

7. Representative democracy and the environment¹

Andrew Dobson

INTRODUCTION: NEW 'ENVIRONMENTAL' CONSTITUENCIES

As the twentieth century draws to a close, democracy and environmental sustainability have come to represent two political objectives of virtually unrivalled desirability. It is only natural, therefore, that considerable attention should have been paid recently to relations between them, and one of the many observations that might be made is that environmental concern has put new (but contested) constituencies on the political agenda – constituencies that render problematic current understandings of the way representative democracies should function.

In the first place, representation of interests is (broadly speaking) currently restricted to those nationals inhabiting the state in question. For some time, and certainly since before the time when environmental issues began to make us think about alternative forms of institutional design, democratic theorists have been pointing out that from one point of view this nation-statist form of demarcation is arbitrary. It is a long-standing semi-serious joke that Latin Americans (among others) should have the right to vote in American federal elections since the decisions taken by American legislators have a sometimes immediate effect on the peoples of Latin America. According to a putative 'principle of affected interests' anyone whose interests are affected by the government of a country should have the right to vote for (or against) it – even if it is not the government of their 'own' country. The parallel with (some) environmental issues is obvious in that it is by now *de rigueur* to point out that the 'sinks' into which we pour our waste do not respect national boundaries: pollution is an international traveller. A principal source of the acidification of Scandinavian lakes is British industry, while the radioactive fallout from the explosion at Chernobyl affected territories as far apart as Lapland and Wales, and industrial effluent poured into the Rhine by German industry travels through the Netherlands before reaching the North Sea.

The examples are legion and each one tells a story of some significance for democratic theory and practice. Take the example of the acidification of Scandinavian lakes. The legitimate interests of all Scandinavians, but particularly those whose livelihoods and well-being are connected with the lakes, are affected by this acidification, but there is no way in which the perpetrators can be made directly accountable to Scandinavians, since they are British. This 'responsible-yet-not-accountable' asymmetry is reproduced in the examples given above, and in all the other examples which could be given: the international nature of many environmental problems falls foul of the nationality criterion for voting rights which most liberal democracies operate. The first constituency to which this chapter refers, then, is that comprising members of 'away' nation-states who are affected by the environmental policies of the 'home' nation-state, but to whom politicians of the 'home' state are not democratically accountable for their environmental policies.

The second constituency has been put on the map by the ubiquitous notion of 'sustainable development'. As defined in the Brundtland report of the World Commission on Environment and Development (WCED) (and repeated ad nauseam ever since), development is sustainable when it 'meets the needs of the present without compromising the ability of future generations to meet their own needs' (WCED, 1987, p. 43). It is indisputable that actions taken now affect future generations and their life chances; the question is whether this entitles their interests to some form of democratic representation in the contemporary decision-making process of actually existing nation-states.

The third constituency to which this chapter refers has come to our attention through the work of animal rights and animal welfare theorists and, more recently, through the contributions of environmental philosophers. Each of these groups of theorists has different (but often overlapping) objects of concern, ranging from individual animals through groups (however defined) of animals to the non-human natural environment at large. That each of these potential objects of concern is affected by human action is as incontrovertible as in the case of future human generations; once again the issue is whether some form of representation of their interests in democratic decision making is appropriate.

The questions which will be asked in the context of each of these constituencies are: (1) should the representation of their interests be democratic and (2) if so, what might democratic representation look like in such a case?

TYPES OF REPRESENTATION

Before answering these questions, though, some general theoretical reflections are in order. First, it should be emphasised that we are talking about a quite specific type of representation here. Anthony Birch has outlined three uses of the word: (1) to denote an agent or spokesman who acts on behalf of his principal; (2) to indicate that a person shares some of the characteristics of a class of person; and (3) to indicate that a person symbolizes the identity or qualities of a class of person (Birch, 1971, p. 15). In this chapter the word will be used exclusively in the context of the first meaning. One advantage of Birch's formulation of this first meaning is that it leaves open the question whether the representative should be appointed or elected, and therefore points us in the direction of the first of my questions above: should the representation of these 'new constituencies' be democratic?

