

REPRESENTATIVE DEMOCRACY
AND FUTURE GENERATIONS¹

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1. Introduction²

Although present decisions and policies can cause serious future environmental harms, future people do not have the opportunity to protest or promote their interests by political and legal means. In contrast to existing persons and interest groups, future generations cannot affect or influence political decisions through participation in public debates and elections. Against this background, I believe it is important to consider whether future interests ought to be protected by means of new forms of political representation.

In this paper, I will discuss whether some seats in a democratically elected legislative assembly ought to be reserved for representatives of posterity. This question has not received much attention in the literature on political philosophy and political theory. The most important exception is Andrew Dobson's presentation and defence of a democratic model for

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representation of future generations.³ The aim of this paper is to discuss a new and alternative model for representing posterity. In what follows, I will term my proposal “the extended franchise model”, while Dobson’s will be called “the restricted franchise model”.⁴

Drawing on central ideas and ideals in recent theory of deliberative democracy, two reasons for defending my extended franchise model will be identified. The first is that in a number of cases democratic decisions cannot be regarded as normatively legitimate from the point of view of deliberative democracy, unless posterity is given a voice. This view on the legitimacy of democratic decisions is based on the fundamental moral intuition that collectively binding decisions can only be regarded as ethically justifiable if they result from a process of deliberation where all affected parties have had the opportunity to participate. The second reason is that representation of future generations can contribute to more rational and impartial deliberations and decisions in legislative assemblies. In this connection, I also argue that the proposed extended franchise model provides an institutional framework that can induce the process of deliberation that Robert E. Goodin’s model of “incorporated interests” presupposes. Goodin’s model does not imply that some seats in legislative assemblies should be reserved for representatives of posterity, but that all citizens should internalise (or incorporate) the interests of future generations through the process of deliberation.⁵ I believe

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³ See Dobson, 1996. To my knowledge, Dobson’s paper represents the most extensive and thorough discussion of the problem whether some seats in a legislative assembly ought to be reserved for representatives of future generations.

⁴ I am grateful to Robert Goodin for suggesting these terms for describing the two models.

⁵ See Goodin, 1996 and 2000. Goodin describes the internalisation of the interests of others as a process in which we make their interests, needs and perspectives “imaginatively present” in our minds when we weigh reasons for and against a given policy or course of action. Thus, it is an “internal-reflective” process where we imagine ourselves in the place of others. Goodin claims that since it is impossible to enfranchise future generations, the best we can hope for is that the interests of posterity will come to be internalised by a sufficient number of

that such internalisation of future interests among citizens and legislators can be promoted in a useful way by an institutional framework that includes formal representation of posterity in legislative assemblies. This is the proposal that I wish to elaborate in the present paper.

My discussion will proceed through the following steps. The aim of part 2 is to present some arguments in support of the assumption that there is a need for new forms of political representation in order to protect future interests. In part 3, I will first give an account of some central ideas and ideals in recent theory of deliberative democracy. Then I will present my extended franchise model, and argue that this model has several advantages compared with Dobson's restricted franchise model in view of ideals in deliberative democracy. Finally, some problems facing the proposed model will be discussed. The aim of part 4 is to argue that formal representation of future generations in legislative assemblies can be defended on the basis of fundamental ideas in recent theory of deliberative democracy. Here I will also address the problem of how many representatives posterity should have in the legislative assembly.

2. The need for new forms of political representation

It is reasonable to assume that the environmental problems we face today can only be solved through collective action and new forms of international co-operation and co-ordination. Adequate national and international environmental policies depend to a large extent on voters and their representatives. Today, it is difficult to achieve the necessary popular and political support for effective environmental reforms. The first reason for this is that in many cases the adverse environmental effects of present decisions and policies will fall upon future generations, while present generations must pay the costs and renounce short-term benefits in order to avoid future environmental harms. One can also question the extent to which both

people who are empowered to vote and participate in the political decision-making process (Goodin, 1996, p.

voters and politicians are prepared or willing to make short-term sacrifices for the sake of the long-term interests of succeeding generations – especially in cases where the long-term gains of environmental reforms are uncertain. The absence of effective action with regard to the problem of global climate change seems to illustrate the last point.

Second, contemporary legislative assemblies consist only of representatives of present generations. Since legislators are merely accountable to present citizens, politicians and political parties will in many cases have strong incentives not to take a position that deviates too much from the preferences of their voters, in order to avoid being punished during elections. As pointed out by Kavka and Warren, “politicians in democratic states, who are elected for relatively short periods and who are judged by voters largely in terms of the immediate results of their actions, also have strong incentives to overdiscount the future in the policy-making process” (Kavka and Warren, 1983, p. 28).

