

Note: This essay is currently structured as the second chapter of my dissertation. I'm working on figuring out how to turn it into a freestanding article without sacrificing the motivational question of the role of scientific expertise in democracy.

That overall question is: when public political preferences conflict with scientific expertise concerning the long-term environmental consequences of our actions (as, for example, with anthropogenic climate change), what is the democratically appropriate way to deal with this conflict? Can expertise override public opinion, or must we subordinate our long-term interests to the immediate preferences of the people?

In the previous chapter, I examine the history of this 'technocracy vs. democracy' debate, distinguishing three main strands of thought that have dominated at different times, and which I loosely label 'ancient', 'modern', and 'postmodern'. I show that the modernist view and the several postmodern variants all treat the problem of science in democracy as primarily a question of the nature of *science*. Taking the nature of *democracy* (and its requirements) as already given, such approaches ask: is science itself value-neutral? Can the translation of science into politics ever be objective? etc. The basic framework for the debate thus becomes that of competing understandings of "science".

I then argue instead that all of these positions actually emerge from assumptions about *legitimacy*. Our understanding of democratic legitimacy shapes our view of the relationship between science and democracy. Moreover, legitimacy is not merely an additional component to consider: as it will shape our idea of what forms of science are relevant to politics, the legitimacy question is for our purposes *prior* to the question of the nature of science.

This is why the present chapter interrogates democratic legitimacy, as its entry point into rethinking the role of science in democracy.

Intergenerational legitimacy and environmental politics: rethinking the technocracy/democracy divide

Roger Emmelhainz
March 2018 (rough draft manuscript)

Introduction.

There is little question that the material and economic structures of our present existence are leading to great potential future harm. Among the most glaring of these challenges are climate disruption and unsustainable resource use. These and many other environmental challenges are complicated by the long-term nature of their effects. Consequences largely

restricted to future generations seem to reduce present-day public concern or willingness to respond to the challenges appropriately.

This problem is exacerbated if we prioritize public opinion over expert consensus; in effect, it makes it necessary to change the minds of most present people, or we will be unable to secure our societies' future. But the clearest alternative—overriding our democratic processes that are geared toward present public opinion—is seen as undemocratic and therefore illegitimate. My aim here is to show that this view involves a flawed understanding of democratic legitimacy. (To be clear: this is not an argument concerning technocracy *in general*, but rather an argument for its acceptability in the specific case of actions that have extremely detrimental effects on future generations.)

In the previous chapter, I sought to show how the debate concerning the role of science in a democracy actually depends on our understanding of democratic legitimacy. I suggested that a democratic conception of legitimacy precludes accepting the ancient view of technocracy, as it rejects the democratic ideal. The same is true of the modernist attempt to reconcile the conflict through a linear view of science: it ultimately hides technocracy behind a facade of democracy.

In this chapter, I will show that the exclusion of technocratic influence in extant postmodern views is also unacceptable, once we incorporate an intergenerational component into our understanding of legitimacy. But the intergenerational perspective will also offer the possibility of a new, more nuanced reconciliation. How we think about legitimacy in an intergenerational context (as is often appropriate when considering problems in environmental and climate science) ultimately reshapes the apparent science/democracy divide.

I will address two distinct aspects of this topic. First: what might the existence of

intergenerational environmental problems imply for our understanding of democratic legitimacy? Here I argue that it becomes clear that democratic legitimacy itself necessarily involves an intergenerational component. Failing to account for effects on future generations in our political decisionmaking in fact makes those decisions at least partly illegitimate.

In this vein, I suggest that an intergenerational understanding of democracy shows us that involving expertise in our decisions for the purpose of representing the interests of future generations does not undermine democracy, but instead makes it more complete. Overlooking our intergenerational obligations is what has allowed for the flawed view that a conflict between science and the opinions of *presently existing* people is the same as a conflict between science and *democracy*.

Second: I also aim to explore what sorts of theories of legitimacy might be compatible with intergenerational demands. I explore and defend the idea of intergenerational legitimacy by engaging a number of potential objections to its feasibility (these being various implications of Parfit's non-identity problem). In each case, I show not only that an intergenerational understanding of legitimacy is still viable, but also that the objection does require us to reject certain particular understandings of legitimacy—particularly those that rely on the concepts of political obligation, coercion, or person-regarding ideas of harm.

I. A typology of legitimacy.

But first, we must clarify what is meant here by 'political legitimacy'. The idea that governance can be 'legitimate' or 'illegitimate' implies that there exist some sort of condition(s) that must be satisfied in order for the exercise of political power to be acceptable. 'Legitimacy'

would then seem to refer to a quality of 'satisfying the condition(s) for acceptability'. But those conditions could take many forms. Conceptions of political legitimacy vary; they are contested, and perhaps essentially contestable.

As such, it seems inappropriate to begin from a commitment to any one particular understanding of legitimacy. I instead proceed by surveying several common formulations of legitimacy, to consider which aspects of the concept are relevant to intergenerational issues. The goal is to interrogate 'legitimacy' itself, allowing us to build upon claims about theories of legitimacy *in general* that are independent of particular understandings or ongoing disputes.

Such a broad view, employing a minimum of assumptions about the nature of legitimacy, is intended to ground this critique in a way that can speak to partisans of many or all particular understandings of that concept. Building on this grounding, my method will then be to suggest that (a) any democratic theory of legitimacy should take account of future generations; (b) some such theories will turn out to be conceptually incapable of doing so, meaning that they turn out to be self-contradictory and should be rejected (in the context of intergenerational legitimacy), not as a matter of opinion but as a consequence of their own internal logics.

To begin with, we can observe that a full theory of legitimacy involves two distinct questions: *who* legitimates political power? (Who are "the people"?) And: *how* is power made legitimate? Some major variants for the question of 'who' involve the idea that a demos is constituted by history; that existing members of a demos can democratically choose who else is to be included or excluded; or that all those affected by a decision must be included (cf. Abizadeh 2008; Goodin 2007; Nasstrom 2007; Barber 1984).

I will return to the question of the constitution of the demos below. In general, however, I

would observe that the question of 'who' is understudied, compared to the massive literature on 'how'. Goodin mentions that these questions ought to be understood as wholly separate (Goodin 2007). I suggest, however, that while distinct they are not independent—and the *who* is prior, meaning that an answer to 'who' will condition which answers to 'how' are viable.

The broader category—*how* is political power legitimated?—involves several different aspects, and theories of legitimacy can be built on a number of different combinations of these aspects.

