

Coercion Theory and Intergenerational Justice

AN INQUIRY INTO THE IMPLICATIONS OF COERCION AS THE GROUND OF
JUSTICE FOR THE INTERGENERATIONAL REALM



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Chapter 1: Introduction

We have inherited the world as our predecessors have left it for us and we, in turn, will pass it on to the people who will come after us. Can we do as we please with it, whatever the consequences for future generations? Or do we owe duties of justice to those who will live in the future? If so, what is the foundation of these duties? In this thesis, I will focus on one proposed foundation, which grounds duties of justice in shared coercive institutions. I will investigate whether it is possible to claim that we have duties of justice to future people on the basis of this theory. That would mean that we cannot just do what we please with the world and the institutions that we inherited, but that the moral acceptability of our actions is limited by the interests of future generations. Below, I will first introduce the topic of this thesis in more detail and explain why this is important to research. Then, I will present the research question and my strategy for answering it.

1.1 Problem introduction and gap in literature

Traditionally, the debate about distributive justice has been focused mainly on the state. How should benefits and burdens be allocated within a society? In the last decades, a debate has developed about distributive justice outside of the state, looking to extend the scope of justice in space (global justice) and in time (intergenerational justice). Do principles of justice also apply beyond the borders of a state, to foreigners and to future people? The fields of global justice and intergenerational justice have so far been largely separated; little has been written on the connection between them. Yet, it would be instructive to investigate parallels and differences between issues of global justice and intergenerational justice for the sake of a better understanding of the issues and of consistency.¹ This thesis aims to connect these debates at the foundation of theorizing justice: the grounds of justice. This debate addresses what conditions ground obligations of justice. How those theories on grounding obligations of justice operate intergenerationally is a relatively underexplored topic.²

This thesis focuses on one proposed ground of justice: coercion. Coercion theorists argue that the scope of justice is limited to those people who share coercive (legal) institutions. The existing literature on coercion as the ground of justice focuses on the question whether relevant forms of coercion only exist within a *state* or also *internationally*. Originally, the ‘coercion’ ground of justice has been used to defend statist conclusions, recently by Blake and Nagel.³ However, multiple philosophers have replied that coercion as the ground of justice does not necessarily lead to statist conclusions. Instead, they have defended that relevant forms of coercion exist globally, thereby arguing for extending the scope of justice to the global realm.⁴

¹See e.g. Gosseries 2014.

²See e.g. Meijers 2018.

³Blake 2001, Nagel 2005.

⁴Abizadeh 2007, Valentini 2011, Cohen and Sabel 2006 and arguably Pogge 2005 and Van Parijs 2007.

So far, little attention has been given to the question whether relevant forms of coercion also exist in the intergenerational realm. In this thesis, I will focus on that question, thereby aiming to fill part of the gap in the literature. Except one paper by Siba Harb, the literature has failed to pick up on this question completely.⁵ I will expand on the topic and investigate the implications of the coercion view for the intergenerational domain. Does it allow for the extension of the scope of justice to the intergenerational domain?

One can use the intergenerational domain as a way to test the resilience of a theory of justice. If it does well in accounting for our considered moral judgements in the intergenerational realm, this is an argument in favor of the consistency of this theory in general.⁶ The starting point of this thesis will be the intuition that we do have obligations of justice to future people.

This intuition has been expressed earlier by Tim Mulgan and Brian Barry. Mulgan has proposed a minimal test for political theories.⁷ A political theory fails the test when it concludes that current generations have no obligations of justice to future generations. He claims that this outcome is inconsistent: *“It seems bizarre to conclude that because future generations are at our mercy, we can behave towards them as we please. Many people will feel that, far from being beyond the realm of justice, cases of such extreme power imbalances are precisely where justice is most required.”*⁸ Barry agrees: *“I find it impossible to believe that it can be right to disregard totally the interests of even remotely future generations, [...]. If I am correct in saying that it is an implication of the three theories of morality considered earlier that there are no obligations to distant future generations, they too have to be rejected”.*⁹

In this thesis, I will discuss whether coercion theory can conform to these intuitions, taking them as a starting point without defending them. A view which grounds obligations of justice in coercion is only able to do so when it can plausibly claim that relevant forms of coercion exist in the intergenerational realm. Only if this claim can be made, the scope of justice extends to future people. If not, the intuition cannot be accommodated and coercion theorists are faced with a dilemma: let go of the coercion view, or give up the intuition.

1.2 Research question and roadmap

The main research question is:

Can a view which grounds obligations of justice in coercion plausibly claim that relevant forms of coercion exist in the intergenerational realm?

⁵ Harb 2014.

⁶ Gosseries and Meyer 2009, p. 5.

⁷ Mulgan 2001.

⁸ Mulgan 2001, p. 287.

⁹ Barry 1977, p. 249.

The thesis will be structured as follows: In Chapter two, I will explain the accounts of coercion theory by Michael Blake and Thomas Nagel. Since they are the most prominent recent defenders of the coercion approach, I will take their accounts of coercion theory as the starting point of my enquiry in the rest of the thesis. In Chapter three, I will examine the implications of the coercion view for thinking about intergenerational justice. First, I will explain the most important features of the intergenerational domain and briefly point out some implications these features might have for the scope of distributive justice. Then, I will return to Nagel and Blake and explain the requirements for a justice-triggering coercive relationship according to their account of coercion theory. I will use these requirements as a starting point for my discussion on whether it is possible to regard our relationship with future people as coercive. I will explore three options for establishing such a coercive relationship with future people: coercion through legal, environmental and financial mechanisms. In the course of the chapter, we will see that we need to make certain assumptions about the correct interpretation of coercion theory to successfully establish a justice-triggering coercive relationship between present and future people. In some instances, these assumptions divert from our starting point, Blake and Nagel's coercion account. At the end of this chapter, we will have an idea of what an account of coercion needs to look like to be applicable to our relationship with future people. In Chapter four, I will assess whether the assumptions that I made in Chapter three are plausible. I will argue that the 'intergenerational coercion account' is plausible when we take the effect on freedom as the core of coercion. This focus on freedom allows for a broader definition of coercion than is commonly used. However, broadening the conception of coercion to establish a coercive relationship between present and future generations might have consequences for the international domain as well.

Chapter 2: Blake and Nagel on coercion as the ground of justice

Introduction

This chapter lays the foundation for the rest of this thesis by explaining the content of Blake and Nagel's accounts of coercion as the ground of justice. Firstly, I will briefly describe the context of the debate in which Blake and Nagel have developed their accounts. I will specify which problem of distributive justice they focus on and explain some conceptual distinctions. Secondly, I will discuss Blake's account of coercion as the ground of justice, which is based on the liberal value of autonomy. Thirdly, I will discuss Nagel's account of coercion, which emphasizes co-authorship. Overall, the chapter aims to clarify why both authors claim that coercion is the correct ground of justice. In this way, the chapter will provide the necessary tools to consider the implications of coercion theory in the intergenerational domain in the next chapter.

2.1 The ground of justice: context of the debate

The 'coercion-views' of Blake and Nagel are situated in the debate on distributive justice, which is concerned with the just distribution of benefits and burdens across a certain group of people. Often, duties of distributive justice are contrasted with humanitarian duties, which are seen as less demanding and are usually given less priority. More specifically, distributive justice is concerned with the relative amount of holdings of people within a certain group and humanitarian duties with absolute deprivation. Barry phrases it as follows: "*Humanity requires that we respond to other's needs whereas justice requires that we give them their due. If something is due to you, you do not have to show that you need it*".¹⁰

We can broadly distinguish three different questions a theory of justice must answer: the *scope* question, the *metric* question and the *pattern* question. The metric question asks what the content of our distributive obligations is; what kinds of things must we distribute? Various options have been defended, such as welfare, resources and capabilities. The pattern question asks how much we owe to other people. Rawls's answer was egalitarian; we should distribute the benefits and burdens of our society equally, but also prioritarian and sufficientarian views have been defended. In this thesis, we focus on the scope question; which 'groups' of people stand in a justice relation towards each other? Traditionally, the debate about distributive justice has focused on what justice means within a state. However, nowadays a lively debate exists on whether the scope of justice should be extended beyond the state. Crucial to the scope question is the underlying 'grounding' question: what are the conditions that determine whether we owe people obligations of justice?¹¹

The discussion on the ground of justice can be divided into two main positions, interactional and non-interactional.¹² Theorists who defend interactional views believe that the ground of

¹⁰ Barry 1978, p. 205.

¹¹ Meijers 2018.

¹² Meijers (2018) uses these terms. I will use these throughout the thesis. Related distinctions are 'associational' and 'humanity-centered' (Caney 2011; Axelsen 2014) and 'relational' and 'non-relational' (Sangiovanni 2007;

justice can be located in a particular relationship between a certain group of people. Those who defend non-interactional views believe that those relations are irrelevant to the existence of obligations of justice. Usually, these theorists argue that our common humanity suffices to bring about such obligations.¹³ Interactionalists disagree about the nature of the relevant relationship that triggers claims of distributive justice. Three common alternatives are cooperation, culture and coercion.¹⁴ The cooperation view holds that we have duties of reciprocity to people with whom we are engaged in social cooperation for mutual advantage.¹⁵ The culture view defends that solidarity between compatriots sharing a common culture brings about duties of distributive justice.¹⁶ Coercion theorists argue that the presence of coercive legal and political institutions triggers demands of distributive justice.¹⁷

From these different grounds of justice, conclusions are drawn about the scope of justice. The scope of justice encompasses the group of people to whom the ground of justice applies. To oversimplify, non-relational grounds are usually used to defend a global scope of justice, which is called cosmopolitanism. In contrast, relational grounds are commonly used to defend statist conclusions about the scope of justice, which means that extensive duties of distributive justice are only owed to compatriots. However, a number of authors has denied that relational grounds of justice necessarily lead to statist conclusions about the scope of justice. Especially the coercion and cooperation grounds have been used to defend cosmopolitan conclusions.¹⁸

In this thesis, I will focus on one relational ground of justice: coercion. Below, I will discuss the positions of Blake and Nagel, who have defended the coercion view most prominently. I will discuss them separately, because while they arrive at similar (statist) conclusions, their reasoning differs.

2.2 Blake: state coercion

Liberalism and impartiality

The problem Blake addresses is the paradox between maintaining the liberal commitment to the moral equality of all persons, while at the same time upholding a system of sovereign states with major differences between them regarding liberal rights, liberties and material wealth. Blake claims that this paradox can be solved in a way that makes impartiality compatible with the application of certain principles of distributive justice only within the borders of a state.¹⁹ The reason for only applying these principles domestically cannot be that we *care* more about our compatriots than about foreigners, since that would mean being

Risse 2012). Caney notes that associational accounts are not identical with relational accounts, a term that Andrea Sangiovanni uses (Caney 2011, p. 506-507). Caney's terms can be used interchangeably with Meijers', but for consistency I will use Meijers' terms.

¹³ See: Axelsen 2014, p. 58.

¹⁴ See: Meijers 2018.

¹⁵ See: Beitz 1999 and Sangiovanni 2007.

¹⁶ See: Miller 2005.

¹⁷ See: Nagel 2005, Blake 2001. Arguably, Rawls's position can be interpreted as coercion theory. See: Valentini 2011, p. 207; Abizadeh 2007.

¹⁸ See: Valentini 2011; Abizadeh 2007; Cohen & Sabel 2006 (coercion) and Beitz 1999 (cooperation).

¹⁹ Blake 2001, p. 257.

