

STRONG EXTERNAL REPRESENTATION OF FUTURE GENERATIONS: LEGITIMATE AND EFFECTIVE

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ABSTRACT

As current democratic governments are unsuccessful in fulfilling our moral obligations to future generations, future-focused institutions aim to adapt our democracy to neutralise this short-termism. However, it often appears to be impossible for future-focused institutions to be both effective and democratically legitimate. This thesis aims to resolve this dilemma by arguing for strong external representatives, representatives of future generations outside of legislative assemblies that have a strong mandate to veto laws that have a strong negative impact on future generations. To claim that this is not only effective but also democratically legitimate, this thesis analyses the most influential theories on the boundaries of the *demos*, the *All Affected Interests Principle* and *Democratic Values Theory*, and demonstrates that they require the inclusion of future generations by means of a strong-mandated representative. Finally, this thesis also provides several *desiderata* on how strong external representatives should be instituted and discusses its political feasibility.

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INTRODUCTION

The effects of current policies on the future of our planet are gigantic, yet the future generations who will suffer their consequences do not yet exist to fight against these threats. Current democratic governments appear to be focused on short-term successes and are ineffective in incorporating the interests of future generations. To solve this problem, there are several proposals that aim to adapt our democratic system to make it more future-focused.¹ For these future-focused institutions to be successful, they need to satisfy two separate moral requirements: (1) they should be effective in fulfilling our moral obligations and (2) they should be democratically legitimate. The central dilemma of this thesis is the tension between these two requirements; how these future-focused institutions can be both effective and legitimate.

To better illustrate this tension, we must look at the role of *political power*. If these institutions hold little to no political power and are thus *non-binding institutions*,² it is unlikely that they will be effective in changing policies. Therefore, we may assume that these institutions require some level of political power to counterbalance motivational and institutional problems that make current democracies apt to focus on the short-term. Simultaneously, a basic notion of democratic legitimacy would hold that (current) citizens of a state make a decision in a democratic way; this would exclude future generations from having political power. Therefore, non-binding, advisory institutions would not face any legitimacy concerns, but the more *political power* we give to future generations, the stronger this concern would be. This creates an *Inverse Relation Problem*:

Inverse Relation Problem

Premiss 1: The more political power a future-focused institution has, the more effective it will be in fulfilling our moral obligations to future generations.

Premiss 2: The more political power a future-focused institution has, the more democratically illegitimate it will be.

Conclusion: The more effective a future-focused institution aims to be, the more democratically illegitimate it will be.

¹ I will use *future-focused* throughout this thesis to describe institutions or policies that are aimed at serving the interests of future generations. There might be small differences between future-focused, future-beneficial and future-oriented, but I will not use this distinction and only refer to the first term. See González-Ricoy and Gosseries, "Designing Institutions for Future Generations: An Introduction," 6.

² González-Ricoy and Gosseries use the term "*non-binding*" institution in relation to the proposal of the Ombudsman; they argue that it may "not raise any legitimacy concerns", because it involves "merely advisory powers". González-Ricoy and Gosseries, 17–19.

If we combine this notion of the *Inverse Relation Problem* with the earlier assumption that we require future-focused institutions to be *both* democratically legitimate and effective, then we will reach, what I will call the *Legitimacy-Effectiveness Dilemma*:

Legitimacy-Effectiveness Dilemma

Premiss 1: Future-focused institutions should be democratically legitimate

Premiss 2: They should be effective in fulfilling our obligations to future generations

Premiss 3: The more effective a future-focused institution aims to be, the more democratically illegitimate it will be (Conclusion of the Inverse Relation Problem)

Conclusion: We need to prioritise either democratic legitimacy or effectiveness

Even though philosophers have never analysed this dilemma specifically, several proposals for future-focused institutions have made an implicit prioritisation.³ The aim of this thesis is to disprove the idea of the *Inverse Relation Problem*, thus allowing for the creation of a future-focused institution that is both democratically legitimate *and* effective. I will do so by attacking the second premiss of the *Inverse Relation Problem*, i.e. I will argue that it can be democratically legitimate to give political power to a future-focused institution. I will do so by analysing influential theories on democratic boundaries to demonstrate that they require the inclusion of future generations by means of a representative that has sufficient political power.

Chapter 1 of this thesis will address whether we have moral obligations towards future generations. Chapter 2 will discuss why governments often focus on the short term and how we can neutralise that. Chapter 3 will then propose one specific future-focused institution, the representation of future generations, and it will argue that if we properly understand major democratic theories, it is legitimate to institute representatives. This chapter will also provide several *desiderata* that could help strengthen these representatives. Finally, Chapter 4 will argue that *strong external representation* is the most effective solution to incorporate these desiderata and it will explain why it is also a feasible proposal.

Two specific concepts require some further clarification. Firstly, this thesis will solely focus on non-overlapping generations, as they face different moral questions than overlapping

³ The title of this thesis is a nod to Beckman and Ugglå's article who argue that they combine both issues, but propose a non-binding institution and only hope that if it is instituted properly, it *could* have some political power. Beckman and Ugglå, "An Ombudsman for Future Generations: Legitimate and Effective?"

generations⁴ and have no other chance to make their preferences heard⁵; this thesis will not distinguish between distant and remote non-overlapping generations. Secondly, this thesis focuses on the environmental concerns of future generations. This does not imply that future generations have no other concerns, but environmental threats are often most alarming and irreversible, and they might even destroy all human life. Therefore, referring to these specific concerns can also strengthen our moral and democratic obligations to future generations.

⁴ To read more about the different philosophical dilemmas between overlapping and non-overlapping generations, see Meijers, "Justice Between Generations."

⁵ Agents that already exist, like young children, often already have certain rights and there are clearer democratic institutions present to represent their interests, there is even a European Network of Ombudspersons for Children (ENOC).

CHAPTER 1: ON MORAL OBLIGATIONS AND THE NON-IDENTITY PROBLEM

Current governments have more influence on the lives of future generations than ever before, while *their* decisions will never influence us. There is thus a strong asymmetrical power-relation between present and future generations: our decisions can seriously reduce the capacity of future generations and, in the most extreme case, we could even threaten their very existence. Although we cannot know exactly what the lives of these future generations will look like, science has told us more about how our current behaviour is effecting the future well-being of potential future citizens. These future generations are by definition not present right now and thus they cannot have a voice in decisions that are made about them and we cannot cooperate with them. In addition, the more we learn about the challenges and perils of climate change, the more pressing the philosophical question becomes whether we are morally obliged to prevent such perils from happening.

This raises the philosophical question whether we owe moral obligations to future generations. This thesis will assume that we do have such obligations, as it is beyond the scope of this thesis to give a complete philosophical account of intergenerational justice.⁶ In this first chapter I will therefore only briefly address the most prominent objection to granting future generations moral autonomy, the Non-Identity Problem, and give some possible responses. Furthermore, I will briefly say something about the contents of our obligations towards future generations.

Assumption 1: We do have moral obligations towards future generations

1.1 THE NON-IDENTITY PROBLEM

Derek Parfit's (1984) theory of the 'Non-Identity Problem' rests upon the idea that our actions determine which future people will exist.⁷ Parfit holds that if an individual would have been born a month later out of a different 'ovum and spermatozoon', this would have been an entirely different individual. When our moral theory relies on a *person-affecting principle*⁸, then there is

⁶ For a broader analysis of all the philosophical challenges regarding future generations, see for example Meijers, "Justice Between Generations."

⁷ "The non-identity problem rests upon the contingency of future people upon currently living people's decisions and actions. We know, of course, that when we harm future people's interests and violate their rights, specific persons are harmed. But the decision we make often counts as a necessary condition of the very existence of this genetically and numerically specific set of people at some future point in time." Meyer and Roser, "Enough for the Future," 226–27.

⁸ Meijers clarifies that "[t]he nonidentity problem is a challenge for all moral theories that rely on

no difference between conserving or depleting our planet⁹, as “in the different outcomes, different people would exist”¹⁰ and we can only compare different situations for one particular person and not the differences between different people. It is therefore not harmful to any future individual to live in a suboptimal state, if the alternative *for them* is not to have existed.¹¹

Many different approaches have been proposed to solve Parfit’s problem¹²; some have dropped the person-affecting principle¹³, and others argued that we had no obligations *to* future generations, but obligations *concerning* future generations¹⁴. This thesis lacks the depth to do justice to all aspects of this problem. However, as this thesis assumes that we have moral obligations towards future generations, it also needs to assume that there is a solution to the Non-Identity Problem. In order to show that this is a reasonable assumption to make, I will present two promising solutions. Firstly, there is the *threshold* conception of harm, the idea that future generations are harmed if their well-being is below a certain threshold.¹⁵ This avoids the Non-Identity Problem, as a situation is harmful when *any* future individual “falls under a normatively defined threshold”¹⁶, regardless of how it would have been in any other situation.¹⁷

the *person-affecting principle*: something can only be bad (or good) if it is bad (or good) for someone.” Meijers, “Justice Between Generations,” 8.

⁹ Parfit uses this *Depletion*-case to show that depleting our planet harms nobody even though “millions of people have, for several centuries, a much lower quality of life”, as in a world where we had opted for Conservation, “these particular people would never have existed.” Parfit, *Reasons and Persons*, 361–63.

¹⁰ Parfit, 378.

¹¹ “With respect to persons whose existence is dependent upon the allegedly harming action, they cannot be worse off owing to this action than they would have been had this action not been carried out, for in that case they would not have existed.” Meyer and Roser, “Enough for the Future,” 227.

¹² To name a few, Deryck Beyleveld (2016) uses Alan Gewirth’s Principle of Generic Consistency to argue that “we must recognize duties to future generations on account of the rights they will have”, Beyleveld, “The Duties We Have to Future Generations : A Gewirthian Approach”; Rutger Claassen (2016) employs a *capability theory of justice* to argue “that we can extend capability protection to future generations by ascribing to them the same capabilities that current generations have”, Claassen, “Ecological Rights of Future Generations. A Capability Approach”; finally, it is also argued that present generations lack the right to severely harm future generations, e.g. “no individual can claim an unconditional right to destroy environmental goods”. Beekman, “Sustainable Development and Future Generations.”

¹³ There are several harm-independent or non-consequentialist theories that avoid the NIP, because they argue that a person is harmed when one of his rights is violated, even if he is not actually worse off, see Woodward, “The Non-Identity Problem”; Velleman, “III. Love and Nonexistence”; Vrousalis, “Smuggled into Existence: Nonconsequentialism, Procreation, and Wrongful Disability.”

¹⁴ Meijers clarifies that these theories argue that “the currently adult population has obligations of justice to the currently young, and the currently young will have an obligation to the young when they are adults.” Meijers, “Justice Between Generations,” 13. For more on this, see Gosseries, “On Future Generations’ Future Rights*”; Gheaus, “The Right to Parent and Duties Concerning Future Generations.”

¹⁵ In this theory, future generations are harmed when they live in a depleted environment, even when the alternative is non-existence. Meyer and Roser explain that “we have a general duty to people not to cause them to be worse off than they ought to be” Meyer and Roser, “Enough for the Future,” 229.

¹⁶ Meyer and Roser, 228.

¹⁷ For more on the threshold notion of harm, see Meyer and Roser, “Enough for the Future”; Meyer, “Past and Future: The Case for a Threshold Notion of Harm”; Rivera-López, “Individual Procreative Responsibility and the Non-Identity Problem.”

This first solution sticks to the person-affecting principle in the narrow sense, but an alternative solution is a *wide* person-affecting principle, which incorporates the well-being of different groups of future people and thus enables us to compare different groups of future people.¹⁸ This solves the Non-Identity Problem, but runs into a new problem: the *Repugnant Conclusion*,¹⁹ the problem that, theoretically, a billion miserable lives could outweigh a million happy ones in terms of total well-being. Derek Parfit, who formulated the Non-Identity Problem, eventually adopts this approach in his later work²⁰ and argues that we can overcome the *Repugnant Conclusion* by combining it with a dual approach: he calls this the *Wide Dual Person-Affecting Principle*²¹. Parfit thereby combines collectivity, “giving people a greater total sum of benefits”, with individuality, “the outcome would benefit each person more”²²; thereby combining the best of two worlds.²³ I personally prefer the latter, but for now it is only important that we can assume that there is *at least* a solution to the Non-Identity Problem.

