Temporal Justice, Youth Quotas and Libertarianism

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Abstract: Quotas, including youth quotas for representative institutions, are usually evaluated from within the social justice discourse. That discourse relies on several questionable assumptions, seven of which I critically address and radically revise in this contribution from a libertarian perspective. Temporal justice then takes on an entirely different form. It becomes a theory in which responsibilities are clear and cannot be shifted onto the shoulders of the weak and innocent. I shall only briefly sketch some outlines and general implications of such a theory, arguing that it offers too little guidance for our imperfect world. While that implies more tolerance for quotas, I nevertheless propose an alternative more suited to a representative, deliberative democracy: veto rights.

Representation, justice, and youth quotas[1]

No political system, democratic or other, can function successfully without some degree of representative consultation, for starters because politics must be based on adequate information not just about objective facts but also about actual and potential support and resistance.[2] Adequate representation can take many forms, but in a classic typology Hanna Pitkin distinguished two types that are definitive of a fundamental dilemma for democracies: *representation as acting for* versus *representation as standing for*.[3]

Representation as acting for demands that representatives defend the opinions and further the interests of whomever it is they represent. While perhaps in an ideal democracy, the representative can be expected to

be able to act for any citizen, the real world is obstinate and obstructive. It is unlikely that a white, religious, healthy male octogenarian knows what it is like to be a black, atheist, handicapped young female; it is also unlikely that any member of any of the latter sociological groups would trust their representative to be able to adequately represent them.

Both because of the objective obstacles the representative faces, and because of the subjective hesitations of the represented, modern democracies increasingly pay attention to representation as standing for. On the latter view, representatives are expected to reflect the (relevant) sociological categories that make up the electorate. Thus, one expects parliaments to contain percentages of women and men, colours, creeds and educational and professional backgrounds more or less similar to those among the population at large. Of course, since one cannot expect a female representative to represent emancipated women's interests merely because she is female (she may well be an orthodox Muslim), democracies are continually trying to square the circle, hoping to offer both adequate sociological and ideational representation.

> Justice is indiscriminately due to all, without regard to numbers, wealth, or rank.
> / John Jay /

Both forms of representation may be empirically necessary for the smooth and stable functioning of political systems, but – together with democracy – they have also become part of the normative framework of liberal democracies. Guaranteeing adequate representation of all relevant groups and categories in society has become a matter of justice, more specifically of distributive social justice. And one of the most popular and widely used instruments of justice in representation is the institution of quotas[4] – which is ultimately the subject of this article.

Quotas are on everyone's minds these days, both when we select people and when we elect them. When we, or at least the more or less experienced administrators and politicians among us, select members of a committee, we never ever pick people at random. We select them, and we do so on the basis of knowledge and experience, political or social interests, gender, culture, ethnicity, and any other trait or characteristic that might be relevant to the legitimacy and effectiveness of the choices that the committee is expected to make. These days, it does not happen often that groups have to publicly remind us of their exclusion with large, intensive and sometimes even violent campaigns like the feminist and coloured movements of the 19th and 20th century needed in order to be heard. As a sort of preemptive strike against formal quotas, we have become our own thought police and have assimilated a directive demanding universally fair sociological representation as part of our standard operating procedure.

Quotas are also on the minds of many of us in the election booth, who, already having picked a party, subsequently find ourselves unable or unwilling to express a strong preference for any particular candidate. We – the undecided – then often ask ourselves whether we should vote for a woman, for an academic, for someone from our home town or region or from a particular ethnic or religious group. And sometimes we really cannot choose. I admit that, for want of a more sensible criterion, I once decided to vote for the candidate most closely related to me by family ties – a politician with whom I share a four-times-great-grandfather. Any *random* criterion, however offensive, will do when no *relevant* criterion applies.

Several countries have, in recent years, introduced quotas in politics. Most of these quota rules aim to reduce the underrepresentation of women in politics – in parties, parliaments and governments – and most are voluntary, for example where parties agree internally to either put up a minimum percentage of women to be elected, or reserve for each sex only the (un)even positions on candidate lists. Other quota rules, again mostly voluntary, guarantee representation of particular creeds, sexual preferences, regions, native languages and ethnicities. One of the latest additions to the list is quotas for the youngest generations under the banner of temporal justice.