First, there is the *extent* of legitimacy: what sort of power requires justification (or, perhaps, can be justified at all)? Some would suggest that legitimacy is about justifying political obligation—the duty to obey the state (Agmon 2006; Simmons 2001). However, some disagree that obligation is part of the question of legitimacy (Dworkin 1986; Buchanan 2002), while others disagree that obligation necessarily exists at all (Applbaum 2010).

Another view is that legitimacy is about justifying the use of coercion specifically (Weber 1921; Estlund 2008; Miller 2010; Cohen and Sabel 2006, etc.)—while yet another sees it as a question of justifying political authority (or governance) in all its forms, coercive or 'soft' (Raz 1986, Green 1988; Ripstein 2004). And, of course, there are intermediate positions possible: for example, that 'legitimacy' is not merely about the justification of coercion, but legitimate political authority is still the means by which coercion is justified (Hampton 1997).

A second dimension of 'how' involves what we could call the specific *criteria* of legitimacy: what conditions must be satisfied, in order for legitimacy to exist? Famous variants here include the consent of the governed (Locke; Simmons 2001); hypothetical consent (Kant), or normative consent (Estlund 2008); public reason (Rawls); pre-emptive reasons (Raz 1986); or

perhaps simply democratic procedures alone (Habermas; Manin 1987; Barber 1998; Pettit 2012).

Third, there is the question of *form*: does governance need to take a particular form in order to be legitimate? This might involve participation, public deliberation, representation (direct or indirect), etc.

Finally, it should be noted that I am setting aside some other major ideas of legitimacy that are not, strictly speaking, 'democratic' theories in the sense employed here. We could conceive of legitimacy attitudinally: governance is legitimate insofar as people accept its authority for whatever reason (cf. Weber 1921; Mommsen 1989; Biermann and Gupta 2010). We could also adopt an 'output'-based approach: governance is legitimate insofar as it achieves the common good (Barnard 2001; Arneson 2003). I bracket these from the discussion because the overall debate on the role of expertise in democracy is concerned with specifically input-based legitimacy—rule *by* the people in some sense. The view that I am criticizing—that technocracy always involves some democratic deficit—already assumes the inadequacy of pure attitudinal or output-based conceptions of legitimacy.¹

Although without room to treat the subject of legitimacy in any comprehensive way, I have noted a range of major alternatives to help show that these contested perspectives on legitimacy share a common concern: something is necessary to justify exerting political power over political subjects. This “something” involves the way in which the government takes account of its subjects. However, that minimal understanding still contains the tension over to what degree 'good governance' suffices for legitimacy, even in the absence of a specific role for the people in decisionmaking.

In specifically democratic and input-based legitimacy—the object of our inquiry—that

¹ Need to expand on this whole discussion and especially clarify input/output distinction (Scharpf 1997)

“something” also involves the relation of the people to their government. Choosing between the nuances of the different democratic views I mentioned (and the many others conceivable) is not yet necessary for this argument. Instead, we can begin from a minimal position on specifically democratic legitimacy here: it requires some sort of representation for those governed, ensuring that they are taken into account when political decisions are made. *A democratically legitimate government of the people*, in other words, must be not only *for* the people but also *by* the people in some manner.

We can also observe that it is from the existence of government over those people—their status as a political subject of a government—that the requirement emerges that a government must be legitimate. The crucial further point here is then that a truly legitimate relationship between government and “the people” must apply to *all* those governed.

II. The demands of legitimacy in our relationship with future generations.

This common concern among theories of democratic legitimacy can serve as our entry point for addressing the problem of intergenerational environmental effects. Ideas of legitimacy have generally ignored future persons,² or even dismissed their relevance on the grounds that it cannot be reconciled with some extant understanding of legitimacy (cf. Tännsjö 2007). This may be, in part, what has given rise to what I will argue is a confused idea of democracy underpinning the science-vs.-democracy debate.

2 Of course it has been addressed extensively in the literature on intergenerational justice, but the issues considered there are distinct from the question of legitimacy. However, a few past political thinkers have indeed been concerned with legitimacy in intergenerational relationships. See: constitution of the Iroquois Confederation; Jefferson (cf. discussion in Agmon 2016); arguably implicit in Burke. Jefferson's treatment depends on the presumption that legitimacy requires consent and creates an obligation to obey (both of which I challenge below). Burke and the Iroquois stand outside of the lineage of contemporary theories of democratic legitimacy. I should address these examples, but I'm not sure where.

It is when considering long-term environmental impacts that we encounter the problem with applying an ideal of democratic legitimacy to the preferences of existing people only. The category of 'all people governed by our present political decisions' often includes future generations. I suggest that our picture of democratic legitimacy, no matter how minimally construed, must be revised if we incorporate this fact.

Political decisions that we make in the present have effects on the future, including effects on future members of our political community. These effects are not always known, of course. But when they *are* known, or at least predictable to some reasonable extent, then the present decisions can be construed as governing those future people as subjects in a political community.

Democratic legitimacy as described involves all subjects, without arbitrary exclusions; such exclusions would illegitimate imposing a given decision upon those subjects. Not accounting for future people is, I suggest, an arbitrary exclusion based on time.

There is perhaps a valid question of whether we have some special or more particular obligation to present people. The very idea of a political community involves, after all, some sort of special obligation based on geography or history—arguably itself arbitrary on the level of specific individuals. But the distinction there is actually a matter of who is a political subject in the first place. Those arbitrarily excluded from our political community due to geography or similar are also and ipso facto not bound by our decisions.³ This is quite different from arbitrarily excluding some from among those who are bound by our decisions.

So we could certainly argue that we have only a limited obligation to future people who

³ The effects of globalization might seem to provide a challenge to this view, which I should perhaps address somewhere. I think it is partly a separate issue, and partly the case that my reasoning also challenges the legitimacy of some (not all) types of unilateral national decisions with multinational effects. But that discussion is likely to be lengthy and I'd prefer to find a way to bracket it as globalization is not the primary topic here.

will live outside our political community—no more than our obligation to present people in the same condition, whatever that obligation may be. Such obligations would still be a question for more general moral claims of intergenerational justice, but not for intergenerational legitimacy.

But this defense of geographic distinctions does not support a similar temporal distinction when applied to the future political subjects of our own political community. Temporal distance does not absolve us from moral obligations any more than spatial distance can (see discussion in Vanderheiden 2006, p.343). There might well be some circumstances where applying future discounting to our actions' effects could still be appropriate.⁴ But our obligation to future persons would there be different only in degree, not in kind—i.e., does not amount to a *special* obligation to the present.

The argument so far is then that future generations in our own political community qualify as subjects of present political authority, and that democratic legitimacy demands that the exercise of this authority account for *all* those subject to it. Government by the people means that we must be in some sense *governed by* future people (at the same time as by present people).

