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LAW AND INSTITUTIONAL LEGITIMACY IN THE PRACTICE OF HUMAN RIGHTS

(Accepted 20 December 2016)

ABSTRACT. *The Heart of Human Rights* develops an account of human rights as legal entities that serve important moral purposes in a legitimate international human rights practice. This paper examines Allen Buchanan's general concept of institutional legitimacy and aims to expand that concept by emphasizing its connection with several ideas developed in the book about the nature and function of a system of international human rights. When it incorporates those ideas, Buchanan's 'Metacoordination View' can be seen to set a standard of legitimacy not only for assessments of an international scheme of human rights institutions, but also for the basic institutional structures of domestic states. Furthermore, we can see how the nature and function of human rights in the international practice of human rights bears on legitimacy assessments of particular domestic institutions.

The Heart of Human Rights focuses centrally on the nature and role of international law in the practice of human rights. Allen Buchanan argues that international human rights law comprises the core of the practice of human rights, a practice that includes not only the drafting and ratification of human rights treaties by states, compliance monitoring by human rights treaty bodies, and human rights-related decisions in regional and international courts, but also the substantial human rights work of nongovernmental organizations, the incorporation of human rights into domestic law, and the impact of human rights in domestic and international politics. In focusing on the legal heart of human rights, Buchanan situates himself in the camp of pragmatic or functionalist theories, according to which international legal human rights are valuable instruments. Human rights are legal entities that help us to achieve important moral aims, aims that Buchanan describes in detail in his book, and which include

peace between societies and the prohibition of genocide, as well as the right of each individual to subsistence and security.

In arguing for a pragmatic or functionalist conception of human rights, Buchanan positions himself against what he calls the 'Mirroring View'. The Mirroring View is an example of moral foundationalism. According to the Mirroring View, human rights correspond to and are grounded by pre-legal moral rights. In their dependence on individual moral rights, human rights are subject-centered. Each legal human right is paired with and supported by a basic pre-institutional moral right possessed by a subject. Human rights are, in each instance, morally owed to the right-holder as such by virtue of some morally important aspect of that individual *per se*.

Rejecting the Mirroring View, Buchanan argues that moral rights present one among several sorts of normative considerations that support an international system of human rights. The justification of the human rights system, according to Buchanan, is pluralistic. It is pluralistic in two senses. Firstly, as I have just suggested, it appeals to a plurality of relevant moral considerations – not just individual moral rights but also the importance of public goods and other collective interests – in justifying the international human rights system.

It is also pluralistic in the sense that it accommodates a plurality of moral conceptions in which those justifying considerations might be embedded, moral conceptions that include the importance of human rights to social relationships and roles, a point central to what have been thought of as 'collectivist' moralities. A pluralistic justification for human rights enables us to see that it is wrong to view the international human rights system as an imperialistic expression of Western individualism.

According to Buchanan, the justification for an international human rights system *must* be pluralistic because of the complex *function* of human rights in the international practice of human rights. In a nutshell, the function of human rights in human rights practice is twofold: (1) Human rights practice helps to ensure that each individual has the opportunity to lead a *minimally good or decent life*. Buchanan refers to this as the 'well being function' of human rights. (2) Human rights practice helps to affirm and protect the *equal basic*

moral status of each individual. Buchanan refers to this as the 'egalitarian status function'.

The well being function of human rights is familiar from much of the literature on human rights, and it is present in the Mirroring View. The well being function emphasizes that human rights articulate the most basic conditions of human well being. There are disputes about what should count as the basic conditions of human well being, but there is widespread agreement on the well being function of human rights. The egalitarian status function, however, has been, to my knowledge, underexplored in human rights theory, and Buchanan's discussion of it is insightful and progressive.