Third, democratic decisions often reflect the outcomes of political bargaining processes where powerful organised interest groups (such as labour unions and employers’ federations) play an important role. According to Robert Paehlke, “policies favour the most organised interest groups, whose members tend to be wealthy and tend to seek concrete, economically self-interested, and immediate gains” (Paehlke, 1989, p. 200). In existing political systems, coalitions of powerful interests may be able to delay change, and solutions to policy problems are often reached on the basis of compromises between competing interest groups. Tine Stein has argued that the bargaining power of interest groups dealing with material or economic interests can help explain their ability to influence policy-making in democratic states: “The trade unions are able to threaten with strike and the employers’ federations are able to threaten with the refusal to invest. When the refusal of those contributions leads to an economic crisis,

it affects the welfare of many people. ... In contrast, interest groups that stand outside of the economic sphere [such as environmental groups] do not have the same kind of potentially useful power of conflict at their disposal” (Stein, 1998, p. 429).

Fourth, in a world of sovereign states, citizens’ collective right to democratic self-determination can be regarded as an obstacle to achieve the necessary international co-operation and co-ordination which seems to be required in order to solve regional and global environmental problems. Voters and their representatives (i.e. politicians and governments) are often reluctant to adopt international environmental agreements, which would transfer authority to an international institution on issues such as standard setting, monitoring and enforcement. Thus, international environmental agreements rarely incorporate sanctions, compliance systems or dispute settlement mechanisms.

The preceding reflections are not meant to imply that citizens and politicians in contemporary democracies do not take into account the interests of posterity. They do so in various ways. Both voters and politicians are often seriously concerned about how policy choices will affect the near future – our children and grandchildren. However, in many states (both democratic and undemocratic), the situation seems to be different when it comes to more remote future generations. In general, it seems to be much more difficult to achieve popular and political support for tough policies that will benefit the more distant future. As former US Vice President Al Gore has pointed out, a problem facing democratic systems is that “the future whispers while the present shouts” (Gore, 1992, p. 170). In light of the foregoing considerations, I believe it is important to consider reforms of existing political institutions that can make them more future-oriented and contribute to a better protection of future needs. The extended franchise model can be viewed as one possible strategy in this connection.

3. Deliberative democracy and models for representation of posterity

In what follows, I will first give an account of some central ideas and ideals in recent theory of deliberative democracy. Then I will present the extended franchise model for representation of future generations, and argue that this model has several advantages compared with Dobson's restricted franchise model in view of ideals in deliberative democracy. Finally, some problems facing the proposed model will be discussed.

3.1. Deliberative democracy – central ideas and ideals

Advocates of the deliberative model of democracy emphasise that collectively binding decisions should, ideally, be made on the basis of a rational and impartial discourse (that is, a process of discussion and argumentation) where all the affected parties (or their representatives) have the opportunity to participate and present critical arguments for and against the proposals that have been put forward. The primary aim is to establish a democratic decision making procedure that provides an open and free forum for a reasoned dialogue and argumentation that can lead to more rational and impartial decision outcomes. Important contributions to the recent revival of the theory of deliberative democracy are presented by Jon Elster (1986), Bernard Manin (1987), Joshua Cohen (1989), John Dryzek (1990), John Rawls (1993), Jürgen Habermas (1996), Amy Gutmann and Dennis Thompson (1996).

In the theory of deliberative democracy importance is attached to the process of public deliberation that takes place among the decision-makers before the issue in question is decided through voting. In this context the following question emerges: what is the point and value of such deliberation or discourse before making a decision through voting? The answer is that decisions should be made as a result of a thorough and reasoned discussion in order to improve the basis of information and enhance the level of reflection among the participants. Such a discourse is assumed to have a transformative effect in the sense that the initial or pre-

deliberative preferences of the participants will undergo a change that can lead to more rational and impartial decisions. Thus, deliberation can be regarded as a form of discussion intended to change the preferences on the basis of which people decide how to act.⁶ On this view, democratic decision making is not primarily about aggregating given preferences through voting, but about the transformation of preferences and judgements through open and free public deliberation among citizens and their representatives. If one accepts that there are convincing arguments in support of a deliberative model of democracy, the challenge is to find institutional mechanisms that can promote rational and impartial deliberations and decisions.

3.2. The extended franchise model vs. the restricted franchise model

According to the extended franchise model that I will propose, some seats in the legislative assembly (for instance 5%) should be reserved for future generation representatives (hereafter F-representatives). The F-representatives should be assigned law-making competence, and they should be democratically elected in much the same way as present generation representatives (hereafter P-representatives). This means that all citizens who have the right to vote would have two votes each. In this way, the electorate would have the opportunity to vote on two sets of representatives. During election campaigns the future generations candidates could present the ends and means they will advocate in the legislative assembly so that the electorate would have the opportunity to consider their political programs.

In order to give the F-representatives an effective political tool, I suggest that a qualified majority of the F-representatives (for instance 2/3 or 3/4) should be assigned the right to demand that the final decision about a law proposal should be delayed – either for two years

⁶ See Przeworski, 1998, p. 140.

or until a new election has been held.⁷ This does not give a qualified majority of the F-representatives a means to block the decisions of a simple majority, but to slow down the process of deliberation and decision-making. In this way, the F-representatives have the opportunity to lengthen the time interval between two decisions in order to prevent excessive focus on short-term interests. This device can also serve as a means to avoid hasty decisions that may inflict serious harms upon future generations. I believe that this right to demand delays can be defended on the basis of central ideas and ideals in deliberative democracy because it is a mechanism that may promote a more thorough discussion about the issue in question before a final decision is made.