Such legitimacy then demands somehow representing the interests of these future people in our present decisionmaking (discuss Ball 2006?). Where present preferences conflict with expert consensus regarding future harms to others, appeals to democratic legitimacy in terms of the opinions of present people alone are in fact undemocratic. They take account only of a subset of the relevant political community, and as such call into question understandings of legitimacy that give rise to such claims.

It may be helpful to think of the claim being made here as a variant of the idea in critical race theory of a *herrenvolk* democracy. This term, from Pierre van den Berghe, describes a

⁴ Again, I might should develop this question further....?

polity that is “democratic for the master race but tyrannical for subordinate groups” (Berghe 1967, p.18, quoted in Olson, p.42). In our context, traditional ideas of democratic legitimacy end up with governance that is democratic for present people but tyrannical (or at least illegitimate, if these are not the same thing) for future people—who are also, ipso facto, then being constructed as subordinate people.

The implication is that our political decisions are *not* automatically illegitimate in their relationship with present political subjects.⁵ It is in this sense that a herrenvolk democracy is not the same as an oligarchy. But being illegitimate in their relationship with future political subjects, those political decisions can have at most an incomplete legitimacy.

I will also just note one further aspect of the idea of a herrenvolk democracy that may offer an intriguing implication for our understanding of the problems created by a solely present-oriented democracy. Under Judith Shklar's analysis, a herrenvolk democracy also produces a paradox, because the lauded equality within the included group is in part *defined* by their distinction from the excluded subordinates. Equality exists only as a product of inequality (Shklar 1991). Joel Olson draws out the further implication of this observation: where citizens are defined as 'not slave'; blackness is defined as 'slave'; and whiteness is defined as 'not black'; whiteness is then defined as 'citizen', which is to say, whiteness becomes *constructed by exclusion*. Because the excluded are what “simultaneously threatened and consolidated” the social contract (Olson p.43), herrenvolk citizenship “builds white domination into democracy” (p.44).

This line of thinking is more relevant to our own question than it might first appear. This

5 Except....is there a question here of whether the legitimacy of my relationship with the state is harmed by the existence of illegitimate relationships between it and others?

aspect of the racial herrenvolk system is not a direct parallel with a generational herrenvolk system, mostly because whiteness is constructed while present-ness is a given⁶. But we can still ask whether acting to benefit present people over future people changes or reconstructs our own identities—present people are not simply given but constructed as subjects *in part via exclusion* of future people?

The possible way this would manifest is that excluding future people from representation 'builds present domination into democracy': self-reinforcing our strong time preferences and short time horizons, inhibiting our ability to address future problems, including those that may harm our own selves. Thus there may also be harms to the future well-being of *present* people that are being reinforced by non-intergenerational understandings of legitimacy.

III. Potential objections to intergenerational legitimacy.

It is simple to make the argument that thinking about legitimacy intergenerationally is demanded by the very idea of a 'democratic' form of legitimacy. But what would such a conception of legitimacy entail—and, importantly, is it theoretically viable at all? I explore this by considering several potential pitfalls involved in the idea of intergenerational legitimacy. In the process, some of the necessary revisions to (or at least limitations of) extant ideas of legitimacy will become apparent.

I will discuss five main problems connected to intergenerational legitimacy: (1) the role of political obligation; (2) the construction of the demos; (3) the role of coercion versus general

⁶ Or is it? It is not immediately clear that I should automatically think of my “self” as my self *today* rather than my “self” fifty years from now....am “I”, as political subject, essentially present, or intertemporal? Do what degree does excluding future people make me less inclined to understand my own self intertemporally?

governance; (4) the person-regarding principle and intergenerational harms; and (5) the problem of knowing the 'will' of indeterminate people. These matters all arise, directly or indirectly, from Parfit's non-identity problem. This is perhaps the biggest and most obvious hurdle for any normative argument concerning future people, so it is worth beginning with a summary of the problem.

Parfit suggests that we can divide issues of obligation to the future into several categories. There are those of "different number", in which our actions alter the number of people existing at some future date. Then there are "same number" problems, in which the number of future people does not change, but our actions affect their identities (they are different people as a result of our actions). Finally, there are the much simpler "same people" problems, in which the number and identities of future people remain the same, and we have only to account for the effects of our decisions on a given set of people (Parfit 1982).

One problem here is that, if our actions fall into one of the first two problems (given that "different number" problems would seem automatically to involve different people, or at least a different total composition of the people), how can our decisions ever 'represent' future people whose identities may depend on the outcome of our decision process? Their existence is, in this light, merely hypothetical.

The other problem that Parfit raises (and with which I agree) is that, when dealing with significant enough decisions or decisions with effects projecting far enough into the future, these effects will almost certainly influence the identities of the people then existing. In other words, most if not all of the decisions potentially subject to the demands of intergenerational legitimacy will involve the first two problems, not "same people" problems.

In this section, my overall contention will be that legitimacy does not really require fixed subjects. Non-identity is not a problem for intergenerational legitimacy in the same way as it is for theories of intergenerational justice. But to see how this works, it will be helpful first to address a problem of political obligation that appears to arise from the non-identity problem.

III.A. The absence of political obligation.

We can illuminate this problem through the account of A. John Simmons, distinguishing “justification” from “legitimacy”. Simmons argues that legitimacy involves the right to coerce certain subjects, not just a general right to coerce someone or anyone, which he would distinguish as a matter of “justification” of political authority in the abstract. But this means that political legitimacy requires some specific relationship between a political authority and its *particular* subjects (Simmons 1999).⁷

The potential objection here would be that, if future identities will vary in response to actions (per Parfit), it would make no sense to speak of such a particular relationship with any given future person—the problem being precisely that they are *not* “given”. Present political power would have a relationship with potential people, but not actual future people in their particularity. Legitimacy, then, could neither be present in nor absent from this relationship; the concept would simply be inapplicable.

We should observe, however, that this requirement of legitimacy in Simmons' account derives from the idea that legitimacy creates a moral obligation to obey. This element of legitimacy is what, for him, requires it to be a quality located in particular relationships with

⁷ Might ought to expand this explanation?

individuals, not in the state itself.⁸ But such an obligation is not, I think, relevant for this case, as the effect of our decisions on future people is not contingent on their chosen obedience.

“Obedience” to coercion established by the present is, for future people, a product of causal necessity and not of duty.

In fact, many consequences of government actions are effective through causal necessity rather than obedience, even when considering present people only. We may, for example, think of questions of political obligation in terms of Socrates deciding whether it would be wrong to take advantage of an opportunity to escape from prison. But many prisoners have no such opportunity, and thus can make no such choice—the outcome is one of necessity rather than obedience. If an obligation to obey is a critical component of legitimacy, as for Simmons, then how can a policy action's causal effects on government subjects ever be legitimate (or illegitimate either)?

