Reply to My Critics

Anna Stilz

It is an honor to receive astute comments on my book *Territorial Sovereignty: A Philosophical Exploration* from three critics. Each raises difficult questions for me, which deserve a lengthier reply than space allows. Still, I endeavor to offer some brief responses.

Getting Wrongs Right

Kit Wellman contests my argument that legitimate states sometimes have a claim against external interference when they act unjustly. (To be clear, I hold that states have a claim against interference only where their law and policy does not fall below the requirements of what I call "basic justice.") He argues instead that agents have a claim right against interference only when they are not violating the moral rights of others. If "justice" is a matter of respecting others' moral rights, then a legitimate state has no claim against external interference when it acts unjustly. Wellman holds that "all moral rights may be (proportionately) enforced,"[1] and—though this is not perfectly clear—it seems he finds enforcement permissible whenever the enforcer enforces objectively correct moral rights, no matter who the enforcer is, or what relation the enforcer has to those subject to her force.

I reject the view that unilateral enforcement of moral rights is always permissible. I grant that it may be permissible in special cases: I am not disputing Wellman's claim that "a woman [who] wants to shoot a random person on the street"[2] can be forced by her victim or third parties to refrain. I would, however, note two distinctive features of this example. First, the enforcer is presented here as acting in a one-off fashion: no one is inescapably subjected, in any ongoing way,

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to the enforcer's superior power and authority. Second, the attacker is transgressing a fundamental right—to one's bodily security—the "core" elements of which are reasonably determinate in the absence of law. Nonetheless, even here I have some qualms: where reasonably just, publicly authorized police are available, I believe there are important reasons to defer to them rather than engage in vigilante violence.

Changing the scenario raises questions about the permissibility of enforcement. Suppose an enforcer does not simply engage in one-off rights defense: rather, she imposes her conception of justice on others through relations of rule that are difficult for them to escape. She may threaten her neighbors with serious penalties if they do not comply with her directives, where she has the known power to follow through and where her neighbors cannot easily move away from her vicinity. (Note the difference between imposing rules through threats of punitive force vs. engaging in limited acts of self-defense or resistance). Further suppose she is enforcing not just basic bodily rights but a wide range of claims, including some that are partly convention dependent (that is, rights that could be specified in a variety of morally acceptable ways). Finally, suppose the interpretation of justice is substantively correct (she enforces everyone's objectively justified moral rights).

I believe those unilaterally subjected to the enforcer have two weighty objections to her rule, which, taken together, make her enforcement impermissible under certain conditions.[3] Both objections are based on the fact that the enforcer's actions are incompatible with an important natural duty to recognize and relate to others as self-determining equals.

First, the enforcer's power compromises her neighbors' independence. The enforcer can "make" the neighbors do as she wishes, threatening them with various penalties across a wide range of actions. Yet part of treating others as self-determining equals involves respecting their capacity to act independently, in accordance with their own deliberative judgments. By threatening her neighbors with overwhelming force, the enforcer subjects them to her will. Her neighbors have a complaint about being dominated in this way.

Second, the enforcer's unilateral rule sets up a hierarchical relationship. There is the powerful enforcer, and then there are the neighbors who must obey the decisions she makes. Individuals who wield ongoing, inescapable power and authority of this kind often come to constitute a higher caste of social superiors.[4]

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Note that these two complaints against the enforcer's unilateral rule are individual complaints. Each person subject to the enforcer has a complaint against being persistently subjected to her will, and against being socially subordinated to her. (Thus, I do not derive the legitimate state's right to do wrong from an analogy with the individual right to do wrong. Rather I argue that the state's constituents have claims against unilateral alien rule, and that respecting their collective self-determination is a response to these claims).

Collective self-determination provides an important procedural remedy for the two individual complaints just outlined. Suppose now that the enforcer's neighbors are not unilaterally subjected to her rule; rather they share a commitment to institutions that grant her the right to rule on their behalf. In this case, in complying with the enforcer's directives, her neighbors are not subject to her will: instead, they have their own joint will as a rule. Though they may not endorse every outcome, they are governed by political institutions they view as appropriate, since they accept the procedures that authorize the enforcer to govern. To the extent that political commands are based on commitments one shares, there is an important sense in which they are less freedom impairing.[5]

Second, the hierarchical relationship between the enforcer and her subjects is weakened. Now, the enforcer has the right to rule only because her subjects recognize that right: She acts as their agent, not their superior. Were these subjects to change their mind about how, and by whom, they wish to be governed, they could revoke the enforcer's authorization. In that case, she would no longer wield power and authority over them.[6]