For the sake of simplicity, I shall assume that we are only talking about youth quotas in parliament, although most of what I have to say applies to other institutions as well, *mutatis mutandis*. Even so, we are talking about two fundamentally different youths, two different quotas, and two quite different forms of temporal justice.[5] One refers to intergenerational justice between *existing* generations or age cohorts, to ensure the proper representation of the presently young, which I shall refer to as intergenerational justice. The other type of quota would have to allow the young to represent currently non-existent future generations – I will call this justice towards future generations.[6]

> It does not take a majority to prevail ... but rather an irate, tireless minority, keen on setting brushfires of freedom in the minds of men.
> / Samuel Adams /

Quotas are almost always developed and evaluated from a broadly social liberal perspective – as has also happened in the case of youth quotas. That is to say, many among us assume that societies ought to be – broadly speaking – constitutional liberal democratic societies, that they should have governments controlled by representative institutions, that governments have tasks other than defence against enemies abroad. And at home, and they, you, we, assume that there is a sort of collectively owned hoard, a stock of resources that has to be distributed over society in a fair, just and impartial way, so as to enable all of us to enjoy the greatest freedom to live our lives in accordance with our own convictions, as long as that freedom is compatible with a similar freedom for others – in John Rawls' words.[7] I usually share these convictions,[8] but for the sake of academic sincerity, one occasionally needs to take some distance from these standard views and adopt a more libertarian perspective on society and politics.

Libertarianism defends as just a society based on and religiously respectful of voluntary association among consenting adults; no other form of association can be compatible with respect for humans as autonomous moral agents (as deontological libertarians argue) and no other society can as efficiently and effectively guarantee both individual freedom and collective prosperity (as consequentialist libertarians argue).[9] There is no role for a state in libertarianism except as a guarantor of the freedom of association and no room for taxes except to that purpose. Libertarians reject the idea of social or redistributive justice as it requires the existence (and creation) of a common stock, and that is impossible without violating individuals' property rights. That said, a young branch of the libertarian tree called left-libertarianism believes that nature is common property, and argues that since private property equals work mixed with resources taken out of nature, a redistributable tax to correct the deprivation of others from natural resources can be justified.[10]

I choose a libertarian critique of social liberal thoughts over other popular schools in political philosophy because libertarianism comes closest to functioning as a conscience for social liberalism. My argument will be that, by unquestioningly adopting a social liberal perspective in the context of temporal justice, we run the risk of importing and overlooking several quite dubious assumptions. Now if the assumptions of a model are flawed, then the standards by which we evaluate the desirability and permissibility of policies and institutions will be flawed too. In less abstract terms: if we want to know whether or not youth quotas are a morally good idea, we need to be sure that we measure right and wrong, just and unjust, by an arguably legitimate standard.

> All men have equal rights to liberty, to their property, and to the protection of the laws.
> / Voltaire /

I shall identify seven dubious, usually unseen and unquestioned assumptions – and for brevity's sake I shall refer to them as misunderstandings. Some of these have to do with intergenerational justice, some with justice towards future generations, and some with the way resources and the environment are conceived of in the temporal justice discourses. Having shoved these seven dwarfs aside, we discover we are left with a perhaps theoretically consistent, intellectually challenging and morally sincere view of temporal justice – but also one that is highly unpractical. So I will then move on to develop a more pragmatic analysis of our two-headed sleeping beauty, youth quotas.

Seven misunderstandings about temporal justice

(1) The first and most important misunderstanding in temporal justice theory is that there must be future generations. It is very common to assume that humanity will, indeed must, procreate, either because children would be a collective or public good, or because it is a moral and religious duty. The command to ensure the survival of humanity is, quite tellingly for our cultures, the topic of one of the most classic flirtation strategies and even more, it is part of the ultimate and most definitive rejection: "I would not go out with you even if you were the last human being on Earth." In circles more directly related to my own sub-discipline, green political theory, it was Hans Jonas[11] who effectively put justice towards future generations, particularly environmental justice, on the political agenda – and it was also Jonas who explicitly stated that humanity has a duty to ensure the continued existence of the species.[12] The grounds Jonas quotes for this duty remain a bit vague but the gist of his argument is that it is a Christian duty, a divine command implicit in our creation.[13]

Most current authors in the field of temporal justice, even those working on questions of population growth, do not take the trouble to offer an argument but simply assume that humanity must continue to exist, simply by never discussing the alternative, the passing or fading out of humanity. Whether or not religion has a place in a polite society, that is a moot point – but it will be clear that this idea has no place in a social liberal context. For social liberals, there can be no recourse to religious or other unreasonable doctrines as foundations of the public good. And that precludes the possibility of arguing that there can be a duty to ensure the continued existence of humanity. To whom, after all, would we owe this duty? Let us take a moment to consider this question seriously.