An egalitarian status requirement concerns comparative considerations within a system. People have social status only in relation to one another. Low status is acquired in relation to more privileged groups. Recognizing this pushes us well beyond the terms of analysis that are readily accommodated by the Mirroring View. Unlike the well being function of human rights, the egalitarian status function is connected with structural features of organized groups. For example, it offers a rationale for due process and equal protection requirements under law. All subjects are entitled to due process of law and equal protection under the law as a function of their equal moral status as legal subjects. All persons also have strong rights against racial or gender discrimination. Egalitarian status rights are affirmed explicitly in the most important international human rights documents, including the Convention on Eliminating All Forms of Discrimination Against Women (CEDAW), the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The egalitarian status function of human rights allows us to see the importance of the point that the justification and function of human rights is system-wide rather than purely subject-centered. It also allows us to understand that the justification of human rights can be system-wide without being consequentialist. The role equal status judgments play blocks certain kinds of aggregative normative assessments: discounting the interests of some people for the sake of overall social welfare would objectionably treat the discounted individuals as of lesser moral status. That is impermissible. Yet equal

status judgments leave room for appraisals of *urgency*, as we might put it, that reflect the complex nature and widespread impact of some harms. Buchanan might maintain that individual rights violations that are intended to intimidate or terrorize larger numbers of people, for example, hate crimes as forms of racial intimidation, might reasonably be treated as more serious violations than nonracialized assaults. The reason is that these assaults include further damage – harm to a victim’s social status and, more broadly, to the status of other members of the victim’s social group. Racialized assaults are not merely violations of personal security; they are acts of social subordination. The nature of the harm to the individual victim and the way it extends to other people cannot be appreciated by examining the nature of the injury apart from its systemic effects.

Similarly, the use of rape as a crime of war is a function of the use of rape as a weapon in a larger context of aggression. Buchanan’s moral framework helps us to see that rape as an attack against a social group cannot be understood by examining the nature of the injury to any specific victim, more narrowly construed. But recognizing the damage certain crimes do to the security and status of a social group does not make the wrong done to a victim a function of the effect of the victim’s suffering on the overall social welfare. Rather, it is to specify the nature of the harm done to the victim as well as to other members of the victim’s social group. This interplay of the well being and egalitarian status functions of human rights can intensify the urgency of addressing some human rights violations. We can recognize the difference between the role collective interests play in an appraisal of the urgency of certain wrongs within a social/institutional scheme, and a consequentialist analysis of what makes an action wrong. This is an important and useful distinction.

Buchanan points out that the egalitarian status function of human rights can be read in two ways: as requiring *intrasocietal* equal status or as requiring *intersocietal* equal status. In a basic way the concern for global equal status is undeniably an aspect of human rights practice: all persons, regardless of who or where they are, are equally bearers of human rights and entitled to the protection of human rights law. In that sense, human rights law prescribes an equal basic moral status to all human beings.

In a more extended sense, however, global egalitarian status is harder to make sense of.¹ For example, as T. M. Scanlon has argued, material inequalities that translate into objectionable inequalities of status within a society might not have that effect across national borders; similarly, material inequalities between members of different societies might not be indicators of procedural unfairness or unacceptable forms of domination, whereas this is much more likely to be true of material inequalities between members of a single society.² On the other hand, as Buchanan points out, we live in an increasingly globalized world, which means that 'people are increasingly aware, not only of how they are regarded and treated by others in their own society, but also of their status vis-à-vis other human beings more generally. Globalization also means that how one's life goes depends, not only on whether one is regarded as an equal within one's own society, but whether, or how much one's well-being and one's values count in the decisions that shape the global basic structure'.³ Globalization raises a major challenge to the international human rights system, Buchanan thinks, because that system is not currently well equipped to promote global equal status.

While Buchanan is not exactly optimistic about the progressive expansion of human rights law – the sun on the cover of the book might be setting – he embraces the aim of broadening the reach of human rights law. He argues that recognizing a pluralistic justification of a human rights system supports a more flexible and progressive system of international human rights law and one that, potentially, moves human rights law in the direction of something like legal principles and rules of global justice. A system-centered justification of human rights law, together with the demandingness of the egalitarian status function of human rights, presents a strong case for the notion that human rights law should directly address, in addition to the articulation and protection of particular rights for all individuals, the broader background conditions and complex institutional support needed for those rights. It is admirable and exciting when philosophy might contribute meaningfully to political devel-

¹ Allan Buchanan, *The Heart of Human Rights* (Oxford and New York: Oxford University Press, 2013), p. 294.

² See T. M. Scanlon, *The Diversity of Objections to Inequality*, The Lindley Lecture, University of Kansas, 1996.

³ Buchanan, *The Heart of Human Rights*, p. 294.

opments in the world. Buchanan's book has the potential to do just that.