The collective right to do wrong is grounded in these individual complaints about unilateral alien rule, and in the way that collective self-determination responds to them. I argue that our natural duty to relate to others as self-determining equals has important procedural implications for political decision-making. To legitimately rule over a population, the state should reflect the population's shared will about how they wish to be governed. It is also true that this natural duty has substantive justice implications. To respect others as self-determining equals, we should protect their basic liberties, and fairly distribute options, opportunities, and resources to allow them to develop and exercise their autonomy. I would therefore agree with Wellman that legitimacy and justice are not entirely distinct values. Rather, "legitimacy" refers to the (procedural) component of our natural duty to treat others as self-determining equals; whereas "substantive" or "social" justice refers to political outcomes whose content is

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consistent with this duty.[7] Yet legitimacy (or "procedural justice") can sometimes conflict with substantive justice: a decision taken through collectively authorized procedures may not always produce a just distribution of liberties, options, and resources.

What are we to say about this possible conflict? I argue that so long as the outcomes of collectively authorized institutions meet certain conditions of basic justice, third parties have a duty not to interfere with those institutions despite the fact that some of their decisions depart from the requirements of social justice. I explain the basic justice condition as follows: Let us say that an individual, *Y*, has an obligation to relate to another individual, *X*, as a self-determining equal, which is conditional upon *X*'s manifest willingness to relate to others in the same way. The requirement to refrain from unilateral rule thus applies only to "cooperators," people who recognize a duty to treat others as self-determining equals, and who are willing to cooperate in a legitimate state that can specify and enforce this commitment.[8] To be a cooperator, one must respect a scheme of essential private rights, since such a scheme is necessary for individuals to possess any sphere of autonomy independent from others. However, a situation may arise in which *X* is manifestly willing to recognize *Y* as a self-determining equal but has a sincere-yet-mistaken judgment of what this commitment substantively entails. Even so, there are procedural reasons to refrain from unilaterally ruling *X* though his judgment is mistaken. He does not treat others with contempt, and his claim not to be socially subordinated or subjected to the will of another places demands on us.

Because cooperators have claims to be free from unauthorized alien rule, their collectively self-determining state will sometimes have a right to do wrong: a right to make a substantively unjust decision free from external interference. For my purposes, I need not take a stand on whether, above the basic justice threshold, we should understand procedural considerations as preempting concerns about substantive injustice or if there is some more complex "balancing" relationship between the two values.[9] I simply stress that there exist cases where a third-party ought to refrain from interfering with a decision that is substantively unjust out of concern for a legitimate procedure of collective self-determination.

Wellman's alternative view, which holds that "all moral rights may be (proportionately) enforced,"[10] has controversial implications. If the correct theory of distributive justice requires that those earning $80,000 or more per year be taxed at 39 percent, and the state—through its collectively authorized procedures—instead

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enacts a tax rate of 43 percent, Wellman implies that proportionate force could be imposed on the officials carrying out this policy. Given the concern for proportionality, perhaps the officials could be subjected only to minor harms—freezing some of their assets or revoking their international travel privileges. But force of some kind could be threatened and used.

I believe most people would deny this. Wellman might make his view more compatible with our intuitions by minimizing the requirements of substantive justice. He suggests that "a state need not commit any injustice when it institutes a property regime that does not feature [Rawls's] difference principle."[11] Here, Wellman implies that perhaps no demanding distributive principle is required by (substantive) justice. He says that "it is commonly understood that the pre-institutional demands of justice vastly underdetermine the specific form that any given political society must take,"[12] especially when it comes to property rights.

If substantive justice is itself a minimalist matter, then the permission to intervene will be less frequent. But I believe we should reject a minimalist construal of justice. When citizens debate law and policy, they frame their disagreements in terms of (substantive) justice. On the minimalist construal, they are in error: these decisions are usually a matter of discretion, not justice. The minimalist view thus seems to imply a troubling decisionism about distributive matters. But these are not merely arbitrary choices: there are principles independent of a society's decisions that should govern these matters. When we debate one another, we address the question of what these independent principles are. Yet if there are nonminimal principles of substantive justice, then Wellman's thesis—whenever there is an injustice, there is a right to forcibly interfere—will license a great deal of intervention.

A Politics of One's Own?