First, it cannot be a duty towards future generations or future individuals themselves – that would be a case, straight out of the handbooks, of circular reasoning. Secondly, it cannot be a duty towards our fellow citizens either – that would make our reproductive organs, our wombs and testicles their property, to be used at their discretion (by majority vote or government directive). More precisely, it would make our bodies the property of the collective, and thereby turn us into mere tools and test tubes in the service of an alleged common good.

Thirdly and finally, ensuring the continued existence of humanity, a.k.a. having children, cannot be a duty to ourselves either. That would imply one of the most invasive paternalistic limitations imaginable on the individual's freedom to formulate and execute his or her own authentic plan of life and theory of the good. By making parenting a necessary element of a life worth living, it would also be an insult to, and a failure to recognise the existence of, those who cannot procreate – as much as those who are by law excluded from parenthood. I mention in that connection in particular more or less civilised people in parts of Europe who opt for openly supporting a truly antediluvian, barbaric attitude towards homosexuality in their societies.

So no duty to procreate, then. What is instead consistent with a liberal worldview is the idea that having children can be part of an *individual*'s plan of life, if he or she so *chooses*, and if the execution of that choice does not harm anyone else. It follows that if any social or political duty in relation to future generation exists, it is a *prima facie* duty towards the prospective parent: other things being equal, we may have duties (and I will assume that we do have those duties) to tolerate the wish to procreate, and to enable him or her (the parent) to enjoy the same liberties, to have the same opportunities and means to create a new human, that we grant to contemporary others.

(2) Moving on more rapidly and succinctly to the second major misunderstanding in temporal justice discourses: there is no collective responsibility for future generations. Or more precisely: any collective responsibility taken on behalf of future generations is a political convention, not a moral obligation.

This follows logically from our observation that we have no duty to ensure the continued existence of humanity, only duties to give individuals who want to procreate as fair opportunity to do so as others, including those who do not, or do not want to. There are a couple of provisos that have to do with duties towards the incompetent and the abandoned. But in general, the proper liberal attitude in the area of justice for future generations should be that it is the responsibility of the procreating parent or consenting parents to ensure their children will have a life worth living, and that does not even seem to have to include the option of enabling them to create a third generation.

Let me next discuss three misunderstandings that are relevant to both types of temporal justice, misunderstandings that have to do with environmental sustainability, or environmental management or however you want to call it.

> Justice is not a prize tendered to the good-natured, nor is it to be withheld from the ill-bred.
> / Charles L. Aarons /

(3) Our third temporal justice misunderstanding is to believe that, because planet Earth is not any individual's property, it would therefore be the exclusive property of humanity as a whole. Traditional libertari-

ans stress that nature is unowned before what is called "original acquisition", the appropriation by individuals of natural resources with an eye to using them.[14] So-called left libertarians and virtually all social liberals assume that before exploitation, natural resources are the collective property of a people, a nation, a state or the whole of humanity.[15]

The difference between these two positions is crucial: from the traditional libertarian point of view, any act of acquisition, any intrusion on sovereign nature, has to be positively justified – and though admittedly the average libertarian's standards for justifiable acquisition are abysmally low, they do *have* standards and are not *principally* opposed to raising them.

> Earth provides enough to satisfy every man's needs, but not every man's greed.
> / Mahatma Gandhi /

On the collective ownership view, however, what has to be justified is not *that* nature is turned into resources but *how,* and for what purpose. It is assumed beforehand that there is a legitimate use for each and every bit of nature – the question is how to identify a precise legitimate purpose and legitimate user.[16] Yet social liberals offer no justification for the primary assumption that a people or humanity are the initial owners of nature.

The social liberal position is internally inconsistent. Either property rights are derived from natural law, or they are conventions. If derived from natural law, then we must justify acquisition in broadly Lockean terms, assuming initial non-ownership. If property rights are based solely on convention, then nature is by definition unowned before appropriation. In either case, the onus of proof lies with whoever intends to exploit nature.[17] More down to earth, the social liberal attitude towards nature does not protect nature itself against exploitation, which implies a bias towards turning nature into resources now rather than later, which in turn precludes future generations from developing other resources based on the now exploited rather than protected bits of nature. It is this attitude that, in the pursuit of improved welfare for the presently worst-off and their descendants, is for instance willing to sacrifice currently useless animal and plant species.