One might suggest that the role of obedience could still work counterfactually: if the prison door were left open, *would* you then have a moral obligation to remain? If so, your confinement is legitimate even without receiving that opportunity to make an actual choice.

But this cannot resolve the further problem of third-party effects, to which the very concept of obedience is irrelevant even counterfactually. If a political authority cancels the bus service in my neighborhood, I can no longer use the buses, whether I have an obligation to obey or not. If they close my favorite restaurant due to health code violations, a duty of obedience might be relevant to the response of the restaurant owner, but I as a third party can simply no longer eat there. It is not a matter of choice—the restaurant does not exist.

Policies here affect me without a question of obedience ever arising. But to exclude such

⁸ Expand on this too? Not sure if the connection is obvious or not....

things from judgments of legitimacy would be troubling. Changes to bus routes may have extreme effects on the well-being of neighborhoods affected, in ways that could and should call into question the democratic legitimacy of the decision. Of the analogies I have given, this is the one that we should see as most similar to the effect our decisions have on future generations.

In sum, the inclusion of political obligation within the idea of legitimacy is troubling. And, concerning the inclusion of future generations within legitimacy, Simmons' potential objection on the grounds of the particularity of the relationship between a government and its subjects arises only from the role that political obligation plays in his account of legitimacy. If we reject that role itself, as I suggest we should, then there is no longer a problem with applying the concept of legitimacy to our political relationship with future generations.

Separating political obligation from legitimacy does require us to rethink some aspects of the nature of legitimacy. The view seeing political obligation as key to legitimacy traditionally to rely on the idea that the state's right to command produces for its subjects a Hohfeldian correlative duty to obey (or, conversely, that the existence of that duty is what produces the legitimate right to command). But we can also see it another way, in which the state's right is merely a claim right: it is not wrong for the state to command. The correlative here would be a liability, not a duty: subjects are liable to being coerced, even if they have no obligation to obey (Applbaum 2012; see also Dworkin 1986 p.191). Where future generations are concerned, then, the nature of the power to be legitimated should be understood as a claim right only.

Legitimacy and political obligation are not wholly independent, of course: the source of my *particular* obligations to a particular government would be distinct from the question of the source of *obligation in general*, and as such part of the question of legitimacy where relevant.

Obligation would be relevant in cases where duty potentially exists (thus not in the case of future subjects). But a theory of legitimacy that insists on the inclusion of political obligation is incomplete, in that there are potentially legitimate relationships that it cannot explain.

There may be value in introducing here a distinction between minimal and full legitimacy (cf. Hampton 1997), or more broadly, differing standards for differing extents of power. We can concede that there exists a form of legitimacy that produces an obligation to obey (potentially; at least we can ask the question of under what conditions this occurs, and expect that the answer might involve conditions different from those producing mere liability to coercion). But there also exist relations of authority or governance under which the idea of duty is irrelevant, such as authority exerted over future generations. “Legitimacy” in these cases may not be identical. And the requirement that the latter relations be justified means that we cannot accept an obligation-centered definition limited to the former.

Even if an account closer to that of Simmons can characterize a more 'full' legitimacy, the impossibility of meeting its standards in a particular circumstance does not absolve us of the obligation to pursue the furthest extent of legitimacy possible. Those unable to provide consent to be governed, etc., should still be accounted for. Intergenerational legitimacy falls into this category, because the political relationship concerned is, per the non-identity problem, one between a state and an *indeterminate* subject.

The requirement to pursue legitimacy here is thus not about good or bad effects of governance on a particular other, but about taking actions that produce effects on *any* other. The political relationship concerned emerges from the fact of governance, so its legitimacy (or illegitimacy) is a property of the act of governance. (That is to say, not a property possessed by

the state—I agree with Simmons on that—but a property of the relationship, with the one fixed node in the present. Insofar as legitimacy exists in that relationship, its temporal location is in the present.)

Finally, my response to the problem of political obligation also raises the question of the original locus of the normative requirement that political relationships be legitimate. Is this requirement a claim that subjects have against their government (creating a liability for the government, that it can be forced to act legitimately)? If so, it is unclear that future subjects could possess such a claim when their particular existences are indeterminate.

Instead, we need to understand the demand for legitimacy as also located in the present, the fixed node of the intertemporal political relationship—meaning it must be located in the state. In other words, pursuing legitimacy is an obligation that a government possesses (a duty towards itself, present subjects, and future subjects), created by the act of governing.⁹ I will return to some of these aspects when addressing coercion (below, §III.C), but will first place that discussion in its proper context by considering first a problem involving the construction of the demos.

III.B. The boundaries of the demos.

Let us briefly back up to examine a problem that non-identity poses for legitimacy at a

9 Is this a duty without a correlative right at all (at least for future people)? To what degree is that a problem? Also – if the state is governed 'by the people', doesn't this mean the burden to legitimate political relationships falls on the people as sovereign? Thus I have not only a potential claim on the government that it act legitimately towards me, I also share the government's obligation to ensure that it act legitimately towards others, including future people?

Tricky aspect is: is this burden only on present people, or also on future people if they (their interests/representatives) share in governing the present? But how would that work? Could be helpful as a further grounding for normative case against technocratic overreach on behalf of future (a reason why representing interests of future people cannot *override* interests of present people, but must always take both into account), but need to develop these thoughts further.....

higher level: that of decisions affecting who is or is not subjected to governance. Arash Abizadeh offers an argument that, while addressing a different topic, provides a useful starting point for considering the implications of this problem with regard to future generations.

Abizadeh's interest is in examining the role of legitimacy in immigration policy. A problem arises, he argues, when we realize that the composition of the demos is not a given. Closed national borders configure the demos via exclusion. But border policy decisions are then exerting political power over those *excluded*. This would suggest that those excluded should have a say in the possibility of their joining our political community. Thus democratic legitimacy may require open borders (Abizadeh 2008).

I accept this reasoning, at least in broad terms. Further, it has implications for an intergenerational democracy, deriving from the recognition that the demos is not already given, but is created by political actions. Recall Parfit's point that our present decisions not only have effects on whatever future people actually come to be, but also influence which people come to exist. If legitimacy requires that potential citizens should have a say in our decisions, then there is an area in which non-identity is still a problem for legitimacy. The “different number” effects of our political decisions run into the same problem as do theories of intergenerational justice.