Now I will turn, in a somewhat more critical manner, to Buchanan's discussion of institutional legitimacy. Buchanan discusses the nature of institutional legitimacy at some length. This is because he thinks that a justification for a system of international human rights must include an argument to the effect that the institutions through which the system operates are legitimate.⁴ Legitimacy here operates as a normative concept – it signifies that institutions are worthy of our collective endorsement. Buchanan stresses that a normative concept of legitimacy should be distinguished from a merely sociological concept. He writes, 'An institution is legitimate in the normative sense if it actually has authority or...if it warrants a certain public standing that involves various aspects of respect. An institution is legitimate in the sociological sense if it is widely *believed* to have authority or to be worthy of respect'.⁵ My complaint is that Buchanan does not do enough to distinguish the normative concept of legitimacy from the sociological concept.

The normative nature of the concept of legitimacy, according to Buchanan, is characterized in general by reference to the normative purpose of legitimate institutions: to coordinate social interactions efficiently and effectively under circumstances in which we should expect more of institutions than that they provide some benefits relative to the noninstitutional alternative, but in which it would be unreasonable to expect them to be either fully just or optimally efficacious.⁶ It may be unreasonable to expect institutions to be fully just when, for example, there is an urgent need for institutions but there is also disagreement or uncertainty about what justice requires.⁷ In other cases, it may not be possible to attain justice – perhaps needed resources are lacking – yet some progress is possible. The requirements of legitimacy set an important but lower normative threshold for understanding when institutions are justified in generating and enforcing rules.

Buchanan thinks it doubtful that there is a single *substantive* account of legitimacy that could informatively cover a whole range of

⁴ Buchanan, *The Heart of Human Rights*, pp. 174–175.

⁵ Buchanan, *The Heart of Human Rights*, p. 112.

⁶ Buchanan, *The Heart of Human Rights*, p. 178.

⁷ Cf. Amartya Sen, *The Idea of Justice* (Cambridge, MA: Harvard University Press, 2009).

institutions (and he includes in the relevant range both state-like and nonstate-like institutions, such as UN committees and NGOs). The substance of legitimacy claims, he asserts, will be institution-specific. For example, he argues that the undemocratic nature of the veto rights accorded to the most powerful members of the UN Security Council is not unsuited to its mission of effectively contributing to international peace and security, and hence it does not undermine legitimacy.⁸ In other contexts, however, democratic governance is a requirement of institutional legitimacy.

Although the substantive requirements of institutional legitimacy vary across circumstances and social contexts, Buchanan thinks it is still possible and useful to sketch out a general concept of legitimacy – a normatively thin framework that might guide us in evaluating substantive claims about legitimacy that depend on the specific functions of particular institutions. I think, however, that Buchanan's general concept of legitimacy is too thin to be useful for that purpose or to illuminate the normative character of legitimacy judgments.

What I intend to do in the remainder of my remarks is to examine Buchanan's general concept of legitimacy – what he refers to as the Metacoordination View – and to 'thicken' it using ideas in the book about the nature and function of a system of international human rights. I will test the Metacoordination View of legitimacy, together with its claim about the 'ecological nature' of legitimacy, by considering its relevance to the evaluation of the basic institutional structure of a domestic state. I will show how the Metacoordination View pushes us to include the basic functions of international legal human rights in the evaluation of the legitimacy of institutions *within* states. The Metacoordination View, informed by the nature and function of human rights, sets a standard of legitimacy not only for assessments of an international scheme of human rights institutions, but also for the basic institutional structures of domestic states. Furthermore, the ecological nature of legitimacy shows us that the nature and function of human rights in the international practice of human rights also bears on legitimacy assessments of particular institutions within a domestic institutional system.

If I am right about this, it would show that Buchanan's claims could be bolder and the book could be more integrated: the function

⁸ Buchanan, *The Heart of Human Rights*, pp. 199–200.

of human rights could figure more centrally into his claims about the nature of institutional legitimacy. I will try now to unpack these claims.

Buchanan argues that agreement on standards of legitimacy for institutions solves a ‘metacoordination’ problem. Such agreement enables the coordination needed to achieve the benefits institutions promise and to avoid serious costs in the delivery of benefits. Institutions that meet standards of legitimacy secure a kind of social recognition that prompts social cooperation. This point about social recognition is important. Legitimate institutions have a distinctive sort of social standing: they attract respect, deference, and compliance. Furthermore, they *need* to attain this standing in order to supply the coordination that brings social benefits and avoids objectionable costs.

