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Democracy, Justice, & the Long Term –  
Designing Institutions for the Future

Jonathan M. Hoffmann

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I want to dedicate this thesis to my child Nikola and all children alive and to be born. Nikola reminds me of our responsibility to the future but seeing the world through his eyes also makes me look at it with profound amazement and makes me see the opportunities the long term has to offer.

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## Declaration and Inclusion of Published Material

I declare that this thesis is my own work and that it has not been submitted for a degree at another university. It does not contain work published elsewhere.

## List of Abbreviations

CDR	...	....	Carbon Dioxide Removal
COP	...	...	Conference of the Parties
F-Institution	...		Institution for the Future
F-Representative			Representative of the Future
GDP	...	...	Gross Domestic Product
GHG	...	...	Greenhouse Gas
IPCC	...	...	Intergovernmental Panel on Climate Change
NGO	...	...	Non-governmental Organisation
NIP	...	...	Non-identity Problem
OECD	...	...	Organisation for Economic Co-operation and Development
SRM	...	...	Solar Radiation Management
UN	...	...	United Nations

## Abstract

Wrongful short-termism results in undue discounting of the future in political decisions. As a result, the future is wronged because too little is spent on disaster preparedness, climate mitigation and other long-term risks. In response, various proposals have been made to reform democracy and install institutions for the future (F-Institutions). This thesis makes two arguments. First, it argues that installing F-Institutions can be justified on the basis of justice, democracy, and sovereignty, and secondly, it argues for specific criteria, methods, practices, strategies, and proposals for F-Institutions design.

The thesis considers three normative grounds for installing F-Institutions. First, a common approach argues that future people are entitled to representation in decisions that affect them. Due to theoretical and practical difficulties, the thesis rejects this argument but suggests that future people are owed consideration and justification. Second, the thesis argues that there is a duty to ensure that the future enjoys democracy and, third, a duty to ensure intertemporal distributive justice. Installing F-Institutions is justified to reduce wrongful short-termism and thereby ensure compliance with these duties.

Drivers such as uncertainty, various biases, and the election cycle all contribute to wrongful short-termism. F-Institutions need to address these drivers to reduce wrongful short-termism. Four criteria are suggested for designing F-Institutions: Effectiveness, feasibility, institutional sustainability, and moral legitimacy. Further, a novel citizens' assembly approach is suggested for identifying the best F-Institutions.

As a single F-Institution is unlikely to overcome wrongful short-termism, a strategy is suggested to install multiple F-Institutions and transform democracy step by step. Lastly, a starter set of seven F-Institutions is proposed that is more effective and legitimate than many proposed alternatives. This set would make it more likely that policies are understood as intertemporal investments instead of intratemporal redistributions, thus raising the chance that wrongful short-termism will be overcome.



# 1. Introduction

Many decisions taken by people today have consequences for people in the future. Some decisions taken today only have consequences in the near term, but others have effects in millions or possibly even billions of years (Ord, 2020, p. 225; Tremmel, 2006, p. 188). That future selves and future people are affected by today's decisions is not necessarily good or bad. Some of these consequences will be welcomed, while others will be accepted reluctantly. However, some decisions taken today may result in future people leading dreadful lives. Such decisions may result in climate heating, biodiversity loss, nuclear radiation, pandemics, or lack of privacy and mass surveillance through artificial intelligence.

The possible and sometimes probable negative consequences are often known or can be known. Thus, people making decisions on these matters have a responsibility toward people in the future. Take the recent increase of sovereign debt in response to Covid-19. Dibley, Wetzler, and Hepburn (2021) analysed the recent capital intake through government bonds in 20 countries that totalled 783 billion US \$. Many of these bonds will only mature after 30, 50, or even 100 years. However, they find that governments only rarely disclose the risks that dangerous climate change poses to their ability to repay. Further, they argue that

Despite calls to “build back better”, governments have financed activities that are damaging to the climate, including at least \$6.9 billion on new coal infrastructure in India, and Germany's \$9.98-billion unconditional bailout of its major airline, Lufthansa. Rather than creating prosperity and facilitating debt repayment, investing in outdated fossil-fuel technologies leaves future generations with more debts, higher cost of capital, stranded assets and even greater warming.