However, the important thing, following Abizadeh, is the option to join a political society. The lack of that option restricts the free action even of those not currently attempting to join—legitimacy requires that they have a say in border decisions whether or not they join the society in the future. For future generations, this implies that the future realization of membership is not itself necessary to have a claim on present legitimacy.

In other words, the present indeterminacy of their identities is still not a problem for

intergenerational legitimacy: we have obligations toward those who do come to exist. But whether or not we have obligations toward those who would have come to exist had our decisions been otherwise is a paradoxical question.

My conclusion here is that intergenerational legitimacy requires a distinction between the legitimacy of an action *insofar as* it affects the identity of a future person, and the legitimacy of that same action *insofar as* it affects some future person, of whatever identity. The theory developed here can only account for the latter. But, just as with the problem of political obligation, the impossibility of establishing the legitimacy of a decision in the former aspect does not absolve us from taking account of the latter.

III.C. Coercion versus governance.

A third potential problem for intergenerational legitimacy is whether it is only *coercion* that needs to be legitimated, or whether democratic legitimacy places demands on all forms of political power. Clearly, present political decisions are not coercing future persons in the sense of mandating certain behaviors backed up by the threat of punishment for non-compliance. In this sense, the question of coercion is related to (and continues) the discussion of political obligation above. I return to it only after discussing Abizadeh because I suggest our best entry point into the problem is through examining David Miller's critique of Abizadeh's argument.

Miller sees an essential difference between *coercion* and mere *prevention*. Coercion refers to forcing someone to perform some particular action; prevention means blocking them from performing some action (such as by locking the door to my house to prevent another's entry). The latter, he argues, does not truly restrict autonomy, and thus does not create a

requirement for democratic justification (Miller 2010, p.114). If closed borders are likewise a case of prevention, as he suggests, then Abizadeh's conclusions are invalid—meaning that states do indeed have the right to determine the boundaries of their own demos. We can extrapolate further from this that, if the effects of our actions on the future cannot involve 'coercion' strictly speaking, then those future people affected would not have a democratic stake in our present decisions.

I will note first that I would read Miller's 'house' analogy a bit differently. The house and its owner are presumably operating within an existing system of property rights that establish the right to lock one's door. The owner does not have to justify locking their own door any more than they personally have to justify the existence of the broader system. But democratic legitimacy does demand that the political order as a whole justify the decision to establish and maintain such a system. (And conversely, if I were to lock people out under a system that had decided democratically to *abolish* private property rights, I *would* justly face questions about the legitimacy of my action vis a vis those affected.)¹⁰

More broadly, I suggest that the legitimation of coercion alone (as in Miller's view) is unrealistically limited and thereby allows too great a range of state action not subject to accountability or justification. Beyond simple coercion, where there is an order of things that affect my freedom of action—I have been referring to this as “governance”—insofar as that order is the result of political choices, those choices should be made legitimately.

At least, if coercion requires legitimation because of its effects on me, other forms of governance do too. I am still in those other cases a subject governed by the consequences of

10 Regarding Abizadeh's broader argument, then, I might read it as implying instead that global society deserves a say in the system of borders and citizenship that exists. This does not mean that citizens of a neighboring country deserve a say in U.S. border policy specifically, nor that borders cannot be restricted, so long as the policies are in the range of what is globally accepted.....?

authoritative decisions, which situation is the source of the demand for legitimacy in the case of coercion. There is then no reason for coercion, alone among the multiple forms that such power can take, to be the only thing that matters.

A counterargument, however, is that coercion could be defended as unique if we begin from a (nominalist) type of theory of legitimacy that *defines* the state (the thing to be legitimated) as that which holds a monopoly on coercive force (cf. Weber 1921; & arguably, Hampton 1997). Clearly, there is no monopoly on governance in general; many private entities and associations are engaged in it. But note that, if we were to take this approach to defending the idea that the demands of legitimacy only apply to coercion, the difference between coercion and other forms of government would result from the monopoly aspect.

When thinking about the state in this way, the question of legitimacy becomes twofold. What is being legitimated: the coercive force, or the monopoly? If we are also asking how the monopoly is legitimated (because the monopoly is what here gives coercion its distinctive moral nature), this implies that my own *inability* to coerce my fellows (extralegal coercion) must be justified—I should not be so restricted without good reason. Presumably the problem here is that I am being coerced (into not coercing others). The question of the legitimacy of coercion is still prior to the monopoly question, and is what gives rise to it.

But consider further: it is also conceivable that an entity could monopolize coercive power (by preventing other actors from employing coercion) solely through “non-coercive” means (under Miller's definition of coercion). Having a 'monopoly on coercive power' would make this entity a 'state', but without itself employing coercion. If the only form of power that ultimately requires legitimation (including legitimation of the monopoly) is coercion, this would

be a state that *does not require legitimacy*.

But this contradicts the starting point of such theories: that legitimacy is about justifying a monopoly on coercive power. Or, if this state *does* require legitimation, that would suggest that the moral demand for legitimacy arises from governance itself, not coercive governance specifically. So even this sort of coercion-based theory will implicitly involve all forms of governance, if it is to be coherent.

My argument then is that coercion might well be legitimated *differently*; a theory of legitimate coercion may not have to cover all governance. And again like with political obligation, such a theory may have special requirements (also note that the problem of coercion is not identical to the problem of obligation, thus not fully addressed by an obligation-based theory, because it would need to cover cases of coercive *liability* too). But we cannot exempt non-coercive governance from the demands of legitimacy either. Coercion-based theories may not be able to accommodate future generations, but this poses no problem for a theory of intergenerational legitimacy beyond showing that it must account for more than simple coercion.

III.D. The person-regarding principle.

Returning now to Parfit's argument directly, we should consider whether there is a problem with applying a “person-regarding principle” in an intergenerational context. This principle is, essentially, the contention that “wrongs require victims” (Parfit, p. 171); a victimless action cannot be a moral wrong. One of the core challenges raised by the problem of non-identity—that present actions make future people into different people—is that it causes difficulties for any such moral principle. And the person-regarding principle certainly does seem

to have an intuitive validity. But I would argue that, when thinking in terms of the morality of *political* decisions, we can never adopt the standard that wrongs require victims.

To illustrate the problem through an example: imagine that I aim a loaded gun at someone's head and pull the trigger. But the gun jams, the person is unharmed, and I leave the scene. Furthermore, the person did not see me make the attempt; they have no knowledge that they had a narrow escape. It seems unreasonable to suggest that my attempt had any effect on them whatsoever. There is no victim here.

Yet I had every reason to believe that the gun would operate as expected—in other words, I chose to kill them, and acted on that choice. Other matters merely intervened to affect the result. Can we make no judgment about my choice to make the attempt? The choice itself is, after all, the exact same as it would have been if the gun had not jammed. This is really a standard problem of consequentialism versus deontology. Are intentions what matter, or are outcomes?