(4) A further mistake is to assume that property rights, private or other, necessarily include the right to destroy with impunity. A property right to an object x is in fact a whole series of rights – rights to use x in this or that way, in this or that context, and to this or that purpose; rights to delegate and transfer, rights to mould and shape, and so on. But none of those rights is a priori absolute; they are all limited by other people's rights, including but not limited to property rights in other objects. And this implies that, while arguably the crucial difference between ownership and possession is the right to destroy x, that right too is a priori never unlimited. It furthermore implies that one of those limits may be a duty to provide compensation to those now deprived of the public benefits of the destroyed good x.[18]

One typically social liberal objection to private property, and thus one classic argument for the legitimacy of taxation or collective ownership and government-controlled redistribution, is that individual owners can destroy their property with impunity, to the disadvantage of the rest of humanity – say, the owner of a gorgeous historic mansion can tear it down and replace it with a Koolhaas skyscraper. While laws may allow that, morality – as we have just seen – does not support such an automatism. In addition, if the justification of taxation and redistribution is that private property would otherwise be destroyed for no good reason, it seems the same should apply to collective property – there too we risk wanton destruction by the owner to the disadvantage of the excluded, such as future generations.

(5) A further mistake follows from the previous four: it is the mistake to believe that the collective has any rights over my property or over my use of it in relation to my offspring. It is admittedly my duty to provide any offspring I choose to create with the means to live a life worth living (indeed a duty undermined by pre-emptive welfare state interference on behalf of an unborn collective), but anything above that is at my discretion – I am not morally obliged to provide for my neighbour's children, nor for my children's children, nor for future generations in general.

Moving on, let me now address a final pair of mistakes specific for intergenerational justice.

(6) The sixth mistake is to assume that there is a special relation between intergenerational justice and justice towards future generations. Hence the idea that specifically the young would be in a good position to represent future generations, and hence quotas.

Much of the literature on temporal justice assumes that justice between presently existing generations and justice between those generations and the one coming after is much the same. Those who are up and coming cannot speak for themselves but have to be represented, but what, after all, is the real difference between them and the 0–5 year olds who are basically equally silent? If we accept that the next unborn generation does not differ in any morally significant way from existing children, putting all further future generations on a par with our youngest offers no further moral challenges, only practical ones – like how to predict their numbers, tastes and technologies. Or so one might think.

> The planting of a tree, especially one of the long-living hardwood trees, is a gift which you can make to posterity at almost no cost and with almost no trouble, and if the tree takes root it will far outlive the visible effect of any of your other actions, good or evil.
> / George Orwell /

Yet as we have seen above, there is no duty to create future individuals; their existence is a choice, not a given. While we can procreate and thereby create duties that arise at the moment of birth, we cannot owe anything to non-existing entities as long as we can choose not to create them. And reversely, we *do* have obligations to the existing young and we cannot "unbirth" them.

(7) The final mistake is to assume, as many democratic theorists seem to do these days, that egoism – that is, representing and promoting one's own interests – is either necessarily good or morally neutral. It can be, but it need not be; it can under circumstances also be immoral. In the context of intergenerational justice, of justice between existing generations, and in defence of youth quotas as an instrument of intergenerational justice, we *must* assume egoism to be good. Quotas are there to ensure that the interests of a potentially underprivileged or underrepresented cohort are protected and defended; this cannot be justified without presuming that it is morally good to represent and promote those interests, which is the definition of egoism.

Now to understand democracy as the repre-

sentation of selfish interests is a very old and respectable, or at least aristocratic and anti-democratic, view. It dates back to Aristotle, who actually defined democracy as mob rule, as rule by the many in their private interests rather than in the interest of the community.[19] It is precisely for its pure and undiluted promotion of egoism that philosophers throughout the ages have always rejected democracy, or in their most permissive moods have sought to counterbalance it by adding elements of rule by the neutral, the wise or the better – as indeed Aristotle already did. While Machiavelli was perhaps the first to appreciate egoism neutrally, it took until Adam Smith to develop a *positive* understanding of self-interest as "enlightened self-interest", the rational man's understanding of his best interest given the necessities of social cooperation and of therefore having to take others' interests into account as well.[20]

Now if we could trust the young to be *this* kind of egoists, this kind of enlightened individuals who define their self-interest on the basis of their needs as much as of those three of four generations that will come after them, *then* youth quotas will contribute to justice for future generations. But not only is the jury still out on whether or not they are in empirical reality sufficiently capable of doing this, and more capable than others – it is also already in theory evident that the interests of distinct generations may not always coincide. It is in fact because of such conflicts of interests that cohort quotas have been suggested. However, if one sees youth quotas as a means to defend the "partial" interests of one cohort against others, one cannot at the same time task that lucky cohort with the "impartial" defence of the interests of another generation, existent or non-existent.