In “Representative Democracy and the Environment” (1996), Dobson has presented an alternative democratic model that I will term the restricted franchise model. Like the extended franchise model, Dobson’s model also implies that some seats in legislative assemblies should be reserved for representatives of posterity who are ascribed law-making competence, but who have no right to require delays. One important difference between the model that I propose and Dobson’s model is that he does not assume that all voters ought to have the right to elect F-representatives. Instead, he suggests that this right should be reserved to proxy (or substitute) future generations that are drawn from the present one. According to Dobson, the proxy would function in exactly the same way as any democratic electorate, and it should consist of what he terms “the environmental sustainability lobby” (i.e. environmental groups and organisations) (Dobson, 1996, pp. 132-133). Furthermore, Dobson claims that candidates (hereafter F-candidates) should be drawn from this proxy or lobby. Thus, the right to represent posterity during election campaigns is restricted to F-candidates from the sustainability lobby. This position seems to rest on the assumption that this lobby is better suited to represent and promote future interests than other persons and groups.

⁷ I will leave open the question whether this right to demand delays should apply to all issue-areas or a restricted

Dobson's restricted franchise model creates some problems that the proposed extended franchise model avoids. First, Dobson's model implies that members of the proxy have two votes each, while the rest of the electorate only has one. This is obviously problematic from a democratic point of view – especially with regard to the ideal of “one person, one vote” and the assumption that all voters ought to be treated equally.⁸ A second line of criticism is that Dobson's model appears to close off both debate and reasonable disagreement about what best serves the interests of posterity, in the sense that one group or movement (i.e. the sustainability lobby) with a restricted range of perspectives is given the status of representative for posterity in advance of public deliberation. These objections will be discussed more closely in the next section.

3.3. The problem of representative legitimacy:

Who should be empowered to represent posterity?

One important objection to the extended franchise model as it was presented above, can be put like this. If the electorate has the opportunity to vote on which F-candidates they like, and if the F-representatives are only accountable to present generations, then it is likely that many voters will use their vote to elect F-representatives who will promote their own short-term interests instead of the long-term interests of posterity.

Against this background, the following problem of representative legitimacy arises. Who should be empowered to speak in the interest of posterity in legislative assemblies, and what is the source of legitimacy of such representatives? One possible, but non-ideal, solution to

range of issues.

⁸ Dobson offers the following response to this objection: “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”. (Dobson, 1996, p. 134).

this problem is to establish a system where the electorate only has a right to vote on candidates that most likely will promote the interests and needs of future generations. However, the problem confronting this solution is how one can find adequate or suitable candidates that can fill the role as spokespersons and guardians of posterity in the legislative assembly. At first glance, one group seems to be well suited for the task under consideration. This is environmental organisations and their members. If one finds this solution acceptable, one could imagine an electoral system where different environmental organisations put forward lists of candidates like ordinary political parties. This view on the question of who should be empowered to represent posterity is similar to that of Dobson (See section 3.2).

This position faces the problem that it seems to close off the debate about what best serves the interests of future generations. It gives one particular group (i.e. environmental organisations or the sustainability lobby) with a restricted range of perspectives the status of representative for posterity in advance of public deliberation.⁹ Environmental organisations not only make special claims to care about posterity, but also express particular views on what this involves – views that are open to debate. They normally assume that some form of environmental protection best realises the interests of future generations, where their more technologically optimistic opponents might claim that this will not serve future interests at all. Much of the debate between environmentalists and their opponents is not about whether we should be concerned about future generations, but how we should meet their interests. Environmentalists represent just one strand in that debate.¹⁰ The discussion about genetically modified (GM) crops can serve as an illustration. On the one hand, most environmental organisations would be against the development of GM food. On the other hand, it is open for

⁹ John O'Neill has made me aware of this objection to the position outlined above.

¹⁰ See, for example, Beckerman and Pasek (2001) and their critique of environmentalists' diagnosis of and solutions to current environmental problems. In many cases, such disputes reflect, I believe, reasonable disagreements about how we should meet future interests and needs. This is discussed more closely below.

a defender of GM crops to claim that this would be deeply detrimental to the interests of posterity. Given foreseeable population levels in the future, they might argue that future people will be left unable to meet their nutritional needs without development of GM food.