Policymaking, however, is concerned with choices—choices always made under conditions of uncertainty. Judgments about political action must have a deontological component, in that we cannot ignore choices (though that does not imply that outcomes are wholly irrelevant). Any relevant concept of a 'wrong choice' cannot involve the prerequisite that wrongs require victims.

This example is meant to show, first, that this issue is not confined to the future people context in which Parfit raises it. There may still be grounds to say that wrongs require hypothetical or potential victims—but this poses no issue for future people. Wrongs requiring victims may be a thorny problem for ethics in general, but we sidestep this problem in questions

of political legitimacy. There is nothing troubling about dismissing that requirement when limiting our ethical claims to specifically political conflicts. That dismissal is inherent to judgment of political choices, whether affecting the present or the future.

Second, I conclude that intergenerational legitimacy, if democratic, makes demands not just in cases of harm but for all effects on the future. (If it only applied to harms—involving particular victims—it would amount to output legitimacy only.) Legitimacy might only place concrete demands on us (in the sense of requiring us to change our current actions) when harm to some indeterminate person is concerned. But the obligation itself does not come into existence due to a harmful, but rather due to the act of governance itself. The requirement for legitimacy is thus not dependent on a harm actually coming into existence.

In general then, I suggest that the person-regarding principle in Parfit's identity problem does not pose any real problem for including future generations within our idea of political legitimacy. The demands of democracy require consideration of those subject to its authority, which has little to do with deciding *who* will be subject to that authority. Given an action and given its effects, the idea of legitimacy demands an account of the effects on those affected, as a part of our moral evaluation of the action. And, as Parfit notes, the possibility of actions resulting in different people means that “person-affecting principles either go astray, or are quite inadequate” in dealing with moral consideration for future people (Parfit, p. 172). So intergenerational legitimacy requires consideration of the interest of the people that happen to come to be, not those who might counterfactually have come to be instead.

III.E. Indeterminate preferences and the idea of output surrogacy.

The final challenge I address here is that of whether we need to know anything about the preferences of future people. This would seem to be a problem if their very identities are, per Parfit, indeterminate and partly a consequence of our actions. The issue here is whether intergenerational legitimacy (being governed “by” future people) requires taking account of preferences, or merely of actual interests. After all, preferences can be mistaken in terms of real interests.

If we side with preferences, then it would seem that privileging interests over preferences amounts to antidemocratic paternalism. As such, and given that Parfit's identity problem would seem decisively to prevent us from accounting for (indeterminate) future preferences, there would simply be no way to incorporate future people into our political community.

I would contend that Brian Barry's work on sustainability points our thinking in a helpful direction here (Barry 1997). He seeks to consider the role of sustainability in intergenerational justice, given this problem of identifying preferences, or even interests. The definition of sustainability at which he arrives is that “there is some X whose value should be maintained...into the indefinite future” (Barry, p. 101). Such an “X” cannot be defined in terms of want-satisfaction or equal opportunity, because these concepts require an underlying idea of preference.

Rather, we can say that our obligation to the future demands only that vital interests are achievable, that “conditions must be such as to sustain a range of possible conceptions of the good life” (Barry, p. 105). In other words, we must leave people in the future with the *possibility* of not falling below our level—what they do with those circumstances is then up to their own preferences, whatever those may be.

Barry argues that this constraint is necessary to fulfilling our obligations to future people. Whether it is fully sufficient may be up to question, but he suggests that, given the epistemological constraints against account for actual future preferences and interests, we can hardly do better (Barry, p. 111). I will here accept Barry's basic framework, and also suggest that it can be extended beyond questions of sustainable resource use.

Any present action denying future people the ability to sustain a range of vital interests parallel to ours will also deny them their legitimate democratic influence on the present decision. There is a sort of negative standard here, not that different from the sort of standard we would apply to treatment of other voiceless subjects (infants, etc.) in the present. We do not need to know the specific interests or preferences of a future person in order to infer that certain actions (such as removing their ability to satisfy whatever preferences they may have) would violate their interests.¹¹

The alternative view—that we do not need to make the attempt to ensure a legitimate relationship with our future generations, given their voicelessness—would have any number of disturbing consequences when applied to the present. The impossibility of certain knowledge of future interests does not give carte blanche to ignore probable interests. Expanding upon Barry's reasoning in this way is, I suggest, necessary and hopefully at least minimally satisficing for the requirements of democratic legitimacy.

Even if we cannot perfectly attain a legitimate political relationship with future persons, we can at least say that we should not *preclude* the possibility of intergenerational legitimacy. This is, in essence, to introduce an idea of *surrogacy*: in the absence of known preferences, our

¹¹ Ought to incorporate and discuss the potentially complementary view that democratic sovereignty is constrained by the need to preserve the conditions for “reasoned public deliberation”, etc.... (Cohen and Rogers 1983)

relationship with future interests serves as a surrogate for a relationship with future persons. Or (an equivalent formulation), we are accepting intergenerational output legitimacy, but *only* as a surrogate for input legitimacy.

The output problem here is basically the familiar problem of representation. Arguably, we cannot extend the concept of democratic legitimacy to subjects unable to 'speak' for themselves—such as subjects not existing at the time the decision is made. If speaking on behalf of another political subject could fulfill the demands of legitimacy, then it would seem that there is no longer any real distinction between democratic legitimacy and 'good governance' technocratic legitimacy.

I suggest, however, that this is a non-problem. Representing the interests of the institutionally voiceless is not such a radical idea; we have developed institutions to represent minors, animal rights, the rights of the severely disabled who are unable to communicate, etc. (Ball 2006). If democratic legitimacy truly demands that decisions be “by the people”, directly shaped by those who are governed, then such matters as establishing rules for the caretaking of the severely disabled would always be illegitimate.

Would the implication of this view be that such people should be left to somehow fend for themselves? Because any decision made on their behalf would be more oppressive than an attempt to account for the interests that they cannot directly voice? Yet, when thinking about intergenerational effects, the effects are unavoidable; there is no option of *not* imposing the consequences of our decisions upon voiceless future people. Would this imply that it is illegitimate to take any political action that changes the future at all? In light of these implications, I would argue that it is absurd to conceive of democratic legitimacy in a way that

precludes accepting attempts to represent the voiceless.

Thus we might suggest that governance “for the people” is satisficing in cases where “by the people” is not possible. The important difference between output surrogacy and simple technocracy is that this accommodation is merely satisficing here. “For the people” is here intended as a form of “by the people”, taking their interests as a proxy for their voice. If their actual voice were possible, a “for the people” approach would *not* suffice. Indirect representation is not necessarily the same as paternalism.

