

# State Legitimacy and Enclosed Coastal Seas

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This is a paper about the language of governance. It argues that the market failure view of state legitimacy that underlies much of policy analysis in liberal states is unable to ground a set of policies that will protect the world's enclosed coastal seas. This neo-classical vision depends on ideas like discounting, externalities and contingent valuations. Discounting fails to protect these resources for the benefit of future generations. The concept of externalities is too vague to guide policy. Contingent valuation surveys assume that all goods should be marketed and depends on eliciting information from persons without relevant expertise.

A more promising approach looks to the ancient doctrine of the public trust, both as it has been applied to coastal areas, and as a general theory of state legitimacy. The general idea that those who govern have fiduciary duties to the citizens who are viewed as the beneficiaries of a trust is found in John Locke's Second Treatise of Civil Government. It provides a way of thinking that takes into account the well-being of future generations by requiring that in using the world's resources we leave "enough and as good" for others. It grounds concrete obligations about the environment which specify how policy should be set by seeing the citizen not only as a consumer, but as a steward. It shows why not all things should be subject to market forces, and provides an account of the proper place of the scientist in setting public policy.