Legitimating Pandemic-Responsive Policy: Whose Voices Count When?

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Abstract: A democratic principle holds that, other things being equal, public support for a policy can contribute to the legitimation of that policy's imposition. This chapter focuses on some cases in which 'other things' are not 'equal': cases in which the attitude to others' choice or the attitude to others' suffering demonstrated by a person's or group's support for a policy undermines the legitimating force of their support. I focus on the implications for the imposition or lifting of lockdowns.

During the lockdowns, many voices have argued for restrictions to be lifted early, despite the risks to public health. The reasons given typically concern the detrimental economic, educational, mental health and non-Covid health effects of lockdowns. There is much good work (including in this volume) that assesses the force of these arguments on their own terms. My chapter proposes that the force of these arguments also varies depending on who makes them, and on how the arguments treat the views of others. For example, are the arguments made by people with little to lose either from lockdown or its alleviation? Or are they made by people with more at stake? Are they offered in a dialogic spirit, or do they make assumptions about others' behaviour without engaging with them?

In this chapter, I will argue that these considerations throw doubt on the legitimating force of the claims of some of those wishing to open up the economy and keep schools open at the expense of public health during a pandemic. Insofar as those arguing for a return to 'business as usual' are supporting a move that harms others while benefitting themselves, their claims for this policy often do little to confer legitimacy on it. This is most especially true of those who are already well off, or who benefitted from the *injustices* of the pre-pandemic 'business as usual'.

I. Democratic Legitimation: the Importance of Public Support

In a democracy, people's support for a policy is a reason in its favour, other things being equal. This chapter looks at some cases where 'other things' are not 'equal': cases where the nature of the voices supporting a policy, or the way those in support treat the voices of others, undermine some of the legitimating power of their support. (A different type of case in which 'other things' are not 'equal' is when the content of a policy is grossly unjust. People's support for fascist or racist policies is no reason in favour of such policies.)

Before going further, in this section I say a little about why people's support for a policy is *normally* a reason in its favour: why democratic politicians are rightly attentive and responsive to public opinion, and policies with little public support should rarely be enacted. There are two deep reasons that justify political power's responsiveness to people's support. One reason concerns where

knowledge lies. Another concerns the importance of consent or disagreement. Both factors – knowledge and consent – bear on the justification of the use of force or authority.

Many philosophers argue that, if it is not to be 'bare' force exercised arbitrarily and illegitimately, the imposition of a particular policy by those with political power must satisfy two conditions: (a) the policy must be justified by good enough reasons (and the imposers must believe this, as must those on whom the policies are imposed); and (b) its imposition must receive some sort of agreement from most of those on whom it is imposed (or at least, they must refrain from dissenting to it).[1] Sometimes there will not be time to secure such agreement, as in the case of an immediate quarantine. But here there can be higher-level agreement, to institutions-that-can-where-necessary-impose-quarantines-without-seeking-consent.

How can policy responses to the pandemic fulfil condition (a), the 'good reasons' requirement? In the UK, the government claimed its policies were 'following the science', developed with input from a group of expert scientists.[2] Such involvement of expertise is clearly conducive to satisfaction of the 'good reasons' requirement. But the empirical facts that science discovers cannot constitute good reasons all on their own.[3] If science tells us that a policy of recommending hand-washing will result in so many thousand excess deaths with such-and-such a probability, while a policy of lockdown will result in so many fewer thousand excess deaths with some different probability, none of this yet tells us what to do until we add practical or 'evaluative' premises about the relative importance of avoiding excess deaths vis-à-vis the importance of the liberty lost and the other opportunity costs of the policies.

Where do we find these evaluative premises? Some might call on moral experts here, akin to the scientific experts.[4] But what we need are experts on the substance, as opposed to the theory, of moral and evaluative claims: experts on the importance of job security, on the horrors of death in hospital, on the nuances of everyday child-rearing, on the stresses of housing in cities (to name just four of the many relevant areas). It seems to me that while moral philosophers might have expertise on theorising these issues, expertise on how we should *practically* evaluate trade-offs between such goods depends on life experience in the broadest sense, and is therefore fairly evenly distributed across people throughout society. For this reason, the best way to discover the evaluative premises that, together with the non-evaluative facts, determine the policies for which we have good reason, is to pool everyone's knowledge through democratic deliberation, debate, and voting.[5] This is one deep reason why people's support for a policy, other things being equal, counts in its favour: moral and other types of knowledge are dispersed among people. Formal expertise has its role to play, but