The notion of *meta*-coordination emphasizes the role that public norms play in validating institutions as legitimate: agreement on normative criteria for evaluating institutions must be coordinated before institutions can function to coordinate behavior in beneficial ways.⁹ This point is interesting. Buchanan describes the making of legitimacy judgments as a kind of social practice. Legitimacy is conferred upon institutions as a matter of collective affirmation. The object of the social practice of collective affirmation is to determine when institutions are worthy of the special standing that is usually required for institutions to perform the tasks for which they are designed, without unacceptable costs.¹⁰ Let’s call this social practice ‘legitimation’. Legitimation involves developing shared *criteria* that institutions must satisfy to warrant having a special standing. It also involves developing shared *standards* for determining whether those criteria are satisfied, standards that are readily understandable and open to public view.¹¹ Operative criteria and standards are supplied by social norms that function as a kind of public justification for institutions.

This analysis of legitimation as a social practice is interesting because it emphasizes the role that social norms play in empowering institutions. An institution functions effectively and efficiently only when it is embedded in a network of social norms that expresses

⁹ Buchanan, *The Heart of Human Rights*, p. 179.

¹⁰ Buchanan, *The Heart of Human Rights*, p. 180.

¹¹ Buchanan, *The Heart of Human Rights*, p. 180.

collective endorsement of that institution. For example, I would argue that in the United States, the effective and efficient functioning of the criminal justice system depends on the widespread acceptance of norms about how to allocate responsibility and blame. We accept, generally speaking, that people caught up in the criminal justice system deserve their fate, that their criminal actions warrant our blaming attitudes toward them as well as our punitive behavior. We criminalize people – stigmatize them on the basis of public norms – in order effectively and efficiently to process them through criminal justice institutions. Norms that rationalize this practice, in addition to the public norms that recognize and validate of the role of judges, prosecutors, police, and other authorities within the legal system, are critical to the functioning of the criminal justice system. They also entrench its power. Of course, as recent public protests emphasize, the social practice of mass incarceration does not establish its normative legitimacy.

Buchanan's analysis of the role of social norms in the legitimation of institutions is reminiscent of H. L. A. Hart's characterization of law as a normative system. Hart claims that law functions by achieving normative recognition from an 'internal perspective', which is the perspective of the law's subjects or, at the very least, its authorities.¹² We must grasp the importance of the internalization of law's normative status and rules by its subjects and agents, Hart argues, if we are to understand the difference between the rule of law and a 'gunman writ large' – that is, a purely coercive system of control, rule by threats and force alone. Hart's project was not centrally concerned with the distinction between sociological and normative notions of legitimacy. Buchanan emphasizes that distinction. His normative concept of legitimacy adds to Hart's point about the significance of an internal recognition of law's special status the notion that the rules and institutions in question *warrant* that status.¹³ Legitimate institutions are worthy of the recognition and normative support they receive from social norms. The network of social norms that embeds legitimate institutions warrants collec-

¹² H. L. A. Hart, *The Concept of Law* (Oxford and New York: Oxford University Press, 1961).

¹³ In this respect, Buchanan's account of legitimacy is closer to Lon Fuller's philosophy. Fuller argued that in order for a system to function effectively as law, it must display an 'internal morality' that includes requirements of efficiency, publicity, perspicuity, feasibility, and stability. See Lon Fuller, *The Morality of Law* (New Haven: Yale University Press, 1964, second edition 1969).

tive endorsement, for moral reasons. The fact of social legitimation does not itself suffice to establish normative legitimacy.

Taking seriously this talk of warrant and justification, however, we can see that Buchanan's claim that metacoordination is needed for 'achieving important benefits and avoiding serious costs' is under-described. We need a better sense of the kind of institutional benefits that warrant collective endorsement and those that would not qualify as a basis for conferring the special status that legitimate institutions possess, if we are to grasp what it means for institutions to achieve normative versus merely sociological legitimacy status. Without some analysis of the moral nature of relevant benefits and costs, the distinction between legitimate and illegitimate institutions remains unclear, since illegitimate institutions might confer benefits, like social order and basic security for some people, that may not be possible without institutions but are inferior to benefits – say, benefits critical to a broader scheme of human rights protections – that would be available under an alternative and feasible institutional scheme. Legitimacy judgments require more nuanced counterfactual judgments and Buchanan's general concept of legitimacy does little to guide us here.