IV. Implications of intergenerational legitimacy for the idea of legitimacy itself.

The above discussion of possibilities and pitfalls in an intergenerational idea of legitimacy reveals that the need to legitimate the effects of our decisions on future generations will also impose certain demands on our understanding of legitimacy itself. I return here to the range of theories of legitimacy described in section II, in order to ask: what forms are compatible with intergenerational legitimacy? How (in addition to the ways already suggested in the last section) should these theories be revised?

On the constitutional level (the question of 'who', the composition of the demos), the obvious revision is to include future generations in our demos. On the other hand, it is not at all clear that any and all decisions taken today have such effects as to create demands of intergenerational legitimacy. Future representation in such cases would arguably make the demos over-inclusive, as the justification for such representation is not present. In this circumstance, we really would run afoul of the democratic argument against technocracy.

I further suggest, then, that we might benefit from thinking of the composition of the

demos under Goodin's (and Whelan's) idea that 'those affected' might define not the membership of the demos, but the limits of the decisional power of a given demos (Goodin 2007, p.62). A demos comprising presently existing people alone is adequate for many decisions, but inadequate for decisions with substantial impacts on future persons. A broader demos (including representation of future generations) is required in such cases—and may have correspondingly different standards for legitimacy.

This latter point is also the reason why the limits on acceptable ideas of legitimacy that I describe here are not intended as a comprehensive critique of those theories of legitimacy in all cases. Instead—as seen in discussions of political obligation and coercion above—they can be understood as restrictions on our construction of legitimacy that are applicable only because of the peculiar challenges facing this particular type of broader demos.

Turning to the matters of 'how': in terms of the *extent* of what must be justified under a theory of legitimacy, I have argued that neither obligation nor coercion are adequate standards. A standard of justification for political authority (or governance) in its broadest sense is what is necessary.

A similar observation can be made for the *criteria* of legitimacy: true consent (strict voluntarism) is unworkable for reasons parallel to those given concerning political obligation. However, the idea of output surrogacy—representing the interests of future persons in lieu of representing actual persons themselves—, if valid, allows us to remain agnostic concerning the appropriateness of other criteria, such as hypothetical consent.

Output surrogacy does likewise with questions of the legitimate *form(s)* of government; due to necessity, only proxy representation is viable for matters involving the intergenerational

demos. but this implies nothing about the value of higher standards such as direct participatory democracy in matters where they are actually viable.

Lastly, I should concede that a complication emerges here in which form (procedure) wraps back around to the level of the constitution of the demos. In this light it is perhaps no longer viable to describe the 'who' as prior to the 'how'. The issue is that any procedure unavoidably limits inclusion. This is the reason for the suggestion above that the range of those affected limits the decisional power of a demos on a given matter. But some decisions are, by their nature, not limitable in scope in this sense (think of energy policy). These decisions by necessity constitute their own range of subjects, and thus demand revision to procedure to allow those subjects' inclusion.¹²

V. Implications of intergenerational legitimacy for the role of science in democracy.

I have addressed here several basic aspects of democratic legitimacy in order to provide an idea of the reasons why the interests of future people are an integral component thereof. But the main overall topic was the relationship between scientific expertise and the will of people in the present. How does such expertise fit into this argument?

Essentially, accounting for future interests presumes knowing something about the consequences of our present actions. It does not necessarily apply to unpredictable outcomes, but it clearly applies to any knowledge we may have concerning predictable ones. Such

¹² I am thinking here of Nasstrom's view that history (past political decisions) cannot legitimate the constitution of a people—in the sense that it cannot justify *exclusion* from a demos. This leads the constitution of the demos to remain a perpetual site of contention (Nasstrom 2007). Yet history in this sense can, perhaps, constitute a necessary minimum for a demos? The idea of intergenerational legitimacy then says that future generations are often part of that minimum. Its demands on governance emerge *from* decisions made; a legitimate decisionmaking procedure, then, cannot be determined prior to discovering the outcome of the decision. A paradox, apparently.... still trying to figure out what to do with this realization.

knowledge falls under the purview of 'science' as I use the term here.

Building off of this idea, we can begin to summarize the implications for the role of science in democracy as follows:

Democratic legitimacy, by its own terms, must account for intergenerational interests when those are affected by our actions. Accounting for those interests requires some form of scientific expertise, as a necessary but probably not sufficient component of democratic legitimacy. This connection between science and intergenerational effects means that science is already present within the concept of legitimacy.¹³

Where the preferences of present people direct us to follow a course that science shows will harm future people, allowing their opinion to override expert opinion is in fact democratically illegitimate. Thus the apparent conflict between expertise and democracy cannot be resolved by privileging popular opinion—or at least, privileging popular opinion cannot be justified on grounds of democratic legitimacy. The appropriate relationship between science and democracy requires a mechanism for science to override popular opinion, when required for a democratically legitimate relationship between present government and future people.

The present is always, inescapably, governing the future; but the decisions are taken in the present, and so questions of legitimacy apply to the present status of a policy. Acting in ways that preclude a legitimate relationship with the future, by neglecting the interests of future people in favor of those of the present, illegitimizes the *present* decisions. But avoiding this requires a role for output legitimacy as it pertains to the consequences of our decisions for future generations, as a surrogate for unattainable input.

¹³ Should also incorporate and discuss Mark Brown's related but distinct argument for the presence of science within the very idea of representation....(Brown 2009 *Science in Democracy*)

Note on the following chapter: There is an elephant in the room in this entire discussion: what, exactly, is meant by 'science' here? How might the intergenerational conception of legitimacy shape our understanding of what form of 'science' is relevant—and perhaps more pressingly, can the many valid objections to the biases and dangers inherent in technocratic influence be addressed?

Having set up this revised aspect of legitimacy, the next chapter will further develop and explore these implications for the role of science in democracy. I will suggest that the preceding argument does not actually imply any claim about science as currently practiced, nor encompass all of the products of the formal activity that we group under the label 'science'. Instead, it implies a definition of science that moves in the other direction—essentially, it must follow a functionalist line of reasoning:

There is some form of knowledge X, which is necessary for us to draw upon in order to incorporate future interests into present democratic decisionmaking. An appropriate definition of X is determined by what is necessary to fulfil that function. “Science” here is merely the term that I have been using to stand in for “X”. The function itself involves making reasonably reliable predictions about the consequences of our present actions. This means that the relevant idea of science for legitimacy is defined by the capacity to make the best possible predictions.