Assumption 1a: There is a solution to the Non-Identity Problem

1.2 WHAT DO OWE FUTURE GENERATIONS?

When this thesis assumes that we have a duty towards future generations, a secondary question arises: *what does that duty entail?* What *level* of well-being do we have to assure for future generations or above what *threshold* does their well-being need to be? The central argument of this thesis works for different political theories regarding this topic, but I believe it is useful to

¹⁸ Parfit explains that in a narrow sense “worse for people” would mean that “the occurrence of X rather than Y would be either worse for, or bad for, the X-people”, while in the wide sense “the occurrence of X would be less good for the X-people than the occurrence of Y would be for the Y-people.” He concludes that the narrow principle “cannot solve the Non-Identity Problem”, while the wide principle can. Parfit, *Reasons and Persons*, 395–96.

¹⁹ Parfit described this as: “[f]or any possible population of at least ten billion people, all with a very high quality of life, there must be some much larger imaginable population whose existence, if other things are equal, would be better, even though its members have lives that are barely worth living.” Parfit, 388.

²⁰ Parfit’s 2011-book Parfit, *On What Matters: Volume Two* (as quoted by Meijers, “Justice Between Generations.”) already opted for a wide person-affecting approach. A few hours before he died, on January 1st, 2017, he finished the first draft of another interesting article on the matter. Jeff McMahan and Larry Temkin, who were both referred to in his article, helped finish the article and it was published in September that year. Parfit, “Future People, the Non-Identity Problem, and Person-Affecting Principles.”

²¹ “One of two outcomes would be in one way better if this outcome would together benefit people more, and in another way better if this outcome would benefit each person more.” Parfit, “Future People, the Non-Identity Problem, and Person-Affecting Principles,” 154.

²² Parfit, 153.

²³ As Parfit puts it, “great losses in the quality of people’s lives could not be outweighed by any increase in the sum of benefits, if these benefits came in the lives of people whose quality of life would be much lower.” Parfit, 157.

clarify which solutions to the ‘Pattern, Metric and Scope’-metric²⁴ this thesis will assume. Firstly, the Pattern-question discusses *how much* we owe future generations²⁵; this thesis will adopt a sufficientarian approach, not because it is flawless²⁶, but because many people could agree that we should *at least*²⁷ provide future generations with sufficient well-being.²⁸

Secondly, if future generations must have a sufficient amount of X, what is that X? This is the Metric-question²⁹ and this thesis will assume a *molecular metric*, in which future generations have “a list of heterogeneous elements, which includes capabilities, functionings, satisfaction of preferences, etc.”, which combines the strengths of several theories³⁰. Vrousalis argues that even though the contents of these lists are highly uncertain, it is “unlikely that the best list we can come up with will contain suffering, substantial natural or genetic degradation, eradication of capabilities there is reason to value, and so on.”³¹

Finally, there is the Scope-question, which discusses whether there are moral differences between different scopes of time.³² This thesis will adopt a chronopolitan approach that holds that there is no such difference, just like there is no moral difference between harming someone next to you or someone far way (spatial difference).³³ If it is immoral to create an imminent nuclear threat to a generation 200 years from now, it is just as immoral to do the same to a generation 400 years from now.

²⁴ I use the distinction and terminology from Vrousalis, “Intergenerational Justice: A Primer.” See also Meijers, “Justice Between Generations.” for a broader analysis of the *Pattern* and *Metric*-debates.

²⁵ There are many different theories to compare this. Egalitarians believe that future people should be equally well off, sufficientarians argue for “a sufficiently good condition” and prioritarians, a specific type of utilitarianism with a focus on the well-being of the people who are worst off, “claim that intergenerational transfers to equally well off, or worse off, generations are normally justified. Vrousalis, “Intergenerational Justice: A Primer,” 50–53.

²⁶ Vrousalis correctly points out that this approach could support the destruction of all surplus resources above the threshold.

²⁷ It is important to note the words ‘*at least*’, to point out that it might indeed be beneficial to provide future generations with a higher quality of life, alike an egalitarian approach, but it is not necessary for this thesis to depend on this higher threshold.

²⁸ Meijers also notes that this principle is often used in combination with a wide-person affecting view, as “they tend to focus on the generic requirements for respecting what needs respecting in future people (dignity, reasonableness, human flourishing) rather than how much ends up with particular people.” Meijers, “Justice Between Generations,” 18.

²⁹ Here there are also many different theories. Preferentialists believe that we should cater to the preference satisfaction of future generations; resourcists want every generation to have sufficient resources; Amartya Sen’s capability approach involves a broader concept of ‘capabilities’ or ‘positive freedoms’ that every generation should have. Vrousalis, “Intergenerational Justice: A Primer.”

³⁰ Vrousalis argues that it is too narrow to measure human flourishing solely by analysing people’s preferences or resources. On the other hand, the capability approach is too broad, as it fails to incorporate preferentialist considerations. Vrousalis, 55–58.

³¹ Vrousalis, 58.

³² Vrousalis distinguishes between generationalism, “justice extends only a couple of generations down the line”, or chronopolitanism, “justice requires treating all generations equally”. Vrousalis, 59.

³³ Vrousalis points to an example by Parfit, where you shoot an arrow into a distant wood and by accident hit someone: “Because this person is far away, I cannot identify the person whom I harm. But this is no excuse. Nor is it any excuse that this person is far away. We should make the same claims about effects on people who are temporally remote.” Derek Parfit, as quoted by Vrousalis, 59.

Assumption 1b: A sufficientarian pattern, molecular metric, and chronopolitan scope are satisfying in describing our intergenerational duties

1.3 CONCLUSION

This first chapter has dealt with the underlying assumption of this thesis that we have moral obligations towards future generations. As they do not yet exist, the *Non-Identity Problem* could imply that this assumption is wrong. I therefore had to assume that there is a satisfying answer to this problem; theories such as the threshold notion of harm or the Wide Dual Person-Affecting Principle, make it reasonable to make this second assumption. Lastly, I assumed that a sufficientarian pattern – providing future generations with at least a sufficient amount of well-being – a molecular metric – measuring well-being by combining different elements, such as capabilities and preferences – and a chronopolitan scope – treating all generations equally – are satisfying in describing our intergenerational duties.

CHAPTER 2: ON SHORT-TERMISM AND HOW TO DEAL WITH IT

The first chapter assumed that we have moral obligations to future generations, which implies that governments, who are normally the primary actor of justice, who have big financial assets for investments and whose focus should be on the public benefit, should act on this obligation. However, so far almost all governments have been very ineffective in doing so, e.g. in combating the threats of climate change.³⁴ This thesis will assume that democratic governments are institutionally focused on the short-term: *short-termism*. §2.1 will analyse different sources that cause this and then §2.2 will discuss potential solutions. After that, §2.3 will discuss whether these solutions could become contentious with democratic theory and face possible democratic legitimacy concerns.

Assumption 2: Democratic governments are short-termist

2.1 FOUR SOURCES OF SHORT-TERMISM

Short-termism (or *presentism*) is the tendency of current governments to have a strong focus on the 'present' and of laws to be biased towards the present.³⁵ This is a natural human tendency, as most humans prefer the immediate to the distant, and it is not necessarily problematic; it is essential that a democracy values the lives of its citizens and their interests. However, it can cause serious problems for future generations if it makes us neglect our obligations to future generations. Therefore the ambition should not be to produce a long-termist government, but to neutralise the negative effects of short-termism in order to balance short-term and long-term effects. I will use Michael MacKenzie's (2016) categorisation of the four different sources of short-termism: voters, politicians, special interest groups and the absence of future generations.

Firstly, *voters* can decide every few years which political parties or candidates will represent them and their votes will influence how future-focused governments will be. As "most citizens tend to discount the future"³⁶, they are likely to support parties that are short-termist. It is up to debate whether these preferences are fixed or that we "can help encourage longer-term

³⁴ To give just a few examples: global CO₂-emissions are still rising, the Paris Agreement falls short in reaching its own objectives, and the world's second largest greenhouse gas emitter, the United States, removed itself from this Agreement. "Analysis"; Dennis and Mooney, "Countries Made Only Modest Climate-Change Promises in Paris. They're Falling Short Anyway."; Milman, Carrington, and Smith, "Donald Trump Confirms US Will Quit Paris Climate Agreement."

³⁵ Thompson, "Representing Future Generations: Political Presentism and Democratic Trusteeship."

³⁶ Thompson, 17.

thinking”.³⁷ We have seen a rise in support for Green Parties and even Animal Parties in some Western-European countries, but their influence remains limited.

Secondly, *politicians* are elected by these voters and might therefore cater to their wishes. But even if we see politicians as professionals who make informed judgments based on impartial expertise, there are still institutional reasons why they are short-termist. Firstly, they want to show “demonstrable benefits over the near term, even if voters are, in principle, willing to pay near-term costs for longer-term benefits”³⁸, especially when facing re-election. Secondly, their work focuses on current events, since they debate current policies and news stories. This has become more problematic in recent years due to “the intense pressures on politicians generated by media demands and public expectations for them to respond almost instantly to events.”³⁹

Thirdly, *special interest groups* lobby to influence political decision-making and the two most influential ones are incentivised to advocate short-termism. Firstly, big companies have a strong influence on politics, as they can use most capital and represent most workers. Especially energy and natural resources companies do not support important environmental legislation. Secondly, older generations are growing larger in number, have a high voter turn-out, and hold more political offices; simultaneously, they seem more short-termist, as “they are not (as) likely to pay the longer-term costs of today’s actions”.⁴⁰ It is, however, debatable whether the policy preferences of these older generations really differ.⁴¹

Lastly, the *absence of future generations* also causes short-termism, as they cannot defend or lobby for their interests. They also lack a ‘natural representative’ and even if they had representation, this faces problems of authorisation and accountability, and we lack knowledge about their (possibly diverse) interests – more on this in the next chapters. Concluding, democratic systems have several institutional reasons to favour present generations over future ones and this is the basis for *Assumption 2*. This does not exclude future-focused voters, politicians and lobby groups, but so far they are not strong enough to fully neutralise the effects of short-termism. Therefore, it is important to find institutional changes that can create a counterbalance.

³⁷ MacKenzie, “Institutional Design and Sources of Short-Termism,” 26–27.

³⁸ MacKenzie, 27.

³⁹ Berman and Boston, *Governing for the Future: Designing Democratic Institutions for a Better Tomorrow Public Policy and Governance*, xxvii.

⁴⁰ MacKenzie, “Institutional Design and Sources of Short-Termism,” 28.

⁴¹ MacKenzie, 29; Thompson, “Representing Future Generations: Political Presentism and Democratic Trusteeship,” 19–20.

2.2 POSSIBLE SOLUTIONS TO SHORT-TERMISM

Several policies have been proposed to deal with the sources of short-termism; they often affect different sources in different ways and it is even possible that they neutralise one source while worsening another, e.g. referenda might help counterbalance short-termism amongst politicians, while strengthening the position of (short-termist) voters. Table 1 - Policy Proposals to Neutralise short-termism gives a, non-exhaustive, overview of proposals, and it shows which sources of short-termism they are addressing and how effective they are. The latter (Low, Medium and High) is not a scientific metric, but serves an illustrative and informative purpose; no conclusions will be derived from it.

