The Subjectivity of State Legitimacy

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Definition of the State

• “...a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.”

  • Max Weber, “Politics as a Vocation”
Strategies of Legitimization

- Consent of the governed
- Libertarian minarchism based on an objective ethical code
- Utilitarianism based on the state’s unique position to reduce harm
Unanimous Direct Democracy

• Every decision enjoys universal agreement.
  • Assumest lack of logistical impediments.
  • Assumes perfect similarity of opinion.
Universal Consent

• Every decision is made by a body that was formed upon universal agreement.
  • Relaxes logistical assumptions.
  • Assumes perfect agreement to enter into political society.
Universal Consent

- “The only way whereby any one devests himself of his Natural Liberty, and put on the bounds of Civil Society is by agreeing with other Men to joyn and unite into a Community, for their comfortable, safe, and peacable living one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it.”

- John Locke, Second Treatise of Government
Inapplicability to Modern States

- States have full authority within a given territory.
- Dissidents are forced to accept the legal framework of the state, or leave its borders.
- Convenience vs. legitimacy
Libertarian Minarchism

• "...a minimal state, limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on, is justified... any more extensive state will violate persons' rights not to be forced to do certain things, and is unjustified.”

• Robert Nozick, Anarchy, State, and Utopia
Utilitarianism

- “The good and happiness of the members, that is the majority of the members of the state, is the great standard by which every thing relating to that state must finally be determined.”

  - Joseph Priestley, The First Principles of Government and Liberty
Utilitarianism of Form

• A society in which the majority rule is, on utilitarian grounds, necessarily preferable to a society in which rule is restricted to a minority.

• Fallacious, since imposing upon fewer people is not the same as imposing less in total.
Utilitarianism of Policy
Utilitarian Subjectivity

• The libertarian paradigm attempts to establish an objective ethical code.
  • A state based upon such a premise could legitimately expand its borders indefinitely.

• The utilitarian paradigm only presumes to minimize costs with respect to a certain community.
  • The utilitarian state has no legitimate basis upon which to force individuals to recognize its authority.
Recapitulation

• The state, claiming a monopoly on the legitimate use of violence within a given territory, effects those who do not consent to its rule.

• To restrict state action, on the basis that it is coercive, is to allow harmful variables to settle at levels higher than they would otherwise be.

• A utilitarian state cannot legitimately force anyone to recognize its authority.
Conclusion

• Whatever its form and policies, the state is necessarily the mechanism through which the will of the powerful is imposed upon society at large.
Reference List