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[1] Much work focuses on the legitimacy of authoritative power, rather on the legitimacy of particular policies, but the two are clearly related. On the epistemic aspect of legitimacy – the requirement that power enact policies for which there are good reasons – see e.g. Estlund 2008, Peter 2008, Raz 1986. On the importance of consent or non-dissent, see Greene 2016, Locke 1960 [1689], Simmons 2001.
[2] See https://www.gov.uk/government/organisations/scientific-advisory-group-for-emergencies.
[3] See Hume's famous objections to deriving an 'ought' from an 'is' : https://plato.stanford.edu/entries/hume-moral/#io
[4] Compare Plato's 'Philosopher Kings' in *Politeia*.
[5] Compare Goodin & Spiekermann 2018, Ober 2017.

when it comes to the complicated trade-offs demanding evaluative understanding that characterise political questions, the people are often the experts.

In addition, public support for a policy is an indication that it might satisfy condition (b), by commanding agreement or at least not widespread disagreement. There is debate among philosophers about how to interpret the consent requirement on legitimate authority. If taken in too demanding a way (e.g., as requiring the explicit agreement of a citizen before their ruler can be legitimate) it makes most political authority illegitimate.[6] But it seems to me that some sort of agreement, or at least non-dissent, among enough people, is necessary for the imposition of power to be morally acceptable. An otherwise excellent policy that is very widely dissented from should not be imposed on people (again, other things being equal). Underlying this is a general principle requiring respect for a person's will or choice even if they have not chosen wisely. This includes people's social choice to work with others on joint policies. When several of us freely agree to the imposition of a policy, my assenting part in the agreement can help confer legitimacy on its imposition both on me and on my fellows.

People's will or choice cannot legitimate a policy on its own: the 'good reasons' condition must also hold. Even if most people wanted to allow the army to torture people, this would not legitimate such torture. But if a policy is 'good enough', *then* its legitimacy depends on whether people support or assent to it. For example, I think there is a range of acceptable evaluative positions about the relative priority of education and defence spending: policies involving a nil spend on education are outside the acceptable range; but policies including high spending on both education and defence, and many alternative spends, will all be within the acceptable range. Within this range, a position that would otherwise be appropriate for a given society can be made inappropriate simply by that society's free democratic dissent from it.[7] And a society's support for a position within this range can sometimes make it appropriate to enforce this position even on dissenters.[8]

In this section, I have presented the two deep reasons why public support for a policy normally counts in that policy's favour: public support reflects where moral knowledge lies (namely, with the public), and public support constitutes agreement with a policy (agreement that potentially legitimates its enforcement). These points have practical implications for the legitimacy of pandemic-responsive policies. One obvious implication is that such policies, and the decision-making generating them, should be subject to open democratic debate, with avenues for everyone to make

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[6] Compare Hume's concerns about consent theory: 'My intention here is not to exclude the consent of the people from being one just foundation of government where it has place. It is surely the best and most sacred of any. I only pretend that it has very seldom had place in any degree, and never almost in its full extent' (1994 [1741], p. 182).

[7] See Richardson 2002, pp. 140-1, for the idea of a 'normatively fruitful context', one in which an option's having been chosen can make it right. One example might be the choice between an adversarial and an inquisitorial criminal justice system: both have merits, and each can be made appropriate or inappropriate for a society by their assent or dissent. For further epistemic approaches to democracy which take deliberation according to appropriate procedures as partly constituting the deliberation's outcome as the right one, see Misak 2001, and the pure epistemic proceduralism in Peter 2008.

[8] As democrats, we have to be willing to live under rulers and policies from which we dissent, if the majority chose them (and chose them for 'good enough' reason).

proposals, to protest against and support policies. Another is that those designing policy should be wary of value judgements likely to reflect their particular elite position, unreflected in the wider democratic populace. (One example might be a tendency to prioritise economic activity that maintains current power structures, at the expense of public health.)

In the remainder of this chapter, I focus on cases where, despite the points above, support for a policy by some part of the public does *not* contribute to its legitimacy. I focus in particular on cases in which the *attitude to others' choice* or the *attitude to others' suffering* demonstrated by a person's or group's support for a policy undermines the legitimating force of their support.[9] By 'legitimating force', I mean the weight that a democrat should attach to a potential policy simply because it has public support: weight that, we have seen in the current section, could help justify the policy's imposition.