Democratic Representation

There are three principal and general arguments in favour of the democratic representation of interests. The first proceeds from an interpretation of interests subjectively conceived, as above. Keith Graham has referred to this as the 'shoe-pinching' argument: 'only the individual can know where the shoe pinches. If we begin, therefore, from the assumption that any individual's interests constitute a legitimate demand, then the claimed merit of a system of rule by the people is that it extends a proper influence to the shoe-wearer' (Graham, 1986, p. 21). The assumption that an individual's interest does constitute a legitimate demand is a big one. On closer inspection it is not the possession of an interest that makes its representation desirable, but something about the possessor of the interest. And when we ask ourselves just what it is about possessors of interests that makes their interests' (democratic) representation desirable, the answer is likely to turn upon some feature of the human condition which 'demands' democratic representation.

This leads to the second argument for the democratic representation of interests, which takes the fundamental equality of human beings in their freedom as its starting-point. Rousseau states at the beginning of *The Social Contract* that 'Man was born free' (Rousseau, 1968, p. 49), and goes on to formulate his definitive question as follows: "How to find a form of association [in] which ... each member ... obeys no one but himself, and remains as free as before" (Rousseau, 1968, p. 60). He then argues that 'obedience to a law one prescribes to oneself is freedom' (Rousseau, 1968, p. 65) and one way of interpreting this cryptic phrase is to view it as a description of democratic lawmaking. My freedom (as licence, at least) is withdrawn through the obligation to obey the law, but simultaneously returned (even enhanced,

in Rousseau's terms) with the realization that I have made the law. On this reading, the feature of the human condition that 'demands' the democratic representation of interests is human autonomy, as this (democracy) is the only form of decision making which respects it. In one respect, of course, this merely sets up the democratic paradox: that autonomy is at democracy's heart, but also that democracy is an exercise in collective decision making which involves sacrificing autonomy to the collective will. But this sacrifice is always only in principle temporary – until, in fact, the next decision is taken. The point is that the democratic process (decision making) has human autonomy at its heart, even if democratic outcomes (decisions) seem to involve its submergence.

Strictly speaking, of course, this argument from autonomy legitimizes direct rather than representative forms of democracy. As soon as I am represented I am no longer fully autonomous. Rousseau himself favoured direct democracy on the grounds that representation was a negation of freedom: 'The English people believes itself to be free; it is gravely mistaken; it is free only during the election of Members of Parliament; as soon as the Members are elected, the people is enslaved; it is nothing' (Rousseau, 1968, p. 141). However, the very fact that there is a family resemblance between direct and representative forms of democracy indicates that they have something in common, and what they have in common is an 'in principle' commitment to autonomous decision making. This commitment is obvious in the context of direct democracy but more nuanced in representative democracy. Nevertheless, the choice of representative is itself autonomously made and, while representatives will not always make the decisions their electors would have made, the connection is sufficiently close for the argument for democracy from autonomy to be made for representative as well as for direct democracy.

The third argument for the democratic representation of interests turns less on the idea that democratic decision making follows from some intrinsic and defining feature of the possessors of interests, and more on the notion of effectiveness: the idea is that elected representatives will in principle represent the interests of their constituents more effectively than appointees because of the need to submit themselves to re-election. If representatives have been remiss in their representative duty, this element of accountability gives constituents an opportunity to choose new ones. So we might conclude that representation should be democratic because this is the most likely way of ensuring that interests are effectively represented.

Indirect Representation

We are now armed with some general thoughts regarding the type of representation at stake here (the first in Birch's typology, above) and regarding

arguments that can be put suggesting that representatives should be democratically elected rather than appointed. Before applying these general thoughts to the cases of the three constituencies in question, a distinction should be made between direct and indirect representation (which is not, incidentally, the same as a distinction between direct and indirect democracy). There was a time when women's (or at least wives') interests were said to be indirectly represented through the votes of their husbands in that their (the wives') interests nestled within, and coincided with, the interests of their spouses. There was therefore no need – it was argued – for wives to seek independent influence in regard to the selection of political representatives. Although this type of indirect representation is now generally frowned upon, many will still argue that children need no specific representation because their interests are indirectly represented by their parents. To some, this version of indirect representation seems as odd as the now discredited husband and wife version: that parents and children are prone to disagree is an understatement, and it is wishful thinking to expect their interests to coincide with the required regularity. But while indirect democratic representation looks unpromising on the face of it, there may be some mileage in it in the case of future generations, as will be pointed out in due course. Let us now turn to the first of the 'new constituencies' to which reference has been made.