Michael Blake worries that there is an inconsistency in my account of the role of people's actual will in politics. In discussing self-determination, I grant citizens' actual will great weight in determining whether or not a state can legitimately rule them. In my discussion of immigration, I suggest that the actual will of citizens is of limited moral relevance. Even if citizens would prefer not to do politics with a would-be immigrant, they have a duty to admit the migrant unless she would harm them.

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Blake describes my position on self-determination as an "actual consent theory,"[13] and subject to some qualifications, I would accept that label. Unlike some consent theorists,[14] I do not hold that each individual needs to agree to the state's rule for the state to legitimately govern. On my view, the nonconsent of noncooperators has no bearing at all on the state's legitimacy. As I put it in *Territorial Sovereignty*, "Not everyone has a claim to be coerced by a state that reflects their judgments, because not everyone's judgments are worthy of respect."[15] "Non-cooperators" are: (a) people who are unwilling to relate to others as self-determining equals—here I refer to fascists, racists, and theocrats;[16] (b) people—for example, colonizers—who are unwilling to acknowledge others' equal claims to political autonomy;[17] or (c) people (for example, anarchists) who refuse to cooperate in a legitimate state.[18]

Cooperators, as I use it, is thus a moralized term: it does not refer to just any group of people who are willing "to do politics together." Rather, it refers to people who recognize a duty to respect and treat others as self-determining equals mediated by a legitimate state.[19] A group of cooperators is willing to do politics together and they share moral commitments about the nature of those politics. They think the aim of politics is to specify and enforce the equal moral right to independence that all humans innately possess. Fascists might be willing to do politics together in a fascist state, but there is no reason we should want the state to reflect their judgments. My view, therefore, is an actual consent theory only in the following sense: a legitimate state should receive the actual endorsement of a significant majority of its constituents who are willing to respect others as self-determining equals. This is a moralized version of the requirement, found in the Declaration of Independence, that governments derive "their just powers from the consent of the governed." But it is crucial that only certain people's actual wills count.[20]

With this clarification in place, let me examine Blake's worry about Forsyth County, Georgia, an all-white county that he suggests might have hypothetically seceded from the United States to protect its racial homogeneity. Blake notes that, on my view, "an otherwise legitimate state can be rendered illegitimate . . . when and because a sufficient number of those otherwise prepared to play the game of democratic politics do not want to do so with the particular institutions of that particular state."[21] This is true: if a sufficient number of cooperators decide that they wish to be governed by different institutions, they have a prima facie claim to create those institutions. Note, though, that noncooperators have no

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such claim: if a large number of people wished to create fascist or theocratic institutions, we would have no moral reason to defer to them. Since only the actual wills of those willing to respect others as self-determining equals matter, noncooperators' preference for illiberal institutions does not ground any right.

Do the actual wills of the residents of Forsyth County count? As Blake puts it, they "no longer [want] to do politics with the multiethnic polity that ground[s] the United States."[22] I reply that the residents of Forsyth County are not cooperators, in my moralized sense of that term. The nature of their commitments shows that they are unwilling to respect others—specifically, nonwhites—as self-determining equals. It is not always wrong to deny people political membership: as Blake notes, I allow that the Libyans might deny membership to the French. But it is wrong to deny membership for prejudicial reasons: that is, on grounds that someone belongs to a group believed to be subordinate and morally inferior. Analogously, a university can permissibly deny membership to an applicant based on her lack of qualifications, but not based on her race. Blake notes that, having only white constituents, Forsyth County "would have no real opportunity to do racial injustice."[23] True, but to count as cooperators, in addition to refraining from gravely unjust treatment, the members of Forsyth County must manifest their willingness to relate to others as self-determining equals. In Blake's hypothetical example, the inhabitants of Forsyth County are unwilling to do that. Thus, they fail to qualify as people whose actual wills should matter; and given this, I would agree with Blake that their claims should have no weight.

What about preferences for excluding immigrants? Blake objects that in my discussion of immigration, cooperators' actual will to do politics goes "from being very nearly a trump card to being very nearly worthless."[24] While cooperators' actual will to do politics is important in a political merger, in the immigration context I take people's actual will to be irrelevant, arguing instead that the political community has a moral duty to admit immigrants unless they would cause harm.

I continue to think it consistent to place weight on cooperators' actual will in a political merger case, but not in the immigration case. Cooperators' actual political will matters because cooperators have strong moral objections to alien rule. Cooperators with morally reasonable commitments have an important interest in being ruled by the institutions they endorse. Deferring to people's actual political will is important, then, because it addresses their weighty moral complaint about being dominated and subordinated by the state.