This objection is serious because public debate and discussion ought to be open in deliberative democracies. From this point of view, one should not give one particular group or movement the privileged status of representative for future generations in advance of public deliberation. Moreover, disputes about what best serves the interests and needs of posterity often reflect reasonable disagreements and should not be closed off in deliberative democracies. As pointed out by John Rawls, there are several sources of reasonable disagreements. In this connection, the following are particularly important:

a. The evidence – empirical and scientific – bearing on the case is conflicting and complex, and thus hard to assess and evaluate. b. Even where we agree fully about the kinds of considerations that are relevant, we may disagree about their weight, and so arrive at different judgments. c. To some extent all our concepts, and not only moral and political concepts, are vague and subject to hard cases; and this indeterminacy means that we must rely on judgment and interpretation (and on judgments about interpretations) within some range (not sharply specifiable) where reasonable persons may differ. d. To some extent (how great we cannot tell) the way we assess evidence and weigh moral and political values is shaped by our total experience, our whole course of life up to now; and our total experiences must always differ e. Often there are different kinds of normative considerations of different force on both sides of an issue and it is difficult to make an overall assessment.¹¹

¹¹ Rawls, 1993, pp. 56-7. On the other hand, Rawls mentions the following sources of unreasonable disagreements: logical errors, prejudice and bias, self- and group interest, blindness and wilfulness (Rawls, 1993, pp. 55 and 58).

In view of the preceding considerations, I do not believe that the right to represent future generations should be restricted to environmental organisations (or as Dobson contends to the environmental sustainability lobby). Rather, it should be open to anyone who cares for the well-being of posterity to establish what can be called F-parties (“Future-parties”), that is, political parties founded with the purpose to protect the interests and needs of future generations. One could imagine an electoral system where such parties were assigned the right to put forward lists of F-candidates. If such a system is adopted, the voters can elect F-representatives from F-parties in addition to P-representatives from ordinary political parties.

Here it should be pointed out that I do not think that anyone should be allowed to form an F-party. If that was possible, some persons and interest groups would, as indicated above, probably found such parties for strategic and egoistic reasons. More precisely, they might establish an F-party to promote the short-term interests of present groups instead of the interests of near and remote future generations. In order to prevent the formation of F-parties by agents and groups who do not care for the well-being of future generations, there is a need for legal norms that restrict the establishment of such parties. These norms should be inclusive, in the sense that they should not place restrictions on the variety of viewpoints about what best serves the interests and needs of posterity. Rather, the primary aim of such legal norms would be to prevent certain people, groups and organisations from founding an F-party because they are not suited to function as spokespersons or guardians of posterity. In this connection the crucial question is whether the potential spokespersons in fact *care* for the welfare of future people.¹² For example, there might be good reasons for not allowing certain powerful organised interest groups, such as labour unions and employers’ federations, to form F-parties because their members often have short-term interests that may come into conflict

¹² It can be complicated to specify the content of such laws in an adequate way, and it is likely that controversies will arise. Therefore, I think that this is a matter that should be placed in the hands of democratically elected legislators.

with the interests of future generations. The legal norms regulating the formation and activities of political parties should be enforced either by special constitutional courts or by ordinary courts. It is important to emphasise that courts already play a similar role when they consider who are suitable representatives or guardians of children or other incompetent persons.

At this point, some might object that it is questionable from a democratic point of view to give courts the competence to enforce the laws that restrict the establishment of F-parties. The reason for this is that this system gives unelected judges a high degree of discretionary and policy-making power – especially in cases where it is difficult to determine whether a given group or organisation in fact cares for the welfare of posterity. I agree that this can be a problem, but it is important to remember that some degree of lawmaking and policy-making discretion is inherent in the institution of judicial review.¹³ It is also worth noting that most democratic states already have laws that restrict the establishment and activities of political parties, and courts are usually empowered to enforce such laws. Moreover, if the elected legislators are not satisfied with the way courts enforce the laws they have made, the legislature should have the opportunity to change judicial decisions – for the future – by amending the laws in question.

Another objection to the proposed extended franchise model is that it is likely that the ordinary parties will run candidates in both lists, and that they will be pressured to sing from

¹³ Shapiro has called this “the interpretation trap”, and it implies “that whoever is assigned to interpret text to some degree makes the text” (Shapiro, 2002, p. 178). This means that if the people and their elected representatives employ judges to enforce (i.e. interpret and apply) laws, some power to govern will be transferred to the judges. The reason for this is that judges will always have some degree of interpretative elbow-room, and this will give them some degree of law-making discretion. Against this background, one can say that the law-making discretion of judges is related to the indeterminacy of laws. If the laws that judges are empowered to interpret and apply are very vague and unclear, they will have a high degree of law-making discretion.

the same “hymn sheet”. If this happens, it will undermine the new system of representation. I also think that this scenario is plausible. In order to avoid this, ordinary political parties should not be allowed to form F-parties. From the point of view of deliberative democracy, this restriction is not problematic because the ordinary parties already have the opportunity to run candidates during elections of P-representatives, and they are free to participate and express their opinions in public debates.

If an electoral system is established along these lines, it is likely that, over time, a number of F-parties will be founded. Eventually, this will create a plurality of F-parties that will represent different and often competing perspectives in the debate about what best serves the interests and needs of future generations. In order to make the objectives of these parties available to the general public, F-parties should be required to publish their political programs. Like a number of existing environmental organisations, some of these parties may also constitute important centres of knowledge about the future effects of present environmental and technological decision making, since it is likely that they will make use of scientific experts from various research fields.