> I knew, as every peasant does, that land can never be truly owned.
> We are the keepers of the soil, the curators of trees
> / Lisa St Aubin de Terán /

Libertarian temporal justice: orthodox and pragmatic versions

With these seven mistakes eliminated, what room does libertarianism leave for quotas? At first sight, one would have to say: none whatsoever. I will analyse and defend this first sight observation in detail momentarily, but please keep in mind that first sights are often deceptive.

Libertarian views on temporal justice do of course, as a matter of principle, leave little room for state intervention. Natural resources are not the state's to distribute or redistribute, procreation and population policy is not its concern, and since government is there only to catch thieves and protect sovereignty, a parliament's task will be light too. Instead, individuals have the clear, undivided and exclusive responsibility to decide on whether or not to procreate, limited only by the obligation to ensure a life worth living for their immediate offspring – and limited by nothing else.

In such a world, it is obvious that quotas have no place. They would not just be redundant, they would be considered straightforwardly unjust, expressions of a deeply perverted notion of morality. Two versions of the veto on quotas exist: one is consequentialist, the other deontological.

Some libertarians of the consequentialist persuasion would argue that quotas, if effective, are instituted when the cultural battle for recognition of an excluded group is already won, i.e., when quotas have in fact already become all but superfluous. Support for existing quotas thus shows their political legitimacy but not their philosophical, moral legitimacy. The consequentialist libertarian would warn us not to commit the democratic fallacy of believing that what a majority believes must be true or good. It suffices to point to the 19th century's majority views on women's rights, race, slavery, etc. to reject democracy as the ultimate source of ethics.

Quotas are also immoral, from the deontological libertarian's point of view, for the simple reason that any cooperative venture should be the result of free and unrestrained individual choices. Democratic decision-making, majoritarianism, is nothing but dictatorship or tyranny, unless and as long as a decision is unanimously, voluntarily and in full reason agreed to.[21] A self-proclaimed democracy, where a collective (majority) choice can be pushed through with the support of overrepresented groups, is even more evidently tyrannical. In a genuinely libertarian society, democratic decision-making is pre-empted by individual rights.

Now, while a libertarian perspective on temporal justice is helpful, refreshing and perhaps even liberating, the libertarian theorist's attitude towards quotas is also predictable, unpractical and unhelpful – regardless of whether it is correct or not. The problem is that libertarianism, like utopianism, assumes a context that does not yet exist; like Carl Baron von Münchhausen, libertarianism has to tear itself out of the swamp by its own bootstraps. It offers a choice between ultimate good and ultimate evil, between a perfect libertarian society – where autonomous individuals know their responsibilities, take them seriously, and respect those of their neighbours – and every other world, each of which would be equally unjust and oppressive. Like utopianism, libertarianism offers no guidelines for choices between the fifty shades of grey that our evil real-existing world offers.

> Whenever a separation is made between liberty and justice, neither, in my opinion, is safe.
> / Edmund Burke /

I would therefore like to suggest a more pragmatic answer to quotas, still inspired by libertarianism, if not orthodox. I would suggest that quotas for the young can be tolerable in the context of justice between existing generations, since they may, under the right circumstances, limit the risk of use and abuse of power in negotiations between the free and autonomous individuals who wish to enter into voluntary associations. That would make them the lesser evil. Here, quotas might imaginably guarantee a fair representation of interests, and thus prevent the construction of exploitative institutions, that is, oppressive institutions – institutions limiting the individual's negative freedom.

What then is the lesser evil in temporal justice? First, as far as intergenerational justice is concerned, we must recognise quotas for what they are: on the one hand, vessels of Smithian comprehensive egoism, to which no libertarian can object; on the other hand, an unrealistic (unrepresentative) redistribution of bargaining power. If there can be an argument in favour of deliberately misrepresenting the distribution of power in society, it cannot be an argument in favour of youth quotas specifically – it must necessarily be one in favour of any cohort or group requiring and deserving a bit of extra power. Perhaps that implies a permanent special provision for those born from 1990 to 1999; and perhaps in fifteen years those born between 1960 and 1970 will turn out to deserve an advantage.