(Dibley et al., 2021, p. 186)

Or consider the lack of initiative for mitigating dangerous climate change. The IPCC published its first full report in 1990, and the Kyoto Protocol was agreed upon in 1997. Thus, knowledge regarding dangerous climate change has been widely available, at least since then. Yet, while many states have committed to reducing the global temperature rise to well below two degrees in the Paris Agreement, what can be observed is that most states' climate policies are not aligned with this goal and are insufficient to achieve it (Ekardt, Wieding, & Zorn, 2018; Pan, Elzen, Höhne, Teng, & Wang, 2017).

There is a general worry that democracies cannot deal with long-term issues such as human-induced climate change due to their internal temporal structure and the lack of voice for future people (for example, Jonas, 1979). Sometimes, this calls for more authoritarian forms of government (Randers, 2012; Shearman & Smith, 2007). However, there are also proposals for the transformation of democracy that aim to reform existing institutions and install new ones that may mitigate what appears to be the short-sightedness of the democratic system. I will call these new institutions F-Institutions, short for institutions for the future. The idea is to alter the set of political institutions in such a way that the responsibility of the people towards the future is appropriately reflected in the relevant decision processes while also honouring the democratic ideal.

In recent years, many attempts have been made to include the future in our current political decision making: In Hungary, for example, an Ombudsman for Future Generations was installed in 2008 but downgraded in 2011 (Ambrusné, 2010; Fülöp, 2014), while a Commissioner for Future Generations was active from 2000 to 2006 in Israel (Shoham, 2010; Shoham & Lamay, 2006). There has been a Parliamentary Committee for the Future in Finland since 1993, and many other countries have installed advisory commissions on sustainable development or the environment (for an overview see Rose, 2018). Furthermore, more than 50 countries, including Japan, Bolivia, and Germany, have introduced some constitutional provisions for the future (Gonzalez Ricoy, 2016).

Various proposals for F-Institutions have been developed (for overviews, see Boston, 2017; Gonzalez-Ricoy & Gosseries, 2016; MacKenzie, 2016b). These proposals range from second chambers with veto rights (Bahro, 1987; Read, 2012; Stein, 1998, 2014), ombudspersons (Beckman & Ugglä, 2016; Gesang, 2018; Göpel, 2012), future councils with law-making competence (Tremmel, 2018b), the representation of future generations in parliament (Dobson, 1998; Ekeli, 2005; Wells, 2014), to policy impact statements (Hornberg et al., 2019; Thompson, 2010, 2016), deliberative fora (MacKenzie, 2016a; Nanz & Leggewie, 2016; Niemeyer & Jennstal, 2016) and other deliberative means such as regular ‘Vision for the Future Days’ where the government shall explain its take on long-term issues (Caney, 2016, 2019).

This thesis is concerned with such proposals and attempts to reform the given political institutions on the basis of responsibility towards the future. Specifically, the thesis aims to answer two questions:

1. Can principles of democracy, justice, and sovereignty ground a justification for the installation of F-Institutions?

2. Considering these intertemporal responsibilities (if any), which F-Institutions should be installed – and how?

To answer the first question, the thesis evaluates three principles commonly referred to for guidance in normative questions in the here and now: a) democracy, b) sovereignty, and c) justice. The thesis applies these principles to the intertemporal realm and asks which responsibilities people today have with respect to people in the future according to these principles.

The second part of the thesis discusses the institutional implications of these responsibilities. This begins with examining the factors that hinder the present from fulfilling its responsibility towards the future. It continues with outlining criteria for the design of F-Institutions and sketching a fair and legitimate procedure for adopting them. Lastly, it suggests a set of F-Institutions. Before giving a more detailed overview of the thesis and its main arguments, I would like to elaborate on the methodology employed in the following section briefly.

## 1.1 Methodology

This thesis is a work of analytical political theory. In this context, two issues deserve further elaboration: First, normative justifications and, secondly, the relation between ideal and non-ideal theory.