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Unlike political annexers, however, immigrants do not impose a state on anyone. So long as the number of immigrants is moderate, their presence typically does not result in significant changes to political institutions. So, I conclude that people's actual will is usually not morally relevant to immigration; or, if it is relevant, it must be for reasons other than those given by the account of political legitimacy I favor. True, I allow that where a large influx of migrants would significantly transform a society's political institutions, there is a right to limit immigration on self-determination grounds.[25] But usually, immigrants are unlikely to destroy, take over, or significantly transform a society's political institutions. So, it seems to me plausible to say that cooperators have a right to reject an unwanted political merger without extending them a right to exclude migrants at will. Only the political merger threatens to impose alien rule on them, and self-determination is a claim against alien rule.

Blake finds this reasoning unpersuasive. First, he notes that sometimes people can become alienated from their institutions because new migrants have been admitted to their community. Institutions, he says, "ought to be defined not simply with reference to [. . .] rules and procedures, but also with reference to [. . .] the people over whom those institutions are authoritative."[26] Second, he suggests that their alienation is not necessarily an indication of any belief in the inferiority of the migrants, of the sort that might push them into the category of noncooperators. Perhaps they would simply rather not do politics with the new arrivals, and this makes them less likely to endorse their institutions or political community. That does not make these people morally retrograde.

I am not sure. In my view, the most plausible argument for limiting migration on self-determination grounds appeals to the idea that members rightly care about how their political community is organized. Sometimes Group A can have a legitimate objection to doing politics with Group B because, if included, Group B would organize the political community in a way that Group A does not endorse. This objection holds, of course, only in cases where Group A is composed of cooperators with morally reasonable priorities. But perhaps B's shared priorities and sense of justice, while not unreasonable, are simply widely divergent from A's. In this scenario, I think it is permissible for A to seek separate institutions to pursue their morally reasonable priorities.

But in Blake's scenario, the members of Group A become disaffected in regard to doing politics with Group B, not because B wants to organize the political community differently, but simply because they do not like members of B. Nothing

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else has changed—the host community's institutions and shared values are all the same—except that some members of Group B are now included. Because of that, Group A has become disaffected. When I imagine these attitudes, it is hard for me to see them as consistent with a willingness to treat others as equals. While it is not always wrong to do politics with a subset of the world's population, it *is* wrong to do politics with a subset because one holds prejudicial attitudes about the others. These attitudes might be conscious or unconscious; they might involve outright beliefs about moral inferiority or merely a weaker stance of suspicion. But they are inconsistent with respecting others as equals. And it seems to me that recent anti-immigration politics in the United States manifests prejudices of precisely this kind. If so, then these are the attitudes of noncooperators, and we have no moral reason to defer to the actual wills of people who act out of prejudice and animus.

Blake may point out that my stance would entail that some political mergers should be accepted. Suppose a breakaway province of France wishes to accede to Libya: they are fully prepared to accept Libyan political arrangements in toto. If their accession would change nothing about Libyan institutions or political commitments, I grant that the Libyans would have a moral duty to accept them (though Libya could not be forced to do so because they have a procedural right to do wrong in this case).

The Legacy of Colonialism

Adom Getachew argues that the democratic nation-state has historically relied—and continues to rely—on extraction and exploitation abroad, and she worries that my book pays too little attention to these imperial entanglements. In this context, promulgating an ideal of a world of bounded territorial states can function simultaneously as "an illusion and an aspiration"[27] because it renders invisible the extra-territorial and unequal relations that mark the state system.

I want to make clear that the account of territorial sovereignty offered in my book is not intended as a description of our international order, but as a normative standard. To be sure, certain elements of this ideal—such as the right of self-determination—are partly recognized by the current international system. But even where partly recognized, these values are far from being fully achieved. The international order denies legal rights of self-determination to indigenous peoples and internal minorities. And as Getachew stresses, while decolonization

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purported to universalize formal self-determination rights, there are many informal methods (for example, the CFA franc) by which effective sovereignty continues to be denied to the post-colonial world.