ACTION AT A DISTANCE: THE CASE OF NON-NATIONALS

By way of illustration, let us pick up the threads of the example of the acidification of Scandinavian lakes referred to earlier. It is pretty much accepted that a degree of this acidification is due to British industrial practices (probably some 7 per cent: Seager, 1995, p. 49). These practices are endorsed by the democratically elected British Parliament but this parliament is not accountable to those affected by these practices – Scandinavians.

In what follows it will be assumed that the direct representation of, say, Scandinavian environmental interests in the British Parliament is not feasible. However much democratic theory might demand such representation, political practice makes it extremely unlikely, yet there are some causes for tentative and rather limited optimism. Two factors in particular serve to make Scandinavians less than (democratically) defenceless against the British export of acid rain. The first is that, while pollution is indeed international, it is also bounded in a way that American economic and military muscle is not. While the 'principle of affected interests' might have committed one to endorsing a Vietnamese vote in the American presidential elections of the 1960s and early 1970s (as well as vice versa), a modified principle of affected

environmental interests would not produce the same commitment for, say, Spaniards in respect of British acid rain. The international yet bounded character of many environmental problems therefore makes meeting the principle of affected interests a more manageable proposition.

Assuming, still, that the direct representation of these interests in 'foreign' parliaments is not on, it is clearly possible for them to be represented in a transnational parliament of which both countries are members. The European Parliament provides us with a flawed example of the possibilities. Both Sweden and Britain have European members of parliament, but they may only weakly represent their respective national interests because European parliamentary groups have an ideological rather than a national basis. If we accept the desirability of the representation of Swedish environmental interests vis-à-vis Britain, then a modified European Parliament with an opportunity for national as well as ideological representation (as in the Council of Ministers) might be an answer.

It might be suggested that Sweden's (say) 'democratic deficit' can be redeemed by the possibility of the Swedish government (democratically elected) entering into negotiation with the British government (democratically elected) regarding Swedish grievances. Does the rigmorale of a transnational parliament improve on the normal way of dealing with these sorts of issues, that is through negotiation and agreement between executives drawn from democratically elected parliaments? The crucial difference is that parliaments make laws while conventions and agreements, drawn up by sovereign states, work within the laws passed by those parliaments. National representation in a transnational parliament therefore provides an opportunity to create a legal framework within which treaties and conventions will operate.

The argument put above depends very heavily for any force it has on its carefully selected features: the environmental problem in question is acid rain and the geographical area in question is Europe. If these features are changed, the cautious optimism generated by the argument evaporates. In the first place, not all environmental problems are bounded in this way. The British government's decision to give money to help build the now infamous Pergau dam in Malaysia will have far-reaching environmental effects, but there is no way that Malaysians will be able to hold British policy makers accountable in any democratic forum (and nor can Britons hold the Malaysian government accountable for their insistence on loan conditionality). There are, therefore, environmental policies with the same unbounded and ill-disciplined characteristics as American military and economic muscle, taking us back to square one and the unrealizability of meeting the principle of affected interests.

The other route back to square one is via the realization that the European Union and its imperfect parliament are a very special case in international terms. The argument put above only works if there is a transnational parlia-

ment and these are few and far between. (It is also worth pointing out that many governments are not democratic at all, thereby vitiating any possibility of internal let alone international accountability, and that the peaceful international relations typified by the European Union are globally atypical – there was not much chance of Kuwait's holding the Iraqi government accountable for oil spills during the Gulf War).

We have, then, rejected the possibility of direct 'foreign' representation in national parliaments and canvassed instead the possibility of direct representation in transnational parliaments. At least one further option remains, that of indirect representation, briefly referred to above. It is perfectly possible to imagine opposition in Britain to the export of acid rain to Scandinavia, and in this sense Scandinavian interests can be represented by environmentally minded legislators elected by Britons. This kind of representation can only be called democratic at one remove, of course. British members of parliament remain accountable only to Britons and, if Scandinavians feel that their environmental interests are not being accurately or forcefully represented, there is little they can do about it. In this sense indirect representation of interests will always work more by accident than by design, and on any account of democracy involving accountability it is hardly democratic anyway.