Some might question whether such a system of political representation of posterity provides a reasonably effective way to represent the interests and needs of posterity. One can imagine at least two problems in this connection. The first is that this system cannot guarantee that the F-representatives will in fact promote the needs and interests of future generations.¹⁴ A device similar to that of bound mandates might provide a solution to this problem. One could imagine a system where the F-representatives were bounded by a set of instructions about

¹⁴ This problem is not restricted to the political representation of future people. A similar problem will also arise with regard to the representation of present people. There is, however, an important difference between present and future generations in this context. In contrast to future people, citizens have the opportunity to hold their

how they should act in behalf of posterity, i.e. protect and promote future interests in the legislative assembly. However, such a device faces a number of problems. First of all, it is problematic to formulate such instructions in an adequate manner. In addition, it is difficult to defend this device from the point of view of deliberative democracy because this model of democracy requires that legislators are free to change and revise their views or opinions through public deliberation. Therefore, they should not be bound by authoritative instructions.

The second problem pertaining to the effectiveness of the proposed electoral system is that the F-representatives are too dependent on the electorate because they are only accountable to present voters. Like ordinary politicians, their incentive to be re-elected may lead them to take positions that do not deviate too much from the short-term interests of presently living voters in order to avoid being punished during elections. This might affect their role as guardians and spokespersons of posterity negatively. One possible solution to this problem is to make it impossible for such representatives to be re-elected either as F-representatives or P-representatives. This mechanism makes the F-representatives more independent of the electorate, and it will make it easier for the F-representatives to support unpopular views and policies in cases where they believe that this is in the interest of posterity. But the problem with this solution is that it places the F-representatives in a position where they are not accountable to anyone. For this reason I think this solution should be rejected.

An interesting question arises in relation to the second problem of effectiveness. This is whether, or to what extent, the double-vote might encourage present generations to think, when casting their “second” vote, about the interests of future generations. Although it is difficult to answer this question, it is likely that periodical elections of F-representatives will promote more regular public debate about environmental problems in general and issues

representatives accountable by means of periodical elections. This accountability mechanism gives

affecting the near and distant posterity in particular. Furthermore, there is considerable evidence that people's preferences and perspectives change in response to inputs of additional information – particularly during political campaigns.¹⁵ If these assumptions are correct, the double-vote can make the interests and needs of future generations more “imaginatively present” in the minds of the voters. This might in turn encourage voters to behave in a more principled and impartial fashion, that is, act on the basis of an altruistic rather than self-interested stance. Of course, regular public debate and more inputs of information about issues affecting posterity cannot guarantee that the electorate will, in fact, take the needs of succeeding generations into account when they cast their votes. But it is an important precondition for achieving this end.

The proposed extended franchise model is not ideal with regard to *normative criteria of representative legitimacy*.¹⁶ This is primarily because future people cannot authorise their representatives to act on their behalf nor can they hold them democratically accountable by punishing them during elections.¹⁷ Since future generations cannot be directly represented like the electorate, authorisation and accountability are absent as sources of representative legitimacy. Nevertheless, I believe that this model provides a fairly adequate way of representing posterity. There are at least three reasons for this. The first is that F-parties and their members have *knowledge* and information about environmental problems and their potential future effects that might improve the quality of public debate about such issues and be useful for the task of representing posterity in legislative forums. The second is that the members of F-parties are presumed to *care* for the well-being of future people, in the sense

representatives an incentive to respect the preferences of the electorate.

¹⁵ See, for example, Markus and Converse (1979) and Gerber and Jackson (1993).

¹⁶ In the literature on political philosophy and theory, there are a number of interesting discussions of normative criteria of representative legitimacy. See, for example, Pitkin (1967), Phillips (1995) and O'Neill (2001).

¹⁷ The problem of representative legitimacy with regard to representation of nature and future generations is discussed more closely in Eckersley (1999) and O'Neill (2001).

that they will look after the interests and needs of posterity in present political decision-making processes. This implies that knowledge and care are the sources of their representative legitimacy.

The third reason is, I believe, that the proposed model constitutes an institutional framework that will improve the future orientation of political institutions. Obviously, it cannot ensure or guarantee that future needs will be protected. The extended franchise model is not proposed as a panacea. My claim is only that this model seems to be a reasonably effective means to make representative democratic institutions more future-oriented than in existing democratic states. This claim is primarily based on the assumption that it is likely that the extended franchise model will increase the debate, awareness and knowledge among both citizens and legislators about issues affecting future generations. In this connection, it is worth to mention the following point made by Nadia Urbinati: “A representative can be an advocate who turns the whole nation, not merely the assembly, into a public forum. The representative is an intermediary who can expand the space for political discussion beyond governmental institutions and at the same time bring political decisions to the people’s attention for scrutiny” (Urbinati, 2000, pp. 766-767). To the extent that this is the case, representation of posterity can initiate an educative process that may induce citizens and legislators to internalise the interests of future generations, in the sense that the interests and needs of posterity is taken into account in the process of weighing reasons for and against alternative policies.¹⁸ This process can, in turn, produce more enlightened decisions. In this way, the proposed model of representation provides an institutional framework that can induce the process of deliberation that Goodin’s model of incorporated interests presupposes (see

¹⁸ Like Saward (2001) and Smith (2001), I believe that direct democratic devices such as citizens’ initiatives and referendums may provide useful institutional mechanisms in order to engage citizens more directly in public deliberations about important environmental issues in general and issues affecting future generations in particular. But I will not discuss such devices here.