II. Policy Proposals in Dialogic Spirit?

If someone proposes or supports a policy *while intending to benefit from violating it*, this normally undermines the legitimating force of their support. For example, if I enter into a contract with you, while intending to violate it for my own benefit (perhaps I intend to defraud you), my support for the contract is no moral reason for the courts or the police to insist that you uphold your side of the bargain. They can insist that I uphold my side, but they should not use my insincere assent as a reason to enforce your side of the bargain.

In the context of the pandemic in the UK, we might here think of the widely reported behaviour of Scotland's former Chief Medical Officer (Catherine Calderwood), or of the Prime Minister's Chief Adviser (Dominic Cummings), both of whom violated lockdown policies that they advocated. Matters are not as straightforward in these two cases as in the principle outlined in the previous paragraph. It is not clear that either of these individuals *intended* to violate the policies at all the points when they advocated them. Their support for the policies was also in their *official* roles, rather than as ordinary citizens. I suspect the first of these factors points towards lesser blameworthiness, while the latter points towards more. I will not assess blameworthiness here. I mention the cases simply as examples similar to what I have in mind: support for a policy by someone who intends to violate it for their own good does not carry legitimating weight. Support from such a person cannot help the case for enforcing the policy on others. Such support should not be given the serious attention that democrats should otherwise give it.

There is an interesting interplay between the principle just mentioned and a different one: the principle that supporting a policy *in a way that excludes others from debating it* confers less democratic legitimacy on that policy than support offered in an open, dialogic spirit. Suppose I argue that we should end the lockdown early on the basis that people will grow tired of it and will fail to

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[9] My concerns might seem related to Rousseau's distinction between the 'general will' that 'considers only the common interest' and the 'will of all' that takes 'private interest into account'. My discussion is related to these issues, but I resist any sharp distinction between 'common' and 'private' concerns (Rousseau 1973 [1762], p, 203).

respect it. If this prediction is based on open, democratic discussion, in which my fellow residents express their belief that they will be unable to maintain the lockdown, then my support for easing the lockdown is prima facie unproblematic, and my argument for lifting the lockdown on this basis can confer (some) legitimacy on such a lifting. Similarly if I reflect on my own position and argue that *I* will not be able to cope with a long lockdown, then my point carries (some) legitimacy-conferring weight. By contrast though, suppose I make my prediction about others without discussing this with those I expect to violate the lockdown. Suppose I just use sociological data to support an assumption that people of your type are unable to respect rules like this, even though I think I can respect the rules. This seems disrespectful of you.[10] I am treating you as someone who could not choose the lockdown policy and live up to it, without having discussed this with you. (It is almost as if I am treating you like Calderwood or Cummings: as someone whose support for lockdown would be unable to legitimate it, even if you claimed to support it, because you are (so I think) already doomed to violate it.) In this way, I fail to treat you as an equal chooser jointly involved in the policy decision.

This does not forbid the kind of reasoning just mentioned. Often we cannot avoid choosing policies partly on the basis of predictions – rather than interpersonal discussion – about how far the policies will be respected by others. But we should recognise that the more we let that factor influence our choice, the less 'we' are choosing jointly and democratically with the relevant others, and the less respectful we are being of them. I think that the more we argue for a policy in this predictive rather than dialogic spirit, the less our support can confer legitimacy on its imposition.

III. Proposals to Benefit from Harming Others, and from Unjust Harms

Public support for a policy can also lose its legitimating power if the policy would benefit its supporters at the expense of someone else. The clearest cases of such loss of legitimating power occur when the policy is unjust, the supporters are already in a strong position, and they stand to benefit from the injustice. A policy of aggressive imperialism, for instance, gains no legitimacy from the support of those who would benefit from it. Similarly, the policy to delay the end of chattel slavery gained no legitimacy from the support of those who held enslaved peoples on the plantations. Of course the illegitimacy of the policies just mentioned is overdetermined. There can be no good reasons for grossly unjust policies like imperialism or slavery. But there can sometimes be good reasons for policies that are *moderately* unjust, such as awarding examination grades based solely on the predictions of a single teacher. Such policies can be legitimate – but, I contend, only with the support of relevant groups.[11] Support for such a policy from people who are already well-placed, and who stand to benefit from its injustice (such as administrators and state agents for

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[10] Of course a lot here depends on the detail: is the relevant data gained from surveys of other groups, or from surveys that include you? What about surveys of groups like you, but not including you? Thanks to Aveek Bhattacharya and Fay Niker for comments.

