

Thesis Summary

States make us do things. They determine, often forcibly, that their subjects will act in certain ways whether or not they want to. A state's claim to a general and exclusive moral permission to do this (let us call this 'legitimacy') raises a troubling moral question. It seems to involve a permission to do something that is not permissible for any ordinary agent (for you or for me). What, then, is special about states? It seems that states should only be taken to be legitimate in this sense if they *can* be shown to be special in some way, that is, if some *argument* can be found that shows that they are morally permitted to act as 'exclusive enforcer'. My research addresses this problem, and in particular the importance of *feasibility* considerations to arguments of this sort. In my PhD thesis, I argue that claims about the *infeasibility* of alternative ways of meeting certain moral requirements, or achieving something good, are *necessary* to successfully defend a state's legitimacy. There are some prominent arguments that the legitimacy of a certain kind of state can be established a priori (independent of any empirical facts about the world), and so necessarily without premises about feasibility. It is thus an important subsidiary conclusion of my thesis that these writers are mistaken. I also have a secondary research interest in the concept of feasibility generally, and this feeds into this primary project. I have developed an account of the concept which is of general interest for moral and political philosophy, but which helps to illuminate arguments for state legitimacy in particular. It has the result, in fact, of casting significant doubt on the existence of an argument that can ground the legitimacy of any existing states.

States' legitimacy in my sense seems often to be taken for granted by political philosophers. The question of legitimacy is distinct from several other questions concerning the moral evaluation of states, notably the question of what sorts of reasons or obligations subjects of a state have to obey. It is often doubted whether there are any general obligations to obey the laws or commands of a state. The view that there are none is reasonably widespread. However, it is often assumed that states' general and exclusive permission to *enforce* is on safer ground. Even if there are no general obligations to obey our existing states, it is thought, we need not worry about the *legitimacy* of at least some existing states. My thesis asks whether this assumption is warranted and ultimately argues that the possibility of legitimacy for realistic states should not be taken for granted in this way.

My research centres around the role played in arguments for state legitimacy by considerations to do with what is *feasible* or not. I argue that available arguments purporting to establish the legitimacy of existing states can only succeed with the support of premises about feasibility. They rely on claims like the claim that the only *feasible* way of doing something morally required (such as achieving security in society, or justice, or freedom) involves the exclusive enforcement of the state in question, or the claim that the state's acting as exclusive enforcer is the best *feasible* way things might be. Whether premises like these support the relevant conclusion will depend on what exactly it is for an outcome to be feasible or not. At this point, then, my account of the concept of feasibility becomes relevant. This account addresses the question in exactly what conditions it is true to say that something is or is not feasible. This is relevant and useful to political philosophy generally, where infeasibility is usually taken to be sufficient grounds to rule out a theory or proposal. But it is also illuminating in the particular domain of state legitimacy, given the conclusion that successful arguments for the legitimacy of existing states depend on premises about feasibility.

The account I give has the consequence that the success of these arguments should not be assumed. On my account, there are many different ways of making the concept of feasibility precise (call these 'sharpenings'), no single one of which is obviously privileged over the others. Since the feasibility premises required to establish legitimacy will not be true on all such sharpenings, some argument is

needed to show that the sharpenings on which these premises are true *are* ones that allow an argument for legitimacy to go through. We thus cannot assume that the available arguments for state legitimacy will be successful until we also have some argument that the necessary feasibility premises are true given the right way of making the concept of feasibility precise.

The first part of my thesis, then, argues that plausible arguments for the legitimacy of existing states depend on premises about feasibility. As I noted above, there are some prominent arguments that claim that the legitimacy of a certain kind of state can be established *a priori*, that is, independent of any empirical facts about the world. Since feasibility facts are empirical facts, this view is in direct conflict with my claim. In this first part, then, I defend what is an important and interesting conclusion in its own right: that these *a priori* arguments fail. In the second part, I offer my account of feasibility and draw out the implications of this for state legitimacy. In a final chapter, I consider what implications my conclusions have for guiding our action in the real world.

After a preliminary chapter, the argument of my thesis develops as follows:

Chapter 2

One plausible line of thought that might underlie the assumption that state legitimacy (for at least some actual states) is on safe ground is that it follows from something that is reasonably uncontroversially true of some actual states, that their existence is in some sense *a good thing*. I argue that this line of thought is only successful if certain feasibility premises are true, for example if the best *feasible* way things might be involves the exclusive enforcement of the state in question.

Chapters 3 and 4

In chapters 3 and 4 I address some arguments that claim to show that state legitimacy (for states that meet certain conditions) can be established *a priori*. One argument (given by Arthur Ripstein as an interpretation of Kant) claims that exclusive state enforcement is necessary for *assurance* that others will respect rights, which in turn is necessary for a 'rightful condition'. The other (versions of which are given by Japa Pallikkathayil and Philip Pettit) claims that it is necessary instead for people's not being *dependent on* or *dominated by* the will of others. I argue that neither argument can show what it claims to show without the aid of certain premises about feasibility, claiming that the only feasible way of achieving a condition of right, or freedom as independence, involves the exclusive enforcement of the state. Thus, the first part of the thesis concludes that plausible lines of argument for the legitimacy of some existing states depend on feasibility premises.

Chapter 5

In this chapter I offer a general account of the concept of feasibility. There is a whole range of possible ways of making the term precise ('sharpenings'), each of which selects a range of facts of the world to hold fixed (and feasibility is defined for each sharpening in terms of possibility given this range of facts). No single one of these possible sharpenings, though, is obviously privileged as giving the appropriate understanding of 'feasibility' *tout court*.

Chapter 6

It is often thought that one can only be morally required to do something if it is *feasible* to do it, but since there are multiple possible ways of making 'feasibility' precise, it is unclear according to *which* of these the action must be feasible. For similar reasons, I argue, it is unclear according to which sharpenings of 'feasibility' the feasibility premises in arguments for state legitimacy must be true in order for the arguments to work. Given this unclarity, we should not simply *assume* that there is an argument for the legitimacy of existing states that will succeed. Given certain (more 'unrealistic') sharpenings of 'feasibility', the necessary premises are *not* true. I argue finally that this latter fact is one that it can be *useful* to learn (for the purpose of guiding our action in the real world). In

particular, we learn something about how we ought to think of and treat state enforcement: at best, as a necessary evil. If we were constrained only by relatively 'unrealistic' feasibility constraints, we would not be able to justify our state's exclusive enforcement, so if it is permissible at all, it is only in response to the more restrictive feasibility constraints that rule out alternatives.