Goodin, 1996). This argument will be developed in more detail in section 4.2, where it will be argued that a formal representation of posterity can contribute to more rational and impartial deliberations and decisions in legislative forums.

4. Future generations and deliberative democracy

Another important problem facing the extended franchise model concerns how many representatives posterity should have in the legislative assembly. Some would probably claim that it is impossible to implement this model precisely because it is difficult, if not impossible, to find a reasonable and practically acceptable solution to this problem. Furthermore, one can argue that such a model can only serve as an effective institutional mechanism in order to protect future needs if the number of F-representatives is so high that they alone or in coalition with P-representatives have the opportunity to block decisions that may harm posterity. Since it is not very likely to reach sufficient popular agreement on reforms that give the F-representatives such voting power, the proposed model should be rejected.

I do not believe that these objections and practical problems pertaining to the number of F-representatives should be allowed to overshadow the normative question about the desirability of the extended franchise model. The main reason for this is that a formal representation of future generations in legislative assemblies can be defended on the basis of ideas and ideals from recent theory of deliberative democracy. From this point of view, one can argue that the number of F-representatives and their voting power are of secondary importance compared to the value of representing arguments and making relevant information available in the legislative forum. In what follows, I will elaborate these arguments.

4.1. The normative legitimacy of democratic decisions

From the point of view of deliberative democracy, the normative legitimacy¹⁹ of collectively binding decisions is not only the product of majority rule or a mere aggregation of preferences. This is primarily because majority rule is reason blind or insensitive to reasons.²⁰ Rather, democratic decisions can only be regarded as just or ethically justifiable if they result from a process of thorough and reasoned public deliberation where all affected parties or their representatives have had the opportunity to participate. Furthermore, some advocates of deliberative democracy claim that the process of deliberation must satisfy certain procedural norms that are supposed to promote rational and impartial discourses.²¹ Some of these norms are considered more closely below (in section 4.2).

In a number of cases, future generations are among the parties who are significantly affected by present democratic decisions. This seems to imply that at least democratic decisions that significantly bear upon the lives of posterity cannot be regarded as legitimate unless future people have been given a voice in the decision making process. From this line of reasoning, it seems to follow that future generations ought to be represented in legislative assemblies in cases that significantly affect them, provided that such representation is possible.²²

If one accepts the above mentioned idea concerning the legitimacy of democratic decisions, but rejects the conclusion that posterity ought to be represented, one has to justify why one of the parties who are affected should be excluded from taking part in the decision making

¹⁹ The term “normative legitimacy” refers in this context to what Habermas has called *anererkennungswürdigkeit*.

²⁰ See, for example, Benhabib, 1994, p. 29; and Estlund, 1997, pp. 176-177.

²¹ See, for example, Habermas, 1996.

²² This conclusion also seems to follow from Jon Elster’s claim that the notion of deliberative democracy “includes collective decision making with the participation of all who will be affected by the decision or their representatives” (Elster, 1998, p. 8). It should be noted that this line of argument can also serve as a justification for giving a voice to foreigners who are significantly affected by democratic decisions in another state. However, in contrast to future generations, foreigners and their governments do have some opportunities to influence policy-making processes in other states.

process through representation. In order to be in accordance with the formal principle of equality,²³ such an argument must demonstrate that there are ethically relevant differences between present and future generations that can justify such exclusion (or such differential treatment). It is problematic to come up with a convincing case for such exclusion unless one is of the opinion that the moral status of future people is seriously compromised by (1) their epistemological status, and/or (2) their ontological status.²⁴

For the present purposes the most important questions in regard to the *epistemological status* of future persons are the following. Do we have sufficient knowledge about the interests, needs and life-conditions of near and distant future people in order to take their welfare into account when making decisions today? How do uncertainty and ignorance of the future affect our moral duties and responsibilities towards posterity?²⁵ There are several moral and metaethical problems pertaining to the *ontological status* of future persons, and among the most important are the following. First, since future persons, do not exist now, when the alleged burdens of responsibility fall upon the living, the following questions emerge. Can non-actual future persons have moral status (or moral standing)? Can present moral agents have duties to non-existent persons, and if so, do these duties correlate with the rights of future persons? Second, present actions and policies can affect not only the welfare and life conditions of future persons, but also their existence, number and identity. This fact about the contingency of future people raises a perplexing problem that Derek Parfit (1984) has called the “non-identity problem”. The essence of this problem is that alternative environmental policies will not make particular future individuals worse off in cases where these policies affect the identity of future populations. For example, if we choose a policy of depletion, we

²³ The *formal principle of equality* can be formulated like this: cases that are relevantly similar should be treated in a similar manner; a differential treatment requires a relevant difference.