[11] Compare the 'all affected' principle which says that all those affected by a decision should have a say on it (e.g. Goodin 2007). I am adding that the voluntary 'say' of those at risk of unjust harm does more to legitimate a decision than the voluntary 'say' of those who would benefit – if the beneficiaries are already privileged. This is not an argument in favour of extra or fewer votes depending on one's position, but rather concerns the legitimating weight of the relevant voices arguing in favour of the policy.

whom it is easy and cheap), looks very different to support from those on whom it risks unjust harm (such as students).

I suggest that the cases just mentioned reveal four factors relevant to the legitimacy-conferring power of support for a policy: (1) whether the policy harms anyone; (2) whether its supporters stand to benefit from the policy; (3) whether its supporters are already starting from of a position of relative advantage or disadvantage; (4) how just the policy is. Support for an unjust and harmful policy voiced by someone who is already in a strong position, and who would receive new benefits, confers very little legitimacy on the policy. This means that their agreement or support does very little morally to justify using power to impose the policy – much less than would the support of other people.

Matters are different when some but not all of these four factors are present. Advocacy of a policy by someone who would benefit from the costs it imposes on others, but who would benefit because the policy helps alleviate an injustice, can do much to legitimate that policy – as, for example, in the NAACP's role in the US civil rights movement.

If this is correct, then in democratic debates about when and whether to lift a lockdown and reopen the economy, attention must be paid to the particular positions of those proposing different policies. People in high-risk groups arguing to open up the economy (and thereby to place themselves at greater risk of harm) can confer more legitimacy on the position for which they are arguing than those in low-risk groups – especially if the latter are already doing well even during lockdown, but will gain extra benefits from a return to 'business as usual'.

I think this point requires some reorientation of our thinking about democratic debates. It demonstrates the importance of policymakers attending carefully to who will be benefited and who will be harmed by a policy *in relation to who is propounding it and their current position*. Where a policy benefits some at the expense of others, policymakers and imposers should attend to the justice of the policy, and to where its harms and benefits fall, in assessing the forcefulness of those arguing in its support.

This point can be seen as one of many possible departures from the utilitarian view that a policy's serving well-being (or indeed choices) confers legitimacy on it wherever that well-being (or those choices) are located. Instead, whose well-being or choice is at stake matters enormously. Many have stressed that the well-being of those who are worse-off overall should be given greater weight.[12] The four factors outlined are additional complicating factors, taking us further from the simple view that serving well-being (or choices) wherever it is to be found is sufficient for a policy's legitimacy. We should not mistake general support for a policy, led by those who stand to benefit from its injustices, for legitimacy-enhancing support.

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[12] See Rawls 1971, Parfit 1991.

IV. Injustice-Generated Dangers of School Closures

School closures are an interesting example to illustrate the principles set out above. Let us distinguish three harms caused by closing schools (see also Brando and Fragoso in this volume). One is the impact on education in a narrow sense: reading, writing, arithmetic, fostered by trained teachers. A second is the broader social impact on children: schools ensure that children are fed, cared for, and socialised outside potentially harmful home environments. Many experts highlight the second as a primary danger of school closures: the way it leaves some children without help and support in 'dysfunctional' homes.[13] A third is the effect on parents, employers and the wider economy: schools provide parents with childcare, freeing them for work and other activities.

The second harm reflects a wider injustice. That is, the harm that some children suffer when confined to their homes is itself an injustice: it is clearly unjust that some children live in households where they lack enough to eat, suffer from cold and mould or miss out on social or educational experience. This remains an injustice even when schools are open and it is thereby partly alleviated. Now, if someone asks for schools to be reopened on purely educational grounds, while at the same time campaigning against the broader injustices that leave children in danger at home, then it does not seem to me that they are proposing a policy in which they themselves benefit from injustice. By contrast, people in privileged positions who ask for schools to be reopened primarily as a 'sticking plaster' for the wider social injustices, and who do *not* support, or who actively *oppose*, further measures to address these injustices, seem to me often to be proposing an unjust policy from which they benefit. Why is it unjust? Because it proposes a partial, and conceptually misdirected (because educational rather than social), solution to an injustice that should be faced head-on. Why do they benefit from it? Because alleviating the relevant wider social injustices requires major changes that will be (moderately) costly, at least in the short term, for those in privileged positions: both in terms of tax payments, and in terms of social changes that will make (e.g.) a private education less of a helpful privilege. (Less privileged parents also benefit from having more time available, but unlike privileged groups, their support for reopening schools does not come from a position of strength.) When we add the facts about how reopening schools increases the risk of catching Covid-19, and that this disproportionately affects the kind of families for whom the schools are supposedly being reopened as a safety net, the proposed analysis is strengthened: it looks more like a case of privileged groups attempting to benefit from injustice.