So what happens if we take my two questions in turn in the context of what we have called 'action at a distance'? First, should the (environmental) interests of Scandinavians be democratically represented? Each of the three arguments put above in favour – generally – of the democratic representation of interests seems in this particular case to suggest an affirmative answer. First, the shoe-pinching argument suggests that Scandinavians know best the nature of the problems with which they are confronted, and democratic representation accords them a proper influence in this regard. To deny them such representation amounts to excluding their interests arbitrarily (from the point of view of democratic principle) and/or to the arguable supposition that these interests will be appropriately considered without consulting Scandinavians about them.

The second argument, it will be remembered, built on a feature of the human condition – autonomy – which entails (as it were) democratic decision making. At this level of generality, Scandinavians are no different from Britons, so if the participation of Britons in the making of laws which will affect them is appropriate, it must also be appropriate for Scandinavians, so long as the laws in question affect them, and even though those laws emanate originally from a British parliament. To deny Scandinavians democratic representation in the context of this argument would amount either to denying them a share in a basic feature of the human condition (autonomy) or to suggesting that, while autonomy is relevant for Britons, it is not relevant for Scandinavians. The first suggestion would be plain wrong and the second entirely arbitrary.

The third argument for the democratic representation of interests – the effectiveness of accountability in exerting discipline on representatives – seems to hold, too. On the 'transnational parliament' model canvassed above, Scandinavians would elect representatives to sit in the parliament and represent their interests for a fixed term, at the end of which the representatives would submit themselves for re-election. The election gives Scandinavian voters the opportunity to assess the performance of their representatives – in principle – in representing voters' interests as best they can. To deny Scandinavian voters democratic representation in this context would amount to suggesting either that accountability does not do what it is supposed to (which it may not, but then this is never taken to be a reason to abandon the principle in more 'normal' democratic contexts) or that it is not important for Scandinavians in respect of policies generated in Britain which affect them. Once again, this latter conclusion looks entirely arbitrary from a democratic point of view.

The objections to democratic representation in this context are therefore not so much theoretical as practical. Most attempts at meeting the 'principle of affected interests' fall at the hurdle of institutionalization: practically speaking, how could Latin Americans participate fully in contributing to and deciding the outcome of American federal elections? In the transnational context discussed above, though, the problems of institutionalizing democratic representation are attenuated by the existence of a transnational parliament. Similarly,² just as all members of the transnational polity are represented, so are they all bound by the decisions of the transnational parliament – a symmetry of policy formulation and political responsibility that is not present if 'foreign' interests are directly represented in national parliaments. In this latter, and undesirable, case, 'foreign' interests would get all the representation with none of the responsibility, in the sense that they would not be bound by law to cede to the outcome of the process. Transnational parliaments are therefore preferable to direct 'foreign' representation in national parliaments, and in this context, and however imperfectly, the circumstances of democratic practice can be made to match the demands of democratic theory.

FUTURE GENERATIONS

It is increasingly hard to resist the pressure to take account of the interests of future generations when determining present policy. Pressure is resisted for all sorts of reasons: that non-existent people cannot have interests, that the interests of future people (assuming it is possible for such people to have them) cannot form part of the political process because they cannot be represented, and/or that we cannot know what the interests of future people will

be. It is not intended to argue against these objections in detail here, but it needs to be said that they are misplaced. It is clear that there will be future people, that they will have interests and that what we do now will affect them (including, of course, in the sense that present actions will be a factor in deciding just which – and how many – people will actually be born). Moreover, despite views to the contrary, these interests are capable of representation; and finally, while it is obviously true that we cannot know what the interests of future people will be exactly, we can be fairly sure that they will want both a viable environment in which to live and the possibility of satisfying their basic needs.

A more difficult question (question 1, above) is whether the representation of future generations should be democratic. Three general arguments for democratic representation were advanced above: the ‘shoe-pinching’ argument, the argument from human autonomy and the argument from accountability. Each of these arguments works as well for future generations as it does for present ones, assuming that the description of the human condition that underpins these arguments continues to hold into the future. The big problem, though, is that future generations cannot vote and can provide no representatives. It seems, then, that we are stuck with appointing representatives. These representatives may of course sit in an otherwise democratically elected parliament, but in other senses appointed representatives violate the democratic imperative derived from the three arguments put above.