²⁴ The term “epistemological and ontological status of future persons” is used by Partridge (2001).

²⁵ These problems are discussed more closely in Ekeli, 2004.

do not harm anybody because if we had chosen an alternative policy of conservation of resources, a different future population would exist.²⁶ This implies that we can choose policies that have bad outcomes, even very bad outcomes, yet leave no one worse off. From these reflections the following paradox emerges: “Attempts to change conditions in the remote future have the result of causing different persons to live in that future – persons who (*qua* “different persons”) will lead lives that will not be “made better” than they otherwise would have been, even by successful efforts now to improve life conditions at that remotely future time” (Partridge, 1998, p. 82).²⁷

I do not believe that these problems pertaining to the epistemological and ontological status of future persons constitute a convincing objection against a representation of posterity. Although I will set aside these problems in the present paper, it should be underlined that in view of the literature on intergenerational ethics it would be controversial to claim that the epistemological and ontological status of future people significantly compromises the moral status of future generations.²⁸ If one accepts the widely held view that these problems do not seriously compromise the moral standing of future people, a good case can be made for political representation of posterity.

²⁶ This point is related to the radical contingencies attending human reproduction: “Since the choice between our two policies would affect the timing of later conceptions, some of the people who are later born would owe their existence to our choice of one of the two policies. If we had chosen the other policy, these particular people would never have existed. And the proportion of those later born who owe their existence to our choice would, like ripples in a pool, steadily grow. We can plausibly assume that, after three centuries, there would be no one living in our community who would have been born whichever policy we chose. (It may help to think about this question: how many of us could truly claim, ‘Even if railways and motor cars had never been invented, I would still have been born?’)” (Parfit, 1984, p. 361).

²⁷ In addition to Parfit’s extensive analysis of the non-identity problem, there are a number of interesting discussions of this problem and its implications. See, for example, Schwartz, 1978; Kavka, 1982; Grey, 1996; Partridge, 1998; and Carter, 2001.

4.2. Preconditions for rational and impartial discourses

In what follows, I will argue that representation of posterity in legislative assemblies can be defended on the basis of recent theory of deliberative democracy because such representation can contribute to more rational and impartial deliberations and decisions in legislative forums. An important precondition for a *rational discourse* is that an open and critical forum of reasoned discussion is established where relevant information and facts are available to the participants. In order to create such a forum, the participants should have a right to make proposals and put forward arguments for and against the proposals under consideration. Second, they ought to have a duty to justify their views upon request, unless they can provide grounds which justify avoiding giving a justification. Third, it is important that the participants have access to information about how different policy proposals can affect the parties involved. Fourth, one must be willing to revise one's political and moral views in response to new insights, scientific and empirical information, or interpretations of both the insights and information. This norm concerns the proper motivation of the participants, and it implies that one should take seriously the reasons one's opponents give and let disagreements be settled by the force of the better argument. Here it must be pointed out that even if a forum of discussion is established along these lines, one cannot guarantee that rational or enlightened decisions will be made. Rather, the aim is to promote a process of deliberation that renders rational decisions possible.²⁹

Representation of future generations can contribute to rational discourses in legislative assemblies in several ways. Firstly, such spokespersons can present proposals and arguments that might not have been introduced and taken into consideration in the absence of formal

²⁸ See, for example, Kavka, 1982; Parfit, 1984; Malnes, 1995; de-Shalit, 1995; Partridge, 1998 and 2001; Carter, 2001; Shrader-Frechette, 2002:ch. 5; and Ekeli, 2004.

representation of posterity. Secondly, the F-representatives can make relevant information (about values, facts, problems, solutions and options) available to the participants in the legislative assembly. In this way, formal representation of posterity may lead to a discussion that might lessen the problem of bounded rationality – the problem that our knowledge, imaginations and reasoning abilities are limited and fallible. The reason for this is that F-representatives may think of possibilities and problems that would not have occurred to the other participants in the legislative forum. To the extent that the F-representatives play this role in the process of deliberation, this will improve the basis of information and enhance the level of reflection among the decision-makers. From this point of view, the number of F-representatives and their voting power are of secondary importance compared to the significance of making relevant proposals, information and arguments available in the legislative forum.

