

*Legitimacy and Alienation*

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**The basic argument**

1. The benevolent annexation puzzle
2. Legitimacy as a distinctive normative value
3. My proposal: an alienation theory of legitimacy
4. Voluntarism, collective self-determination, and demandingness
5. Alienation and an institutional ideal
  - 5.1. From collective self-determination to nonalienation to pluralistic federalism
  - 5.2. Recovering voluntarism and collective self-determination
6. Alienation as the basic ground of legitimacy
  - 6.1. Positive, dialectical, and institutional arguments

**Alienation**

1. Alienation: the sense of being ruled by an external, hostile force
2. Varieties of alienation
  - a. Roots in Marx and Hegel
  - b. Political and personal alienation
  - c. The relation between self and state
3. Being ruled by your in-group: the social self
4. Identity salience and Independence Day
5. The challenge of stable identification

**Voluntarism**

1. Annexation and voluntarism
  - 1.1. Simmons foregrounds annexation cases in his critique of functionalism
  - 1.2. A foothold for “historical” legitimacy
2. But Simmons is an anarchist — the annexed state isn’t legitimate, either
  - 2.1. So what’s the loss? (2016: 76)
  - 2.2. Approximating the Lockean ideal — voluntarism by degrees? (2016: 128)
3. The alienation diagnosis

- 3.1. Alienation naturally plays the necessary role
- 3.2. The (partly) shared spirit of voluntarism and alienation: cf Jaeggi (2014)

“the unilateral, coercive seizure by the United States of the acknowledged territory and subjects of another sovereign state surely constitutes a clear wrong against Mexico and a clear wrong against those forcibly subjected citizens. And, importantly, it constitutes a clear wrong according to the very same conventional or legal standards that purport to make it acceptable for the United States to subject its other, native-born citizens to its coercive authority. Whatever we may think of those standards, forcible subjection still looks like a palpable moral wrong even independent of the standards, a wrong that simply can’t result in the wronged parties having exactly the same obligations toward the state which has wronged them as do the native-born citizens to whom (we can allow here) no such wrong has been done.” (Simmons, 2016, p. 76)

“And even if all actual states fail to live up to Lockean standards of legitimacy, they do not all fail in equal measure... ” (Simmons, 2016, p. 128)

## **Collective self-determination**

- 1. Annexation and the “maker” dimension
- 2. In what sense are states collectively self-determining? The scaling up strategy
- 3. Four disanalogies: hierarchy, impersonality, coercion, nonvoluntariness
  - 3.1. And at least two more: Participation and influence
- 4. Stilz’s analogical argument: the big coffee shop
  - 4.1. Hierarchy and coercion —> hiring a manager
  - 4.2. Impersonality —> universities and megachurches
  - 4.3. Nonvoluntariness —> the family
- 5. The right conclusion: states are not collectively self-determining

## **From self-determination to (non)alienation**

- 1. Stilz sometimes identifies collective self-determination and nonalienation (112)
  - 1.1. “Second-order” endorsement — quasi-consent or mere approval?
  - 1.2. Authorship; the state as a “tool”
- 2. Four concepts: alienation, consent, endorsement, and self-determination
  - 2.1. Self-determination and consent fail.
  - 2.2. Endorsement and particularity

3. Identification: endorsement (perceived benevolence) + group affiliation
4. Diagnosing national self-determination in terms of alienation

“The requirement to respect self-determination is not absolute: it is sometimes permissible to subject people to alien coercion if this is the only way to achieve social goals of truly overriding importance.”  
(Stilz 2019: 112)

### **Promoting collective identity**

1. A “pluralistic and decentralized order of self-governing territorial units”
  - 1.1. Minimizing alienation within feasibility (Stilz 2019: 118)
  - 1.2. The rights of “persistently alienated,” sufficiently organized minorities
  - 1.3. The limits of this proposal
2. Minimizing alienation: place-based liberalism
  - 2.1. Community sovereignty and exit rights
  - 2.2. Systematic pluralism: foot-voting and self-sorting
  - 2.3. The promise of decentralization: a bottom-up approach to collective identity
  - 2.4. Local and national collective identities

“The view I have developed suggests we should adopt the feasible, minimally just institutional configuration that will ensure the greatest “fit” between people’s convictions regarding how and by whom they should be governed, on the one hand, and the institutions that rule them, on the other.”  
(Stilz 2019: 118)

### **The properties of community identity**

1. Place-based liberalism and voluntarism
  - 1.1. The content of exit rights
  - 1.2. Community diversity
  - 1.3. A voluntaristic institution
2. Place-based liberalism and collective self-determination
  - 2.1. The four (or six) disanalogies
  - 2.2. Threshold or spectrum?

### **Practical evaluations**

1. When does intervention promote legitimacy?
  - 1.1. When intervention would reduce alienation

- 1.2. The benefit of pluralism-promoting intervention
- 2. When, after all, is intervention justifiable?
  - 2.1. Justification and legitimacy
  - 2.2. The complexity of institutional legitimacy
- 3. The internal reformist force of legitimacy
  - 3.1. The wide range desideratum
  - 3.2. Incrementalism

### **The alienation theory of legitimacy**

- 1. The case for alienation as the distinctive normative grounds of legitimacy
- 2. A credible explanation of the (usual) wrong of benevolent annexation
- 3. That satisfies the wide range desideratum
- 4. Theoretical fit with and institutional approach to
  - 4.1. Voluntarism
  - 4.2. Collective self-determination
- 5. Legitimacy as *membership*