carnegie Mellon Working Paper. 2012c. Available at: http://www.hss.cmu.edu/philosophy/hassoun/faculty-hassoun.php

xxv

Ibid.

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Nicole Hassoun, "World Poverty and Individual Freedom," American Philosophical Quarterly 45, 2 (2008): 191-198.

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See, for instance: Richard Miller, "Cosmopolitan Respect and Patriotic Concern," *Philosophy and Public Affairs* 27 (1998): 202-24. Also see: Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs* 30 (2001): 257-96.

xxvii

My book extends the argument in WPIF to address other liberals as well: Nicole Hassoun, *Globalization and Global Justice: Shrinking Distance, Expanding Obligations* (Cambridge: Cambridge University Press, 2012a).

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Nicole Hassoun, *Globalization and Global Justice: Shrinking Distance, Expanding Obligations* (Cambridge: Cambridge University Press, 2012a). Also see: Nicole Hassoun, "Freedom and Autonomy," in *New Waves in Global Justice*, ed. Thom Brooks (Hampshire and New York: Palgrave MacMillion, forthcoming). Finally, see: Nicole Hassoun, "Coercion, Legitimacy, and Global Justice." Carnegie Mellon Working Paper. 2012b. Available at: http://www.hss.cmu.edu/philosophy/hassoun/faculty-hassoun.php. The later papers were originally cited as working papers in WPIF as Hassoun, 2008a and b.

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I extend my defense of the argument in WPIF in several longer papers and my book *Globalization and Global Justice*. Hassoun, 2012a; Hassoun, forthcoming; Hassoun, 2012b (the later were originally cited in WPIF as Hassoun, 2008a and b).

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See preceding notes for discussion of validity.

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Nicole Hassoun, "World Poverty and Individual Freedom," American Philosophical Quarterly 45, 2 (2008): 191-198.

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