Policy proposal	Sources of short-termism	Effectiveness
Changing Voting System	Voters	Medium
Constitutional Changes	Voters/Politicians/Future Generations/ Special Interest Groups	Medium
Intergenerational Trust Funds	Voters/Politicians/Future Generations	Medium
Second Chamber	Politicians/Future Generations	Low/Medium
Public Discussions/Education	Voters/Politicians	Low/Medium
Longer Electoral Terms	Politicians	Low/Medium
Posterity Impact Statements	Politicians/Future Generations	Low/Medium
Sub-Majority Rules	Politicians/Future Generations	High
Referenda/Citizens' Initiatives	Politicians/Special Interest Groups	Low/Medium
Youth Quotas	Politicians/Special Interest Groups	Medium
External Representation	Voters/Politicians/Future Generations	Medium/High
Election Financing Laws	Special Interest Groups	Low/Medium
Reserving Seats for Special Representatives	Politicians/Future Generations	Medium/High

TABLE 1 - POLICY PROPOSALS TO NEUTRALISE SHORT-TERMISM⁴²

To address short-termism amongst voters, there are three types of proposals: changing the voting system, limiting the power of voters, and making voters think more about the future. Firstly, we can change the current voting system to give more influence to groups that are likely to favour future generations, e.g. lowering the voting age⁴³, striking all voting age boundaries⁴⁴ or giving more votes to younger people⁴⁵. Secondly, we can cement political decision-making to limit the influence of current generations, e.g. sealing rights of future generations within the

⁴² The relation between column 1 (policy proposal) and column 2 (sources of short-termism) is comparable with *Table 2.1 Institutional Design and Sources of Short-Termism* in MacKenzie, "Institutional Design and Sources of Short-Termism," 31.

⁴³ Peto, "Why the Voting Age Should Be Lowered to 16."

⁴⁴ Tremmel and Wilhelm, "Democracy or Epistocracy? Age as a Criterion of Voter Eligibility."

⁴⁵ The proposal of 'Demeny voting' is that parents should get a vote for every child they have. In addition to their own vote, "we can think of women voting for all their underage female children and men for their underage male children". Sanderson Warren C. and Scherbov Sergei, "A Near Electoral Majority of Pensioners: Prospects and Policies." For more on this topic see Van Parijs, "The Disfranchisement of the Elderly, and Other Attempts to Secure Intergenerational Justice"; Hinrichs, "Do the Old Exploit the Young? Is Enfranchising Children a Good Idea?"

constitution⁴⁶ or creating Intergenerational Trust Funds⁴⁷. Thirdly, we can make voters more future-focused, either by education⁴⁸, public discussion or, more radically, bio-enhancement⁴⁹.

There are five proposals to limit short-termism amongst politicians: having fewer elections, making politicians discuss their decisions' impact on the future, evaluating their decisions, giving more power to political minorities and listening to citizens. Firstly, Longer Electoral Terms⁵⁰ could make politicians care less about re-election. Secondly, with Posterity Impact Statements⁵¹ politicians have to "publicly justify any actions that might have long-term negative consequences."⁵² Thirdly, we can create a randomly selected Second Chamber to evaluate government policy.⁵³ Fourthly, the *Sub-Majority Rule model* ensures that "a minority of at least one-third of the legislators can require a referendum on a bill that can have a serious adverse impact on the living conditions of future people."⁵⁴ Lastly, we can give more power to Citizens' Initiatives and Referenda (but this might strengthen short-termism amongst voters).

It is not feasible to fully stop the influence of special interest groups, but there are two solutions to mitigate it: providing a counterbalance and instituting financing laws. Firstly, we could empower future-focused groups to create a counterbalance, e.g. installing External Representatives, such as an Ombudsman for Future Generations⁵⁵, or creating Youth Quotas⁵⁶. Secondly, Election Financing Laws can also be an effective way to weaken the influence of special interest groups over politicians. The final source of short-termism, the absence of future generations, could be mitigated by Reserving Seats for Special Representatives of Future Generations.⁵⁷ Altogether, there are many proposals and integrating multiple institutional responses will likely be *most effective*.⁵⁸

⁴⁶ MacKenzie distinguishes between general, environmental, and balanced budget clauses, see Ekeli, "Green Constitutionalism: The Constitutional Protection of Future Generations"; Tremmel, "Establishing Intergenerational Justice in National Constitutions"; González-Ricoy, "Constitutionalizing Intergenerational Provisions."

⁴⁷ Brown Weiss, "In Fairness to Future Generations."

⁴⁸ Bell, "Creating Green Citizens? Political Liberalism and Environmental Education."

⁴⁹ I will not discuss this further in this thesis, but there are obviously complicated ethical questions surrounding this proposal. Persson and Savulescu, *Unfit for the Future: The Need for Moral Enhancement*.

⁵⁰ Järvensivu, "Four Steps to a Growth-Free, Prosperous Finland."

⁵¹ Thompson, "Representing Future Generations: Political Presentism and Democratic Trusteeship," 32.

⁵² MacKenzie, "Institutional Design and Sources of Short-Termism," 34.

⁵³ Barnett and Carty, *The Athenian Option: Radical Reform for the House of Lords*. as quoted by MacKenzie, "Institutional Design and Sources of Short-Termism."

⁵⁴ Ekeli, "Constitutional Experiments: Representing Future Generations Through Submajority Rules*," 440.

⁵⁵ Beckman and Uggla, "An Ombudsman for Future Generations: Legitimate and Effective?"

⁵⁶ Tremmel et al., *Youth Quotas and Other Efficient Forms of Youth Participation in Ageing Societies* features several interesting articles discussing the importance of youth quotas, especially Bidadanure, "Better Procedures for Fairer Outcomes: Can Youth Quotas Increase Our Chances of Meeting the Demands of Intergenerational Justice?"; Wallimann-Helmer, "Can Youth Quotas Help Avoid Future Disasters?"

⁵⁷ Dobson, "Representative Democracy and the Environment"; Ekeli, "Giving a Voice to Posterity – Deliberative Democracy and Representation of Future People."

⁵⁸ MacKenzie, "Institutional Design and Sources of Short-Termism," 37.

2.3 DEMOCRATIC LEGITIMACY CONCERNS

This thesis is not solely interested in the *effectiveness* of different solutions; I also believe that their *democratic legitimacy* is very important. Firstly, democratic procedures are often regarded as the most just way of decision-making as they incorporate the preferences of all citizens; ignoring this issue would force citizens to obey laws that they have not been able to discuss.⁵⁹ Secondly, future generations also want to govern themselves democratically and it might thus be in the interest of intergenerational justice to protect our democratic system.⁶⁰ Thirdly, ignoring the issue of democratic legitimacy would also leave any proposal vulnerable to political attacks; several proposals, when becoming too powerful, faced criticism for being undemocratic and illegitimate and were removed or seriously weakened as a result.⁶¹

To analyse the democratic legitimacy of the proposals in §2.2, I will first give a list of *potential legitimacy concerns*. This is only to show which solutions *might* be illegitimate, based on a very basic understanding of democracy; Chapter 3 will further clarify my conception of democratic legitimacy and discuss whether we can overcome potential legitimacy concerns. *Table 2* gives an overview of the policy proposals in relation with their potential concerns and the level of concern. Again, this latter one (Low, Medium and High) is a very simplified and debatable metric, and it only serves an informative and indicative purpose in this thesis.

Policy proposal	Potential legitimacy concern	Level of concern
Changing Voting System	No longer <i>one person, one vote</i>	Medium/High
Constitutional Changes	Limits freedom for future generations	Medium
Intergenerational Trust Funds	Less money to spend on current issues	Low/Medium
Second Chamber		Low
Public Discussions/Education		Low
Longer Electoral Terms	Less accountability	Low/Medium
Posterity Impact Statements		Low
Sub-Majority Rules	Undermines majority rule	Medium/High
Referenda/Citizens' Initiatives		Low
Youth Quotas	Limiting choices of voters	Medium
External Representation	Gives power to <i>political outsiders</i>	High
Election Financing Laws	Limits companies in their <i>free speech</i>	Low/Medium
Reserving Seats for Special Representatives	Gives power to <i>political outsiders</i>	High

TABLE 2 – LEGITIMACY CONCERNS FOR DIFFERENT INSTITUTIONAL RESPONSES

⁵⁹ One could argue that our moral obligations should in fact trump democratic values, but I will hold that this should only occur when very unjust decisions are made (more on this in §0).

⁶⁰ Beckman argues that it is important that “institutional reforms (...) are legitimate not just in terms of environmental values but in terms of democratic values as well”, see Beckman, “Do Global Climate Change and the Interest of Future Generations Have Implications for Democracy?”, 622.

⁶¹ Politicians argue that they are *democratically elected* and their vote should thus trump that of *undemocratic* institutions for future generations. The Hungarian ‘Ombudsman’ Sándor Fülöp described how he faced an “unfavourable political climate” and “there was an attempt to totally eradicate the Office” after he had become too influential. Lotherington, “Interview with New Trustee Dr. Sándor Fülöp.”

Democracy is often understood as “groups of people making collective decisions in a democratic way”⁶² and we can thus distinguish between two essential aspects: *who* decides and *how* we decide. The first legitimacy concern arises when giving political power to people outside the common *group of people*; I will call them *political outsiders*. It could be undemocratic to let these outsiders influence the outcome, as this will weaken the political power of the original electorate. The proposals to represent future generations, such as Reserving Seats for Special Representatives, creating an Ombudsman or other external representatives, or creating a Second Chamber, could face this objection. If the representative has only advisory and non-binding powers, this would be no problem as this would not give away any political *power*, but if this representative is granted stronger political tools this problem occurs. Additionally, these representatives face democratic concerns regarding the issues of authorisation and accountability, as they cannot be elected by future generations and can neither be held accountable by them (more on this in §3.6).

The second major legitimacy concern regards the second aspect of democracy, how we decide, as some proposals require the reshaping of important democratic mechanisms. The concept of *one person, one vote*, based on the idea of democratic equality, could be harmed by Changing the Voting System. Only lowering the minimum voting age would probably not undermine this concept⁶³, but giving more voting power to young people or parents could. Reserving Seats for Special Representatives could also undermine this concept, depending on how these representatives are elected.⁶⁴ Another important democratic mechanism, the concept of majority rule, could be harmed by the proposal of Sub-Majority Rule.

Besides these two major areas of concern, there are some other potential concerns amongst the remaining proposals. Constitutional Changes would be supported by current politicians, but might limit the political freedom of both current and future generations⁶⁵. Youth Quotas could be seen as interfering with the freedom of political parties to pick their own candidates and the freedom of voters to select which politician they want. Intergenerational Trust Funds could render people's resources to tackle their short-term problems meagre or insufficient. Longer Electoral Terms could weaken the accountability of politicians as voters correct them less frequently. Election Financing Laws would limit donations, which could be seen as a form of *free speech*. Lastly, proposals that only facilitate discussions, make politicians

⁶² Goodin, “Enfranchising All Affected Interests, and Its Alternatives,” 40.

⁶³ A minimum voting age can be anti-democratic as it excludes citizens, i.e. children, from exercising their right to vote. Tremmel and Wilhelm, “Democracy or Epistocracy? Age as a Criterion of Voter Eligibility.”

⁶⁴ Dobson’s proposal to give the environmental lobby two votes would face this objection, while Ekeli’s idea of giving *everyone* two votes would not. Dobson, “Representative Democracy and the Environment”; Ekeli, “Giving a Voice to Posterity – Deliberative Democracy and Representation of Future People.”

⁶⁵ More on the importance of sustaining political liberties for future generations in Chapter 3 or Beckman, “Do Global Climate Change and the Interest of Future Generations Have Implications for Democracy?”

justify their actions, or allow for Citizens' Initiatives or Referenda, seem not to raise any legitimacy problems.

2.4 CONCLUSION

This chapter has identified four different sources of short-termism in our democratic system and has given an overview of proposals that have been made to neutralise this phenomenon. Where many articles on this topic mainly focus on the effectiveness of these proposals (see *Table 1*), this thesis compares the effectiveness with the democratic legitimacy of such proposals (see *Table 2*). In the Introduction, I hypothesised that: *The more effective a future-focused institution aims to be, the more democratically illegitimate it will be* (see the *Inverse Relation Problem*). This appears to be in line with what we see if we compare *Table 1* and *Table 2*: the most effective proposals also lead to more and stronger legitimacy concerns. Therefore, if we decide to only act upon legitimate policy proposals, like Public Discussions or Posterity Impact Statements, this will not be effective enough to fulfil our moral obligations to future generations; yet, if we want to fulfil these moral obligations, it seems necessary to inflict upon democratic legitimacy. The question is what way to choose out of this dilemma.