We could thicken the general concept of legitimacy by understanding legitimate institutions to satisfy certain basic criteria of morality.¹⁴ In other words, we could develop the idea that appraisals of legitimacy belong to a morality of institutions. In fact, elsewhere in the book Buchanan helpfully describes the basic functions of morality. The most basic functions of a morality, he says, are to provide social cohesion, to facilitate productive cooperation, to contribute to the relatively peaceful resolution of commonly occurring conflicts, and to provide useful guidance to individuals in their pursuit of a good life.¹⁵ I think this understanding of the basic functions of a morality can help to illuminate the nature of institutional legitimacy because assessments of the worthiness of institutions should be attuned to the contribution institutions make to social cohesion, facilitating productive cooperation, contributing to the peaceful resolution of conflicts, and guiding individuals in their

¹⁴ This would make Buchanan's notion of legitimacy more robustly normative than what is contained in the requirements Fuller outlines (see footnote 13) and would bring it closer to Hart's notion of the 'minimal moral content' of efficient law. See Hart, *The Concept of Law*, Ch. IX.

¹⁵ Buchanan, *The Heart of Human Rights*, p. 251.

pursuit of a good life. Institutions are worthy of collective endorsement only when they are socially useful and valuable in these moral terms. Incorporating broad moral requirements into the general concept of institutional legitimacy plausibly brings moral substance into the basic criteria of legitimacy for institutions of any sort.

Buchanan stops short of making this claim, although he comes close. He says, 'the effort to converge on criteria for legitimacy helps to create a community bound together by principles, not just force'.¹⁶ This is close to saying that legitimate institutions provide social cohesion, facilitate productive cooperation, and contribute to the peaceful resolution of conflicts. Buchanan also outlines 'commonsensical criteria' that he takes to be presumptively appropriate for a wide range of institutions, including the requirement that institutions have good or at least not seriously tainted origins, that they reliably provide the goods they are designed to deliver, that they have integrity (that is, that there is a reasonable match between their justifying goals and principles, on the one hand, and their actual performance, on the other), that they are not seriously unfair, and that there are mechanisms for holding institutional agents accountable. There is a good deal of overlap between these commonsensical criteria and the moral function of institutions, generally speaking, in social life. Still, the formulation of Buchanan's general concept of legitimacy is much weaker, in normative terms, than these 'commonsensical criteria' for its application would seem to suggest, and the presentation of these morally substantive criteria of application as a separate matter that arises downstream, so to speak, suggests that they are not crucial to appraisals of institutional legitimacy.

Understanding legitimate institutions to have a moral role in society would potentially raise the threshold for legitimacy considerably above institutional arrangements that are better than noninstitutional alternatives, a threshold that is quite low. Recall Buchanan's description of the metacoordination problem: How can we succeed in converging on a set of normative criteria somewhere within the space between a noninstitutional alternative and perfectly just institutions in a reasonable, nonarbitrary manner?¹⁷ Plausibly

¹⁶ Buchanan, *The Heart of Human Rights*, p. 187.

¹⁷ Buchanan, *The Heart of Human Rights*, p. 179.

adding broad substantive moral criteria gives us more to go on to solve the metacoordination problem. Otherwise the space between no institutions and just institutions is too wide and the concept of legitimacy does not help us much to understand how institutions could be worthy of collective normative endorsement.

A more direct appeal to morality in characterizing the criteria of legitimacy is found in an earlier essay, which Buchanan co-authored with Robert Keohane.¹⁸ Buchanan and Keohane write, ‘The concept of legitimacy allows various actors to coordinate their support for particular institutions by appealing to their common capacity to be moved by *moral reasons*, as distinct from purely strategic or exclusively self-interested reasons’.¹⁹ Furthermore, they argue, legitimate institutions must not support serious injustices and ‘the primary instance of a serious injustice is the violation of human rights’.²⁰ These substantive moral criteria for understanding the demands of institutional legitimacy helpfully expand the general concept of legitimacy presented in *The Heart of Human Rights*. Together with Buchanan’s account of human rights as valuable legal instruments, and his analysis of the systematic nature of legitimacy appraisals, which I will now discuss, these criteria form the basis of a powerful and plausible view.