‘partial’ and thus be incompatible with universal moral equality. Blake’s solution is that what may look like partiality, is actually a complex application of an impartial principle and thus compatible with liberalism.²⁰

Autonomy and coercion

Blake takes concern for the universal protection of individual autonomy as a central value of liberalism. From this concern, Blake derives his impartial liberal principle: “*all human beings have the moral entitlement to exist as autonomous agents, and therefore have entitlements to those circumstances and conditions under which this is possible.*”²¹ The value of autonomy is central to Blake’s argument. He takes autonomy to mean that individuals have (partial) authorship over their own lives, that they are able to choose their own life plan.²² This is possible when individuals have an adequate set of options which provides real choices.²³ Coercion is prima facie incompatible with autonomy, because the coercer denies the ability of those coerced to choose for themselves by manipulating the set of options, thereby “[reducing] the will of one person to the will of another”.²⁴ According to Blake, coercion is in principle forbidden by his liberal autonomy-principle both in itself and because it disrespects the individual as an autonomous agent.²⁵

State coercion and justification

With this reasoning, Blake aimed to establish that coercion is problematic from a liberal point of view, because it infringes on autonomy. Next, he shows that in some cases, coercion can nevertheless be morally justified, namely through principles of distributive justice. In his enquiry into justification, Blake focuses on coercion by the state. There are two reasons for this focus. Firstly, Blake is committed to ‘institutional theory’, which takes the existing institutions as a given and then proceeds to ask how they could be justified.²⁶ In the world as it is, state coercion is very impactful, so we need to ask how this can be justified. Blake contrasts this form of theorizing with non-institutional theory, which asks what institutions we would endorse if the world were a blank slate. Secondly, while Blake finds coercion prima facie morally problematic because it threatens autonomy, he is also convinced that state coercion is *necessary* for living autonomous lives.²⁷ The absence of a system of rules, backed up by force, would undermine the ability of individuals to fulfill their life plans. This is why Blake needs to justify state coercion, instead of prohibiting it, as anarchists defend. Blake is specifically concerned with the justification of state coercion through civil law. The areas of civil law - contract law, property law and taxation law²⁸ - are coercive because adjudication of

²⁰ According to the principle that everyone should have the required amount of food, giving a large wrestler more than his small assistant is impartial, even though giving people unequal amounts of food seems partial at first. (Blake 2001, p. 260-261).

²¹ Blake 2001, p. 267.

²² Blake 2001, p. 267, drawing on Joseph Raz’s notion of autonomy.

²³ Blake emphasizes that it is not required for autonomy that the set of options is maximized, but that it is adequate (Blake 2001, p. 269).

²⁴ Blake 2001, p. 268, referring to Raz.

²⁵ Blake 2001, p. 268.

²⁶ Blake 2001, p. 261-262.

²⁷ See: Valentini 2011, p. 206.

²⁸ Note that taxation law is technically public law.

disputes in these areas may result in enforceable court decisions. This means these rules are backed by force and form a prima facie infringement on the principle of liberal autonomy.²⁹

Blake proposes that the state's coercive system of laws could be justified through Scanlon's notion of hypothetical consent. Hypothetical consent may be assumed to be given when the agent that is coerced could not reasonably reject the coercive rule in question.³⁰ Blake explains that the system of laws creates 'a pattern of entitlements'.³¹ It determines who may hold what kinds of property and entitlements and how these may be transferred. The resulting pattern will be advantageous for some, while others do poorly. Justification of the coercive system of laws requires that none of the individuals that are subjected to it could reasonably reject the system, including the worst off. According to Blake, people who do poorly under the system would nevertheless consent to it when they have reason to believe that they would not be better off under a different system. This reason may be provided by introducing principles of (egalitarian) distributive justice.³² Blake himself thinks that this hypothetical scenario would result in the adoption of a Rawlsian difference principle, but even if someone would disagree with this specific principle, Blake claims he can still maintain that justification would inevitably lead to principles that constrain relative deprivation.³³ After all, coercion must also be justified to the least well-off in the society and they will only consent when their relative deprivation is constrained. By introducing principles of distributive justice that those coerced would hypothetically consent to, the state places them "*in a situation as close as possible to that one [they] would have freely chosen.*"³⁴ By respecting the agency of those concerned in this way, the prima facie infringement of autonomy of the coercion is rectified.³⁵

Coercion and the international realm

So far, Blake hopes to have established that the reason (egalitarian) obligations of distributive justice exist within the state is to justify the state's coercive legal system; their function is to reconcile the coercion to which the state subjects its members with the liberal principle of autonomy. In other words: obligations of distributive justice are triggered by this specific type of state coercion. Next, Blake claims that this type of coercion does not exist globally and therefore, these special obligations do not arise on a global level. Cosmopolitan critics have argued that there is also coercion internationally and therefore principles of distributive justice must also apply globally. Blake does not dispute that coercive practices might exist in the international realm, but denies the cosmopolitan conclusion. He argues that these coercive practices are not necessary for the protection of autonomy, in contrast to state coercion. So, instead of trying to justify this coercion, we should eliminate it.³⁶ Principles of egalitarian

²⁹ Blake 2001, p. 277-278.

³⁰ Blake 2001, p. 274.

³¹ Blake 2001, p. 281.

³² Blake 2001, p. 283.

³³ Blake 2001, p. 284.

³⁴ Blake 2016, p. 326.

³⁵ This explanation of distributive justice as 'rectification' is a reply to Sangiovanni's critique that distribution as 'outweighing' or 'compensating' cannot justify coercion (Sangiovanni 2016, p. 283-288). Blake argues that Sangiovanni's options are mistakenly concerned with *interests* instead of *agency* (Blake 2016, p. 325).

³⁶ Blake 2011, p. 567.

justice would not make the coercion of marginal states by more powerful states any less objectionable. Or, if it could be justified, it would require a different justification.³⁷

So, principles of (egalitarian) justice do not apply globally. However, this does not imply that we do not owe anything to non-compatriots. Recall Blake's impartial liberal principle of the global protection of autonomy. This principle requires that all individuals have a right to function as an autonomous agent, which includes: the absence of autonomy-undermining poverty, access to political institutions and justification of the coercive actions of those institutions.³⁸ Because of this principle, we must refrain from actions that interfere with the ability of states to guarantee the individual autonomy of their citizens.³⁹ Also, we are obligated to provide the conditions for autonomy abroad when states fail to do so for their own citizens.⁴⁰ Nonetheless, the impartial liberal principle of global protection of autonomy only requires concern with absolute deprivation in the international realm, not with relative deprivation.

Overview of the argument

(P1) The commitment to individual autonomy is central to liberalism.

(P2) The system of law within a state is coercive.

(P3) Coercion undermines autonomy, so it needs to be eliminated or justified.

(P4) State coercion is necessary for autonomy, so it needs to be justified.

(P4) State coercion can be justified through hypothetical consent if principles of distributive justice are introduced.

(C1) Principles of distributive justice apply domestically.

(P5) There is no similar coercion globally that can be justified with principles of distributive justice

(C2) Principles of (egalitarian) distributive justice do not apply globally

2.3 Nagel: dual coercion

Justice and sovereignty

Nagel discusses the question what justice could mean on a global scale. First, he discusses the relation between justice and sovereignty, drawing on Thomas Hobbes's position. Hobbes claimed that the realization of justice is only possible within the context of coordinated cooperation by a large group of people, which is made possible through a system of laws enforced by a sovereign.⁴¹ Individual aspiration for justice is not enough. This aspiration only gets practical expression when individuals have the assurance that others will also conform. This assurance is provided by the central government. So, the establishment of a coercive sovereign government is a necessary condition for achieving justice.

³⁷ Blake 2001, p. 280

³⁸ Blake 2013, p. 26. Blake does seem to call these duties of justice, but stresses these are different from the principles of domestic justice (Blake 2011, p. 555-556; Sangiovanni 2016, p. 272).

³⁹ Blake 2013, p. 124-125.

⁴⁰ Blake 2013, p. 27-28; Blake 2013, p. 111.

⁴¹ Nagel 2005, p. 116.

The political conception

From this Hobbesian framework, Nagel develops his political conception of justice. This political conception should be understood similarly to what I called the interactional position in paragraph 2.1, since Nagel mentions that this conception is concerned with the relation between a group of people and that “*obligations of justice arise as a result of a special relation*”.⁴² Specifically, the relation that Nagel finds to be generating duties of justice is the relation between fellow citizens under a coercive central authority. Since this special relation is not shared with the rest of humanity, requirements of justice do not apply to the world as a whole.⁴³

Nagel then continues to explain his political conception. Rights and obligations of socioeconomic justice arise in virtue of being fellow citizens “*in a collective enterprise of coercively imposed legal and political institutions.*”⁴⁴ In Rawlsian terms, the morally arbitrary inequalities between citizens that are generated in this system of laws and political institutions, need to be reduced. However, Nagel observes that this cannot be the whole story, since being a member of a certain society is in itself arbitrary.⁴⁵ How can membership of a society you ‘happen to live in’ form a valid presumption against arbitrariness within that society? Nagel’s solution is that members in a political society are not only subject to coercion by the central authority: they are also joint authors of the coercive system.⁴⁶ Because our society acts and takes decisions in our name, we become responsible for them. This makes us also responsible for the arbitrary inequalities that are caused by these decisions. And since we are responsible for them, we should be given justification for them.⁴⁷ In short, Nagel defends a dual view of coercion: required is being a subject and also a partial author of state coercion.⁴⁸ These requirements are met in the domestic situation, so principles of justice exist within the state.

The international realm

According to Nagel, obligations of justice do not exist internationally. Nagel acknowledges that international institutions and widespread global cooperation exist, but denies that this leads to globally applicable duties of socioeconomic justice. These institutions do not meet his two criteria: coercion and authorship. A state is coercive in regard to its citizens, because it imposes its system on them involuntarily. In contrast, international organizations and cooperative agreements are voluntary. They are realized by bargaining between independent parties.⁴⁹ These institutions and arrangements also do not meet the criterion of authorship. They do not act or are enacted in the name of individuals in a way that makes individuals

⁴² Nagel 2005, p. 120-121.

⁴³ Nagel 2005, p. 121. At least not until the whole world “*comes to be governed by a unified sovereign power*” (p. 121).

⁴⁴ Nagel 2005, p. 128.

⁴⁵ Nagel 2005, p. 128.

⁴⁶ Nagel 2005, p. 128.

⁴⁷ Nagel 2005, p. 130.

⁴⁸ I derive the term ‘dual view’ from Harb 2014, p. 315.

⁴⁹ Nagel 2005, p. 138.

responsible.⁵⁰ The relationship of individuals to international organizations is indirect, mediated by their respective states. State borders are also not coercive in a relevant way, because although they may have coercive effects on non-compatriots, this coercion does not take place in their name. Nagel also rejects that there is a sliding scale along which obligations of distributive justice become more extensive as international independence enlarges.⁵¹ As long as no global sovereign power is installed, no obligations of socioeconomic justice are triggered internationally. This position is understandable from his Hobbesian framework, in which justice is only possible under a sovereign government.

Our only obligations to non-compatriots follow from minimal humanitarian morality. Wealthy states owe minimal assistance to those who are in absolute need. Practically, this means that we should not interfere with other states if that would violate basic human rights and that we should create some institutions, enabling us to prevent absolute deprivation internationally. However, these duties are separate from demands of justice, which are concerned with the relative conditions of people.⁵²

Overview of the argument

(P1) The existence of a coercive sovereign authority puts individuals in a special relation towards each other, which is characterized by (1) shared involuntary subjection to this authority, and (2) co-authorship of the coercively imposed system.

(P2) This special relation is a necessary and sufficient condition to trigger obligations of distributive justice.

(P3) This special relation exists between citizens in a state.

(C1) Nationally, obligations of distributive justice are triggered.

(P4) Globally, individuals do not share this special relation.

(C2) Globally, no obligations of justice are triggered.

Conclusion

In this chapter, I have discussed Blake and Nagel's accounts of coercion as the ground of justice. Both authors defend that obligations of distributive justice are grounded in state coercion. According to them, state coercion provides the best explanation for the existence of principles of distributive justice. It is not only a sufficient condition for obligations of distributive justice, but also a necessary condition.⁵³ Principles of egalitarian justice are necessary to justify the coercive practices of the state to its citizens (and co-authors). From this ground of justice, Blake and Nagel draw statist conclusions about the scope of justice: only compatriots stand in a relationship of justice towards each other. Internationally, we do have duties to assist people in absolute need. These duties do not depend on any special relationship and are concerned with absolute deprivation, not with relative deprivation.