CHAPTER 3: ON DEMOCRATIC LEGITIMACY AND THE BOUNDARY PROBLEM

Chapter 1 assumed that we have moral obligations towards future generations and Chapter 2 assumed that our current democratic systems are short-termist and neglect these obligations. Future-focused institutions aim to neutralise this short-termism to make democracies satisfy these moral obligations; such institutions should be effective in satisfying these moral obligations, but they should also be democratically legitimate (see §2.3). Yet, the previous chapter suggested that these two criteria are mutually exclusive and inversely related; I will call this the *Legitimacy-Effectiveness Dilemma* (see below), as introduced in the Introduction. There appear to be two ways to solve this dilemma: either we prioritise our *moral* obligations and reshape our democracy, or we prioritise our *democratic* obligations and limit ourselves to non-binding, and less effective, policy proposals.

Legitimacy-Effectiveness Dilemma

Premiss 1: Future-focused institutions should be democratically legitimate

Premiss 2: They should be effective in fulfilling our obligations to future generations

Premiss 3: The more effective a future-focused institution aims to be, the more democratically illegitimate it will be (Conclusion of the Inverse Relation Problem)

Conclusion: We need to prioritise either democratic legitimacy or effectiveness

This thesis suggests a third solution; I believe the *Legitimacy-Effectiveness Dilemma* to be a false dilemma and I will oppose *Premiss 3* by arguing that there is *at least one* way to satisfy our obligations to future generations that is both effective and democratically legitimate. §0 will first clarify my conception of democratic legitimacy. §3.2 will then look at the more effective proposals from Chapter 2: On Short-Termism and how to deal with it and explain why I will focus on proposals that aim to *represent* future generations. §3.3 discusses the concern (expressed in §2.3) that such representation would give power to *political outsiders*. §3.4 and §3.5 argue that the two most prominent democratic theories defining the boundaries of a *demos* both require us to include the representation of future generations. Lastly, §3.6 discusses the authorisation and accountability of representatives.

3.1 CONCEPTION OF DEMOCRATIC LEGITIMACY

Premiss 1 requires that a future-focused institution is democratically legitimate, but this is a complex notion and thus it is important to clarify how this thesis will understand democratic legitimacy. This thesis assumes that democratic governments *in general* are legitimate in exercising authority.⁶⁶ It will also assume that it is independent of our conception of democratic decision-making whether we prefer deliberative, aggregative or epistemic models.⁶⁷ Instead, this thesis requires a more specific concept of democratic legitimacy that discusses the relation between democratic procedures and morally just outcomes. Is a democratic procedure the only way to decide what outcome is legitimate or can we independently define just outcomes and change our democracy if it does not create these outcomes?

There are two monistic conceptions of democratic legitimacy that argue that there is *only one* determining factor for democratic legitimacy; instrumentalists⁶⁸ prioritise just outcomes, while proceduralists⁶⁹ prioritise democratic procedures.⁷⁰ I believe that it is problematic to hold such a monistic view; can we not determine whether an outcome is just without a democratic procedure and should we not oppose unjust outcomes, even when they arise from democratic procedures? Therefore this thesis will adopt an approach of “evaluative dualism”⁷¹ that combines both dimensions of democratic legitimacy even though they might sometimes conflict. The core of this argument is that *in general* democratic assemblies create legitimate decisions, but this authority ends when their decisions “publicly violate[s] justice”, e.g. when basic liberal rights are harmed, major parts of society are disenfranchised or discriminated against.⁷² This clarification will not take away all discussion, but I trust this normative conception of legitimacy to be reasonably acceptable.

⁶⁶ This is a different debate that does not fall in the scope of this thesis. Theories that argue where this legitimation comes from are based on concepts of consent, reasonable consensus, associative obligation or instrumentalism; legitimate political authority is then based on concepts of justified coercion, the capacity to impose duties or the right to rule. For more on this, see Christiano, “Authority.”

⁶⁷ To shortly clarify the distinction, in the deliberative model “individual preferences may change”, while the aggregative model expects preferences to be fixed. Peter prefers an epistemic model, in which “democratic processes are valued as knowledge producing processes”. For more on this, see Peter, “Democratic Legitimacy and Proceduralist Social Epistemology.”

⁶⁸ Instrumentalism prioritises the outcomes of democratic decision-making; if they are just, then a policy is legitimate. See Arneson, “Defending the Purely Instrumental Account of Democratic Legitimacy.”

⁶⁹ Proceduralism prioritises the democratic process of reaching a decision; “political legitimacy is achieved through democratic authorization”. See Buchanan, “Political Legitimacy and Democracy,” 719.

⁷⁰ For more on the argument that these are monistic views, see Christiano, “The Authority of Democracy.”

⁷¹ “It is dualistic because it regards democratic institutions as evaluable from two distinct and irreducible points of view that may sometimes conflict.” Christiano, 268.

⁷² Christiano describes the limits of authority as follows: “when a democratic assembly votes to enslave or suspend the core of liberal rights or radically discriminate against a part of the sane adult population, it does not publicly realize justice and so does not have legitimate authority.” Christiano, 285–90.

*Assumption 3: Democratic governments are legitimate in exercising authority and their decisions are legitimate when made democratically, unless these decisions publicly violate justice.*⁷³

3.2 CHOOSING FOR REPRESENTATION

Having clarified my conception of democratic legitimacy, I will now aim to show that there can be *at least one* effective proposal that is democratically legitimate. The second premiss of the *Legitimacy-Effectiveness Dilemma* presumes the effectiveness of future-focused institutions, therefore I will disregard less effective proposals, such as Posterity Impact Statements or Public Discussions. This does not imply that such proposals cannot be useful; on the contrary, these proposals can be beneficial, especially since they do not face any legitimacy concerns, but they are not strong enough to fulfil our moral obligations to future generations. Therefore, this thesis will propose to implement one of the more radical proposals.

Chapter 2 discussed seven possible solutions that have at least a *medium*-level of effectiveness; this thesis only requires *one* such proposal to be democratically legitimate to disprove the *Legitimacy-Effectiveness Dilemma*. I have chosen in this thesis to focus on the concept of instituting representatives for future generations, either by means of External Representation or by Reserving Seats for Special Representatives in parliament. These institutions could not only neutralise the absence of future generations, but also inform politicians to think of better solutions. However, not all such representatives will be effective; they will need a strong mandate with either a veto power to prevent laws that have a strong negative impact on future generations, or a strong position in parliament.⁷⁴ I will assume for now that representatives of future generations *can* be effective (I will come back to that in Chapter 4).

This thesis does not argue that representation is the only suitable option or legitimate solution, but there are political reasons for not choosing the other proposals. Firstly, by Changing the Voting System or imposing Youth Quotas we give more influence to future-friendly individuals. However, it will be very difficult to find an objective criterion to decide who is

⁷³ This is a simplified account of Christiano's concept, especially on the notion of democratic decision-making, which he further specifies as the capacity to "publicly realize justice in itself" based on "reasonable disagreement on the justice of legislation". For an in-depth discussion, see Christiano, 285.

⁷⁴ MacKenzie points out that "unless it is empowered to veto legislative proposals – which would raise questions about its democratic legitimacy – an Ombudsman would not be in a position to directly challenge the power of elected officials or special interest groups with dominant short-term objectives." MacKenzie, "Institutional Design and Sources of Short-Termism," 35.

future-friendly; proxies, like young people, are not necessarily future-friendly⁷⁵, and even if they are, it is still only one aspect on which basis they decide what to vote for. Secondly, I believe that Sub-Majority Rule is problematic as it is likely to be "strategically abused" by opposition groups to delay bills that they do not want to get passed.⁷⁶ Thirdly, Constitutional Clauses can be very effective, but they are very difficult to put in place; they are not always easily enforceable and, also, this solution does not work in every country⁷⁷. Lastly, Intergenerational Trust Funds save money from being squandered, but our obligations to future generations can also require us to spend money now, e.g. on sustainable developments.

Assumption 4: The representation of future generations can be effective

3.3 ABSENCE OF FUTURE GENERATIONS AND THE BOUNDARY PROBLEM

As I have chosen to focus on the representation of future generations, I will now have to argue why the legitimacy concern of 'giving political power to political outsiders' (see 2.3) is unfounded in a more thorough understanding of democratic theory. This leads to the important yet complex question of "how to decide who legitimately make up "the people" and hence are entitled to govern themselves".⁷⁸ This is a problem which has become known as the '*boundary problem*', what are the boundaries of 'the demos'. This section will establish the most prominent theories to answer the boundary problem, before we can apply them to future generations.

Democratic theorists have had difficulty formulating an answer to this problem, as it seems impossible to answer it with democratic theory. Before we can make democratic decisions, we need to have a group that forms this democracy, thus "the decision of how the initial demos is to be constituted cannot be *made in a democratic way*."⁷⁹ Therefore, the principle on which we decide how to form the demos should be made "on the basis of some principles

⁷⁵ There is little academic proof. "People of different generations appear to have similar policy preferences on a range of issues that affect age groups differently, including medical care, education spending, and public pensions". MacKenzie, 29. Also see: Freund and Blanchard-Fields, "Age-Related Differences in Altruism across Adulthood: Making Personal Financial Gain versus Contributing to the Public Good."

⁷⁶ Ekeli's defence is twofold: political minorities need to *prove* that a bill harms future generations and they who abuse this tool might get *electorally punished*. Yet, it is always *open to debate* what the future effects are and the opposition is more likely to be *rewarded* for stopping laws they disagree with. Ekeli, "Constitutional Experiments: Representing Future Generations Through Submajority Rules*," 456.

⁷⁷ Some countries do not have constitutional courts to enforce the constitution.

⁷⁸ Dahl continues that this "is a problem almost totally neglected by all the great political philosophers who wrote about democracy." Dahl, *After the Revolution; Authority in a Good Society*,. as quoted by Goodin, "Enfranchising All Affected Interests, and Its Alternatives," 41; Song, "The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State," 39.

⁷⁹ Goodin, "Enfranchising All Affected Interests, and Its Alternatives," 43.

other than those [democratic ones].”⁸⁰ This could mean “that we do not (indeed, cannot) offend against democratic principles by organizing the demos in any manner that we choose”⁸¹, yet many would feel that certain compositions of the *demos* would at least *feel* very undemocratic.⁸²

Even though it cannot democratically be decided who should be included, it is possible to use democratic *principles* to answer this problem. Firstly, the *All Affected Interests Principle*⁸³ argues that everyone should be included who is *affected* by a certain decision; this is based on the democratic idea that people should have the right to vote as their lives are influenced by their governments. There are two problems with this theory. Firstly, it is often overinclusive and would imply that the whole world should have some degree of participation or influence on certain decisions. Secondly, when every policy requires a different ‘demos’, the decision-making process would be very unpractical and unstable and this could undermine the value of political equality.⁸⁴ A less demanding version of this theory could be that we either aim to not affect people outside the demos or compensate them when they are affected.⁸⁵

Secondly, an alternative is to constitute a demos on the basis of democratic values – I will call this the *Democratic Values Theory*. This theory supports current territorial borders, as they are effective in ensuring political equality.⁸⁶ To achieve political equality, a democracy needs to protect “*equal rights and liberties*”, provide “*equal opportunities for political influence*”, and there should be *solidarity* between citizens.⁸⁷ A smaller and more cohesive society, as is the status quo, ensures that citizens’ rights are better protected, that citizens will trust each other relatively more, and that citizens will have better contacts with their representatives. Therefore the *Democratic Values Theory* argues that we should bind people by *citizenship*, as this makes them best equipped to have a functioning democratic state. Critics of such theories, argue that the

⁸⁰ Goodin, 47.

⁸¹ Goodin, 44. On page 46 he refers to Joseph Schumpeter’s *Capitalism, Socialism and Democracy* (1950) who supports such a view claiming that we must “leave every populus to define [it]self”.

⁸² Goodin points to an example by Dahl where “the members of the Politburo would constitute the Soviet Populous” Goodin, 47.

