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Carola Hesch

The Function of Political Authority

Peaceful Coexistence as the Measure
of Legitimate Rule



Nomos

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Preface

During the time of writing my dissertation, when people asked me what I was working on, they were intrigued to hear that my answer included the word “anarchism.” In comparison, the interest I could spark by mentioning my results was rather underwhelming. The notion that political rule serves the task to provide internal and external order and security is quite uncontroversial. Moreover, the ideas that a justified regime must be liberal, that democracy is a better form of governance than autocracy, and that the government should provide everyone in the state with a social minimum, form part of the social consensus in most developed countries. Since the upshot of my research is so close to common sense, I was worried it might simply be trivial. When I voiced this concern to my supervisor, however, he reassured me that trivial is not the same as insubstantial.

Reflecting on this now, I feel that he not only renewed my motivation to continue my work but also had an important point. I believe that it is perfectly fine if philosophical investigations end up corroborating our intuitions, rather than leading to surprising results. This is because the results can support our intuition with well-founded arguments. My research does not provide people who share the social consensus with any reasons to change their convictions. I neither argue that all political authority is illegitimate and may be disobeyed nor, conversely, that only an absolutist Leviathan can save us from each other. What I did to come up with, however, are new and potentially better arguments for the convictions that most of us already have.

What is innovative in this thesis are not so much my results as the starting point of my investigation. Typical arguments for liberalism and democracy rest on the notions of pre-positive human rights and popular self-rule, respectively. Yet these conceptions are mere fictions, auxiliary narratives for promoting worthy ideas. Regrettably, there are no human rights where they are not enforced, and a people ruling itself is an impossibility, not least because it is a matter of political rule who belongs to the people in the first place. That these ideas do not withstand scrutiny makes them—and the liberal and democratic institutions they are supposed to ground—vulnerable for scepticism. Whereas I hold these institutions in high regard, I find the rationales given in their support wanting and even misleading.

My approach is revisionary not with respect to the claims I make about political rule, but insofar as I do away with narratives such as pre-positive rights, the consent of the governed, and popular self-rule. It may strike the reader as counterintuitive that I build my conception of justification exclusively upon individuals' costs and benefits. The prevalent notions, however, have all too often led philosophers to make outlandish claims, such as that governments lack political authority, and even to endorse philosophical anarchism. By developing an alternative route, I hope to have provided a firmer foundation for justifying the very intuitions we have concerning what characterises a justified constitution. This reinforces my confidence to defend liberal regimes and democratic governance, which we must never take for granted.

I would like to express my heartfelt gratitude to several individuals and groups who have significantly contributed to the completion of this thesis. To Laura and Lily, I am deeply appreciative of the countless hours spent co-working together, talking over tea, and providing each other with academic and emotional support during this challenging journey. I would also like to acknowledge all members of the *Glam Rock* group for fostering an environment of attentive listening, where doctoral researchers can test ideas and openly share their struggles.

I also want to extend my appreciation to Matthew for his reassuring supervision style. His enthusiasm for discussing my work has been truly motivating. Moreover, I am very grateful for Julian's support, in particular his encouragement to apply to Hamburg and his assistance in organising my research stay.

To Fabian and Michael, I am thankful for the warm welcome at the Kellogg Center for Philosophy, Politics, and Economics in Blacksburg, Virginia, and for the insightful philosophical and academic guidance they provided.

My sincere thanks go to the DFG graduate programme "Collective Decision Making" at the University of Hamburg, which provided a prosperous research infrastructure, regular seminars, generous funding, and—most importantly—a vibrant interdisciplinary community of researchers focused on collective decision-making.

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Finally, I would like to thank Christian for meticulously proofreading my work, serving as an intellectual sparring partner, offering valuable comments from a legal perspective, and hearing out all my doubts.

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