As such, rather than claiming that anything falling under the casual label of 'science' must be accounted for, the argument is really that the best predictive knowledge available—some, but not necessarily all, forms of scientific expertise (and also potentially including indigenous or other traditional knowledges, etc.)—serves as our means to account for future generations. Its role in legitimate political decisionmaking is not a product of a technocratic or 'good governance' justification. It is a product of its function as a sort of indirect voice for future generations (and it is only in terms of that function that it has a role in democratic legitimacy).

So, in the end, the contention here is not that employing this knowledge fully resolves the problems of future representation, but simply that such knowledge is a prerequisite to any and all solutions to those problems. Where such knowledge is available, even if it stands against present preferences, neglecting to account for it and give it a role in decisionmaking amounts to neglecting to account for the future members of our political community.

BIBLIOGRAPHY

- Abizadeh, Arash. 2008. "Democratic Theory and Border Coercion No Right to Unilaterally Control Your Own Borders." *Political Theory* 36(1): 37-65.
- Agmon, Shai. 2016. "Could Present Laws Legitimately Bind Future Generations? A Normative Analysis of the Jeffersonian Model." *Intergenerational Justice Review* 9(2): 48-56.
- Appelbaum, Arthur. 2010. "Legitimacy without the Duty to Obey." *Philosophy & Public Affairs* 38(3): 215-239.
- Ball, Terence. 2006. "Democracy." In *Political Theory and the Ecological Challenge*, eds. Dobson and Eckersley. 131-147. Cambridge: Cambridge University Press.
- Barber, Benjamin. 1984. *Strong Democracy: Participatory Politics for a New Age*. Oakland, CA: University of California Press.
- Barnard, Frederick M. 2001. *Democratic Legitimacy: Plural Values and Political Power*. Montreal: McGill-Queen's University Press.
- Barry, Brian. 1997. "Sustainability and Intergenerational Justice." *Theoria* 45: 43-65.
- van den Berghe, Pierre L. 1967. *Race and Racism: A Comparative Perspective*. New York: Wiley and Sons.
- Biermann, Frank, and Aarti Gupta. 2011. "Accountability and legitimacy in earth system governance: a research framework." *Ecological Economics* 70(11): 1856-1864.
- Buchanan, Allen. 2002. "Political Legitimacy and Democracy." *Ethics* 112(4): 689-719.
- Buchanan, Allen, and Robert O. Keohane. 2006. "The Legitimacy of Global Governance Institutions." *Ethics and International Affairs* 20(4): 405-437.
- Cohen, James, and Charles Sabel. 2005. "Global Democracy?" *New York University Journal of International Law and Politics* 37(4): 763-797.
- Dworkin, Ronald. 1986. *Law's Empire*. Cambridge: Harvard University Press.
- Estlund, David. 2008. *Democratic Authority*. Princeton: Princeton University Press.
- Gaus, Gerald F. 1997. "Reason, Justification, and Consensus: Why Democracy Can't Have It All." In *Deliberative Democracy*, eds. J. Bohman and W. Rehg. 205-242. Cambridge: MIT Press.

- Goodin, Robert. 2007. "Enfranchising all Affected Interests, and its Alternatives." *Philosophy and Public Affairs* 35(1): 40-68.
- Green, Leslie. 1988. *The Authority of the State*. Oxford: Oxford University Press.
- Gutmann, Amy, and Dennis Thompson. 1996. *Democracy and Disagreement*. Cambridge: Harvard University Press.
- Hampton, Jean. 1998. *Political Philosophy*. Boulder: Westview Press.
- Hershovitz, Scott. 2003. "Legitimacy, Democracy, and Razian Authority." *Legal Theory* 9: 201-220.
- List, Christian, and Mathias Koenig-Archibugi. 2010. "Can There Be a Global Demos? An Agency-based Approach." *Philosophy and Public Affairs* 38(1): 76-110.
- Manin, Bernard. 1987. "On Legitimacy and Political Deliberation." *Political Theory* 15: 338-368.
- Miller, David. 2008. "Why Immigration Controls Are Not Coercive: A Reply to Arash Abizadeh." *Political Theory* 38(1): 111-120.
- Mommsen, Wolfgang. 1989. *The Political and Social Theory of Max Weber*. Oxford: Blackwell.
- Nagel, Thomas. 1987. "Moral Conflict and Political Legitimacy." *Philosophy and Public Affairs* 16(3): 215-240.
- Näsström, Sofia. 2007. "The Legitimacy of the People." *Political Theory* 35(5): 624-658.
- Olson, Joel. 2004. *The Abolition of White Democracy*. Minneapolis: University of Minnesota Press.
- Parfit, Derek. 1982. "Future Generations: Further Problems." *Philosophy and Public Affairs* 11(2): 113-172.
- Perry, Stephen. 2013. "Political Authority and Political Obligation." In *Oxford Studies in Philosophy of Law: Volume 2*, eds. L. Green and B. Leiter. 1-74. Oxford: Oxford University Press.
- Peter, Fabienne. 2008. *Democratic Legitimacy*. New York: Routledge.
- Pettit, Philip. 2012. *On the People's Terms*. Cambridge: Cambridge University Press.

- Rawls, John. 1993. *Political Liberalism*. New York: Columbia University Press.
- Raz, Joseph. 1986. *The Morality of Freedom*. Oxford: Oxford University Press.
- Ripstein, Arthur. 2004. "Authority and Coercion." *Philosophy and Public Affairs* 32(1): 2-35.
- Scharpf, Fritz W. 1997. "Economic integration, democracy and the welfare state." *Journal of European Public Policy* 4(1): 18-36.
- Shklar, Judith. 1991. *American Citizenship: The Quest for Inclusion*. Cambridge: Harvard University Press.
- Simmons, A. John. 2001. *Justification and Legitimacy: Essays on Rights and Obligations*. Cambridge: Cambridge University Press.
- Tännsjö, Torbjörn. 2007. "Future People, the All Affected Principle, and the Limits of the Aggregation Model of Democracy." In *Hommage à Wlodek: Philosophical Papers Dedicated to Wlodek Rabinowicz*, ed. T. Rønnow-Rasmussen, B. Petersson, J. Josefsson, and D. Egonsson.
- Vanderheiden, Steve. 2006. "Conservation, Foresight, and the Future Generations Problem." *Inquiry* 49(4): 337-352.
- Weber, Max. 1964. *The Theory of Social and Economic Organization*, ed. Talcott Parsons. New York: Free Press.
- Wenar, Leif. 2002. "The Legitimacy of Peoples." In *Global Justice and Transnational Politics*, eds. P. De Greiff and C. Cronin. 53-76. Cambridge: MIT Press.