⁸³ I use the term used in Goodin, “Enfranchising All Affected Interests, and Its Alternatives.”, although he later specifies it to ‘All Possibly Affected Interests’. Song, “The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State.”, distinguishes between this and a more strict principle, the *coercion principle*, in which all people should vote that could be coerced by the state. I believe this principle is not fundamentally different from the all affected interests principle – maybe a bit less overinclusive – and Goodin also points out that it “is invariably open to the same sorts of counterexamples that plague the others” (Goodin, “Enfranchising All Affected Interests, and Its Alternatives,” 49.).

⁸⁴ Song, “The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State.”

⁸⁵ “If people whose interests we affect are kept outside our demos, we are obliged – by principles of democracy, as well as ones of justice and humanity – to settle up.” Goodin, “Enfranchising All Affected Interests, and Its Alternatives,” 68.

⁸⁶ “The fundamental moral presumption of democracy is that no person is intrinsically superior to another” Song, “The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State,” 43.

⁸⁷ Song, 44.

importance of territorial borders is merely “an approximation to constituting it on the basis of what really matters, which is interlinked interests”.⁸⁸

Either of these theories could deal successfully with the boundary problem and I do not intend to argue why one of them works better than the other. Instead, I am interested to see how they deal with a further complication: the *temporal* boundary problem.⁸⁹ Global problems, such as ecological degradation, harm ‘political outsiders’ not only spatially (neighbouring regions that are affected by pollution), but also temporally (future citizens who are deprived of environmental resources). Both groups, foreign nationals and future generations, can be seen as non-citizens and are thus currently excluded from the democratic process. But how would these two theories deal with this temporal boundary problem and the status of future generations?

If we regard the *All Affected Interests Principle*, it is clearly impossible to avoid affecting future generations, but we could still opt for the option of compensation.⁹⁰ But is it possible to compensate future generations and in what way should we then compensate them? The *Democratic Values Theory* focuses on the basic liberties and rights of current individuals, but can our decisions not also harm the liberties of future generations? When the concept of citizenship should define the boundary of a state, should ‘future citizens’ not be included as well? As neither of these theories discusses the inclusion of future generations, I will try to analyse them in order to show that it is our democratic duty to include future generations in our democratic system.

3.4 FUTURE GENERATIONS AND THE ALL AFFECTED INTERESTS PRINCIPLE

Future generations pose a further complication to the *All Affected Interests Principle*, namely that “everyone in all possible future worlds should be entitled to vote on any proposal”.⁹¹ Therefore, it is surprising that influential writers on the boundary problem remain so silent on this topic.⁹²

⁸⁸ Goodin, “Enfranchising All Affected Interests, and Its Alternatives,” 49.

⁸⁹ “The spatial boundary problem arises because the decisions taken within one democratic nation-state can affect the basic interests of non-citizens living outside it. The temporal boundary problem arises because the decisions taken by current democratic citizens can affect the basic interests of people who are not currently full citizens but will be in the future.” Zakaras, “Democracy, Children, and the Environment: A Case for Commons Trusts.”

⁹⁰ Goodin argues for compensation: “that we would have to pay them off for any harms we inflict upon them and accede to their demands for fair recompense for any benefits we derive from the wrongfully disenfranchised.” Zakaras mimics this approach. “If it is not feasible to enfranchise everyone who stands to be affected, then democracy requires that other means be found to approximate electoral accountability across (temporal or spatial) boundaries.” Goodin, “Enfranchising All Affected Interests, and Its Alternatives,” 68; Zakaras, “Democracy, Children, and the Environment: A Case for Commons Trusts,” 146.

⁹¹ Goodin, “Enfranchising All Affected Interests, and Its Alternatives,” 55.

⁹² For example, Goodin only refers to it without really addressing it, Song does not mention it at all and neither does Arrhenius, another influential article on the boundary problem. Goodin, “Enfranchising All

Torbjörn Tännsjö (2007) is one of the few to discuss this more in depth, but he argues that the *All Affected Interests Principle* should not include the interests of future generations. His argument proceeds as follows:

“(1) Everyone who is affected by a decision should take part in it (the all affected principle)

(2) By our ordinary political decisions we affect future people

(3) There is no way that we may include future people in our decision-making processes

(4) Hence, the all affected principle must be wrong (or at least utopian)”⁹³

Tännsjö defends the all affected principle by attacking the second premiss: we do not actually affect future people, as they do not exist yet, i.e. the *Non-Identity Problem*. In Chapter 1 I assumed that there is a solution to this problem (*assumption 1a*) and that we thus have obligations to future people (*assumption 1*).⁹⁴ But does that mean that if we agree with the second premiss, i.e. that we affect future people, that we must reject the *All Affected Interests Principle*? I will argue that we should reject the third premiss instead: we can include future people in our decision-making process. Therefore, if we agree with the *All Affected Interests Principle* and we assume that we can affect future people, then we are obliged to include them in our decision-making.

So what is the reason that Tännsjö includes and accepts the third premiss? He argues that “on a narrow and standard interpretation of political ‘representation’, this is a non-starter” (...) “since in no way can the representatives of the future generations be held responsible by their constituency.” I will assume for now that we can politically represent future generations and I will elaborate on this in §3.6. Yet, if we can uphold the *All Affected Interests Principle* by representing future generations; the question remains *how* we should do that. Therefore, I will first discuss what will be the practical consequences of incorporating future generations.

Assumption 5: We can politically represent future generations

Affected Interests, and Its Alternatives”; Song, “The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State”; Arrhenius, “The Boundary Problem in Democratic Theory.”

⁹³ Tännsjö, “Future People, the All Affected Principle, and the Limits of the Aggregation: Model of Democracy,” 5.

⁹⁴ Even Tännsjö admits that the “fact that, in a straightforward sense of the word, we do not “affect” future people, does not mean that, in our actual democratic decision-making, we should not care about the future.” Tännsjö, 12.

A full realisation of the *All Affected Interests Principle* leads to “wildly impractical” outcomes and therefore practical implementations of this principle are often defined as “what arrangements might best approximate that ideal in some practice that is feasible.”⁹⁵ Most common solutions, however, would not work in the case of future generations; it is not really an option to simply ‘stop affecting’ future generations, to form a bigger (world) government that would include them or to pay them compensations, as they are not heard to make themselves heard or receive compensations⁹⁶. Therefore, if all these approximations do not work, I believe we are obliged to grant them representation in order to make sure that their interests are considered.

How would this work? Does every future individual get a vote?⁹⁷ Tännsjö argues that this would lead to ‘strange results’, as different future worlds require different representatives (the *Non-Identity Problem*) and that a group of future people that will lead lives barely worth living could outvote a smaller group of happy future people (the *Repugnant Conclusion*).⁹⁸ However, alternative notions of intergenerational justice would not require representatives to represent every single future individual, e.g. the *Wide Dual Person-Affecting Principle* (see §1.1) could require representatives to work in the interest of a future world that would have both high collective and individual levels of well-being. This would imply that representatives do not get one vote for every future individual they represent, but rather that they can interfere when the well-being of future generations is at stake, e.g. by having the power to veto laws that have a strong negative effect on future generations. If we support the *All Affected Interests Principle*, I believe this is the only way in which we can ‘settle up’ to future generations.

3.5 FUTURE GENERATIONS AND THE DEMOCRATIC VALUES THEORY

However, if we support the *Democratic Values Theory*, that current territorial boundaries are the best way to uphold the democratic values of equality and solidarity, the previous analysis would

⁹⁵ Goodin, “Enfranchising All Affected Interests, and Its Alternatives,” 64.

⁹⁶ We could compensate future generations via intergenerational trust funds. Brown Weiss explains this as that “each generation pay for maintaining the planet and compensate future generations for the costs that it imposes on them by its use of the natural resources of the planet.” But I would question whether financial compensation could ever repay the destruction of environmental capital. Besides, it is very complicated to measure how much generations should pay and, as Brown Weiss points out, the “discount rate that economists use to consider future costs and benefits is likely in practice to favor the present generation over future ones.” That is why I will discard this alternative solution for now. Brown Weiss, “In Fairness to Future Generations,” 30.

⁹⁷ To make it even more complicated, we could even discuss whether we should also adapt our system to represent past people (see Bergström, “Democracy and Future Generations.”) or even the environment (e.g. Goodin, “Enfranchising the Earth, and Its Alternatives.”) as mentioned by Goodin, “Enfranchising All Affected Interests, and Its Alternatives,” 55, but that falls outside the scope of this thesis.

⁹⁸ Tännsjö, “Future People, the All Affected Principle, and the Limits of the Aggregation: Model of Democracy,” 10.

obviously not suffice.⁹⁹ The basis of this theory is that current states are best suited to protect *basic rights and liberties* of citizens, such as “the right to vote and freedom of association, religious liberty and freedom of nonpolitical speech”.¹⁰⁰ As this theory is unclear about the status of future generations, I have to establish whether they can also claim to have these basic rights. It might be argued that basic rights are contingent on existence and that future generations therefore do not have these rights, but I believe that it is reasonable to assume that this theory would *at least* require us to ensure that future generations have these basic rights and liberties *when they exist*. But what does it entail to protect the democratic rights of future generations?

In a narrow understanding of these basic rights and liberties, we could limit this to “the obligations we may have in securing political freedom for the unborn”.¹⁰¹ However, I believe basic liberties to be broader than just the ability to vote: they are the freedom for a people to decide their own future. The colossal threats posed by climate change are threatening this future¹⁰² and many decisions are irreversible.¹⁰³ But even if environmental degradation places a heavy burden of the future of our planet, does this mean it threatens the basic rights of future individuals? It would be clear if it would cause the extinction of humankind, but is seriously harming the planet enough to threaten basic rights? I believe that a fictional country, which has a well-functioning democracy, but almost no economy, no resources and a depleted environment, cannot protect basic rights. Citizens would have the right to vote and could speak out freely, but nothing would happen in their interest as the government would have no means to ensure any of these interests. Surely, if we apply democratic values, we are obliged to avoid this situation?

One could object that this reading of the *Democratic Values Theory* is too broad and that this theory should not apply to the basic rights of future people as it focuses on rights within a democratic state and does not include ‘political outsiders’. Yet, Sarah Song, who supports the *Democratic Values Theory*, acknowledges that a narrow understanding of this theory “falls short of giving voice to those outsiders”.¹⁰⁴ Therefore she suggests that we should “give some representation to outsiders affected or coerced by a state’s policies but without extending *equal* rights of participation called for by the affected interests or coercion principles”¹⁰⁵, e.g. theories

⁹⁹ Although Song does not necessarily reject the *All Affected Interests Principle*, but rather some of its implications. She argues that the principle could be *supplementary* to her theory. Song, “The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State,” 62–63.

¹⁰⁰ Song, 45.

¹⁰¹ Beckman, “Do Global Climate Change and the Interest of Future Generations Have Implications for Democracy?,” 610.

¹⁰² Even Beckman, who argued that we should not think too lightly about adapting democratic institutions, concludes that “[r]adical measures addressing global climate change are needed”, Beckman, 622.

¹⁰³ “Critical resources may have been depleted, and environmental treasures spoiled” Thompson, “Representing Future Generations: Political Presentism and Democratic Trusteeship,” 18.

¹⁰⁴ Song, “The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State,” 63.

¹⁰⁵ Song, 64.

of ‘reciprocal representation’¹⁰⁶ or ‘external representation’¹⁰⁷. The first proposal does not work for future generations as there cannot be reciprocity, but the idea of *external representation* could work and Song argues that this is coherent with the *Democratic Values Theory*.

This could then also help us define *how* these future generations could be included in the *Democratic Values Theory*. Political equality requires that basic rights and liberties are ensured “by providing equal opportunities for political influence”.¹⁰⁸ The presence of future generations is not a theoretical necessity for political influence; they can still influence political decision-making via a representative. The idea of *external representation* is that when our decisions are coercive to outsiders, these outsiders should be included in the decision-making without including them in the *demos*.¹⁰⁹ Future generations fulfil these criteria, as their representation does not alter the character of the *demos* or affect impersonal trust, and representation could be successful in dealing with the external effects by creating a system “that can apply sanctions to a democratic body whose decisions have an unjustified negative impact on outsiders”.¹¹⁰ It is thus coherent with the *Democratic Values Theory* to create a strong position for this representative.