It is possible, however, to take a step in a democratic direction. There are indeed no actually existing future generations which could either supply representatives or choose them, but proxy (or substitute) future generations could be drawn from the present one. The proxy would function in exactly the same way as any democratic electorate. It would, in the first place, ‘be’ the future generation electorate, and candidates for representing the interests of future generations would be drawn from it. These candidates would fight election campaigns, outlining their objectives as far as furthering the interests of future generations are concerned, as well as the mechanisms by which they would seek to do so. The proxy electorate would consider the various candidates’ merits and then choose its preferred candidate(s) through a democratic election. The successful candidates would then sit in the democratic assembly alongside present generation representatives. Such a system would enable the democratic imperative to be redeemed and, particularly importantly, restore the element of (proxy) accountability which is lost if representatives are merely appointed.

Who would comprise the proxy electorate? There are two approaches to this question. First, there may be no reason to argue for anything other than a random sample of voters from the present generation. Such a solution would have the very real merit of ensuring that practically the full range of interests of

future generations would be represented in both its proxy electorate and its proxy representatives. The biggest drawback regarding this suggestion, though, is that there is no guarantee that the interests of future generations would in fact be represented by such a random sample. The interests of these generations as ‘stakeholders’ need to be taken into account, even if the outcomes of democratic deliberation do not work out in their favour. But there are plenty of issues where the interests of the present conflict with the interests of the future, and our random sample from the present generation might just be overwhelmingly intent on giving present priorities precedence over future ones.

The other approach to deciding the proxy, then, is to identify a lobby in the present generation that has its eyes firmly fixed on the future, as it were. One such lobby (admittedly hard to pin down) is that which argues in favour of environmental sustainability. This lobby is habituated to thinking about the interests of future generations, and the fact that it is primarily a professional lobby should not alarm us too much. Most democrats will legitimately take a step back at the suggestion that democratic decisions should be primarily in the hands of ‘experts’, but the reason for doing so is quite specific: to ensure that the general objective of representing the interests of future generations is met. We might also remember that one thing we have learnt from the debate on sustainability sparked by the Brundtland report is that its proponents do not speak with one voice, particularly when it comes to discussing mechanisms for bringing it about. There will be no shortage of views among proponents of sustainability as to what it means and how it might be realized. Our proxy electorate will have a real range of options to choose from and therefore the alternatives, in the guise of proxy candidates, necessary for accountability to be meaningful will be available.

From one point of view, though, even the sustainability lobby might be said not to have the interests of future generations wholly at heart. This is because the question of population growth is a vexed one for many in the sustainability lobby: how can this lobby be said to be representing the interests of future generations when its policy prescriptions sometimes amount to a reduction in the number of potential future people actually being born? Two points might be made in response to such a question. First, the environmental lobby is divided over the issue of population growth. One would therefore imagine putative proxy representatives for future generations drawn from the sustainability lobby playing out this disagreement in the context of democratic debate: this is precisely the point of democratizing the representation of future generations rather than relying on appointment. The issue will be settled by democratic debate – but only ever temporarily so and always subject to democratic scrutiny.

The second response derives from the general point that, however opposed to the wider policies of the present sustainability lobby some members of

future generations might be, they will at least be in favour of policies that guarantee them the environmental conditions within which to exercise their political autonomy. More particularly, this guarantee might involve the implementation of policies in the present designed to reduce population growth in the future, so as to reduce pressure on ecological source and sink processes, thereby helping to ensure the existence of (at least) the ecological conditions for the exercise of autonomy. In this way it is possible to square the circle of claiming to represent the interests of future generations while arguing for policies that reduce their numbers.

There are of course problems with this suggestion of a proxy for future generations. First, a number of technical (but not insuperably difficult) details would need to be sorted out. For example, how many representatives should future generations have in the democratic assembly? (A system of proportional representation would give them rather too many!) More serious is the fact that members of the proxy generation would effectively have two votes each – one in the present generation and one for future generations. Moreover, both these votes would have an impact on present policy. While the notion of multiple votes is not unknown to democratic theory (J.S. Mill, 1972, pp. 283–90), and while there may be some historical justice in redressing the balance somewhat in favour of widening rather than restricting representation, present opinion is overwhelmingly in favour of one person, one vote. One way of catering for this might be to deprive the proxy generation of its vote for the present generation and leave it with a vote for future generations. The obvious objection to this, that such a restriction would make democratic representation of sustainability interests in the present impossible, is probably too hasty. The sustainability lobby might be prepared to accept such an arrangement in respect of the following thought: that a vote for future generations is also (largely but not wholly) a vote for a particular type of present politics – the sustainability politics for which they would vote if they had not forgone the right to do so.