Buchanan proposes the interesting idea that legitimacy can be understood as an ecological notion, which helps us to understand the moral substance of legitimacy appraisals. The ecological nature of this legitimacy requirement directs us to appraise legitimacy by reference to a system of institutions, rather than going one by one. It recognizes a division of labor that permits ‘reciprocal legitimation’ between institutions that are interconnected and together satisfy relevant normative requirements that might not be met by individual institutions on their own. In this way it extends the notion of legitimacy beyond particular institutions to a legal-institutional order.²¹ For example, Buchanan argues that treaty-drafting groups are not illegitimate legislatures, despite the fact that their members are not democratically elected through processes that give a vote to all

¹⁸ Allen Buchanan and Robert O. Keohane, ‘The Legitimacy of Global Governance Institutions’, *Ethics and International Affairs* 20 (4) (2006): pp. 405–437.

¹⁹ Buchanan and Keohane, ‘The Legitimacy of Global Governance Institutions’, p. 409.

²⁰ Buchanan and Keohane, ‘The Legitimacy of Global Governance Institutions’, p. 419.

²¹ Buchanan, *The Heart of Human Rights*, p. 47.

persons who will be affected by the norms the groups craft, and despite the fact that these norms are not subject to review by an independent judiciary. Treaty-drafting groups depend upon domestic legislatures to ratify the abstract norms they formulate, to specify them sufficiently to guide policy, and to incorporate them into domestic law.²² Treaty-drafting groups belong to a broader legal-institutional order within which they have a legitimate role.

As we have seen, Buchanan argues that all human beings are morally entitled to an opportunity to lead a minimally good or decent life and to the public affirmation and protection of their equal basic moral status. It seems to me that Buchanan's 'ecological' concept of legitimacy allows us to make it a condition of every legitimate institution that it belong to a system of institutions that protects human rights, understood in this two-fold functionalist way. Thus we could conceive of respect for human rights as a condition of institutional legitimacy anywhere and everywhere. An ecological concept of legitimacy supports the incorporation of international human rights law into legitimacy assessments of domestic legal institutions. According to Buchanan, the ecological notion of legitimation allows us to understand how international human rights law serves as 'back up' to domestic law and can increase the legitimacy of states. But we can say something stronger than that. The existence of the international legal system of human rights does not merely offer an opportunity to enhance domestic legitimacy. Compliance with the international legal system of human rights is a requirement of legitimacy. For example, a domestic criminal justice system that does not treat those subject to its laws as having equal basic status has a legitimacy problem. Failure to deliver equal protection under the law or to ensure due process of law for all social groups is legitimacy undermining.

International law applies globally and can be thought to offer a substantive conception of legitimacy – namely a requirement that all legitimate institutional systems satisfy its legal standards. The ecological concept of legitimacy connects assessments of legitimacy with requirements of global justice – it directs us to consider the place and role of an institution in a broader scheme of institutions, which can and should be assessed for its global reach, impact, and justice. We

²² Buchanan, *The Heart of Human Rights*, pp. 204–205.

might say that a legitimate institution belongs to a scheme of institutions that must be compatible with the basic requirements of global justice, at least as these requirements are set by international law. Furthermore, the ‘ecological’ nature of legitimacy appraisals enables us to see in a more complex way how legitimacy appraisals function in the domestic case, since domestic institutions also comprise a system. It would count against the legitimacy of criminal justice institutions, for example, if it could be shown that mass incarceration functions to remove a segment of the population from the labor market.

Finally, I’d like very briefly to swim out from the text in order to suggest an extension of the notion of metacoordination and its attendant ecological notion of legitimacy. The social nature of legitimacy appraisals – specifically, the connection between these appraisals with the affirmation of social norms – offers a basis for understanding the nature and scope of *complicity* with illegitimate institutions. Members of society who endorse social norms that support illegitimate institutions are plausibly thought to be complicit with those institutions. This is because institutions depend for their power and efficiency on precisely this sort of normative support, support that is, as Buchanan has shown us, is a matter of collective will. Collective endorsement empowers institutions; indeed, it is crucial to the power they have. This allows us to extend our understanding of the nature of responsibility. It is not just legitimacy, but also responsibility, that is an ecological notion.

ACKNOWLEDGEMENTS

For comments and suggestions, I am grateful to Allen Buchanan, Michael Lister, Brooke Akerly, Mathias Risse, William Talbott, the editors of *Law and Philosophy*, and members of the audience, Author Meets Critic session, Pacific APA, Vancouver, April 2015. Funding was provided by Tufts University (US).