3.6 REPRESENTING FUTURE GENERATIONS

Hitherto, §3.4 and §3.5 argued that if we analyse the *All Affected Interests Principle* and the *Democratic Values Theory*, we find that they both require us to represent future generations and to give these representatives the power to block decision that have a serious negative impact. However, both arguments are based on the assumption that we *can* politically represent future generation (*Assumption 5*). But how can we represent them and who should be their representative? To answer this question, I will first look at the role representation plays within politics. Then, I will sketch some complications that arise when representing future generations. Finally, I will describe some ways in which we can overcome these problems.

¹⁰⁶ The theory of reciprocal representation holds that “two states accord each other a number of seats in their respective national legislatures with the right to speak and possibly also the right to vote on certain issues.” Schmitter, “Exploring the Problematic Triumph of Liberal Democracy and Concluding with a Modest Proposal for Improving Its International Impact.” as quoted by Song, “The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State,” 64.

¹⁰⁷ The theory of external representation holds that “the representatives of state X are given a voice but not a vote in the legislature of state Y whose decisions coerce or affect the citizens of state X.” Miller, “Democracy’s Domain.” as quoted by Song, “The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State,” 64.

¹⁰⁸ Song, “The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State,” 44.

¹⁰⁹ Miller balances the “need to have a *demos* that functions well internally” and “the need to include within the *demos* those whose lives will be systematically impacted by its decisions” Miller, “Democracy’s Domain,” 226.

¹¹⁰ Miller, 227.

Representation is an important yet complex concept within democratic theory and there appears to be no consensus on what the ideal role of representatives should be. Historically, philosophers distinguished between representatives as *delegates* who simply follow the expressed preferences of their electorate and representatives as *trustees* who get the trust and support of the electorate to make their own judgments.¹¹¹ A formalistic view of representation¹¹² focuses on authorisation and accountability, but future generations lack both options. Therefore, it is necessary to adopt a different concept of representation.

I will instead adopt the more contemporary concept of representation as *advocacy*, which combines the “link to the electors’ cause and the representative’s relative autonomy of judgment”.¹¹³ This would imply in this situation that representatives should have a clear focus on the interests of future generations and that representatives do not require explicit consent from future generations to act in their interest.¹¹⁴ Thereby, authorisation and accountability are no longer required. Representatives for future generations can advocate the interests of a group that have not elected them, like some politicians already work for children’s rights or a sustainable future. And although future generations cannot hold these representatives accountable, contemporary politicians, lobby groups, or voters, could take up this task.

However, the representation of future generations faces three further challenges. Firstly, there is an epistemic problem: we lack specific knowledge about future generations, which makes it difficult to decide with policies to propose and also to check whether a representative is doing the right thing. Therefore, it is beneficial to include expert opinions as well as to make citizens more knowledgeable about the consequences of our actions.¹¹⁵ But even if we do not know their precise preferences, we could still adopt the principle that representatives should treat future generations with *equal respect* as we have for current generations.¹¹⁶ Such a principle provides at least some guidance in evaluating the impacts of political decisions.

¹¹¹ The delegate-view was famously argued for in Hamilton et al., *The Federalist Papers: Alexander Hamilton, James Madison, John Jay*, while the trustee-view is often referred to Burke, *Reflections on the Revolution in France*. For more on this distinction, see Pitkin, *The Concept of Representation*.

¹¹² Hanna Pitkin distinguishes between four views of representation based on institutional arrangements (formal), the symbolic power (symbolic), the resemblance between representatives and their constituents (descriptive) and whether representatives serve the best interest of their constituents (substantive). Pitkin, *The Concept of Representation* as quoted and analysed by Dovi, “Political Representation.”

¹¹³ Urbinati, “Representation as Advocacy: A Study of Democratic Deliberation,” 773.

¹¹⁴ González-Ricoy and Gosseries also opt for this option in regard to future people: “[t]he relationship between non-overlapping generations may thus be better understood in terms of ‘guardianship’ or ‘advocacy’ rather than of ‘representation’, at least in its strict, formalistic sense.” González-Ricoy and Gosseries, “Designing Institutions for Future Generations: An Introduction,” 19.

¹¹⁵ If we “stimulate deliberation among the wider public”, the support might also increase. Karnein, “Can We Represent Future Generations?,” 94–95.

¹¹⁶ Anja Karnein argues that we should adopt the principle that future generations should be treated with *equal respect* to how we treat ourselves: “that we would have to justify our decisions to future generations as if they were present today.” Karnein, 93. This resembles Beckman’s contractualist approach that we

Secondly, future generations are likely to have diverse interests, just like present generations, so how can one representative rightfully represent this plurality of preferences? To deal with this problems, I support the idea of a broad deliberation process with multiple representatives of future generations, “in order to include various possible viewpoints.”¹¹⁷ Thirdly, there is the danger that a representative for future generations is insincere and uses his position to advance a political or self-interested motive. I believe that a precise, externally defined mandate¹¹⁸, can help to ensure that representatives cannot corrupt the business and that we can hold them accountable when they would act insincerely.

3.7 CONCLUSION

This chapter pursued to solve the *Legitimacy-Effectiveness Dilemma* by showing that a future-focused institution can be both democratically legitimate and effective in fulfilling its moral obligations. This chapter selected the proposal of *representing future generations* and argued why it fits in my conception of democratic legitimacy. I showed that the two most influential theories to discuss who should be included in democratic decision-making, the *All Affected Interests Principle* and the *Democratic Values Theory*, both require the inclusion of future generations in our democracies by means of representation. §3.6 argued why we can represent future generations if we view representation as *advocacy*. As Chapter 4 will discuss how we ensure that this solution is effective, this chapter provided us with several *desiderata*¹¹⁹ that help to guide how we should institute this proposal:

- I. *Political power*: to veto laws that have a significant negative impact on future generations
- II. *Future-focused*: to ensure its link with the interests of future generations
- III. *Autonomy*: to make free judgments about the interests of future generations
- IV. *Principle of ‘equal respect’*: to provide guidance in deciding what should be done
- V. *Broad decision-making process*: to include several opinions
- VI. *Precise, externally-defined mandate*: to prevent insincerity

should justify our decisions about future generations in a way that if we would hypothetically explain ourselves, they “could not reasonably reject.” Beckman, “Do Global Climate Change and the Interest of Future Generations Have Implications for Democracy?” 619.

¹¹⁷ Karnein, “Can We Represent Future Generations?,” 94.

¹¹⁸ See González-Ricoy and Gosseries, “Designing Institutions for Future Generations: An Introduction,” sec. 4. for a further explanation of the ‘four dimensions of a mandate’: procedural or substantive, broad or narrow, vague or precise, and externally defined or self-defined.

¹¹⁹ Something that is considered *desirable* in making future-focused institutions more effective, but it is not a theoretical necessity.

Chapter 3 argued that it is democratically legitimate to institute representatives for future generations that have the political power to veto laws that have a significant negative impact on future generations, but how should we structure these institutions to ensure their effectiveness. This chapter aims to apply the desiderata from §3.7 to identify how an effective representative needs to be structured. Therefore, §4.1 will analyse theoretical proposals and will conclude that *strong external representation* is most suitable. §4.2 will study examples from Israel, Hungary and Wales, where they have introduced similar representatives, to discuss their successes and downfalls. Finally, §4.3 will show that it is feasible to institute such representatives.

4.1 THEORETICAL PROPOSALS

There have been many proposals on how to represent future generations and in order to compare them, I will first categorise them in two categories of proposals: *external* and *internal representation*. External representation proposes an institution outside of the political sphere but with political influence, such as an Ombudsman or a Commissioner. They differ in respect to *desideratum I*; some have just an informative role (weak) others can veto laws (strong). Internal representation aims to represent future generations in our legislative assemblies, either by electing special representatives for the future or by creating political committees, in which current politicians take place, that discuss the effects laws have on the future (see *Figure 1*).

I believe that the best way to institute effective representatives and to follow the different desiderata, is by *strong external representation*. This form of representation deals with almost all sources of short-termism and combines an autonomous future-focused approach (*desiderata II. and III.*) with the power to veto harmful legislation (*desideratum I.*);¹²⁰ yet, surprisingly, this approach is very uncommon in the literature. There are some proposals that give more powers to representatives; Edith Brown Weiss (1990) argues that representatives should “intervene in administrative and judicial proceedings”;¹²¹ and a proposal by the International NGO *World Future Council* defines the responsibilities of representatives not just as Ombudsman for citizens, but also as an advisory and auditing body for governments and parliaments.¹²² There seem to be no academic proposals for an institution that can *veto* laws.

¹²⁰ Strong external representation is primarily focused on “preventing future harm”, in contrast to institutions that “promote future benefits, or address both types of challenges”; it is “a primarily protective institution”. MacKenzie, “Institutional Design and Sources of Short-Termism,” 38.

¹²¹ Brown Weiss, “In Fairness to Future Generations,” 11.

¹²² Göpel and Pearce, “Guarding Our Future,” 3.

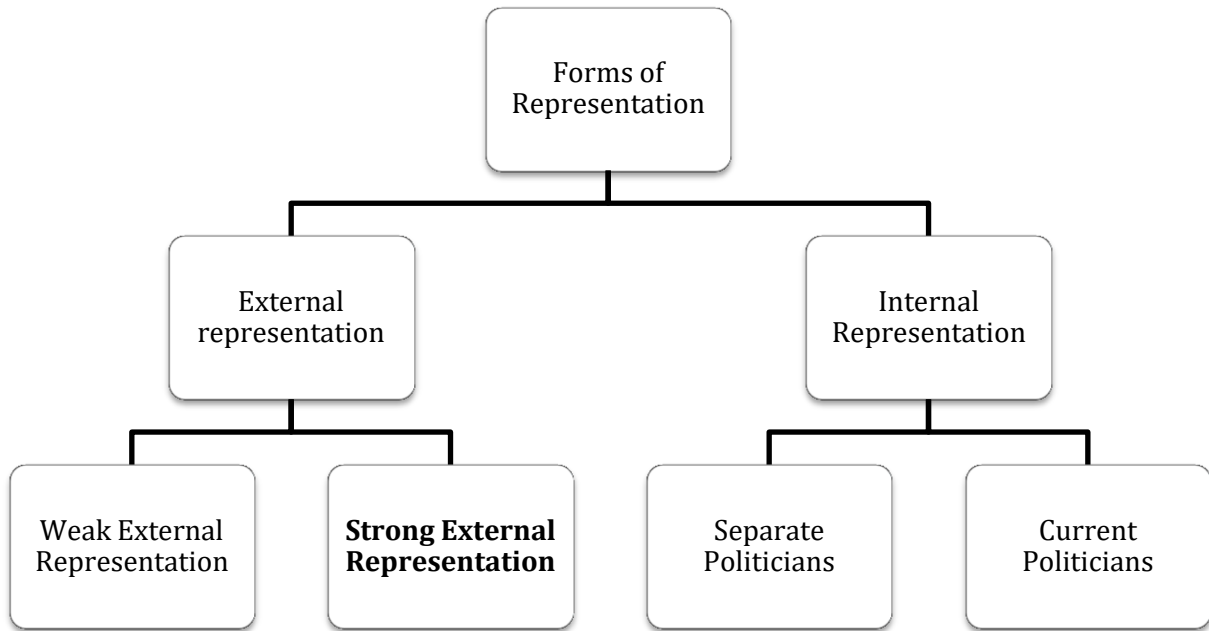


FIGURE 1 - CATEGORISING FORMS OF REPRESENTATION

The alternative of *weak external representation* lacks *desideratum I*. and although it might still have some effect, it does little to tackle the different sources of short-termism. There are two reasons why some prefer this type of proposal: legitimacy and feasibility. Firstly, some are afraid that a strong alternative is illegitimate and given the “uncertain democratic status of institutions promoting the interests of future generations” it is safer to propose an ombudsman, which “does not possess formal power”.¹²³ Secondly, some fear that it is politically infeasible to institute *strong external representation* as this would limit the power of current politicians. §3.4 and §3.5 argue that if we analyse democratic theory, it is *necessary* that future generations have the possibility to stop significant future harm; §4.3 will argue why a strong option is not infeasible.