⁵⁰ The exclusion of 'pure coercion' has led to criticism from multiple authors. See chapter three.

⁵¹ See a discussion on this 'discontinuous view' in: Cohen and Sabel 2006, p. 162-164.

⁵² Nagel 2005, p. 118-119. International duties "*do not merit the full name of justice*" (Nagel 2005, p. 122).

⁵³ Mainly the claim that coercion is a *necessary* condition for obligations of distributive justice has received criticism. See for example: MacKay 2016, Sangiovanni 2007, Caney 2011.

Blake and Nagel's views diverge slightly on what makes state coercion relevant, in contrast to other types of coercion. Blake focuses on the effects on distribution that the state's legal system has, namely creating a 'pattern of entitlements', while also emphasizing that state coercion is necessary for autonomy, in contrast to international coercion. Nagel, on the other hand, singles out state coercion as the relevant form of coercion because it does not only subject individuals to coercion, but also makes citizens authors of that coercion. That fact triggers a special justification duty on the part of the state, which is fulfilled by principles of egalitarian distributive justice.

In the next chapters, I will analyze the implications of the coercion view for the intergenerational realm.

Chapter 3: Coercion in the intergenerational domain?

Introduction

In this chapter, I will examine the implications of the coercion view for thinking about intergenerational justice. In the previous chapter, we have seen that Nagel and Blake's coercion accounts on the ground of justice lead to statist conclusions on the scope of justice. Justice-triggering acts of coercion only exist within the state, which means that comprehensive (egalitarian) obligations of justice are restricted to the boundaries of the state. The scope of egalitarian justice does not extend to the global realm. The intergenerational domain can be seen as another 'extension' of domestic justice. In this chapter, I will use Blake and Nagel's accounts of coercion as a starting point for examining if we can claim that there is a coercive relationship between present and future people that triggers principles of justice.

In paragraph one, I will explain the crucial features of the intergenerational domain: what makes relations between contemporaries different from relations between non-contemporaries and what implications might those differences have for the scope of distributive justice? In paragraph two, I will return to Nagel and Blake and explain the requirements for a justice-triggering coercive relationship according to their account of coercion theory. In paragraph three, I will discuss two general difficulties for establishing intergenerational coercion. In the final three paragraphs, I will present three options which potentially create an intergenerational coercive relationship: coercion through legal, environmental and financial mechanisms. In the course of this chapter, we will see that making certain assumptions about the correct interpretation of coercion theory is necessary to successfully establish a justice-triggering coercive relationship between present and future people. In some instances, these assumptions divert from our starting point, Blake and Nagel's coercion account. At the end of this chapter, we will have an idea of what an account of coercion needs to look like to be applicable to our relationship with future people. In chapter four, I will discuss whether this 'intergenerational coercion account' is plausible.

3.1 The intergenerational domain: what is new?

This paragraph outlines the concepts that are necessary for thinking about what justice might require between different generations. In this thesis, I focus on the relations between non-overlapping generations: between people who are alive right now and a distant future generation. For these questions, the term 'generation' refers to a certain birth cohort.⁵⁴

Our relationship to future generations is essentially determined by two features about the natural world: time's arrow and period-lockedness.⁵⁵ Time is unidirectional and members of one generation cannot travel to another generation's period in time; they are 'locked' within their own time period. From these features follow three important characteristics of our

⁵⁴ The term generation is also used to refer to age groups, particularly for thinking about questions regarding overlapping generations. See: Meijers 2018.

⁵⁵ Gosseries 2014, p. 96-97.

relations to future people: a lack of direct reciprocity, unequal power relations, and uncertainty.⁵⁶ Firstly, among people who do not live in the same time period, it is not possible to engage in co-operation for mutual advantage. Because of the unidirectionality of time, it is possible for present generations to pass goods on to future generations, but not the other way around.⁵⁷ Note that direct reciprocity *is* possible between overlapping generations: a younger and an older generation living during the same time period. Secondly, the power relation between present and future generations is necessarily asymmetrical. Present generations can exercise power over future generations in different ways. For instance, they can make it very costly for future generations not to continue the projects they started, or they can use policies that diminish the interests of future generations. The choices of present generations even determine how many and which future persons will be born. This can be done directly by employing population policies, but many of our other actions also have effects on who will be born in the future.⁵⁸ Future generations cannot exercise power over present generations in any of these ways.⁵⁹ Thirdly, since we cannot travel to the future, nor communicate with future people in any other way, there are many things we do not know about the future. This uncertainty increases as we try to look further into the future, making it harder to answer distributive questions.⁶⁰

In the light of these characteristics, it is not evident that we (can) have obligations of justice to future generations. According to Dworkin, formulating our obligations to future generations in terms of justice is misleading.⁶¹ Two main challenges for intergenerational justice can explain Dworkin's skepticism: the non-existence challenge and the non-identity challenge. The non-existence challenge questions the possibility of having obligations to future people, because they do not exist yet.⁶² Maybe obligations only make sense when they are owed to people who currently exist. A possible response to this challenge is that obligations to future people do not depend on the particular identity of those people.⁶³ Meyer argues that since it is likely that future people will come into existence and that they will have rights when they do and it is clear that our present actions influence their capabilities to exercise those rights, we can presently have the obligation not to violate those future rights. The non-identity problem arises from the fact that the choices that we make now and that will affect the future, are often 'different people choices'.⁶⁴ Those choices will affect which people come into existence in the future. The challenge that arises is the following: how is it possible to violate an obligation to a future person by implementing a certain policy, when that person would not be born at all if the policy had not been implemented?⁶⁵ The standard notion of harm is comparative. A person

⁵⁶ See: Meyer 2016, par. 1.

⁵⁷ Barry 1978, p. 238; Meijers 2018.

⁵⁸ Allegedly, relationships resulting from the Erasmus program have led to the birth of over 1.000.000 babies. See: Meyer 2016, par. 1.

⁵⁹ See: Barry 1977, p. 243-247; Barry 1978, p. 224.

⁶⁰ See: Gosseries and Meyer 2009, p. 4. Barry stresses that while evidently, we cannot act on what we do not know, that does not mean we should not act on what we do know (or can estimate). Barry 1997, p. 247-248.

⁶¹ Dworkin 1994, pp. 77-78.

⁶² Gosseries and Meyer 2009, p. 3.

⁶³ Meyer 2016, par. 2.1.

⁶⁴ Meyer 2016, par. 1.

⁶⁵ Meijers 2018.

is harmed by a certain action when this action has made him worse off than he was before. However, if a person's existence depends on that action, this comparison is not possible.⁶⁶ There are different potential responses to the non-identity problem, such as employing a different notion of harm or abandoning the 'person-affecting' view, which entails that something can only be good or bad if it is good or bad *for someone*.⁶⁷ These two challenges present a problem for all theories of justice's applicability in the intergenerational domain, regardless of the ground of justice they are based on. If no solution is found, not only coercion theory but all other theories of intergenerational justice are practically useless in the intergenerational domain. In this thesis, I will assume that a solution can be found for these challenges, and I will focus on the issues that are specific to coercion theory.

There are also features of the intergenerational realm that pose greater challenges for the applicability of some grounds of justice in the intergenerational realm than for others. In contrast to humanity-based views, interactional views such as the coercion view, require the existence of a particular relationship that triggers obligations of distributive justice. On first glance, such a relationship seems difficult to establish regarding future people, especially in regard to generations that will live hundreds of years from now. So, humanity-based views seem to include future generations more easily into the scope of justice than interactional views. The absence of direct reciprocity is particularly challenging for theories that rely heavily on mutual advantage, such as the co-operation view.⁶⁸ So, similarly to the global domain, different grounds of justice can lead to different conclusions about the scope of justice in the intergenerational domain. Just as we could divide the conclusions on the scope of justice on the spatial axis in the categories statist and cosmopolitan, we can divide the conclusions on the scope of justice on the temporal axis in the categories generationalist and chronopolitan.⁶⁹ Similarly to the statist position that the scope of distributive justice is limited in space, namely that it is confined within the borders of the state, generationalists hold that the scope of distributive justice is limited in time, namely that it only applies to one or a few generations. In contrast, chronopolitans appeal to the equal moral standing of persons and the arbitrariness of the time in which someone is born, just like cosmopolitans appeal to the arbitrariness of the place where someone is born.⁷⁰ In the remainder of this chapter, I will investigate whether coercion theory could support a chronopolitan standpoint, starting with Blake and Nagel's account of this theory.

3.2 The starting point: requirements for justice-triggering coercion

To assess the implications of the coercion view for the intergenerational domain, I will present a framework that captures the set of necessary and sufficient conditions for the existence of a justice-triggering coercive relationship, according to Blake and Nagel. It contains four steps: (1) is the act coercive, (2) is it necessary to protect autonomy, (3) can it be

⁶⁶ Gosseries and Meyer 2009, p. 3.

⁶⁷ Meijers 2018. See also: Meyer 2016, par. 3.1.

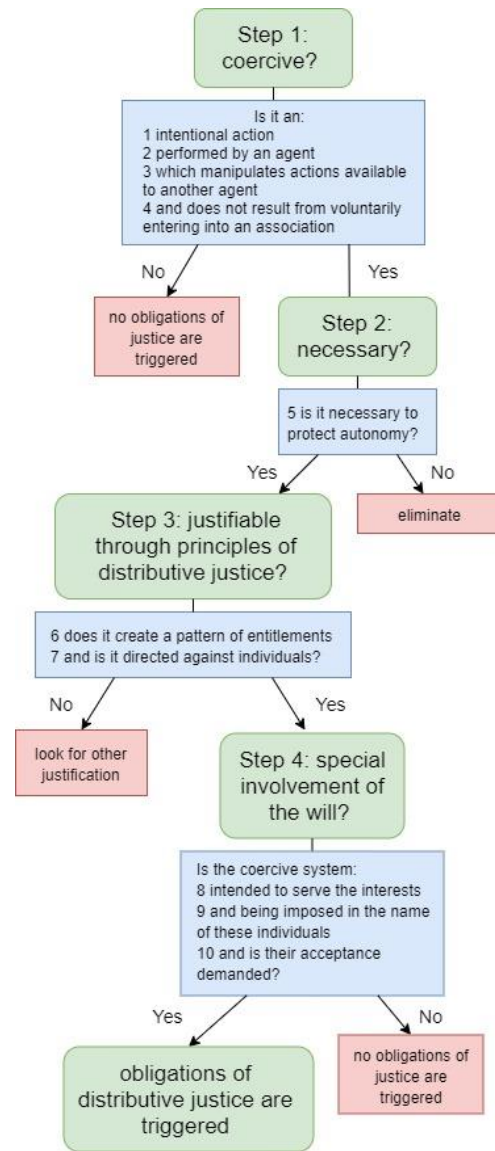
⁶⁸ Gosseries and Meyer 2009, p. 3.

⁶⁹ See: Gosseries 2014 and Vrousalis 2016.

⁷⁰ See Vrousalis 2016.

justified through principles of distributive justice and (4) is there a special involvement of the will? The first three steps are mainly derived from Blake’s texts on coercion theory, since he provides a more comprehensive account of the concept ‘coercion’ and more tools for applying coercion theory to the intergenerational realm. I will assume that Nagel also supports these steps. The fourth step incorporates Nagel’s authorship requirement. Now, I will explain this framework in more detail.