First, to arrive at coherent normative justifications, I employ the method of reflective equilibrium. This method is suggested by John Rawls (1971, pp. 20-22). The method works back and forth between our considered judgements regarding specific moral questions and moral principles (Daniels, 1979, 1996). We may consider our beliefs, intuitions, and judgements with regard to a specific moral question and test them for coherence with the principles that we think should be applied in answering such questions. The alignment of intuitions and principles can be tested by employing thought experiments and analogies. For example, one consequence of pure utilitarianism may be that a healthy person should be sacrificed to save five ill patients (Foot, 2002, p. 24). Many will have the intuition that this should not be done, so one would either have to reflect on one's intuition or modify the principle of pure utilitarianism so that the consequences are in line with one's moral intuition. Intuitions, considered judgements, and moral beliefs can be nothing more than a gut feeling, but they can also be more differentiated and developed over time. As such a

moral intuition is not ‘fixed,’ but can be revised, as the term considered judgement – which is the term preferred by Rawls – suggests.

By employing the method of reflective equilibrium, I aim to develop a coherent approach where ‘our principles and judgements coincide’ (Rawls, 1971, p. 20). To this end, the potential or actual consequences of suggested principles are tested for their conformity with considered judgements. This will lead me to reject certain principles or to reconsider judgements. At times, I will be content with highlighting discrepancies that may arise for specific positions or approaches.

This method may also be applied when reasoning about duties towards future people. However, future people are less tangible and relatable than other objects of moral concern in the here and now (Birnbacher, 2009). Consequently, it may be harder to apply the method of reflective equilibrium. For example, it is not possible to know the names and identities of remote future people, and as such, they will always be victims of the ‘identifiable victim’ effect (Jenni & Loewenstein, 1997). I will discuss further such biases and the complications they result in chapter 6. What is required is thus to be especially careful when thinking about today’s moral responsibility concerning the long term in so far as our intuitions will often be influenced by biases that make it likely that too little consideration is given to the long term.

Despite these difficulties, it is possible to theorise these matters and, nonetheless, to work with one’s moral intuitions. It is often possible to construct cases analogous to intertemporal scenarios while bracketing the intratemporal dimension. Brian Barry suggested one way to do so (1999, pp. 93-100). He suggests starting from the principles one believes to be a good guide in relations of justice in the presence and asking then whether and what changes if applied intertemporally. In some cases, this helps identify problems inherent in the principles one employs, while it will, in other cases, reveal that there is no significant difference between the intra and intertemporal realm. For example, in chapters 2., 3., I will show that it is theoretically and pragmatically implausible and undesirable to apply the concept of democracy to future people in the same way it is applied to fellow citizens. However, I will argue, in chapter 5., that there seem to be no such difficulties with applying principles of distributive justice in the intertemporal realm.

Secondly, I would like to comment on my approach to ideal and non-ideal theorising. Generally, it is good to know the ideal state of a society’s institutions, even if there is presently no way to arrive at this state. Non-ideal considerations, on the other hand, allow us to think about what is possible here and now. Also, non-ideal theory can provide us with relevant arguments against some institutional sets that may bring about good outcomes, but



that come at an unreasonable cost of motivation or do not fit the relevant society's mental models and path dependencies.

The first chapters discuss principles of intertemporal justice, democracy, and sovereignty. These discussions are mainly set in idealised contexts where full compliance is assumed to characterise the behaviour of citizens (Rawls, 1971, pp. 8-11). Much of Rawls' theorising is set in the context of the basic structure of a given society, which is assumed to be largely self-contained. In the following, I will not adopt this assumption because relations between people living in different regions can be relevant from the viewpoint of justice, democracy, and sovereignty. Further, nation-states should not be considered normatively relevant in themselves (Fraser, 2009) and especially so in the intertemporal realm (Thompson, 2005). I will elaborate on this in chapters 2., 3., 4., and 5.

At times, I will loosen the assumption of full compliance to discuss additional risks to the far future due to the possibility that earlier future people do not comply with their duties. Potential non-compliance of the future may generate further responsibilities for the present, in so far as it may have to find ways to bind the near future for the sake of the far future. I will return to this specific issue in section 4.2.2.

The second part of the thesis does not assume a set of well-working political institutions but instead takes as a starting point the present institutional context. Accordingly, I deviate from the assumption of full compliance and instead begin with an analysis of the various factors that hinder people in the present from complying with principles of intertemporal justice, democracy, and sovereignty. Hence, both ideal and non-ideal considerations are essential for this thesis. The (mostly) ideal theorising in the first part of the thesis provides the necessary guidance to criticise the current state of affairs and grounds the normative momentum to improve the situation. The non-ideal theorising in the second part of the thesis provides us with a grasp of the obstacles in the way of realising intertemporal justice, democracy, and sovereignty. While it will not tell us how to get from the status quo to the just, democratic and sovereign world envisioned in part one, it can provide us with a toolkit for getting closer: criteria, design considerations, processes, and institutions.