A third category is *internal representation* in which current politicians have to discuss the impact their decisions will have on the future. Although politicians have some political power (*desideratum I*), they are not necessarily future-focused and face all the existing mechanisms that cause short-termism amongst politicians, like re-election and the need for quick wins. The Finnish Committee for the Future, in which 17 members of the Finnish Parliament take place, is such an institution.¹²⁴ Simon Caney argues for a similar *Parliamentary Committee for the Future*, which has a broader responsibility, in that it should evaluate all policies and should be empowered to hold government ministers accountable if they harm future generations.¹²⁵

¹²³ Beckman and Ugglå, “An Ombudsman for Future Generations: Legitimate and Effective?,” 124.

¹²⁴ Its “mission is to generate dialogue with the government on major future problems and opportunities” “Committee for the Future.”

¹²⁵ Caney, “Political Institutions for the Future: A Five-Fold Package.”

Reserving seats in legislative assemblies for politicians that *only* represent future interests is more promising as it is more *future-focused* (*desideratum II.*) and has more political power (*desideratum I.*), as a ‘qualified majority’¹²⁶ could delay laws that would inflict serious harm on future generations. This proposal has never been experimented with and the theoretical proposals differ in whether the politicians should be elected by “the environmental sustainability lobby”¹²⁷ or that every individual should get two votes, one for the normal politicians and one for the representatives for future generations.¹²⁸ However, it faces many practical objections. Even if we can avoid that misuse these positions “for strategic and egoistic reasons”¹²⁹, how do we check these representatives and how do we avoid that their ‘electability’ influences them.¹³⁰ Thus, I hold *strong external representation* to be the most effective solution.

4.2 CASE STUDIES

In §4.1 we established that the concept of *strong external representation* is the most effective type of representation. To further analyse this concept, I will look at institutions that have tried to represent future generations. “Canada, Finland, Hungary, Israel, New Zealand, and Wales either have or have had an office that serves to protect the needs of future generations”¹³¹; yet, only three examples resemble *strong external representation*: Israel, Hungary and Wales.¹³² I will shortly discuss these three case studies and show what we can learn from the challenges they faced? So far, there has been no case of a representative institution that could veto laws.

The oldest of these institutions is the Israeli *Commission for Future Generations* (2001-2006). The two most important tools that gave the Commissioner political power were that he could always demand information and that he could delay a bill for a ‘reasonable time’ to first ‘prepare an opinionated position’.¹³³ It had some success, but was already disbanded after its first term after right-wing politicians argued that the Commission “had not justified itself” and that it was too costly;¹³⁴ there are three main reasons for this. Firstly, it lacked political support as it started as the ‘personal revelation’ of one influential politician, Yosef ‘Tommy’ Lapid, who

¹²⁶ This could be “for instance $\frac{2}{3}$ or $\frac{3}{4}$ ” of all the representatives of future generations. Ekeli, “Giving a Voice to Posterity – Deliberative Democracy and Representation of Future People,” 434.

¹²⁷ Dobson, “Representative Democracy and the Environment,” 132–33. as quoted by Ekeli, “Giving a Voice to Posterity – Deliberative Democracy and Representation of Future People,” 435.

¹²⁸ Ekeli, “Giving a Voice to Posterity – Deliberative Democracy and Representation of Future People.”

¹²⁹ Ekeli wants to solve this by instituting legal norms that can restrict the establishment of such parties and by ensuring that ordinary political parties are not allowed to run in both elections. Ekeli, 437–39.

¹³⁰ Ekeli acknowledges both these problems, but does not provide any solutions. Ekeli, 439–41.

¹³¹ Secretary-General of the United Nations, “Intergenerational Solidarity and the Needs of Future Generations,” 27.

¹³² Jones, O’Brien, and Ryan, “Representation of Future Generations in United Kingdom Policy-Making,” 3.

¹³³ Shoham and Lamay, “Commission for Future Generations in the Knesset: Lessons Learnt,” 247.

¹³⁴ Alon, “Bill Would Abolish Future Generations Commissioner.”

had left the Knesset when the future of the Commission was discussed.¹³⁵ Secondly, many politicians believed that “the Commission received too much authority to interfere in their work”¹³⁶, especially because the Commission’s positions and proposals were often “contrary to the preferences and interests of certain parties”¹³⁷. Lastly, they lacked a clear mandate, which made them struggle with questions of how to define future generations¹³⁸ and their interests¹³⁹?

In Hungary, the *Parliamentary Commissioner for Future Generations* had more public support, as it was initiated in 2000 by a NGO, but it took a few years, before it got political support.¹⁴⁰ It got political power from the constitutional “right to a healthy environment”¹⁴¹, which gave it the right to “preserve the quality of the natural environment for future generations” and “to provide institutionalized protection for the living conditions of future generations”.¹⁴² The Commissioner could suspend the execution of administrative decisions if that would result in irreversible damage to the environment, bring organisations to court that harm the environment and participate in all “administrative and judicial review procedures” to appeal decisions that threaten the environment.¹⁴³ This institution was very successful, but was strongly weakened after the right-wing party of Viktor Orbán won the elections.¹⁴⁴

A third, and more recent, example is the Welsh *Future Generations Commissioner* (2016)¹⁴⁵, which was a part of the much broader *Well-being of Future Generations (Wales) Act*.¹⁴⁶

¹³⁵ Shoham and Lamay, “Commission for Future Generations in the Knesset: Lessons Learnt,” 244.

¹³⁶ Teschner, “Official Bodies That Deal With the Needs of Future Generations and Sustainable Development: Comparative Review,” 3.

¹³⁷ Berman and Boston, *Governing for the Future: Designing Democratic Institutions for a Better Tomorrow Public Policy and Governance*, 330.

¹³⁸ They for example decided to include children’s interests. Shoham and Lamay, “Commission for Future Generations in the Knesset: Lessons Learnt,” 251–52.

¹³⁹ They decided to use the concept of ‘sustainable development’ to describe the interests of future generations: “Development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. Shoham and Lamay, 253–57.

¹⁴⁰ In 2006, Benedek Jávör, currently a Hungarian member of European Parliament, wrote an article to discuss the details of this law proposal, yet he then observed that “there is hardly any chance of its realisation in the short run”. Yet, it got suddenly accepted only a year later. Jávör, “Institutional Protection of Succeeding Generations - Ombudsman for Future Generations in Hungary,” 282.

¹⁴¹ Fülöp, “Comprehensive Summary of the Report of the Parliamentary Commissioner for Future Generations of Hungary 2008-2009,” 9–10.

¹⁴² Ambrusné, “The Parliamentary Commissioner for Future Generations of Hungary and His Impact,” 19.

¹⁴³ Ambrusné, 21.

¹⁴⁴ It became a deputy function behind the new *Commissioner for Fundamental Rights*, but as Sándor Fülöp argued, this “would create an absolutely insignificant deputy institution” that had no legal tools, was not independent and could not protect future generations. JNO, “The Opinion of the Hungarian Parliamentary Commissioner for Future Generations about the Draft Act on the Commissioner for Fundamental Rights.”

¹⁴⁵ Although this is a recent institution, it has a long history. The British Labour government (1997-2010) established a *Sustainable Development Commission* (SDC), which reported to ministers instead of parliament (for more on this, see Berman and Boston, *Governing for the Future: Designing Democratic Institutions for a Better Tomorrow Public Policy and Governance*, 331–37). When the SDC was stopped, Wales decided to install a *Commissioner for Sustainable Development*, Peter Davies. He then lobbied for a new law that was accepted in 2015 and in which this new institution was created.

This Commissioner could be “highly influential in ensuring [the] observance [of legal duties] and holding public bodies to account”¹⁴⁷, especially as it is embedded robustly in Welsh legislation. Since this law has been passed only recently, it is difficult to analyse it properly, but we can already see some concerns. Firstly, the Welsh government has only “restricted powers and responsibilities”¹⁴⁸, as the most important decisions are made on a UK-level.¹⁴⁹ Secondly, we already see public opposition as the Welsh businesses criticised the institution recently for opposing a planned relief road.¹⁵⁰ Lastly, there are worries that election cycles could constrain long-term thinking and that the budget is low, which might lower the effectiveness.¹⁵¹

4.3 POLITICAL FEASIBILITY AND THE BOOTSTRAP OBJECTION

As all these case studies show, the major obstacles to a strong external representative are the creation of public and political support; furthermore, they faced problems due to a limited budget (*desideratum III.*) and an unclear mandate (*desideratum VI.*). As I mentioned in §4.1, this lack of political support, was the reason why some opted for weaker forms of representation. The idea is that the more political power (*desideratum I.*) an institution has, the more politically infeasible it will become. The *Bootstrap Objection* holds that if we assume that our current democracies are short-termist, it is impossible for the same democracies to adopt future-focused proposals? The idea that “existing democracies could be both the cause of, and solution, to the very same problem” is “like thinking that one can pull oneself up by one’s own *bootstraps*”.¹⁵²

However, I do not agree that this is a logical inconsistency, as I believe that the cause and the solution are actually not the same. Short-termism in politics does not mean that democracies block all future-focused policies or that they cannot support future-focused institutions; it only implies that there are institutional mechanisms that make them focus on the short-term. Therefore, it is possible for a democracy to be short-termist, but to support future-focused

¹⁴⁶ It also included the incorporation of sustainable development in legislation, seven statutory ‘well-being goals’, several obligations for public bodies and ministers, and the establishment of public service boards in each Welsh local area to prepare ‘local well-being plans’. Berman and Boston, 280.

¹⁴⁷ Davies, “The Well-Being of Future Generations (Wales) Act 2015—A Step Change in the Legal Protection of the Interests of Future Generations?,” 175.

¹⁴⁸ Berman and Boston, *Governing for the Future: Designing Democratic Institutions for a Better Tomorrow Public Policy and Governance*, 281.

¹⁴⁹ It is not entirely surprising that such an institution was founded in Wales and not England, as Welsh politics has “a more prominent strand of environmental and social awareness” and their environmental political agenda is focused more on long-term issues, like “waste reduction and renewable energy”. Jones, O’Brien, and Ryan, “Representation of Future Generations in United Kingdom Policy-Making,” 6.

¹⁵⁰ Meechan, “CBI Wales Criticises ‘Negative’ Future Generations Commission.”

¹⁵¹ Davies, “The Well-Being of Future Generations (Wales) Act 2015—A Step Change in the Legal Protection of the Interests of Future Generations?,” 175.

¹⁵² Kates, “Justice, Democracy, and Future Generations,” 514.

institutions; one who always immediately finishes a bag of toffees, can, knowing they are not good for him, disallow himself to buy this bag. Tackling short-termism is thus not the same as ‘pulling oneself up by one’s own bootstraps’, but rather a self-binding mechanism as we *know* that our common tendencies are not in the interest of future generations. Altogether, I might still be difficult to reform our democratic system, but it is not structurally impossible.

Having established that *strong external representation* is not structurally infeasible, I need to define what it means for a proposal to be feasible. I will adopt the conception of feasibility as proposed by Pablo Gilabert and Holly Lawford-Smith; it is “a fine line between possibility (...) and likelihood”¹⁵³ and “we should be weary of both naive idealism and conservative realism”¹⁵⁴. They argue that philosophers should avoid utopian proposals, but it is just as problematic to “confuse feasibility with unconditional likelihood”¹⁵⁵ as this would hinder any political progress. Thus, for a solution to be feasible, does not imply that it *will* be adopted, but only that its chance of success is high enough to pursue it.

There are at least three possibilities to deal with question of feasibility: ignore, concede or integrate. Firstly, we could simply ignore the issue of political feasibility and claim that it is theoretically right, but this thesis aims to solve a practical problem and thus I believe that an account of feasibility is necessary. Secondly, based on the case studies in §4.2, we could conclude that major reforms will always face strong opposition and might never be feasible and thus opt for weaker proposals, as “a small step forward is better than no step at all”.¹⁵⁶ But this is like “surrendering in the face of a morally rotten status quo”¹⁵⁷; if we really care about our moral obligations, we need to integrate *strong external representation* with an account of feasibility.