Step one of the framework determines whether an act is ‘coercive’ according to Blake’s interpretation of the concept. Unfortunately, Blake does not provide a full account of coercion, but one passage comes close to a definition: “*Coercion is an intentional action, designed to replace the chosen option with the choice of another.*”⁷¹ From this ‘definition’ and from other parts of his work, I have deduced four requirements for coercion. Firstly, there must be an action, performed by a certain agent.⁷² Both Nagel and Blake are practically exclusively concerned with agents that are institutionally embedded. The focus is on the institutions of the state, but Blake also mentions the possibility that the rules of the WTO are coercive. Secondly, the action must be intentional. Given Blake’s use of the phrases ‘a conscious human attempt to manipulate’ and ‘deliberate agency’, he seems to support a strict interpretation of the concept intention. Under this interpretation, not only the action itself must be intentional, but also its coercive effect.⁷³ Thirdly, the action must manipulate the available options of another agent. What remains unclear in Blake and Nagel’s accounts is whether only the manipulation of options through coercive threats can be coercive, or also actions that directly limit someone’s options, without a preceding threat. I will discuss this issue more extensively in the next paragraph. Fourthly, the action does not result from voluntary entrance into an association. To illustrate: if a person joins a tennis club and is then expected to abide by the club rules, this is not coercive, since they voluntarily joined the association. If these four requirements are fulfilled, an action or institution can be considered to be coercive and prima facie incompatible with autonomy.



⁷¹ Blake 2001, p. 272.

⁷² Blake does not mention the word ‘agent’ in his definition, but I will follow Valentini in her standpoint that an agent is required by the standard, ‘narrow’ view of coercion, such as Blake and Nagel’s. Valentini 2011, p. 209.

⁷³ Blake 2001, p. 270.

While coercion is a necessary condition for obligations of justice to arise, it is not a sufficient condition, according to Blake. Step two contains an additional necessary condition: that the coercive mechanism is necessary for the protection of the autonomy of the coerced.⁷⁴

One might object that this ‘necessity-condition’ is only relevant for justifying coercion and not for triggering obligations of justice. In this view, coercion is a sufficient condition for triggering obligations of justice. Whether the coercion is required to protect autonomy only plays a role in determining if it is justified. I will argue that this view is incorrect. My argument is that Blake denies that obligations of justice are triggered internationally, even when he does consider certain international relations coercive. He acknowledges that powerful states coerce weaker states, but denies that obligations of justice are triggered.⁷⁵ This shows that coercion alone is not a sufficient condition to trigger obligations of justice.

According to Blake, principles of distributive justice only become relevant when the coercive mechanism in question is *in some form* necessary for the autonomous functioning of those coerced.⁷⁶ So, the ‘necessity-requirement’ is an additional necessary condition for triggering obligations of justice. Note the emphasis on ‘in some form’. Blake does not require that the specific implementation of a coercive mechanism serves individual autonomy. Take state coercion as an example. Blake claims that state coercion triggers obligations of justice since he believes that some form of political coercion is necessary for autonomy. However, not all acts of political coercion serve autonomy. For example, the way a dictator exercises political coercion undermines autonomy. Yet, Blake would disagree that a dictator lacks obligations of justice to his subjects, just because he wrongly coerces them. So, the condition cannot be that the specific way in which the coercive mechanism is used determines whether obligations of justice are triggered. If that were true, the dictator would fail to satisfy the criterion and would not have any obligations of justice. Instead, the ‘necessity-requirement’ is satisfied when the coercive act in question is the implementation of a coercive mechanism that is in some form necessary for autonomous functioning, regardless of whether the specific implementation is justified or not.

Step three adds two requirements, which determine whether the introduction of principles of distributive justice would serve to justify the coercive mechanism in question. That is the case when the coercion creates a pattern of entitlements and is directed against individuals. The former requirement is meant to connect coercion to distribution⁷⁷ and the latter is important because principles of justice are meant to justify coercion against individuals.⁷⁸ In this step too, as with the second step, the triggering-question is interrelated with the justifying-question. Only if principles of distributive justice can play some role in justifying the type of coercion in question, principles of distributive justice can be triggered.

⁷⁴ Note that the term ‘necessity’ is not used here as ‘logically necessary’, but as required for a certain purpose (namely the protection of autonomy).

⁷⁵ Blake 2011, p. 557.

⁷⁶ Blake 2001, p. 265.

⁷⁷ Blake 2011, p. 566.

⁷⁸ Blake 2011, p. 568.

The inclusion of Nagel's account adds a fourth step to the framework. He demands that the coerced individuals are also (partial) authors of the coercion. That requires "*a special involvement of agency or the will that is inseparable from membership of a political society*".⁷⁹ This special involvement of the will is rather abstract and Nagel specifies it in various ways. Relevant is whether the coerced individual is made responsible for the coercive system because it is imposed in her name, whether it is intended to serve her interest and whether she is expected to accept and uphold the rules of the system. In paragraph 3.4, I will argue that different interpretations of this requirement lead to different implications of Nagel's theory in the intergenerational realm. While it cannot be excluded that Blake also cares about mutual coercion, it does not follow from his work that he requires coercion to be mutual in the same way Nagel does. So, Blake only needs to show that step 1-3 are satisfied, while Nagel additionally needs to satisfy step 4.

Before we continue, I must clarify that my discussion will focus on the obligations that present generations might have to future people that do not overlap with them. Since all citizens of a state alive at a certain moment are subjected to the same coercive institutions, overlapping generations fall within the scope of justice as specified by coercion theory, regardless of their age group. The question is whether coercion theory also applies beyond the overlap.

3.3 General obstacles for coercing the future

In this paragraph, I will briefly discuss two general obstacles for coercing the future. The first obstacle concerns the fact that future people do not exist yet and the second obstacle arises from the commonly accepted idea that coercion must take place through threats.

Firstly, let us abstract from actual behaviors and briefly discuss if it is theoretically possible for present generations to coerce future people, given that future generations do not exist yet. The concept of coercion roughly requires that one agent coerces another agent into either performing a certain action or refraining from performing an action. Intergenerational coercion would mean that an agent who lives currently coerces an agent who will live in the future. When it comes to coercion, we are concerned with both the action of the coercer and the consequences to the person who is coerced. In the case of intergenerational coercion, these actions find place during different times. That makes it difficult to say when the coercion takes place: in the present or in the future.

Other questions are whether it is possible to coerce someone who is not born yet and whether it is possible to coerce someone whose existence depends on the coercive act in question. In other words: is it possible to coerce possible people? These two questions are variations to the non-existence challenge and the non-identity challenge. I will not elaborate on them further. I will only briefly consider Axel Gosseries' response to the problem of harming future people:

⁷⁹ Nagel 2005, p. 128.

the idea of future-rights-of-future-people.⁸⁰ This idea depends on three propositions: (1) that it is possible to have current obligations in relation to a right that will exist in the future, (2) that there is a significant probability that there will be people in the future and (3) that they will have rights then. When we accept these, it is irrelevant that future people cannot be harmed today by our current actions. The fact that they could be harmed in the future, as a consequence of our current actions, suffices. Analogously, the claim can be made that it does not matter that future people cannot be coerced today. It suffices that our actions now are likely to manipulate their options in the future, in a way that can be characterized as coercion. To summarize: the problem of coercing future people is very similar to the problem of harming future people. So, coercing people who do not exist yet is only possible when a solution to the problem of harming future people can be found. In what follows, I will assume a solution can be found.

Secondly, the possibility of coercing future generations through our actions today depends on one's interpretation of the concept of coercion. The prevalent accounts of coercion exclusively associate coercion with reciprocal threats that successfully alter the will of the coerced. This view on coercion became leading after Robert Nozick published an influential essay on coercion.⁸¹ Before Nozick's essay, it was common to include the use of direct influence in the concept of coercion.⁸²

Nozick's account excludes direct uses of force or violence as instances of coercion and associates coercion only with threats that influence the coerced's course of action.⁸³ This conception of coercion requires reciprocal communication between the coercer and the potential subject of the coercion. The threat is communicated by the coercer to the subject and whether this threat is in fact coercive depends on the reaction of the subject. The threat is coercive when the subject changes her action in response to the threat: when she takes a certain action or abstains from it, because she wants to avoid the negative consequence of not abiding by the threat. The kind of reciprocal communication that this conception of coercion demands is not possible in the intergenerational realm. We cannot make some consequence dependent on whether future generations do or do not perform a certain action, because they do not exist yet and consequentially cannot act yet. When they do live and can act in the future, we will not be there anymore to administer the consequences for not abiding by our threat.⁸⁴ Additionally, we run into an epistemological problem. Whether something counts as coercion under Nozick's conception, depends on the reaction of the (potential) subject of the coercion. Only 'successful' coercion counts as coercion, but we cannot know that before the subject is born and can act. That would mean we can never say our actions now are intergenerationally coercive. And according to coercion theory, if coercion cannot be established, obligations of justice cannot be established. So, the lack of reciprocity between

⁸⁰ Gosseries 2008b, p. 455-458.

⁸¹ Nozick 1969.

⁸² Anderson 2017, par. 1.4.

⁸³ Anderson 2017, par. 2.1.

⁸⁴ Perhaps it would be possible to invent mechanisms that could make this possible in the future, but in this thesis I am concerned with whether present generations currently engage in coercive acts regarding future people.

present and future generations makes this conception of coercion unsuitable for the intergenerational domain.

This teaches us two important prerequisites for coercion to function intergenerationally. We need a conception of coercion that depends only on the actions of the coercer and does not require reciprocity. Such a conception must allow for direct manipulation of options to be coercive, in addition to threats. In this view of coercion, *“an agent X can coerce another Y by eliminating certain options for Y or by imposing restrictions the avoidance of which would require significant cost of Y.”*⁸⁵

It is not clear whether Nagel and Blake exclude direct force from the concept of coercion. On the one hand, both authors do focus on coercion through the legal system of the state. The coerciveness of this system is characterized by the fact that many of its rules are backed up by the threat of force.⁸⁶ On the other hand, that does not necessarily mean they exclude coercion by direct force. Blake seems to admit that the rules of the WTO are coercive since states do not have a real alternative but to join the WTO. There are no threats involved with not joining the WTO. The WTO will not punish states who decide against joining. It is simply very costly not to join. Additionally, Blake’s focus on autonomy suggests that direct force might also be an element in the set of necessary and sufficient conditions for coercion, since surely direct force can also effectively manipulate the options of an agent to live an autonomous life. In any case, the project of establishing intergenerational coercion can only be successful under the assumption that coercion can take place through the direct elimination of options, in addition to threats. In the remainder of this chapter I will use this interpretation as the core of the concept of (intergenerational) coercion: present generations coerce future generations to either act or not act in certain ways if, and only if, their actions limit future generations’ options.

I will now discuss the three options for intergenerational coercion: coercion through legal, environmental and financial mechanisms. For each option, I will first explain how present generations use the mechanism to limit the options of future generations. Then I will walk through step one, two and four of the framework from paragraph 3.2 and discuss under which assumptions the use of this mechanism creates a justice-triggering coercive relationship. I will leave out step three, because I do not see any difficulties with this step and it is less important for my inquiry.

3.4 Legal Coercion

The first option for establishing a justice-triggering coercive relationship between present and future generations is coercion through legal means. Ordinary law is not intergenerationally coercive, because any generation can change it through simple majority voting. Therefore, I will focus on rigid constitutions. First, I will substantiate that constitutions could be

⁸⁵ Harb 2014, p. 313.

⁸⁶ But, as Hart (1961) famously points out, not all.

intergenerationally coercive since they limit generational sovereignty. Then I will walk through the steps of the framework from paragraph 3.2, to investigate if Nagel and Blake's requirements for justice-triggering coercion are met. During this investigation we will see that certain assumptions must be made about the right conceptualization of the concept of coercion to successfully establish a coercive intergenerational relationship based on legal coercion. Additionally, I will argue that the success of this option depends on certain characteristics of the specific constitutions, such as the content and who the founding generation is.