## 1.2 Designing F-Institutions

For the following, it is essential to have some idea of institutions and their design as well as to have a working definition of F-Institutions. Institutions are commonly understood as the formal and informal rules and procedures in a given human environment (North, 2012, ch. 1). Here, I am only interested in a specific kind of formal institutions. The conception of

institutions employed here encompasses all formal procedures, rules, and structures relevant to the political decision-making process within states.<sup>1</sup> That is, I am only interested in a particular part of political institutions. I do not consider ‘normal’ policies, such as economic or environmental laws and focus on the set of institutions that shape and structure the political decision-making process. For example, I am not discussing environmental policy but am interested in the institutional context in which environmental policy is made.

So, what makes an institution an F-Institution? In short, an F-Institution is an institution that mitigates wrongful short-termism in the political decision-making process. I will define wrongful short-termism more thoroughly in chapter 6., but roughly put, it is the undue focus on the short-term in political decision processes. Hence, an F-Institution is some kind of formal procedure, rule or structure that, in one way or another, modifies the decision-making process in such a way that it is more likely that the present’s responsibilities towards the future (to be discussed in chapters 2.-5.) are honoured. This definition is intentionally inclusive of all sorts of designs, working mechanisms and other considerations. I will argue in chapters 6. And 7. That installing F-Institutions is justified on the basis that they are likely to mitigate wrongful short-termism, but I will also point out that there are other considerations, such as their moral legitimacy, that need to be taken into account when discussing which F-Institutions to install.

Now to the design part. Four things matter here: i) the conceptions of design and designing and how I employ them in this thesis, ii) the institutional context, iii) the designers, and iv) how they approach their task. What is design? Parsons suggests the following definition (2016, p. 11): ‘Design is the intentional solution of a problem by the creation of plans for a new sort of thing, where the plans would not be immediately seen, by a reasonable person as an inadequate solution.’ Parsons’ definition emphasises reasonability to distinguish between design and mere imagining. Michael Saward suggests in *Democratic Design* a neat adaptation of Parsons’ definition: ‘[T]he intentional creation of plans to solve a problem’ (2021, p. xiv). Bobrow and Dryzek offer a third definition (1987, p. 200) ‘[D]esign is the creation of an actionable form to promote valued outcomes in a particular context.’ This definition highlights that the design needs to be feasible more than the aforementioned.

Considering these conceptions, I will use the following definition of design: An activity that provides action-guiding material to achieve or come closer to a given purpose in a given context. Action guidance can be realised through plans, scripts, instructions, and other guiding material. Often, a blueprint for some political institution is provided, which is one

---

<sup>1</sup> The limitation to national institutions is due to reasons of space.

kind of action-guiding material, but one could also suggest setting up a process for designing an F-Institution and giving guidance on how to facilitate the process. Here, both the instructions for the process and the results of the process are to be designed. However, these are two different modes of design, as Saward (2021) suggests. Making a proposal for a specific institution to be implemented is to propose a ‘first-order’ design. Second-order design concerns processes, and methods. It is ‘a scheme for designing rather than a description of final designs themselves’ (Saward, 2021, p. xvi). In *Democratic Design*, Saward suggests that more of this second-order designing is needed. In the thesis, both first- and second-order designs will be discussed and proposed. Indeed, one of the contributions of the thesis is that it does not only engage with developing a proposal for a first-order design (which culminates in chapter 9.) but also digs deeper into the question of which process should be set up to design appropriate F-Institutions (chapter 8.).

Designing is an activity concerned with a specific context to which the action-guiding material needs to be adjusted. Institutions always operate within a context (and shape it themselves). It is important to consider this carefully when designing institutions, as it may significantly affect their effectiveness or institutional sustainability. Many proposals for F-Institutions provide a blueprint to be adopted without spending much time reflecting on the given institutional context. As I will argue, the institutional context significantly impacts whether an institution is politically feasible and whether it will be effective once in place. I discuss this in greater detail in chapter 7.