But what do I need to prove, to show that there is an *accessible* strategy to get political support for a *strong external representative*.¹⁵⁸ As we established above, there are no logical

¹⁵³ She further explains: “The feasible does not extend to everything and anything that could possibly be done, because that would leave in too many unrealistic recommendations. But neither does it extend only to what probably will be done, because that would leave out too many aspirational recommendations.” Lawford-Smith, “Understanding Political Feasibility,” 256.

¹⁵⁴ He continues: “The first [naive idealism] surfaces when we pursue outcomes that are desirable but whose feasibility is extremely low, and the latter [conservative realism] surfaces when we surrender to a morally rotten status quo, taking as fixed what we could change through lucid action.” Gilabert, “Justice and Feasibility: A Dynamic Approach,” 6.

¹⁵⁵ Gilabert and Lawford-Smith, “Political Feasibility. A Conceptual Exploration,” 817.

¹⁵⁶ Jones *et al.* describe the dilemma that “futures institutions with more power than politically acceptable have been quickly abolished, while those which are politically tolerable are not powerful enough to make the kinds of truly transformational changes required to protect future generations.” Jones, O’Brien, and Ryan, “Representation of Future Generations in United Kingdom Policy-Making,” 8.

¹⁵⁷ Gilabert, “Justice and Feasibility: A Dynamic Approach,” 1.

¹⁵⁸ Gilabert and Lawford-Smith categorise the question of political feasibility in three different stages. Firstly, we have the formulation and defence of the core principles, that could only be infeasible by means of hard constraints, i.e. that it is logically impossible. Secondly, we have the implementation of the principle, in which we look at soft constraints, like “economic, institutional, and cultural” reasons to

impossibilities (hard constraints) to make it infeasible, but there are institutional reasons (soft constraints) that will make it less feasible. In order to weigh this feasibility, we need to compare accessibility considerations with “the moral significance of the desired end and means of achieving it”; when a proposal is very desirable, we accept lower levels of feasibility to still make it worth pursuing. Since I have already advocated the desirability of my proposal, the burden I have here, is to show that the feasibility of this proposal is high enough to be fighting for.¹⁵⁹

I cannot prove the ‘unconditional likelihood’ of *strong external representation*, but I will give four reasons why I believe it is reasonably feasible. Firstly, §4.2 discussed the creation of similar institutions and thus it is likely that other countries could do the same.¹⁶⁰ Secondly, the environmental problems are worsening and thus we are coming closer to a *situation of crisis*; in those situations people are more open to “envisaging deeper political projects” and “to revise their normative commitments”.¹⁶¹ Thirdly, “we should focus not only on what is immediately feasible, but also on the long-term and on our role in shaping it”¹⁶². If we continue fighting for a cause, it might get political support and this is easier achieved if it remains on the table. Fourthly, we could influence “the beliefs and attitudes people *happen to have*”¹⁶³ in order to improve the public support for a proposal.¹⁶⁴ This could be done by advocating its desirability amongst the public or by showing that it is democratically legitimate – as this thesis aims to do. Creating support for the desirability of the proposal, could also give positive ‘feedback effects’.¹⁶⁵

Historically, we have seen major paradigm shifts that many would have hold to be infeasible for a long time, such as the abolition of slavery or equal rights for women. Therefore, we should never *assume* proposals to be infeasible, but neither should we ever *assume* proposals to be easily adoptable. I felt obligated to defend the feasibility of my proposal of *strong external representation*, but that does not oblige me to show its unconditional likelihood, rather the chance of success in relation to its desirability. This section provided four reasons why there is a reasonable chance of success for this proposal to be adopted; in relation with the desirability of such an institution, I believe that it is definitely worth pursuing and this makes it ‘feasible’.

determine how feasible (stable) certain proposals are. The third stage, where we look at, focuses on how accessible it is to get political support. Lawford-Smith, “Understanding Political Feasibility,” 252–58.

¹⁵⁹ “Sometimes it will be worth pursuing an outcome with low scalar feasibility, because having brought it about would be really good”. Lawford-Smith, 254.

¹⁶⁰ One could object that these case studies had a lower level of political power, which made them easier to adopt, but I would argue that this is only a small difference – they were quite powerful already.

¹⁶¹ Gilabert, “Justice and Feasibility: A Dynamic Approach,” 38.

¹⁶² Gilabert calls this *dynamic duties*. Gilabert, 32–33.

¹⁶³ Gilabert and Lawford-Smith, “Political Feasibility. A Conceptual Exploration,” 817.

¹⁶⁴ Jones *et al.* see this *perceived legitimacy* as a ‘key factor’ in the success of an institution. Jones, O’Brien, and Ryan, “Representation of Future Generations in United Kingdom Policy-Making,” 6.

¹⁶⁵ Gilabert and Lawford-Smith explain that “if we think that a proposal is extremely desirable, it may end up being more feasible just because we will pursue it much more vigorously than other alternatives.” Gilabert and Lawford-Smith, “Political Feasibility. A Conceptual Exploration,” 816.

4.4 CONCLUSION

To disprove the *Legitimacy-Effectiveness Dilemma* from Chapter 3, this thesis aimed to provide an proposal of a future-focused institution that was both democratically legitimate as effective. Chapter 3 argued why the representation of future generations can be democratically legitimate. This chapter added that the concept of *strong external representation* is also effective in fulfilling our moral obligations to future generations and that there is a feasible strategy to implement such an institution. I hope that this will help strengthen the pursuit of creating such institutions and thus I will add a few suggestions to make these institutions more stable or more accessible.

Firstly, strong external representation already presupposes political power, future-focusedness and autonomy (*desiderata I.-III.*). In Chapter 3, I argued that we should not give every future individual a vote, but that we should allow representatives for future generations to veto laws that have a *strong negative impact* on their expected well-being. This power should not be used lightly, but I believe that we are democratically obliged to ensure that in these extreme cases, future generations have the possibility to, via their representatives, stop this law. In addition, the institution should be financially independent and have enough resources. It could also be worthwhile to allow the representative to deal with individual cases, as this might both give the institution more public support as help reveal systemic problems.¹⁶⁶

Secondly, when this institution has powerful tools, its stability is dependent on the mandate it has gotten to define these tools (*desiderata IV. & VI.*). A very specific mandate should define ‘future generations’, a principle of *equal respect*, the tasks of the institution and the legal tools for executing these tasks; this specificity might also decrease the “risk of opportunism”¹⁶⁷. A second question is the broadness of the mandate, i.e. should it focus merely on environmental concerns or also on other topics. Beckman and Ugglå argue for a broader mandate, as this would not only make the representative more effective, but would also allow him “to act strategically with regard to the choice of issues to raise and promote”¹⁶⁸. However, the argument for giving this institution stronger tools was based on the idea that future generations should be able to *at least* stop strong negative impacts on their well-being, and this argument mainly works in the case of environmental degradation, as there the negative impacts are biggest.¹⁶⁹

¹⁶⁶ Beckman and Ugglå, “An Ombudsman for Future Generations: Legitimate and Effective?,” 130.

¹⁶⁷ González-Ricoy and Gosseries, “Designing Institutions for Future Generations: An Introduction,” 20.

¹⁶⁸ Beckman and Ugglå, “An Ombudsman for Future Generations: Legitimate and Effective?,” 127.

¹⁶⁹ Jones *et al.* argue that any “Future Generations institution should be explicitly mandated to consider existential risks arising from *technological development*, in addition to environmental sustainability.” Jones, O’Brien, and Ryan, “Representation of Future Generations in United Kingdom Policy-Making.”

Lastly, it is essential to build a strong coalition in support of this institution, as there are often political enemies but “few friends and defenders”.¹⁷⁰ When the institution adopts a deliberative process to come to decisions (*desideratum V*), this would not only allow for different opinions, but also involve social partners with the institution and they could end up defending the institution. Defending the desirability and legitimacy of such an institution, like this thesis, could also help to create more public support. Beckman and Ugglå give suggestions on how representatives can broaden their support, by focusing on their “communicative competence”, by enhancing “the visibility of the institution”, and by “good relations with media outlets”.¹⁷¹

¹⁷⁰ Berman and Boston, *Governing for the Future: Designing Democratic Institutions for a Better Tomorrow Public Policy and Governance*, 331.

¹⁷¹ Beckman and Ugglå, “An Ombudsman for Future Generations: Legitimate and Effective?,” 128–29.

CHAPTER 5: CONCLUSION

This thesis defined and then discussed the *Legitimacy-Effectiveness Dilemma*, which holds that future-focused institutions cannot both be democratically legitimate and effective, as they face the *Inverse Relation Problem*. In answering this *Dilemma*, this thesis had to make several assumptions and in this Conclusion I have included a *List of Assumptions* (see below) to clarify the building blocks of my argument. It is important to note that these assumptions are claims that I believe to be reasonable based on the existing literature and the arguments that I have given in this thesis, yet I categorise them as *assumption* as they are too complex to fully and properly analyse and defend within the scope of this thesis.

Chapter 1 clarified the assumption that we have moral obligations to future generations, thereby assuming that there is a solution to the *Non-Identity Problem* and that my conception of *what* we owe future generations could be satisfying. Chapter 2 explained the assumption that democratic governments are short-termist by analysing four different sources of short-termism. §0 discussed what notion of *democratic legitimacy* I would assume for this thesis. In §3.6, I assumed that we can politically represent future generations by adopting a conception of representation as *advocacy*. In §4.1 I explained why I assume strong external representation to be effective and §4.2 gives some case studies to further support this view. Lastly, §4.3 makes clear how I define political feasibility and why I assume that my proposal is feasible.

List of Assumptions

A1: We do have moral obligations towards future generations

A1a: There is a solution to the Non-Identity Problem

A1b: A sufficientarian pattern, molecular metric, and chronopolitan scope are satisfying in describing our intergenerational duties

A2: Democratic governments are short-termist

A3: Democratic governments are legitimate in exercising authority and their decisions are legitimate when made democratically, unless these decisions publicly violate justice

A4: The representation of future generations can be effective

A5: We can politically represent future generations

A6: It is politically feasible to institute strong external representatives

Based on these assumptions in combination with analytical reasoning, brought me to the conclusion that Strong External Representation could be a possible solution to the *Legitimacy-Effectiveness Dilemma* as it is both legitimate and effective. As I did not argue that other solutions could *not* solve this *Dilemma*, I cannot conclude that this is the *only* solution. To make this a successful proposal, the argument for Strong External Representation (see below) that I have construed in this thesis is not just founded on premisses of its democratic legitimacy (1) and effectiveness in fulfilling our moral obligations to future generations (2), but also explains why it is a necessary improvement to the status quo (3) and a feasible solution (4). When I add which assumptions support which premiss, the full argument then looks at follows:

Argument for Strong External Representation

Premiss 1: Strong External Representation is democratically legitimate as both the All Affected Interests Principles as the Democratic Values Theory require the inclusion of future generations by means of a representative who can stop policies that have a strong and significant negative impact on future generations (Assumptions 3 and 5)

Premiss 2: Strong External Representation can be effective in fulfilling our moral obligations to future generations (Assumptions 1 and 4)

Premiss 3: Strong External Representation would be a necessary improvement to the status quo, as current governments would not be effective in fulfilling our obligations to future generations (Assumption 2)

Premiss 4: Strong External Representation is a feasible solution (Assumption 6)

Conclusion: Strong External Representation is a possible solution to the Legitimacy-Effectiveness Dilemma and can be a successful proposal to implement.

This thesis also provided six *desiderata* that can be supportive in constructing a strong external representative. *Political power* is crucial for its effectiveness, yet it could be helpful to limit the right to veto laws to situations of last resort, when it is the only way to prevent significant negative impacts. These representatives also require political and financial *autonomy*, although it would be good to create a *broad decision-making process*. A *precise, externally-defined mandate* can help guide the work of representatives, especially in combination with a *principle of equal respect*, and it protects the institution against insincerity. Finally, based on the discussion in §4.3 on feasibility, it would be useful to include a seventh desideratum: a strategy of implementation.

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