But, it might be objected, if from an environmental point of view the interests of present and future generations coincide, why bother with specific forms of representation for future generations, since their interests will be adequately, if indirectly, taken care of by members of the present generation with a special interest in sustainability for the future? Two points might be made in response to this objection. First, it is worth pointing out that, given that the representation the sustainability lobby at present enjoys in democratic parliaments is minimal, future generations are poorly represented through indirect representation. From this perspective the argument for direct representation amounts to an argument for quotas of the type that has been put for other systematically disadvantaged groups.

Second, and more fundamentally, the objection misses the democratic point: it is not the objective of taking interests into account that makes the

democratic project distinct, but the means by which this accounting takes place. At the heart of every theory of democracy is a theory of justice at whose heart, in turn, lies an endorsement of the political equality of human beings. Despite the tendency to discount the future, there is no discernible reason for regarding future human beings as any less equal than present ones, in which case representing their interests indirectly through present generation sympathizers amounts to an injustice. Political equality is indivisible and unaffected by future discounting but, if we were to want to discount future generations' political equality to some extent, we might content ourselves with the thought that their representatives in present parliaments will be many fewer in number than the numerical weight of their interests would warrant. In brief, then, the interests of future generations should be represented, and they should be represented democratically.

OTHER SPECIES

If environmental policy affects transboundary populations and future generations, it also affects other species – species other than the human: should (and can) these species be enfranchised? For many, the 'should' question will be answered with a resounding 'no', but such respondents should be wary. Long ago animal rights theorists breached the species divide in one direction by pointing out that, whatever characteristic was chosen to distinguish humans from animals, that characteristic would be found to be possessed by some animals as well as all humans. If this, in turn, were to be the characteristic that guaranteed humans special treatment, such treatment could not be consistently denied to animals that also possessed it. To do so would be 'speciesism'. On the other hand, if the conditions for membership of the human species are drawn more tightly, some humans will be found not to possess them, thereby consigning them (such humans) to the same fate as animals. Either way, the human/other species divide is porous: if humans have rights (including political rights) then at least some animals have them too. One of the rights granted to humans is the 'right to democracy' enshrined in Article 21 of the 1947 United Nations Declaration of Human Rights: 'Everyone has the right to take part in the government of his country, directly or through freely chosen representatives' (Ravitch and Thernstrom, 1992, p. 204). It is not perhaps so far-fetched to claim a similar right on behalf of at least some species of animals (and we will deal with the obvious absurdity of animals 'freely choosing' their representatives shortly).

This claim can be substantiated by reference to the three grounds for the democratic representation of interests that were outlined at the beginning of the chapter, not all of which uncomplicatedly apply in the case of other

species. The first was the 'shoe-pinching argument'. This argument suggested that those whose interests are affected by decisions are best placed to know what to do about them. This is *prima facie* problematic for animals who, as far as we can tell, do not 'know' anything. It was also problematic for future generations, not so much because they cannot know anything in a *prima facie* sense, but because they can only potentially know things. The problem was resolved in the future generation context by arguing in favour of proxy representation and there seems no reason why this solution should not be extended to the case of animals.

In the context of future generations there were two problems with this suggestion. The first was that members of the proxy generation effectively have two votes in democratic elections, and the second was that this lobby would not be able to speak for the full range of interests of future generations. The first of these problems is more acute in the case of representing other species, and the second is less so. The first is more acute, of course, because the sustainability lobby now has three votes – one for present generation politicians, one for future generations and one for other species. This contravenes even further the basic democratic principle of one person, one vote. One possible solution floated earlier in the context of future generations suggests itself again, although with slightly less force. It was pointed out above that a proxy generation of those working towards sustainability might be prepared to forgo a vote in the present generation in exchange for a vote for the future on the grounds that representatives of future generations would pursue the same sorts of policies as those aimed at sustainability 'in the present' would pursue. The same argument might be put in the case of representatives explicitly elected to represent other species, except that there may more obviously be occasions when the interests of sustainability and the interests of other species will clash. A great deal will depend on the conception of sustainability that dominates: some conceptions make non-negotiable commitments to other species and some do not. Members of the sustainability lobby who hold to human-interested conceptions of sustainability may therefore feel unhappier with forgoing a vote 'in the present' in exchange for a vote for other species than those with a more biocentric conception will do. The upshot of this suggestion is that, if a democratic parliament had seats reserved for representatives of other species, for representatives of future generations, as well as for politicians 'of the present', members of the proxy generation would choose (or be obliged to select) which of these constituencies to belong to.