Constitutional rigidity: limiting generational sovereignty

The clearest example of a legal instrument with intergenerational effects is a constitution. Constitutions establish the basic institutions of government and contain the fundamental principles of a society. As a general rule, constitutions are meant to govern a society for many generations. Typically, special amendment rules make constitutions more difficult to modify than ordinary laws. Those constitutions are called 'rigid'.⁸⁷

Thomas Jefferson has famously objected to 'perpetual constitutions', which are meant to govern a society indefinitely, by declaring that "*the earth belongs in usufruct to the living*".⁸⁸ He argued that the self-determination of a generation is impeded by a constitution that lasts after the founding generation is no longer the majority of the population. Generations should be able to choose for themselves the principles by which they wish to run their society. Therefore, he proposed that all laws, including constitutions, should expire automatically after two decades. Jefferson's standpoint is radical, since he considers not only rigid constitutions, but all perpetual constitutions and laws illegitimate.

While it is correct that all perpetual laws shape the options of future generations in some way, only rigid constitutions can be coercive. These constitutions are intentionally designed by their founders to be difficult to amend. Where non-rigid laws can be altered according to simple majority decision-making, rigid constitutions impose additional constraints on the population for altering their content. Thereby, they impede generational sovereignty. After all, what is most problematic about coercion according to Blake, is that it undermines autonomy because it "*reduces the will of one person to the will of another*".⁸⁹ Literature supports the position that constitutional rigidity can have this undermining effect. According to González-Ricoy "*constitutions can end up imposing the will of the founding generation on subsequent generations, hence undermining future generations' sovereignty*".⁹⁰ Gosseries agrees that rigid constitutions may limit the options of generations to decide the fundamental rules of their society for themselves.⁹¹ Therefore, I will focus on rigid constitutions in this paragraph.

⁸⁷ Gosseries 2014, p. 528.

⁸⁸ Jefferson 1975, p. 445.

⁸⁹ Blake 2001, p. 268.

⁹⁰ González-Ricoy 2016, p. 40.

⁹¹ Gosseries 2008b, p. 32.

Step one: Is constitutional rigidity coercive?

The question I will address now, is whether this impediment to generational sovereignty is actually coercive of future people. I will argue here that this depends on two factors: firstly on how rigid the constitution is and secondly on the content of the constitution. A constitution can only be coercive when it is rigid to an extent that it leaves no reasonable options to the generations that inherit it than to keep it, and when the content of the constitution is such that it limits individual autonomy.

Rigid constitutional provisions complicate a generation's options to shape the constitution according to their own ideas. Is this way of altering the choice structure already coercive? It is useful here to distinguish between voluntary choices on the one hand and coerced choices on the other hand. A choice is voluntary when reasonable alternatives are available and a choice is coerced when no reasonable alternatives are available.⁹² This means that imposing a choice structure on future generations by imposing a rigid constitution on them is not definitely coercive. The choice of a generation to keep the constitution they inherited unchanged is only coerced when there are no reasonable alternatives.

I will illustrate this argument with an example. Imagine I am walking towards a crossroads where I can go left or right. On the left, it is very busy with people. So busy in fact that it would take quite some effort for me to get through. Am I now coerced into taking a right? I do not think so. Although the crowd makes it more difficult for me to go left, making the effort to get through is still a reasonable alternative to going right. Now let me change the situation. Instead of a group of people, there is a sole witch standing on the left. She says she will allow me to go through, but only in exchange of my first-born child. In this case, I am coerced into going right, since the witch's condition leaves me with no reasonable alternative to going right.

Looking at it this way, it is important to take into account how rigid a constitution is. There is an important difference between a constitution that contains only a few provisions whose amendment requires a modest supermajority (say 60%) and a constitution that is legally non-revisable. A constitution is only coercive, when there is no reasonable alternative to abiding by it. So, rigid amendment procedures are not coercive when they leave open reasonable options for revision. One might even doubt if 'non-revisable' constitutions are coercive. After all, if a generation really wants to get rid of the constitution they inherited, they can theoretically ignore the non-revisability and adopt a brand-new constitution. What should we think of this possibility? The crucial question here is not whether it is theoretically possible to avoid coercion, but if this can be done at no extremely high cost. In other words: is adopting a new constitution a reasonable option? In some cases, a constitutional shift (outside of the amendment rules) might go smoothly. Yet, in other cases a constitutional revolution can lead to a massive lack in legal certainty and possibly a state of nature like situation. If such a constitutional revolution would seriously destabilize the functioning of the society, that would definitely undermine the ability of citizens to autonomously pursue the projects they deem

⁹² Following Olsaretti 2016.

important in their conception of the good. In those cases, adopting a new constitution would not be a reasonable option. Only where a constitutional shift is not a reasonable option, can a constitution be coercive.

Not only the rigidity of a constitution is relevant, but also its content. Remember that Blake is primarily concerned with coercion because it limits individual autonomy. He argued that criminal and civil law limit the options for individuals to live autonomous lives; criminal law because it is backed by the sanction of incarceration and civil law because it regulates ownership of property and income. In contrast, the impact of constitutions on individual autonomy seems to be primarily positive. Typically, constitutions contain a number of basic rights and liberties, that protect the individual from interference by the state. So while a rigid constitution may impede *collective* sovereignty, I doubt whether it seriously limits *individual* autonomy.

One possibility to avoid this obstacle is to argue that the legal system as a whole is intergenerationally coercive. As we have already seen, the system of law is coercive according to Blake and Nagel. Yet, it is questionable if this is *intergenerational* coercion. Ordinary law is usually not rigid. Provisions that can be amended by a simple majority cannot be said to constrain the options of future generations to make their own rules as much as rigid provisions. If a generation that inherits a system of law from the previous generation decides not to change it, it does not seem to be the previous generation that coerces them by enforcing these laws, but the present generation itself. So, this response will not work.

A more promising response is to acknowledge that not all constitutions contain an extensive catalogue of civil rights and liberties. In authoritarian regimes, constitutions do not protect but endanger individual autonomy.⁹³ For instance, by establishing the primacy of a certain religion, the freedom to choose one's own religion is undermined. If such constitutions are rigid, they might undermine not only current generations' autonomy, but future people's autonomy too. This response suggests that there is an important distinction between, roughly divided, 'liberal' and 'authoritarian' constitutions. While the former protect individual autonomy, the latter could seriously undermine it. So, all other things equal, authoritarian constitutions are more likely to be intergenerationally coercive than liberal constitutions.

To summarize, legal provisions can only coerce when they are rigid to such an extent that they leave no reasonable options for amendment. Additionally, the content of the constitution must be such that it undermines individual autonomy.

Step two: Is constitutional rigidity necessary for individual autonomy?

Step two requires that the coercive mechanism is in some form required for the protection of the coerced's autonomy. I will argue here that this requirement can be satisfied. Some form of constitutional rigidity is required to protect the autonomy of future people. The strongest reason for this is the unequal power relation between present and future people.

⁹³ E.g. Tremmel 2017, esp. p. 7-8.

Firstly, there is a good case that at least some rigid constitutional provisions are desirable at a given time. We call this *intragenerational rigidity*.⁹⁴ Constitutional provisions regarding fundamental rights and liberties are made difficult to change to protect individuals against the interference of others and tyranny of the majority. The same argument applies to institutional provisions, such as a democratic election process and the separation of powers. These provisions are meant to keep state power within bounds and protect the private sphere in which individuals can determine their own way of life. However, this does not yet establish that *intergenerational rigidity*, rigidity across generations, is also desirable. Two arguments can be given in favor of intergenerational rigidity.

The first argument is practical. Gosseries argues that intergenerational rigidity might be an unavoidable side-effect of intragenerational rigidity, because generations always overlap.⁹⁵ This overlap makes it practically unavoidable that a rigid constitution that subjects one generation also subjects any generation that overlaps with the first. Trying to avoid this gives rise to multiple infeasible scenarios, such as different overlapping generations being subject to different constitutions at the same time.

The second argument is more principled. Provisions in a constitution may be directly intended to protect the interests of future generations.⁹⁶ Intergenerational rigidity protects the effectiveness of these provisions and thereby protects the autonomy of future generations. One might argue, for instance, that a provision that protects sustainability must be rigid to prevent current or intermittent generations from acting in their short-term self-interest and thereby endangering the autonomy of their successors. Future generations are subject to the power of present generations and need to be protected against this. A provision protecting the right of future generations to clean air will not be effective when current generations can easily abolish it when they want to increase their own consumption. Intergenerational rigidity is necessary for such provisions because changes by intermittent generations can impede their intended effect in the long run.⁹⁷

Note that it depends on the content of a constitution whether the autonomy of future generations is actually protected. Many current constitutions do not contain provisions for the protection of future generation's interests. However, the question here is not whether the specific implementation of the coercive mechanism (here constitutional rigidity) actually protects autonomy, but whether the coercive mechanism is in some form required for the protection of autonomy. While the former depends on the content of the constitution, the latter does not. The former question relates to the justification-question⁹⁸ and the latter to the triggering-question. To conclude, the requirement of step two is satisfied. Some form of

⁹⁴ Gosseries 2008, p. 33.

⁹⁵ Gosseries 2008, p. 33.

⁹⁶ See: González-Ricoy 2016, p. 42-43.

⁹⁷ González-Ricoy 2016, p. 42.

⁹⁸ For example, provisions that undermine individual autonomy cannot be justified. They should not be in the constitution, let alone be difficult to change.

intergenerational constitutional rigidity is necessary to robustly protect the individual autonomy of future generations against the unequal power that present generations have over them.

Step four: Constitutional rigidity and special involvement of the will

The fourth step of the framework is Nagel's authorship criterion. This criterion entails that obligations of justice are only owed to those whose will is involved in the coercion. It aims to distinguish between foreigners, who are 'only' subject to coercive acts of a state, and citizens, whose will is involved in state coercion. To satisfy Nagel's authorship requirement, we need to show that the will of future generations is involved in constitutional coercion. I will distinguish two interpretations of this requirement: an active and a passive interpretation. I will argue that it is only possible to satisfy the requirement when we assume that the passive interpretation is correct.

The active interpretation of the authorship criterion requires action or contribution of the coerced that makes them a (partial) author of this coercion. In the common use of the words, both 'authorship' and 'will' require something of the person who is said to be the author of something, or who wills something. People who do not live yet cannot be authors or have a will in this way. They cannot be made responsible for government action which is taken before they are born because of any action undertaken by them. They cannot vote, contribute to public discourse or accept or reject the way in which the government acts. They cannot even tacitly consent to state coercion by participating in the system. Consequentially, they also cannot make up their mind about something, cannot 'will' anything. So, since future generations cannot act or contribute yet, this interpretation of Nagel's criterion excludes future generations from the scope of justice.

The passive interpretation of the authorship criterion focuses not on the actions of the coerced, but on the intent of the coercer. In this interpretation, obligations of justice are owed to those individuals in whose name and interest state coercion takes place. This interpretation also excludes foreigners, because the state acts in the name and interests of its citizens and not those who live across the state's borders. However, it leaves more room for the inclusion of future generations, because the intentions of the coercer are decisive, not the actions of the coerced.

If we assume that the passive interpretation is correct, the question remains whether states implement legally coercive institutions in the name and interest of future people. If so, then the requirement is satisfied. But if not, then according to Nagel's account of coercion, the state does not owe future people a special justification in the form of principles of distributive justice. Harb suggests that whether this requirement is satisfied depends on the specific constitutions of states.⁹⁹ Decisive is whether a constitution contains a provision which prescribes that the rights or interests of future generations must be taken into account. The large majority of existing constitutions does not contain provisions about future

⁹⁹ Harb 2014, p. 317.

generations.¹⁰⁰ If only constitutions that contain a provision about future generations can satisfy Nagel's authorship requirement, then the future generations of this majority of states would be excluded from the scope of justice.