However, I want to specify one crucial feature of the institutional context. Throughout the thesis, I will refer to ‘democracy.’ In the first part of the thesis, particularly in chapters 2., 3., and 4., I will discuss relevant normative features of democracy and whether and to what extent specific features of democracy, such as representation, inclusion, and sovereignty, can be applied to the long-term. This is a discussion concerned with principles and does not directly result in any specific institutional design, nor does it apply only to specific political entities, such as states, but should be applicable to all sorts of polities.

It should be noted that for the following arguments, there is no commitment to any specific kind of democratic theory or system required. There is an assumption that major political decisions are taken in legislative assemblies or parliaments, but these are not necessarily the first chambers of nation-states. Indeed, I think it is important not to think of democracy too narrowly – there is a high variability of democracy in practice (Saward, 2021) and following Van Parijs (2011), the arguments developed in the first part of the thesis should not hinge on any of such particular features.

The second part of the thesis is concerned with the design of specific institutions and processes, and it is here that the context is of great relevance. The second part of the thesis aims to contribute to the debate on how wrongful short-termism can be mitigated by institutional means. Most of this discourse is focused on reforming and implementing institutions in established democratic states. This thesis, too, mainly focuses on institutional means on the national level, albeit some suggestions also include considerations of local or global politics. This is because politics, to a significant extent, is made on a national level, and as such, changing the institutions on this level is relevant, too. However, as mentioned, this does not imply any commitment to the nation-state as a political unit. Indeed, I will provide a range of arguments in chapters 2., 3., and 4., in particular, that highlight the limits of nation-states, given the present's duties towards the future.

Given this focus on states, does this thesis have something to offer to those concerned with global politics? In my view, mitigating wrongful short-termism on a global level requires a closer analysis of the drivers of wrongful short-termism in this realm – an effort that is beyond this thesis' remit. This being said, some of the design considerations and criteria developed in chapters 7. and 8. are likely to apply to the global realm, too.

There is another way in which context matters. There are significant differences with regard to polities across the globe. Some of these differences affect the responsibilities people within these polities have. Affluent polities may have to take a larger share of the burdens that follow from a commitment to the three duties towards the future that I will explicate in the following chapters. This is at least for two reasons. First, it is the duty of those to clean up the mess who have created it in the first place (Shue, 1999) and, secondly, the burden of reducing harm falls on to those who have the power to do so – with power comes responsibility (Caney, 2014b). As such, the thesis builds on the assumption that burdens have to be distributed fairly (Shue, 1988), which means that the global north has to contribute considerably more to mitigating wrongful short-termism than the global south (Caney, 2010a). Thus, while many arguments may be applicable to the global south, too, most of the institutional reasoning is addressed at the global north. This is important to keep in mind in the second part of the thesis, where I will turn to specific proposals for institutional reform and discuss specific examples of institutions that have been installed, for example, in Israel, Hungary, and in particular, Germany, where my knowledge of the specific institutions is deepest. This is not to say that the principles that I will develop in the following chapters do not apply to the global south, but the particular institutional measures that should be adopted to comply with these duties may be different to the one's that I will suggest focusing on the global north for the aforementioned reasons.

The purpose of a design concerns the principles that underly the design intention. I discuss three prominent principles – democracy, justice, and sovereignty – that may form the requirements of the design process of F-Institutions in the first part of the thesis. The second part deals with a specific ‘*design challenge*’ (Saward, 2021, p. xviii, emphasis in the original) – overcoming wrongful short-termism – and subsequently suggests criteria, processes, mechanisms, and designs to address this challenge in the second part.

At this point, one may worry that designing F-Institutions is a hobby of self-proclaimed impartial social engineers.<sup>2</sup> Indeed, there are troubling arguments and proposals in the theoretical discourse that ignore the relevance of collective political judgement and fair procedures. Nancy Fraser (2003, p. 70) calls such approaches ‘platonic’ Fraser argues that such accounts cannot deal with two kinds of difficulty. First,

this approach is largely insensitive to issues of context. Naively assuming that normative principles can determine their own application, it fails to appreciate that implementation requires political judgement. In addition, the Platonic approach overlooks "the fact of pluralism"; neglecting the plurality of reasonable perspectives on how best to interpret the requirements of justice, it substitutes an inadequate monological decision-procedure for dialogical deliberation.