So, I agree with Getachew that the legitimating ideals of a territorial state-system are unfulfilled. This is why I cast my qualified defense of territorial sovereignty as a reformist project. Given the book's topic, I focus primarily on revisions to states' formal territorial rights. But I declare that duties of global distributive justice are also necessary to realize a vision of equal, independent states that enjoy collective autonomy, although I do not develop an account of these duties in depth. They include duties to ensure fair terms of international economic cooperation, to secure fair background conditions for self-determination, and to rectify the injustices that have historically characterized the Global North's interactions with the Global South. Like the anti-colonial thinkers Getachew explores in her recent work,[28] I believe significant economic transformation is required to create the conditions whereby collective self-determination could be meaningful and applied equally for all peoples. It is my goal to provide a more elaborated account of these global justice duties in future work.

Now, how should we understand Getachew's criticism that the image of bounded, self-determining states is an "illusion"? One reading is that due to the nation-state's imperial entanglements, radical reforms are required to bring our current international order into line with this ideal. I see nothing to disagree with here. Yet I doubt this shows the ideal of equal self-determination to be illusory: rather, it shows that it is an ideal we are far from realizing. An unrealized but valid normative ideal is not an illusion; instead, it calls for practical efforts toward its achievement.

Another interpretation of the illusion claim is that the ideal of equal territorial self-determination is itself flawed, contaminated by the historical co-constitution of imperialism and the nation-state. Yet one wonders: what global ideal should orient our political action instead? We need some normative standard by which to diagnose what is wrong with the international status quo and to orient our efforts in an emancipatory direction. I worry that if we discard equal self-determination, we will lose an important basis for critique of imperial practices.

A final way of understanding the illusion claim is as a methodological critique. Perhaps an abstract investigation of what type of international order is morally justified risks inattentiveness to existing structures of power and injustice. Instead, we should begin with a sociohistorical analysis of existing global

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institutions. I think there is a good deal of truth in this critique. But I do not see how we can do without normative theory altogether. Normative theory takes our moral intuitions about particular cases and refines them into a set of principles that we can apply across a range of scenarios, testing their coherence with further as-yet-unconsidered cases. This undertaking is necessary: we should not trust our intuitions without subjecting them to scrutiny, and we need a systematic moral outlook to provide orientation for global reform. The important methodological point, however, is that a dialogue between normative theory and sociohistorical analysis is essential, lest normative theory become too untethered from existing realities. Perhaps Getachew sees a risk of this kind of untethering in my work.

Getachew also raises more specific questions, the first of which concerns the distinctive wrong of settler colonialism. As she notes, the critique of settler colonialism is not the main focus of my book, though the issues I consider are intertwined with it. Her remarks center on my account of occupancy rights, which she thinks only partly captures settler colonialism's injustice.

In response, I would stress that my account of occupancy rights is not the only resource in my book for critiquing settler colonialism—my defense of self-determination is equally important. Self-determination requires states to adopt a decentralized, pluralistic constitutional structure that facilitates autonomy for their indigenous peoples.[29] I argue that it is not a matter of discretion whether a state recognizes internal claims to self-determination, and that the international community should sanction states that refuse to do so.[30]

I agree with Getachew that settler colonialism is an ongoing process. But rather than understanding the ongoing wrong as the continuing violation of heritable occupancy rights, I would understand it as the ongoing denial of indigenous peoples' claim to self-determination, and of a land base necessary to enable it. Getachew may find this congenial, since she suggests that the demand for land can be understood as "an attempt to create the located conditions that enable ongoing efforts to realize the aspiration of collective self-determination."[31]

In chapter 6 of my book, I elaborate what I call a "fair-use proviso" on the distribution of territory. I argue that a state's right over its territory is limited by the condition that other peoples possess a territory in which to realize occupancy, basic justice, and self-determination for themselves. Satisfying this fair-use proviso may require redistributing territory away from the states that currently control it. I believe this proviso contains important resources for critiquing settler colonialism.

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After colonial settlement had destroyed traditional indigenous economies, which happened by the mid-nineteenth century, the United States adopted a reservation policy, which involved "reserving" what were often economically or agriculturally undesirable parcels of land for Native American habitation. The poor quality of these reservation lands has contributed to difficulties in developing a self-sustaining indigenous economy, and to ongoing economic dependency on the U.S. federal government.[32] The Dawes Act of 1887 further carved up reservation lands into private property owned by individuals. This stood at odds with the system of collective ownership favored by indigenous peoples, and has left many reservations with problematic checkerboard patterns of landownership by whites, Native Americans, and the federal government, which persistently hinders indigenous economic self-determination.