I agree with Harb that whether the interests of future generations are served is a factual question on Nagel's account, not a normative one. However, it is not necessary that a constitution explicitly includes a concern for future generations. Illustrative is Nagel's elaboration of the position of the inhabitants of colonies. He includes them in the scope of justice and notes that what it means for a society to be governed in the name of its members must be broadly interpreted in this case.¹⁰¹ Surely not many states have ever included provisions in their constitutions to protect the inhabitants of their colonies. Still, Nagel includes them in the group of people whose interests are supposed to be served with state coercion. This supports my view that states do not have to explicate that they also serve the interests of future generations.

If we cannot find the answer to whether the authorship-criterion is satisfied in states' constitutions, then how do we know if constitutional coercion finds place in the name and interest of future generations? We cannot answer this question on the basis of Nagel's text. Nagel seems to assume that a state always intends to serve the interests of its members. He does not give any additional criteria for when this is the case. What we can do, is look at another factor that Nagel deems relevant for the authorship criterion: acceptance. He mentions that the will of the citizens of the state (and the inhabitants of colonies) is involved in the system of state coercion because they are expected to accept and uphold the system. This criterion does seem to apply to future citizens, especially in regard to the constitution. Most constitutions are intended to govern a society for many generations and future generations are expected to uphold it during their lifetime. Thus, their acceptance of the coercive system is demanded.

In conclusion, only when we assume that the passive interpretation of Nagel's authorship-criterion is correct, there is room for including future citizens in the scope of justice. Under this interpretation, the intent of the coercer is decisive. A workable account of intergenerational coercion cannot depend on any actions of the coerced, since future generations cannot act yet. Still, the criterion is only fulfilled when we also assume that legal coercion does indeed take place in the name and the interest of future generations and that their acceptance of the constitution is demanded.

Who owes obligations of justice?

Finally, I want to address that legal coercion through constitutional rigidity seems to exclude any generation except for the founding generation from bearing obligations of justice to future generations. Recall that according to coercion theory, obligations of justice arise from a coercive relationship. In the case of intergenerational coercion, present generations would

¹⁰⁰ See: constituteproject.org.

¹⁰¹ Nagel 2005, p. 129, footnote 14.

owe obligations of justice to future generations when they coerce these future generations. So, only the present generations that actually coerce future generations can have these obligations. We have seen that the generation that installs a constitution coerces future generations (under certain conditions), because this limits the options of these future generations for living according to their own plans. Thus, between the founding generation and the succeeding generations that inherit the constitution, a coercive justice-triggering relationship may exist. However, there are also generations presently alive that have not founded their current constitution, but inherited it from their predecessors. Consider the Dutch constitution, which was founded in 1814 and assume that this constitution satisfies all the other conditions. Present Dutch generations inherited this constitution, they did not found it. Then, if they pass the constitution on to future generations, this does not create a coercive relationship between them and these future generations. Because of the highly rigid form of the constitution (which it must have to conform to the conditions), they did not have a reasonable alternative to passing on the constitution. In a way, they are coerced into passing on the constitution. Not them, but the founding generation caused the limitations of options for future generations. So, only the founding generation has obligations to all generations that succeed it. This is a serious limitation to the applicability of obligations of justice and does not seem like an intuitively plausible conclusion.

In this paragraph, I have explored the possibility that constitutions could create a coercive relationship between present and future generations that triggers obligations of justice. My conclusion is that the success of this option depends on the assumption that Nagel's authorship criterion should be interpreted in a passive way. Besides, the success of the option is contingent on the specifics of the constitution in question. Present generations can only have obligations to future generations because of legal coercion if the constitution is rigid enough to leave no other reasonable alternative than abiding by it, and if the content of the constitution is such that it limits individual autonomy. Finally, only the founders of a constitution can have obligations of justice on the basis of legal coercion. We can conclude that in general, present generations do not have obligations on the basis of legal coercion. This is (at most) the case for certain specific states.

3.5 Environmental coercion

In this section, I will discuss whether environmental impact by current generations can create a coercive relationship between present and future generations. Again, I will walk through the steps of the framework from paragraph 3.2. We will see that intergenerational environmental coercion can be established when we make certain assumptions about the concept of coercion. We need to assume that both the 'intentionality' and the 'agency' requirement can be given a broader interpretation. Additionally, we need to assume that 'the necessity-requirement' is not a necessary condition for triggering obligations of justice but only for the justification of coercion. Finally, Nagel's authorship requirement needs to be abandoned. I will elaborate on these points below. First, I will explain how present generations manipulate the options of future generations by impacting their environment.

Impacting the environment: manipulation of options

The activities of current generations impact the natural environment in many ways, including the pollution of land, water and air, the depletion of natural resources, particularly farm land, fuels, fish and forests and the failure to preserve species of plants and animals, places of natural beauty and cultural landmarks.¹⁰² Since future generations will inherit the earth in the condition we leave it, these actions also impact future generations. The more we deplete resources and endanger existing ecosystems, the more difficult it becomes for future generations to repair this damage and to use and enjoy their natural environment. Our activities, primarily through the emission of greenhouse gasses, are also changing the global climate. The probable effects of climate change include an increase in extreme weather, such as long-lasting drought, desertification, forest fires, flooding and typhoons, rising sea levels, damage to ecosystems, risk of extinction of species, decreased food security, risks to economic growth and an increase in poverty.¹⁰³ These effects of climate change are projected to have a severe impact on future generations.

Step one: Is environmental change coercive?

The way of affecting future generations I described above satisfies one necessary condition for coercion: the manipulation of the available options. Resource depletion limits the options for using exhaustible natural resources and natural resources that take millennia to replenish, such as fossil fuels, fish and forests. Pollution limits the possibilities for using land, water and air. Failure to preserve biodiversity and natural scenery limits the options to enjoy natural beauty. As for individual autonomy, climate change might seriously threaten access to the most basic conditions for living as autonomous agents, such as food security, shelter, access to drinking water and health. However, for environmental change to be coercive, we need to assume that the ‘intentionality’ and the ‘agency’ requirement can be given a broader interpretation.

In my explanation of the assessment framework, I have argued that Blake supports a strict interpretation of the intentionality requirement. The coercer must have intended the coercive effect of his action. However, the changes in the natural environment that current generations are causing, are not deliberately made to manipulate the options of future generations. It is not the purpose of these actions to coerce future generations. So, environmental coercion does not satisfy the strict interpretation of the intentionality requirement. For environmental coercion to be characterized as coercion, we need to relax this requirement. We could replace it with the weaker condition that a coercive action is intentional when the coercer knowingly accepts the coercive consequences of his action. If we assume that this interpretation is correct, environmental coercion does satisfy the intentionality requirement. Present generations know the consequences of their actions for the environment of future generations and still persist in these actions.

¹⁰² Hausman, McPherson and Satz 2016, p. 327.

¹⁰³ Hoegh-Guldberg e.a. 2018.

Secondly, both Blake and Nagel require that there is a clearly identifiable (collective) actor, embedded in an institutional framework, which subjects individuals to coercion. In regard to climate change, pointing to one or a select few actors who can be held responsible for limiting the options of future generations seems impossible. The aggregate contribution of many states, businesses and individuals adds up to a destructive total amount of emissions and depletion of natural resources. One might object that there are certain actors whose individual contribution to the problem is not negligible. Additionally, states may hold a shared responsibility for the emissions that they permit. However, this does not affect the conclusion that the environmental damage current generations are doing cannot be reduced to the actions of one or a few identifiable actors. We cannot point to one ‘coercer’. This problem can be solved if we assume that the agency requirement can be broadened and we accept a structural or systemic approach. Arguably, environmental coercion could be seen as a form systematic coercion, being caused by wide-spread, predictable patterns of human behavior.

Step two: Is environmental change necessary for the protection of autonomy?

In my explanation of the assessment framework, I have discussed whether the ‘necessity-requirement’ was only a necessary condition for the justification of coercion or also for triggering principles of distributive justice. I argued the latter was correct, with the modification that only the coercive mechanism must be necessary for the protection of autonomy, and not the specific implementation of the mechanism. However, even with this modification, environmental coercion cannot satisfy this requirement. It is not necessary to protect the autonomy of those coerced and only infringes on future generations’ autonomy. So, as a coercive mechanism, environmental coercion does not satisfy the requirement, regardless of the specific implementation. This means that it should not be justified but eliminated according to Blake’s coercion theory. To avoid this problem, we need to assume that the necessity requirement is not a necessary condition for triggering obligations of justice, but only for justifying coercion. Only then could environmental coercion still trigger obligations of distributive justice.

Step four: Environmental change and special involvement of the will

Can the way in which present generations shape the environment of future generations satisfy Nagel’s authorship requirement? I cannot see how. Even under the passive interpretation of the requirement, the interests of future generations must be served with the coercive system. What present generations are doing to the global resources and climate does not serve the interests of future generations in any way. It makes no sense to ask whether climate change happens in their name or whether their acceptance is demanded. What we are doing to the environment is so detrimental to future generations that the only explanation for why we are still doing it, is precisely the opposite. We are ignoring their interests and have no regard for the acceptability of our actions for future generations. So, to establish a justice-triggering coercive relationship between present and future generations on the basis of environmental coercion, we need to assume that such a relationship can exist without fulfilling the authorship requirement.

In conclusion, environmental coercion could trigger obligations of justice, but only when the requirements of agency and intentionality are given a broader interpretation than in the original framework and when the necessity and authorship requirement are abandoned.

3.6 Financial coercion

In this last section, I will discuss whether financial coercion, more specifically: public debt, can establish a coercive relationship between present and future generations. Again, I will walk through the framework from paragraph 3.2. First, I will argue that how present generations impact the financial means of future generations can satisfy the ‘manipulation of options-requirement’ from step one. However, sometimes the debt has so little consequences that it is not coercive. Then, we will see that the ‘intentionality’ requirement of step one can only be satisfied under a broader interpretation. Also, arguably financial coercion is a necessary mechanism to protect future generations’ autonomy. Finally, Nagel’s authorship requirement can only be satisfied under the ‘passive’ interpretation.

The debt burden: manipulation of options

It is common practice for states to finance public expenditure by borrowing money. Thereby, a government incurs public debt. When the generation that incurs the debt does not pay it off within their lifetime, this debt is inherited by their successors. Economists have argued that public debt can place a burden on future generations. When they inherit debt from their predecessors, they have to forego part of their own consumption during their lifetime, because they have to pay interest and eventually repay the debt.¹⁰⁴ Thomas Jefferson was also concerned about intergenerational debt.¹⁰⁵ He argued that it is wrong to place the debt burden caused by the financial decisions of one generation onto the shoulders of future generations.

Intergenerational debt is potentially coercive because it can constrain the spending options of future generations. The part of their financial means that is used to retire and pay interest on public debts cannot be used for other things they might want or need. Inherited debts may limit their ability to finance their own public projects.¹⁰⁶ If the debt burden leads to higher taxes, individuals have to forego part of their private consumption and are deprived of certain options for the pursuit of their life plans.

Step one: Is intergenerational public debt coercive?

Public debt is potentially coercive, because it can limit the spending options of future generations. However, to be able to establish a justice-triggering coercive relationship on the basis of financial coercion, we need to broaden the intentionality requirement. Additionally, the consequences of public debt are only coercive when they actually limit options. This is not always the case.

¹⁰⁴ Buchanan 1999; Bowen, Davis and Kopf 1960.

¹⁰⁵ Jefferson 1975, p. 445

¹⁰⁶ See: Wolf 2008, p. 13.

Just like in the case of environmental coercion, the manipulation of options through public debt does not seem to be intentional in the strict sense. Even though the borrowing generation intentionally borrows money to finance public spending, it does not do so to deliberately manipulate future generations' options. This problem can be averted if we adopt a slightly broader interpretation of intentionality: knowingly accepting the coercive consequences of your actions. In this interpretation, financial coercion does satisfy the intentionality requirement: present generations know that passing on their debt has financial consequences for future generations.