(Fraser, 2003, pp. 70-71)

There are, however, reasonable alternatives to such ‘platonic’ approaches that make more humble contributions to the discourse. One may call those designers ‘democratic underlabourers’ (Swift & White, 2008, p. 54). The role of such a democratic underlabourer is two-fold. First, she clarifies issues at stake, identifies and evaluates core arguments and thus assists public discourse in making the right decisions. Secondly, she offers her arguments and justifications and tries to persuade her fellow citizens. She submits her case to be considered and judged, and as such, she does not usurp their role as they are free to choose, reject or modify her arguments. This is also the ideal this thesis follows. Having outlined my conception of institutional design and a working definition of F-Institution, I am in a position to provide an overview of the chapters and the main arguments.

### 1.3 Outline of the Thesis

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<sup>2</sup> See fn. 27 on page 126 for contributions that confirm this worry.

I begin my analysis by discussing the procedural argument for installing F-Institutions. These arguments come in two parts. An example of the procedural argument is the following. Firstly, future people are affected in a relevant way by today's decisions and thus ought to be included in those decisions. Secondly, the appropriate way to include future people in today's decisions is through representation. I devote the first two chapters of the thesis to procedural arguments as these are regularly employed to justify F-Institutions. Chapter 2. deals with the claim that future people ought to be included in today's decisions and chapter 3. is concerned with the claim that future people ought to be represented.

Chapter 2. discusses two problems with this approach. The first problem arises because of Derek Parfit's 'non-identity problem' (Parfit, 1984, ch. 16). I argue that this objection is not decisive. The second problem concerns the problem of providing a principle of inclusion that suggests that future people ought to be included in today's decisions. However, the second problem is more severe because the inclusion of future people turns out to be very complicated. I consider three approaches to defining those included: the all-affected principle, the all-subjected principle, and Fraser's (2009) procedural approach. My verdict is that some approaches (for example, that advocated by Fraser) are unpersuasive but that versions of the all-affected principle or the all-subjected principle survive the second objection.

Having considered in chapter 2. the normative claim that future people are entitled to be included in some way in the political process, chapter 3. focuses on what might be meant by such inclusion. It is commonly argued that future people should be 'represented.' I argue that there are severe difficulties with arguing for the representation of future people. I propose instead that future people's entitlement to participation should be regarded as an entitlement to be considered in political decision making and to receive justification regarding those decisions. This alternative approach respects the autonomy of the present, and relevant F-Institutions can be justified based on this account. In short, then, future people are entitled to be considered in today's political decisions and receive justification for those decisions.

Having considered and modified the procedural argument for F-Institutions, I turn to 'generational sovereignty' (Gosseries, 2016) as a concern that may justify installing F-Institutions. I begin by studying the concept of the sovereignty of states and then move on to Jefferson's view of generational sovereignty. Jefferson ([1789] 1958) proposes a doctrine of intergenerational non-intervention, which may seem desirable at first sight and which can explain to some extent why it is bad if past generations bind future people with their laws or make them pay their loans back. However, I argue that Jefferson's version of the

‘intergenerational sovereignty’ principle is too extreme. After reviewing further contributions to the discourse on generational sovereignty, I propose a minimal and a maximal principle of intertemporal sovereignty that allow some restrictions on future generations’ autonomy to ensure that future people enjoy some democracy (minimal) or as much democracy as possible (maximal).

Chapter 5. explores a third principle that grounds responsibility toward the future: distributive justice. I motivate a view of intertemporal justice that extends cosmopolitanism to future people. More specifically, I propose two principles of distributive justice – what I call the minimal and maximal principles of intertemporal justice. The minimal view builds on a basic rights view by Shue ([1980] 2020): this holds that future people are entitled to enjoy basic rights. The maximal view goes beyond this and affirms a commitment to equality. I set out the reasoning for both positions and show how they avoid certain problems – such as the non-identity problem.

If the arguments in chapters 2. to 5. are correct, people today have three kinds of duties towards future people. In chapter 6., I argue that, under current arrangements, governments routinely fail to comply with these duties. This is due to wrongful short-termism. The chapter highlights some of the consequences of wrongful short-termism and reviews the findings of behavioural and political scientists, psychologists, and others on the drivers of wrongful short-termism. Further, it assesses the strength of the bias towards the present. The chapter offers an instrumental argument for installing F-Institutions: It suggests that wrongful short-termism ought to be mitigated by installing F-Institutions. Lastly, it rejects two common objections to such an instrumental argument.