Of course, there will be many people – including many in privileged positions – who argue for schools to be reopened for reasons of wide social justice who do not themselves benefit from this injustice. But the concern just mentioned points again towards giving extra weight to those who have most to lose from the relevant changes, not only because they know most about what is best

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[13] Now I am sure there are many children in this position, but I also think we should be wary of a middle-class fear of 'the other' at work in diagnosing 'dysfunction' here.

for them, but also because their support does more to legitimate the relevant change than the support of those who will benefit from the resultant injustices.

V. Harm and Relevant Alternatives

The previous section centred around my claim that support for a policy does little to legitimate it if the policy is unjust and the supporter is already privileged and stands to benefit from that injustice. At least three aspects of this claim deserve further thought: what counts as an injustice, what it is to be privileged, and what it is to benefit or be harmed by it. I will not analyse injustice or privilege here. But I do need to say more about benefit and harm.

One account says that someone is benefited by an event if it causes them to be better off than they were before it happened. This is too crude. The lockdown benefited many by slowing the spread of Covid-19, even though it made many people worse off than they were before the lockdown happened. The reason we say the lockdown benefited people is because it caused them to be better off than *they would have been* if the disease had been allowed to spread without a lockdown. Here we seem to be comparing the lockdown to a counterfactual situation involving *Covid-19 plus 'business as usual'*.

But in the schools example in Section IV, I used a different point of comparison. I said that – even without Covid-19 – 'business as usual' harmed certain children. This cannot be in comparison to 'business as usual'! Instead, the harms suffered by the relevant children reflect the ways they are worse off when compared to a situation in which injustice is alleviated. This is a fairly common move.[14] But it seems to me that we cannot define harm in comparison to too utopian an alternative (such as one where everyone behaves as well as possible): that would make us find harm too frequently, all over the place. Instead, we should compare the relevant situation to one in which people do what they should, within some reasonable standard of what is achievable. Relative to this, the children discussed in the previous section are harmed by the injustices outlined, because there is a reasonably achievable normatively required alternative relative to which what we actually do makes the children worse off.

One thing this warns us to beware of are claims that 'there is no reasonable or achievable alternative'.[15] Sometimes that could be correct. But sometimes it will be a method for excluding alternatives, comparison with which would make a particular policy count as harmful (and its proponents' support thereby not fully count as legitimating it). We can see this at work in responses to the problems of injustice for children outlined earlier: if one argues that there is nothing that can

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[14] We use a moralised baseline as our point of comparison when we think that someone who fails to help their elderly neighbour harms them, or that somebody who fails to feed their children harms them. The agent in these cases does not make the neighbour or the child worse off than they were beforehand. Instead in these cases the agent makes the neighbour and the child worse off than they would be if the agent had done what they should. For a famous – and in my view flawed – use of a moralised baseline in measuring whether a choice is voluntary, see Nozick 1974, pp. 263-4.

[15] E.g. see the critical discussion in Finlayson 2015, Ch. 1.

be done about this except the reopening of schools, then one is thereby closing off my claim that 'business as usual' (through schools opening and nothing more) itself harms children by failing to alleviate the relevant injustices.

VI. 'Good' Policies from 'Bad' Sources?

In Section I, I argued that other things being equal, public support for a policy helps legitimate its imposition. That is, other things being equal, public support for a policy suggests that its imposition through the force of law would not be arbitrary, but would be morally justifiable. Given that moral expertise is dispersed among the public, the fact that a policy commands public support is a reason in favour of it; such support is also a mark of the kind of assent that is necessary for power to be legitimate.

The rest of the chapter focused on cases where 'other things' are not 'equal': cases in which the legitimating power of a person's support for a policy is undermined by their attitude or relative position. In Section II, we looked at cases where support for a policy is proposed in an insufficiently dialogic spirit. And in Sections III and IV, we looked at cases where those supporting a policy would stand to benefit from the way it harms others, in a manner that undermines the legitimacy that the support might otherwise confer.