Given these facts, I think that it is clear indigenous peoples in the United States have remedial claims to land. But I do not necessarily see these as rights to inherit the historic lands of their ancestors. Rather, I think that indigenous peoples have a presently unfulfilled right to possess a land base adequate to self-determination. To the extent that ancestral lands are central to ongoing indigenous cultural and religious practices, communities may make special claims on these lands. But it may be that a land base adequate for the exercise of self-determination could also be satisfied through the cession of different lands. Of course, my analysis may not capture all claims made by indigenous advocates. But I believe that accepting heritable occupancy rights would have other undesirable moral consequences (for example, tying land claims back to primordial appropriation, preventing redistribution, and legitimating the exclusion of immigrants and refugees).

Getachew further worries that my account of occupancy rights may unintentionally privilege propertied relations to land, or state-like institutional structures. This privileging was something I took pains to avoid (which does not mean I was successful in doing so). She prefers to understand occupancy rights as "institutional," dependent on "collective agreements about how to relate to and use the land."[33] But I doubt that we can define a society's land claims solely by its own internal understandings. We need some overarching global normative framework by which to recognize valid land claims and condemn their violation by other societies. How do we adjudicate between the Navajos' claims, based on *their* internal property conventions, and the claims of U.S. settlers, based on *theirs*? My idea was that the involuntary rupture of located life plans was a wrong that could be recognized cross-culturally, regardless of a very wide variation in permissible

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property systems and political institutions. Some such universal moral standard is necessary, it seems to me, to address cross-societal territorial disputes.

Finally, Getachew asks whether the nation-state's imperial entanglements ground claims beyond reparations and duties of global justice, including migration rights. I agree that there can be reparative duties of migration: A state that has wronged those beyond its borders has a responsibility to rectify its wrongs, sometimes through preferential migration status for those the state has harmed. To take a relevant contemporary case, many argue that NAFTA—the 1994 trade agreement between the United States, Mexico, and Canada—was an important contributor to undocumented migration in the 1990s and 2000s. While NAFTA created a favorable investment climate for U.S. corporations, it came at a high cost to labor and employment rights in Mexico. In particular, NAFTA forced the Mexican government to end its subsidies for corn while continuing to afford U.S. agribusiness subsidies under the Farm Bill. When Mexico lowered its customs barriers, U.S. corn producers swamped the market, putting vulnerable Mexican farmers out of business. Many of these peasant farmers then came as unauthorized migrants to the United States.[34] In light of the United States' complicity in economic conditions in Mexico, it has a duty to accept these migrants, since their fortunes in their home country are partly due to its policies.

Yet I think reparative duties of migration need to be seen as part of a larger package of global justice duties, since—taken alone—the emancipatory potential of migration is limited. A well-known fact about migration is that the poorest, more vulnerable people tend not to be able to migrate.[35] Further, allowing migration does nothing to address unjust global economic structures: it is not acceptable for the United States to embrace unfair trade policies and, in partial compensation, offer economic migrants precarious and often exploitative jobs with domestic employers. This is a win-win for capitalist interests: NAFTA's reforms afforded mobile industries access to the Mexican market on advantageous terms while also enabling immobile industries in the United States to employ a cheaper (often undocumented) workforce, consisting of the very Mexicans displaced by these reforms. To be sure, giving these migrants permanent residency and a path to citizenship would be an improvement over the status quo, but it leaves many global economic injustices in place.

Global justice instead requires that the social, labor, and economic rights of all workers be robustly protected, both in sending states and receiving ones. To achieve that, we need to place as much, if not more, weight on strengthening social

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policies as on increasing global openness. The idea, which Getachew suggests, of granting citizens of all three countries equal participation rights in the cross-border treaty is an interesting one. But whether majority voting will protect Mexican interests strikes me as unclear: U.S. citizens voting as a bloc could prevail simply in virtue of the larger U.S. population. So, other remedies, like embedding social, labor, and economic rights into the treaty, may also be worth considering.