Similarly to the case of legal coercion, whether public debt is actually coercive depends on the specifics. While public debt can significantly affect the spending options of future generations, this is not always the case. When the debt is quite small, it might have little to no effect on the spending options of future generations. Even having to pay interest need not to affect their spending options, as long as they can finance these payments by borrowing more money. Intergenerational public debt is only coercive of future generations when they have to forego pursuing their own projects, because they have to spend the money on inherited public debt. Whether that is the case depends not only on the size of the public debt, but also to whom the public debt is owed and other factors, such as the financial reputation of the state in question.

Step two: Is intergenerational public debt necessary?

Is financial coercion as a mechanism in some form required for the protection of the individual autonomy of future generations? Note that the public spending which is funded by public debts can be very beneficial to future generations. It is not always (only) a burden. I agree with Madison that while it is unjust to pass on unnecessary burdens to future generations, some debts might be incurred “principally for the benefit of posterity”.¹⁰⁷ The debt burden can be acceptable when it serves the interests of posterity. For instance, investment in clean energy technology might provide future generations with the renewable energy sources they need.

However, the fact that public spending funded by debts can benefit future generations does not yet establish that shifting the burden to future generations is also necessary. If the generation that incurs the debt can pay it off in their own lifetime, transferring it to future generations is unnecessary. Passing on debt is only necessary when it would be otherwise impossible to reach the goal of protecting future generations' autonomy. However, it is plausible that at least in some cases, the amount of money that needs to be borrowed in the interest of future generations is too large for the borrowing generation to pay off within their own lifetime. This could be the case with measures against climate change. If these cases exist, public debt satisfies the necessity-requirement.

¹⁰⁷ Madison 1992, p. 25.

Step four: Financial coercion and special involvement of the will

Just like in the case of constitutional rigidity, satisfying Nagel's authorship-criterion is only possible when it is interpreted in an indirect and passive way. In this interpretation, the transfer of those public debts that are incurred (at least partly) for the protection of the autonomy of future generations could satisfy the authorship-criterion. Those debts seem to serve the interests of future generations. Their acceptance is also demanded, since they are supposed to pay interest and eventually repay the debts.

In conclusion, financial coercion could trigger obligations of justice, but only when the intentionality-requirement and the authorship-requirement are given a broader interpretation than in the original framework. If we accept these assumptions, then public debts that constrain future generations' options for pursuing their own plans can trigger obligations of justice.

Conclusion

In this chapter, I have looked for ways to establish a coercive justice-triggering relationship between present and future generations. To conclude, I will summarize the most important findings.

As a starting point, I have constructed a framework with the requirements for justice-triggering coercion that follow from Blake and Nagel's coercion theory. When I applied this framework to three options for intergenerational coercion, I ran into various obstacles, where the options did not seem to conform to the framework as I set it out. Where obstacles arose, I suggested how coercion theorists could respond to still be able to establish justice-triggering intergenerational coercion. Sometimes that meant that a requirement needed to be interpreted in a broader way than in the original framework and sometimes it meant abandoning a requirement altogether, assuming that it was not relevant for the question what triggers obligations of justice after all. Through this process, we have gotten an idea what an account of coercion must look like to be applicable to present generations' relationship with future generations.

Most importantly, an intergenerationally applicable notion of coercion would have to deviate from the commonly accepted notion of coercion: altering the subject's will through reciprocal threats. Instead, the core of coercion would need to be the direct limitation of options. By limiting their options, present generations restrict future generations' autonomy. The actions of the coercer are central in this notion of coercion. There is coercion when present generations use the power that they have over future generations because of the unidirectionality of time to restrict future generations' options. Intergenerationally, the coerciveness of an action cannot depend on the reaction of the coercee, because future generations cannot act yet. Therefore, a coercee-focused notion of coercion would make us unable to know whether an act is coercive.

To establish a justice-triggering relationship on the basis of coercion through legal, environmental and financial mechanisms, we need to make some assumptions. For the option

of legal coercion to succeed, we need to interpret the authorship-requirement in a more passive way. This is also required for the success of financial coercion. Additionally, the intentionality-requirement would have to be broadened for this option to succeed. The point about intentionality applies to environmental coercion also. Besides, for this option to succeed, the agency requirement needs to be broadened and the necessity and authorship-requirement need to be abandoned. In the next chapter, I will assess the plausibility of these assumptions.

Finally, whether constitutional rigidity and public debt are coercive depends on the specific features of the constitutions and public debts in question. So, while legal and financial mechanisms *could* create a coercive relationship between present and future generations of some states, it cannot be said in general that present generations have obligations of justice to future generations on the basis of legal or financial coercion.

Chapter 4: The intergenerational coercion account; plausible?

Introduction

In the previous chapter, I used Blake and Nagel's accounts of coercion theory to investigate if establishing a justice-triggering coercive relationship between present and future generations is possible. To avoid obstacles that arose in establishing this coercive relationship, I have made certain assumptions. In this chapter, I will assess the plausibility of these assumptions. I will argue that the (as I will call it) 'intergenerational coercion account' is plausible when we take the effect on freedom as the core of coercion. In this view, what connects coercion to justice is that it restricts freedom and therefore requires justification. This focus on freedom allows for a broader definition of coercion than is commonly used. Additionally, I will point out that accepting this broader conception of coercion has spill-over effects to global justice. Broadening the conception of coercion to establish a coercive relationship between present and future generations makes it more plausible that there is a coercive relationship between compatriots and non-compatriots too.

4.1 Assessing plausibility

Theorists disagree about the correct conceptualization of coercion. Some accounts of coercion focus on the coercer, some on the coerced, some hold that offers can also be coercive and others do not. Everyone agrees upon certain paradigmatic cases of coercion, such as robbery. Yet, a large grey area exists beyond those cases. According to Laura Valentini, coercion is an "essentially contested concept".¹⁰⁸ These are "*concepts the proper use of which inevitably involves endless disputes about their proper uses on the part of their users.*"¹⁰⁹ On the one hand, that means it is difficult to determine whether the 'intergenerational coercion account' is plausible. There will always be people who disagree. On the other hand, it means that different conceptualizations of coercion are possible, perhaps also the intergenerational account of coercion. This account cannot be dismissed simply because it is different from other specifications of the concept.

In this section, I will discuss four assumptions I made about justice-triggering coercion. Firstly, I will argue that it is plausible that coercion can take place by directly limiting options, additionally to threats, because both methods of influence limit freedom (or autonomy). Next, I will argue that this focus on freedom also makes broadening the intentionality and agency requirement plausible. Finally, I will argue that abandoning Nagel's authorship criterion and Blake's necessity requirement is plausible, because especially in cases of pure coercion and unnecessary coercion, we need principles of justice.

Direct limitation of options

As we saw in the previous chapter, Nozick's popular conception of coercion does not work in the intergenerational realm. Successful reciprocal threats are not possible since present and

¹⁰⁸ Valentini 2011, p. 210

¹⁰⁹ Gallie 1956, p. 169.

future generations cannot communicate with each other. This is the reason why, in the previous chapter, we assumed that coercion could also take place through the direct manipulation of options. Here, I will discuss whether this assumption is plausible.

Crucial to the concept of coercion seems to be its effect on freedom. An action can only be coercive when it makes the subject less free than they would have been (or in a moralized conception; ought to be). The reason for Blake's concern with coercion is that it limits autonomy. Autonomy can be regarded as a specific type of freedom, namely the freedom to pursue your own life goals. Both threats and the direct elimination of options can be used to make sure that somebody refrains from taking certain actions, thereby constraining freedom. Scott Anderson defends the standpoint that not only pressure on the will through threats, but also the direct limitation of options can be coercive. He calls this the 'enforcement approach', which "*regards coercion as a kind of activity by a powerful agent who creates and then utilizes a significant disparity in power over another in order to constrain or alter the latter's possibilities for action*".¹¹⁰ This focus on power relations fits the relationship between present and future generations well. Present generations can exercise power over future generations, while future generations can do nothing in return. I do not have the space here to argue for the validity of the enforcement approach and will limit myself to pointing out that this approach has been defended before.¹¹¹ So, the idea that the direct manipulation of options can be characterized as coercion is not new, although it does depart from Nozick's popular account of coercion.

Instead, I will turn to the question whether the ways in which present generations manipulate the options of future generations actually are coercive under the enforcement approach. The paradigmatic cases of coercion under this approach are examples of physical constraint, like manhandling and imprisonment.¹¹² They are uses of force and violence. The instances of environmental, legal and financial coercion are less invasive and more indirect. While they limit certain courses of action, they often leave open many other possibilities. The crucial question here is how much impact the limiting mechanism must have to be considered coercive.

Different standards are proposed. According to Anderson, X coerces Y if and only if X substantially constrains Y's practical possibilities.¹¹³ Philippe van Parijs claims that X coerces Y if and only if X places constraints on Y, by which Y's life prospects are significantly affected.¹¹⁴ Valentini employs a weaker standard and argues that X coerces Y if and only if X places nontrivial constraints on the freedom of Y.¹¹⁵ While the constraints on freedom through environmental, legal and financial intergenerational coercion are usually nontrivial, it is more difficult to say whether they have a significant or substantial impact on future generations'

¹¹⁰ Anderson 2010, p. 1.

¹¹¹ Before Nozick's view became popular, the enforcement view was the mainstream view. See Anderson 2017, par. 2.3.

¹¹² Anderson 2010, p. 6.

¹¹³ Anderson 2010, p. 8.

¹¹⁴ Van Parijs 2007, p. 48.

¹¹⁵ Valentini 2011, p. 211.

possibilities. It is important to note that environmental, legal and financial intergenerational coercion can come in many different degrees. Some instances of legal and financial restraints might have significant impact on the lives of future generations and some might not. Regarding environmental coercion, there is still uncertainty about how impactful this will be for future generations, both because of scientific uncertainties and because we still have options to mitigate climate change.

To conclude, including the direct manipulation of options in the concept of coercion is plausible, because it limits freedom (understood as the exercise of autonomy) similarly to threats. Yet, the question is where to draw the line on how impactful the action must be. Drawing this line is more difficult for the coerciveness of the direct limitation of options than for threats. While threats often make someone do something specific, the direct limitation of options is more suited to prevent certain actions than to make someone do something. The former is more easily recognizable as an instance of coercion than the latter, especially when the restriction of some options still leaves variable other alternatives open.

Intentionality and agency

Blake's account of coercion requires that coercive actions are intentional and enacted by an agent. In the previous chapter, we have seen that not all options for intergenerational coercion meet these requirements. I have assumed that both criteria can be broadened to solve these problems. If we do that, do we still have a plausible account of coercion?

In chapter three, I have suggested that the strict intentionality requirement can be replaced with the weaker requirement of knowingly accepting the coercive consequences of one's actions. Some kind of intentionality requirement is common in accounts of coercion. It is meant to express that the coercer not just affects the options of the coercee, but does so with a disregard for their autonomy.¹¹⁶ The strict interpretation expresses this disregard most clearly: the coercer deliberately manipulates the coercee's options. However, one might reject such a strict notion of intentionality, because it allows the coercer to brush off accusations by saying he did not mean to cause any coercive consequences. The weaker requirement of knowingly accepting the consequences is more objective, while still retaining the purpose of the requirement of intention. When you know, or could know, that your actions have significant negative effects for someone and perform them nonetheless, you disregard their autonomy. An example about agricultural subsidies illustrates the plausibility of the weaker requirement.¹¹⁷ Under the strict intentionality requirement, EU and US agricultural subsidies are not coercive. Even though they can greatly damage the options of farmers in developing countries for earning a living, this coercive consequence is not the specific intent of these subsidies. Under the weaker requirement, these subsidies are potentially coercive, because the EU and the US know that these are consequences of the subsidies and maintain the subsidy schemes anyway.

¹¹⁶ Blake 2001, p. 268.

¹¹⁷ Example by Pevnick 2008, p. 407.