It is important to notice that these arguments in Sections II-IV focus on how the legitimating power of public support for a policy can be diminished. This is distinct from the policy's own merits. An excellent policy could be proposed by someone whose position means that their support for it does not contribute to the legitimacy of its imposition. For example, a policy of lockdown might be proposed by someone who would benefit financially from the consequent increased use of videoconferencing. That policy might nonetheless be a good idea, and the benefiting proposer might even be motivated by the right reasons – e.g., concerns about stopping the spread of Covid-19. In a slogan, a 'good' policy could come from a 'bad' proposer or supporter. My argument has simply shown that in such a case, the bare fact of support from the 'bad' proposer does not count either as evidence that the proposal is a good one, nor as a form of legitimacy-conferring consent to the proposal. (By contrast, in the normal case – where 'other things' really are 'equal' – a good democrat should indeed recognise support for a proposal as (some) evidence that it is a good one, and as constituting (some) legitimating consent to it.)

Because a 'good' policy can be proposed by any source, my argument does not point towards silencing less-than-just proposals by those in privileged positions who would benefit from them. It simply entails that when assessing whether it would be legitimate to impose such policies, we need to look at who is supporting them. In public discussion of the pandemic, there has been much focus on the opportunity costs of different policies. But it matters just as much on whom such costs – opportunity and actual – fall. Are they victims of injustice, or simply harmed by just policies? And are the relevant policies being proposed primarily by those who stand to gain from them? Even at the

expense of others? These questions are all relevant to the legitimating power of the public support given to different policies.[16]

FURTHER READING SUGGESTIONS

For more on how to think about consent's role in legitimating institutions, see Amanda Greene's 'Consent and Political Legitimacy', in *Oxford Studies in Political Philosophy* 2 (2016), ed. D. Sobel, P. Vallentyne, S. Wall, 71–97.

For a wide-ranging introduction to different theories of democratic legitimacy, including their costs and benefits, see Fabienne Peter's *Democratic Legitimacy* (2009), London: Routledge.

For discussion of the question whether all those affected by the decisions of a government should have a democratic right to participate in it, see e.g. Robert Goodin, 'Enfranchising All Affected Interests, and Its Alternatives', *Philosophy and Public Affairs* 35, 1 (2007), 40-68.

REFERENCES

Estlund, David (2008), *Democratic Authority: A Philosophical Framework*, Princeton: Princeton University Press.
Finlayson, Lorna (2015), *The Political is Political: Conformity and the Illusion of Dissent in Contemporary Political Philosophy*, London: Rowman & Littlefield.
Goodin, Robert (2007), 'Enfranchising All Affected Interests, and Its Alternatives', *Philosophy and Public Affairs* 35, 1, 40-68.
Goodin, Robert and Kai Spiekermann (2018), *An Epistemic Theory of Democracy*, Oxford: Oxford University Press.
Greene, Amanda (2016), 'Consent and Political Legitimacy', in *Oxford Studies in Political Philosophy* 2, ed. D. Sobel, P. Vallentyne, S. Wall, 71–97.
Hume, David (1994 [1741]), 'Of the Original Contract' in his *Political Essays*, ed. K. Haakonssen, Cambridge: Cambridge University Press.
Locke, John (1960 [1689]), *Second Treatise of Government*, ed. P. Laslett, Cambridge: Cambridge University Press.
Misak, Cheryl (2001), *Truth, Politics, Morality*, London: Routledge.
Nozick, Robert (1974), *Anarchy, State, and Utopia*, Oxford: Blackwell.
Ober, Josiah (2017), *Demopolis*, Cambridge: Cambridge University Press.
Parfit, Derek (1991), 'Equality or Priority?', The Lindley Lecture, University of Kansas.
Peter, Fabienne (2009), *Democratic Legitimacy*, London: Routledge.
Rawls, John (1971), *A Theory of Justice*, Oxford: Blackwell.
Raz, Joseph (1986), *The Morality of Freedom*, Oxford: Clarendon.
Richardson, Henry (2002), *Democratic Autonomy*, Oxford: Oxford University Press.
Rousseau (1973 [1762]), *The Social Contract and Discourses*, trans. G. D. H. Cole, rev. J. H. Brumfitt & John C. Hall, updated, P. D. Jimack, London: Everyman.
Simmons, A. John (2001), *Justification and Legitimacy: Essays on Rights and Obligations*, Cambridge: Cambridge University Press.

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