NOTES

[1] All Kit Wellman quotes in this essay are taken from his contribution to this symposium: Christopher Heath Wellman, "Do Legitimate States Have a Right to Do Wrong?," *Ethics & International Affairs* 35, no. 4 (Winter 2021).
[2] Wellman, p. 516.
[3] Anna Stilz, *Territorial Sovereignty: A Philosophical Exploration* (New York: Oxford University Press, 2019), p. 98.
[4] Niko Kolodny, "Rule over None II: Social Equality and the Justification of Democracy," *Philosophy & Public Affairs* 42, no. 4 (Fall 2014), pp. 287–336.
[5] Stilz, *Territorial Sovereignty*, p. 107.
[6] Ibid., pp. 110, 130.
[7] Zofia Stemplowska and Adam Swift, "Dethroning Democratic Legitimacy," in David Sobel, Peter Vallentyne, and Steven Wall, eds., *Oxford Studies in Political Philosophy*, vol. 4 (New York: Oxford University Press, 2018), pp. 3–27.
[8] Stilz, *Territorial Sovereignty*, p. 98.
[9] As argued in Stemplowska and Swift, "Dethroning Democratic Legitimacy."
[10] Wellman, p. 517.
[11] Ibid., p. 519.
[12] Ibid., pp. 518–519.
[13] All Michael Blake quotes in this essay are taken from his contribution to this symposium: Michael Blake, "Unwanted Compatriots: Alienation, Migration, and Political Autonomy," *Ethics & International Affairs* 35, no. 4 (Winter 2021).
[14] A. John Simmons, *Moral Principles and Political Obligations* (Princeton, N.J.: Princeton University Press, 1981).
[15] Stilz, *Territorial Sovereignty*, p. 115.
[16] Ibid., pp. 115, 134.
[17] Ibid., p. 115.
[18] Ibid.
[19] Ibid., p. 98.
[20] A note on terminology: I believe a group of individuals can share an actual will to support their political institutions. Here their shared will refers to both: (a) their separate aggregated wills as individuals, and (b) their joint will to support their institutions as a group. I will use the term "actual will" of a people (singular) to denote the latter. Of course, there is a third option, (c), in which some individuals on a territory might not share in the joint will to support governing institutions—as individuals they might desire entirely different political arrangements. I will use the term "actual wills" to denote the political preferences of individuals, who may either (a) support or (c) dissent from existing arrangements.
[21] Blake, p. 493.
[22] Ibid., p. 495.
[23] Ibid., p. 496.
[24] Ibid., p. 497.
[25] Stilz, *Territorial Sovereignty*, p. 193.
[26] Blake, p. 499.
[27] All Adom Getachew quotes in this essay are taken from her contribution to this symposium: Adom Getachew, "The State's Imperial Shadows," *Ethics & International Affairs* 35, no. 4 (Winter 2021).
[28] Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton, N.J.: Princeton University Press, 2019).
[29] Stilz, *Territorial Sovereignty*, p. 12.

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[30] Ibid., p. 138.
[31] Getachew (2021), p. 510.
[32] Francis Paul Prucha, *The Indians in American Society: From the Revolutionary War to the Present* (Berkeley: University of California Press, 1985); and Colin Gordon Calloway, *First Peoples: A Documentary Survey of American Indian History* (Boston: Bedford/St. Martin's, 2019).
[33] Getachew (2021), p. 508.
[34] David Bacon, *Illegal People: How Globalization Creates Migration and Criminalizes Immigrants* (Boston: Beacon Press, 2008), p. 64.
[35] Douglas S. Massey, "Why Does Immigration Occur? A Theoretical Synthesis," in Charles Hirschman, Philip Kasinitz, Josh DeWind, eds., *The Handbook of International Migration: The American Experience* (New York: Russell Sage Foundation, 1999); and National Academy of Sciences, Engineering, and Medicine, *The Economic and Fiscal Consequences of Immigration* (Washington, D.C.: National Academies Press, 2017).

Abstract: This essay replies to three critics of my book *Territorial Sovereignty: A Philosophical Exploration*. First, in response to Kit Wellman, I defend the claim that states sometimes have a right against external interference even when their decisions depart from the requirements of social justice. This "right to do wrong" is grounded in respect for a legitimate procedure of collective self-determination, in which the state's members have an important interest. Second, I reply to Michael Blake's concern that there is an inconsistency in my treatment of people's actual wills in politics. I clarify that my view places weight on the actual wills only of "cooperators" (a technical term), and that cooperators' actual wills matter because they have claims against alien rule. There is no inconsistency in treating political annexation differently from immigration since immigrants rarely threaten to impose alien rule on cooperators. Finally, I address Adom Getachew's concerns about the imperial dimensions of the states system, arguing that my book contains resources for theorizing remedial claims to land in settler colonial societies and other reparative duties of global justice.

Keywords: territory, self-determination, legitimacy, colonialism, immigration

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