An important precondition for an *impartial discourse* is that the interests and needs of all affected parties are taken into account when alternative proposals and their consequences are under consideration. This presupposes that the participants in the discourse have knowledge about how different policies will affect the interests and needs of all the involved, and that they try to imagine themselves in the place of the others. If this is correct, it seems to count in favour of representation of various affected parties or groups (at least to the extent that this is possible – and desirable all things considered).³⁰ Besides, the representatives ought to be given the opportunity to determine the agenda and provide information about the interests and needs of the parties that they represent. Such representation can contribute to a more thorough and informed discourse about relevant policy proposals and their likely effects on various

²⁹ This is not a complete list of requirements that a rational discourse must satisfy. An interesting discussion of such requirements that has played an important role in Habermas' discourse ethics is found in Alexy, 1983 and 1990.

groups. Moreover, in such a forum of deliberation, the participants will be “forced” or encouraged to put forward proposals and arguments that are impartial in the sense that they are acceptable or reasonable to all the parties involved. This point rests on central assumptions in theories of deliberative democracy:

Among advocates of discursive [or deliberative] democracy, it is a familiar proposition that having to defend our positions publicly makes us suppress narrowly self-interested reasons for action and highlight public-spirited reasons in their place. We must do so, at least in our public explanations, if we want to give reasons to which we expect anyone besides ourselves to assent. ... [T]here will always be a certain amount of *anticipatory internalization* in such settings. Those choosing actions and knowing that they will have to be defended in the public forum will ask themselves, ‘How would I justify this to X?’, even before X asks for an explanation (Goodin, 1996, p. 846, italics added).

These assumptions about public deliberation and anticipatory internalisation do not rule out that the participants might be hypocritical or strategic. However, as pointed out by Elster, the “civilizing force of hypocrisy” may produce desirable results.³¹ Over time, the psychological mechanism of self-censorship might induce hypocritical participants to actually adopt “reasonable” positions to which they earlier paid only lip-service. Further, self-censorship may even prevent self-interested proposals from coming on the voting agenda.³²

Representation of future generations can contribute to the promotion of such impartial discourses in legislative assemblies in several ways. First, their spokespersons may ensure

³⁰ Interesting discussions of deliberative democracy and group representation are found in Sunstein, 1991 and Phillips, 1995.

³¹ See Elster, 1986, pp. 112-113 and Elster, 1995.

³² See Fearon, 1998.

that issues affecting future people are placed on the agenda. Second, such representatives can contribute to a more thorough discussion of such issues. Third, the presence of F-representatives may encourage policy proposals and arguments that are impartial in the sense that the needs of both present and future generations are taken into account. In this context, I believe that the civilizing force of hypocrisy will play a role because it may induce participants in assembly debates to suppress narrowly self-interested and short-sighted proposals and arguments that do not take future interests into consideration. Over time, hypocritical participants might even adopt the more impartial positions to which they earlier paid only lip-service. Fourth, representation of posterity can lead to an exchange of information about interests, needs, relevant ends and means that makes it easier for the participants to understand how different proposals will affect the needs and life-conditions of future generations. Despite the fact that future people cannot be what Goodin has called “communicatively present”, the F-representatives can make the needs of posterity “imaginatively present” in the minds of the deliberators.³³ In other words, the communicative presence of spokespersons can make future people more imaginatively present in the minds of the legislators. Therefore, formal representation of posterity can induce the process of internalisation of future interests among the legislators.

In light of the foregoing considerations, one can draw the following conclusion. Representation of future people cannot guarantee that democratic majorities will not make decisions that will harm posterity. Nevertheless, such representation can be regarded as a reasonably effective mechanism in order to ensure that future interests and needs are taken into account in present decision-making processes. Furthermore, the proposed representative structures can contribute to more rational and impartial discourses before decisions are made through voting. This can in turn lead to more rational and impartial decision outcomes.

³³ The distinction between “communicative presence” and “imaginative presence” is discussed in Goodin, 2000.

5. Conclusion

In this paper, I have discussed whether some seats in democratically elected legislative assemblies ought to be reserved for representatives of posterity. In order to answer this question, I have considered two competing models for political representation of future generations – Dobson’s restricted franchise model and my extended franchise model. In view of central ideals in deliberative democracy, it has been argued that my model has several advantages compared with Dobson’s model. Nevertheless, the proposed model of representation faces several difficult problems. The most important is probably the problem of the representative legitimacy of the F-representatives. Since it is impossible for future generations to authorise their representatives to act on their behalf and hold them democratically accountable, authorisation and accountability are absent as sources of representative legitimacy.

Despite such problems, it has been argued that giving posterity a voice in legislative assemblies can be defended on the basis of fundamental ideas and ideals in recent theory of deliberative democracy. The first reason for this is that in a number of cases democratic decisions cannot be regarded as normatively legitimate from the point of view of deliberative democracy, unless future people is given a voice. The second reason is that representation of posterity can contribute to more rational and impartial deliberations and decisions in legislative assemblies. In this connection, I have argued that the extended franchise model represents an institutional framework that provides an important supplement and complement to Goodin’s model of incorporated interests. This is because it can initiate an educative process that may induce both citizens and legislators to internalise the interests and needs of future generations. In this way, the proposed new representative structures may help

overcome the problem that “the future whispers while the present shouts” (Gore, 1992, p. 170).

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