The question is, of course, if there is such an argument, a reason why a libertarian, forced to live in a parliamentary democracy under (from his or her point of view) the tyranny

of social liberalism, could tolerate cohort quotas. There may actually be one such argument, though it will only find favour in the eyes of a very small part of the libertarian tribe. A deontological libertarian might accept skewed representation of group interests if that creates a level playing field – that is, if quotas help to protect the inalienable rights of autonomous individuals against abuse of power advantages. In more precise and therefore less legible terms, given any starting point or baseline in negotiations, quotas may counter the unproductive effects of the involuntary creation of circumstances under which the relatively powerless no longer have a viable exit option back to the baseline.

> Moral excellence comes about as a result of habit. We become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts.
> / Aristotle /

That is not to say that youth quotas are an obvious choice. Where justice towards future, non-existing generations is concerned, and remembering the distinction made earlier between representation as acting for and as standing for, it is rather quotas ensuring a minimum representation by the elderly, or better still the elderly without offspring, that would be appropriate. And tied to that idea, probably outright exclusion of the middle-aged and young would also be defensible. If the aim of a quota rule is to represent the authentic interests of absentees, then it would be rational to seek to remove all temptation to deviate from the absentees' enlightened self-interest. Given that the interests of generations may always clash, this points beyond any form of representation as acting for by potentially self-interested parties. The most sensible candidate for representation is, after all, he or she whose personal interests are least likely to be hurt by the represented. And that is the man or woman on his or her way out, with no offspring to be partial to.

This said, the average libertarian would still maintain that representing future generations in the process of resource distribution is to put the horse behind the cart. Even in a social justice-based political system, a libertarian will argue that there are better, and more legitimate, instruments available to protect the interests that particular groups in society feel deserve protection. The interests of future generations are like the interests of endangered species, a beautiful landscape, a language, a religion or an art form: they are private preferences. Such private preferences can and will be defended, and may be promoted, as long as they do not infringe upon or prescribe other people's tastes and preferences, and the way to defend and practise those private preferences is by the execution of individual rights. Whoever wants to protect a forest against development can join forces with others, buy it and thereby veto any development plans even if supported by a majority; whoever wants to protect resources in general on behalf of a future generation or an endangered species or any other private fancy, is free to do likewise.

Notes

1 This is an extended, revised and improved version of my more informal afterword 'Justice and Youth Quotas: Libertarian Hesitations' in: Tremmel et al. 2015.

2 Crick 2000: 17-19.

3 Pitkin 1967: 59.

4 There are alternatives, of course. For example, for a period between uncompromising Apartheid and the post-Apartheid regime of Mandela, South Africa's parliamentary system consisted of several separate Chambers reserved for representatives of the white, coloured and black populations – based, obviously, on the Apartheid regime's own myopic definition of relevant sociological categories.

5 See Juliana Bidadanure's contribution to Tremmel et al. 2015.

6 Only when I refer to the two together will I use the term temporal justice.

7 Rawls 1999: 266. Other famous social liberal formulations of the social justice paradigm are Ackerman 1980; Barry 1989, 1995; Galston 1980, 1991; Miller 1999.

8 See Wissenburg 1999.

9 Famous formulations of the libertarian credo include Narveson 2001; Nozick 1974; Rothbard 2002, 2006; Simon 1996.

10 See e.g. Steiner 1994; Otsuka 2003; Vallentyne 2007.

11 Jonas 1979.

12 Jonas 1966.

13 This is the cornerstone of Hans Jonas' (1979, 1966) arguments for justice towards future generations, for the responsible management of nature and natural resources, and for sustainability as a standard of responsible management. It is interesting to note that while most social liberal defenders of intergenerational justice acknowledge an intellectual debt to Jonas as the source of the idea that future generations are a given, none acknowledge his deeply illiberal reason for believing so: a religious duty to ensure the continuation of the human species.

14 See e.g. Anderson / Leal 1991; Feser 2005; Miron 2010; Narveson 1998; Nozick 1974; Rothbard 2006; Scriven 1997. The original acquisition theory goes back to John Locke's 1689 social contract theory (Locke 1924).

15 See note 10; see also Hale 2008.

16 See Wissenburg 2013.

17 Aside from the question which collective (humanity, state, people, tribe, family), collectives have to explain their intentions and justify their action just like any other "legal person". Note also that, by implication, the property of one dead intestate reverts to nature, not by default to the state.

18 See Hadley 2005; Hale 2008; Wissenburg 2012.

19 Aristotle 1962: 1297a, 22-24.

20 Smith 1984.

21 And even then the deontological libertarian would hesitate to accept voluntary slavery in any form – because that is, obviously, what democracy is. For a further, consequentialist critique of democracy, see Hoppe 2011.

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