The second problem with having future generations 'directly' represented by members of the environmental lobby was that they could not be expected to represent the full ideological range of interests of future generations. This is much less of a problem in the case of representing the environment because

the environment has no range of interests which can properly be described as ideological. We can pretty safely say that the interest of the species (let us say) that is being represented lies in being assured of the conditions to provide for its survival and its flourishing. The problem of knowledge, then, is one of knowing what the conditions for fulfilling the interest are, rather than what the interest itself is.

All of this is by way of showing that the shoe-pinching argument, which suggests a proper according of democratic influence to those affected by decisions, has some purchase in the context of some animals. The second argument – from autonomy – has no purchase whatever. The notion of autonomy can of course be stretched in multiple directions, but its deployment as a foundation-stone of democracy is so precise that any attempt to extend it to animals must founder. The Rousseauian dictum that 'man is born free' on which the argument for democracy from autonomy is built is wholly inappropriate as far as animals are concerned. Animals are (as Kant pointed out) constitutively heteronomous creatures and are most certainly not born free in the sense relevant to underpinnings for democracy.

But the third argument for democratic representation, based on the way in which accountability can contribute to the effective representation of interests, is as persuasive for animals as it is for human beings. Animals' proxy representatives would submit themselves for re-election within a proxy constituency and would therefore be subject to the discipline of re-election in a way which appointed representatives for animals' interests would not. Nor, in a system of appointees, would there be the formal opportunity for the reappraisal of policies for the defence of animals' interests occasioned by regular elections for competing candidates.

Both the first and the third grounds for democracy, then, seem persuasive in the context of animals. A moot question of course is: which animals? Theorists of animal and, more widely, environmental rights are no different from their human rights counterparts in pointing to characteristics possessed by their favoured candidates for rights holding, and which confer moral considerability upon them. The 'moral circle' may turn out to be narrowly drawn (most animal rights theorists) or widely drawn (most environmental rights theorists), but in either case it will be more widely drawn than in the case of those seeking to restrict rights to humans. It is standard, however, among environmental philosophers to argue for a hierarchy of moral considerability, so there may be a case for different 'amounts' of representation for beings and groups of beings lower down the hierarchy. Note that this does not amount to an argument for indirect representation; it is only an argument for less representative weight in the deliberative assembly, whether direct or indirect. My own view, on the grounds outlined above, is that direct representation is still appropriate for other species, but varying amounts of it

may be in order. The argument then is over how to construct the hierarchy. As was suggested above, one way might be to ask the philosophers to construct a hierarchy of relative moral worth for us. Another might be to ask the scientists for an anthropocentric assessment of which parts of the environment are most crucial to a sustainable human future and put those at the top of the list. Neither of these solutions could be called democratic, however, so the hierarchy perhaps ought best be constructed discursively by the proxy constituency.

CONCLUSION

Two thousand years of democratic theory and practice have left us with some fundamental points of reference. All theories of democracy are underpinned by a theory of justice. Most such theories have at their heart the notion of the democratic and direct representation of legitimate interests, and most involve the regular accountability of representatives to their constituents, whoever they may be. The complexion of each of these points of reference alters in the context of the environment – in some cases subtly, in other cases less so. If democracy, sustainability and environmental justice are all desirable objectives, we are confronted with significant challenges to political culture and institutional design. The range of legitimate interests is wider than ever before, while direct representation and accountability are made more difficult than ever before. However, we have the intellectual resources at our disposal to meet these challenges, and it is hoped that this chapter has indicated how they might best be deployed.

NOTES

1. I would like to thank John Barry, John Horton, James Meadowcroft and Marcel Wissenburg, as well as participants in seminars given at York and Lancaster Universities, for their determined and invaluable help with this chapter.
2. I am indebted to James Meadowcroft for the point that follows.

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