In the case of climate change, no single agent can be identified as the coercer. Therefore, I have proposed to broaden the agency requirement and allow for a non-agentic approach to coercion. Is this plausible? Valentini offers such a non-agentic approach. She proposes that coercion can take place through a system of formal or informal (social) rules.¹¹⁸ Such a system can encompass a broad set of phenomena, but it is crucial that the coercive consequences of its operation are foreseeable and avoidable. The system must be subject to some human control, although this control does not rest with an identifiable agent. The responsibility for systemic coercion is therefore shared by all individuals that support the system through their actions.¹¹⁹ I will not go into the plausibility of systemic accounts further, since this topic touches on a complicated debate about agency that I cannot discuss here. I will limit myself to pointing out that non-agentic or systemic accounts of coercion are unorthodox, but exist. An argument in favor of including systemic coercion into the concept of coercion is that such informal systems of rules can also restrict freedom and do that in a similar way to typical cases of coercion. An example Valentini gives is racial discrimination. There is no specific agent responsible for it and yet discrimination can have immense effects on the ability of racial minorities to live an autonomous life.¹²⁰ So, if coercion is at the core the restriction of freedom, or autonomy, we have a good reason to include systemic coercion.

The necessity and authorship requirement

The necessity and authorship requirement are not constituting requirements for coercion, but are required for triggering principles of justice, according to Nagel and Blake. In the previous chapter, we saw that some of the options for intergenerational coercion cannot satisfy these criteria. In this section, I will argue that abandoning these criteria is plausible. Both criteria can be objected in a similar manner: precisely in those cases when coercion does not take place in the name and interest of those coerced and when it is not necessary, we need principles of justice.

Various authors have already argued that Nagel's authorship requirement should be abandoned.¹²¹ They criticize the requirement for having perverse consequences: "*it implies that a state can exempt itself from the demands of justice simply by ensuring that the coercion to which it subjects persons is pure coercion without any pretense of accountability*".¹²² Even some forms of state coercion do not seem to meet Nagel's criterion. It seems that a tyrant would be able to "*exempt himself from the demands of justice by relying solely on pure coercion*."¹²³ Surely, Nagel would not agree that a tyrant does not have any obligations of justice to his citizens. Yet, it is difficult to see how the rule of a totalitarian tyrant could be regarded as in the interest of his citizens. It seems more plausible to say that all those coerced are owed justification, not only those in whose name or interest the coercion is enacted. If

¹¹⁸ Valentini 2011, p. 212-213.

¹¹⁹ Valentini 2011b, p. 152.

¹²⁰ Valentini 2011b, p. 143-144.

¹²¹ See for example: Abizadeh 2007, p. 351-352; Julius 2006, p. 178-184; Barry and Valentini 2009, p. 495-96 and Cohen and Sabel 2006, p. 166-169.

¹²² Abizadeh 2007, p. 352.

¹²³ Abizadeh 2007, p. 352.

anything, those who are coerced while that is not in their interest are owed justification even more.

A similar argument can be made for rejecting the necessity criterion. This criterion holds that the application of a coercive mechanism that is not in any shape or form necessary for the protection of the subject's autonomy cannot trigger principles of justice, but needs to be eliminated instead. I agree with Blake that coercive mechanisms which cannot be justified, should be eliminated. Yet, why would there be no special obligations of justice as long as the unjustifiable coercion persists? Consider as an example the kidnapping of a child. Kidnapping is generally unjustifiable. However, that does not mean that as long as the kidnapper (wrongly) holds the child, he does not have any special obligations to the child. For example, he is obligated to make sure the child is fed, gets enough sleep and is otherwise healthy. So, the kidnapper has special obligations, even though his actions are unjustifiable. The same could be said for unnecessary coercive mechanisms. These cannot be justified and should therefore be eliminated, just like the kidnapper should not kidnap a child in the first place. However, as long as the coercion persists, the coercer does incur special obligations towards those he coerces, just like the kidnapper towards the child. If this is correct, the necessity requirement is only a necessary condition for justification and not for triggering obligations of distributive justice.

In conclusion, there is a good case for abandoning the authorship requirement and the necessity requirement. It is plausible that obligations of justice are owed precisely when coercion is unjustified and not in the name and interest of those who are coerced.

4.2 Implications for the global realm

We have seen that the most straightforward interpretation of Blake and Nagel's requirements for justice-triggering coercion, produced some difficulties in the intergenerational realm. A possible explanation for these difficulties, apart from the specific features of the intergenerational realm, is that both Blake and Nagel's accounts of coercion specifically aim to defend statist conclusions about the scope of justice. The requirements for justice-triggering coercion mean to distinguish the domestic and the global realm. In response to his cosmopolitan critics, who argue that relevant forms of coercion do exist globally and thus that coercion theory does support global egalitarian justice, Blake writes: "*This charge would, if true, undercut most of the appeal of coercion theory. What has made coercion theory useful, I think, has been that it allows us to distinguish between the local norms of distributive justice, and the universal norms of respect for autonomy that hold internationally. If these supposedly local norms hold universally, however, it is no longer clear that coercion theory has any particular benefits.*"¹²⁴

As I have discussed above, the intergenerational account is in various aspects broader than Blake and Nagel's original account. This move to accommodate the intuition that we should

¹²⁴ Blake 2011, p. 565.

care for future people, has a spill-over effect to the global realm. Broadening or abandoning requirements that were made to distinguish the domestic and the global realm makes it likelier to find acts or systems internationally that meet the criteria for justice-triggering coercion.

Multiple authors have already used this strategy in the global domain. They have argued that there are relevant coercive acts internationally and that coercion theory is therefore only consistent when the scope of justice is extended to the global realm.¹²⁵ Valentini has developed a comprehensive ‘broader’ account of coercion. I already mentioned a few elements of her account earlier. According to Valentini, the coercion view entails that “*the function of principles of socioeconomic justice is to justify state coercion by making it compatible with each citizen’s freedom.*”¹²⁶ She argues that it is wrong to focus exclusively on state coercion. Outside of the state, constraints on freedom that stand in need of justification also exist.¹²⁷ To accommodate these other constraints on freedom as well, she proposes a broader notion of coercion.

Valentini starts with the ‘narrow’ account of coercion: “*An agent A coerces another agent B if A intentionally forces B to do, or refrain from doing, X through a command backed by the threat of sanctions.*” Next, she relaxes some of the criteria in this account. First, she argues that not only threats can be coercive, but also other constraints of freedom.¹²⁸ These constraints should be non-trivial and should restrict freedom in comparison to a suitable baseline. Secondly, she replaces the intentionality requirement with the requirement of foreseeability and avoidability. The coercive consequence of an action does not have to be intended, but the coercer must have been able to foresee and avoid it. Thirdly, she allows for ‘systemic coercion’. This is a form of coercion which is not exercised by an individual agent or a group agent, but takes place through a system of rules. This system may be comprised of formal or informal practices, as long as they follow a ‘recognizably rule-governed pattern’. The agents who are responsible for this systemic coercion are those who support the system through their actions and behavior. In contrast to Blake and Nagel, Valentini’s account of coercion identifies relevant forms of coercion that exist globally, so according to her account, the scope of justice is global.

Now I will return to the ‘intergenerational coercion account’. This account is similar to Valentini’s account. Firstly, the intergenerational coercion account replaces the intentionality condition with the weaker condition of knowledgeability, while Valentini replaces it with the weaker condition of foreseeability. Although one might argue that foreseeability is even weaker than knowledgeability, both are weaker than intentionality in the strict sense. Secondly, both the intergenerational coercion account and Valentini’s account relax the agency requirement. Systemic coercion can also trigger obligations of justice. Thirdly, both accounts lack the ‘necessity-requirement’ and Nagel’s authorship requirement. Coercive

¹²⁵ See: Valentini 2011; Pevnick 2008; Cohen and Sabel 2006; Julius 2006; Abizadeh 2007 and Van Parijs 2007, p. 48.

¹²⁶ Valentini 2011, p. 208.

¹²⁷ Valentini 2011, p. 209.

¹²⁸ Valentini 2011, p. 210.

mechanisms that are ‘unnecessary’, as well as instances of ‘pure’ coercion can trigger obligations of justice. If the accounts are indeed similar enough that they identify a similar group of actions as coercive, then the intergenerational coercion account also applies to the global realm, like Valentini’s account.

If the intergenerational account is correct, it follows that there are relevant forms of coercion in the global realm as well as in the domestic and intergenerational realm.¹²⁹ That means that the scope of justice extends to the global realm as well. This puts the statist coercion theorist in a dilemma. To be consistent, he would need to choose between (1) committing to the narrow account of coercion and accepting that there are no obligations of justice to future people, or (2) committing to the intergenerational account of coercion and accepting that there are obligations of justice to non-compatriots. This is a dilemma because the first option does not correspond with our intuition about justice in the intergenerational domain and the second option does not correspond with the statist position. According to Blake, accepting extensive international obligations of justice would take away the fundamental purpose of coercion theory. He could try to escape the dilemma by denying that the first option does not correspond with our intuitions. While we do not have egalitarian duties of justice to future generations, we do owe them more limited humanitarian duties, related to the protection of autonomy. The argument would be that these duties suffice to account for our intuitions regarding our obligations to future generations. Yet, a concern could be that these humanitarian duties would not be given enough priority to adequately protect the interests of future generations. According to Barry, framing duties in terms of distributive justice gives them more weight and priority.¹³⁰

In conclusion, broadening the coercion-account to accommodate our intuitions regarding intergenerational obligations of justice has a spill-over effect on our obligations in the global realm.

¹²⁹ For instance, border coercion did not trigger obligations of justice internationally because it does not satisfy Nagel’s authorship requirement, but if this requirement is dropped it might. The coercion of poor states by powerful states did not trigger obligations of justice because it was not in some form necessary, but if this requirement is dropped, it might too.

¹³⁰ See Barry 1978, p. 205.

Chapter 5: Conclusion

In this thesis, I have explored the implications of the coercion view on the ground of justice for the intergenerational realm. The main question was: “*Can a view which grounds obligations of justice in coercion plausibly claim that relevant forms of coercion exist in the intergenerational realm?*” In this final conclusion, I will briefly recap my findings and answer the research question.

In chapter two, I have explained the accounts of coercion by Blake and Nagel, who have defended the coercion approach to the ground of justice. This approach holds that we owe obligations of justice to people we share a coercive relationship with. In chapter three, I have investigated whether we can claim that a coercive relationship exists between present and future people. I have discussed three options that could establish that coercive relationship: legal, environmental and financial coercion. I concluded that it is possible to claim that present generations coerce future generations in these three ways, but only when certain assumptions are made about the correct interpretation of the requirements for justice-triggering coercion. Most importantly, the concept of coercion needs to include the direct manipulation of options. Besides, even if these assumptions are made, the existence of a coercive relationship still depends on contingent facts about how present generations in each specific state affect future generations.

In the fourth chapter, I have assessed whether the assumptions that needed to be made to establish a justice-triggering coercive relationship between present and future generations are plausible. This task is difficult, since there are many competing conceptions of coercion. I have taken the restriction of freedom as the common core of the concept. In this view, what connects coercion to justice is that it restricts freedom and therefore requires justification. This focus on freedom allows for a broader definition of coercion than is commonly used. A narrower view on coercion excludes actions that do constrain freedom significantly, in a way that is similar to more typical instances of coercion. A broader view on coercion, which results from relaxing and abandoning some of Blake and Nagel’s requirements, characterizes more freedom-restricting actions as coercion. A remaining question is how much impact these actions must have to be coercive. Some ways in which present generations negatively affect the freedom of future generations will have enough impact to be identified as coercion and others will not. Additionally, I have suggested that accepting the intergenerational coercion account has spill-over effects to global justice. Accepting this account would mean that the scope of justice is not only intergenerational, but also global.

The thesis question should be answered positively: a view which grounds obligations of justice in coercion can plausibly claim that relevant forms of coercion exist in the intergenerational realm. There is a plausible concept of coercion, that can satisfy the intuition that we have certain obligations of justice to future generations. I encourage further discussion on the validity of this account of coercion and its implications for the global domain.

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