The following chapter, chapter 7., aims to provide criteria for assessing (proposals for) F-Institutions. I review the literature and follow Caney (2016) in choosing a) effectiveness, b) feasibility, c) institutional sustainability, and d) moral legitimacy as the relevant criteria.

- a) Follows directly from the three duties toward the future defended in ch. 2.-5. The F-Institution (or set of institutions) that best ensures compliance with these duties is the most effective.
- b) Captures the cost of transitioning from here to there. This is highly dependent on the given institutional and cultural context.
- c) Signifies the resilience of an F-Institution in a given institutional and cultural environment once in place.

- d) Is derived from considerations of substantive justice, political legitimacy, and other potentially relevant values such as non-discrimination against minorities and the intrinsic value of nature.

This chapter also discusses how the variables relate and how potential trade-offs between different variables should be handled.

Although my discussion of the criteria for deciding which F-Institutions to install is quite comprehensive, it still does not guide one to a specific set of F-Institutions. Chapter 8 highlights empirical evidence that specific methods and practices can reduce wrongful short-termism in decision processes and suggest employing these when designing F-Institutions. Furthermore, I suggest installing a citizens' assembly to choose F-Institutions for implementation, but I maintain that given the severity of wrongful short-termism, many ways of implementing F-Institutions seem morally accessible. Lastly, I discuss some strategic questions regarding the implementation of F-Institutions. Most importantly, I suggest not installing one F-Institution in the hopes that it would eradicate wrongful short-termism, but instead to think of installing F-Institutions as a way to kick off a transformation of the political system and to ultimately overcome wrongful short-termism.

Chapter 9. suggests installing seven F-Institutions as a starter set to mitigate wrongful short-termism. I argue that the proposed institutions are likely to be effective, politically feasible, institutionally sustainable, and morally legitimate. Furthermore, they are likely to be more effective than many alternatives that have been proposed while at the same time seeming more feasible than most alternatives. I explain that this starter-set works at multiple stages of the policy cycle and is likely to reduce the effect of many different drivers of wrongful short-termism by ensuring a better information base, higher quality deliberations, more public justification and raised accountability. Together this set is likely to nudge many political actors towards considering policy choices as intertemporal investments instead of re-distributive mechanisms. Lastly, it is likely to make the installation of further F-Institutions more feasible and will thus serve as a base for democratic transformation to overcome (instead of merely mitigating) wrongful short-termism.

Chapter 10. pulls the threads of the arguments of this thesis together. Further, it provides an outlook to further research questions and offers some final words.

Having provided an overview of this thesis's aims, structure, and methodology, I now turn to the issues at stake.



## Part I

## 2. Democracy and the Future I: Including Future People

In this chapter and the following one, I analyse one common approach to the justification of F-Institutions. This argument holds, roughly, that

- i) future people are affected by the decisions made by the present, and it holds that given this
- ii) future people are entitled to representation in the political decisions made.
- c) As a result, it maintains that the existing political institutions ought to be reformed (and F-Institutions created) to represent future people.

We may call this the procedural argument for F-Institutions.

To introduce the procedural argument, it is worth adding some context and drawing attention to different ways one might argue for institutional reform. In line with Caney (2012a), I distinguish between a procedural and an instrumental approach to the justification of institutions. The procedural approach, stated very roughly, holds that those who are in a certain kind of relationship to the political process (what Caney calls the ‘relationship claim’) have certain kinds of rights to democratic inclusion (what Caney calls the ‘procedural demand’) (2012a), but which I would like to call the procedural entitlement. This is quite abstract and deliberately so because different thinkers conceive of the relationship claim and the procedural entitlement differently.

Consider, for example, the relationship claim. One widespread way of interpreting the relationship claim appeals to the all-affected principle: this broadly ascertains that all those affected by a political decision should have some right to participate in its formation (Eckersley, 2004; Goodin, 2007). In this view, those affected by the political process have certain rights to be included in the political process. Others conceive of the relevant relationship in different ways. For example, Nancy Fraser adopts a procedural approach, but the condition that generates the procedural entitlement is not, in her view, being affected but being subjected ‘to a structure of governance, which sets the ground rules that govern their interaction’ (Fraser, 2010, pp. 292-293).

Consider now the procedural entitlement. This refers to a participatory entitlement held by those who are part of the relationship claim. Such an entitlement could be full representation or holding referenda, but it could also be receiving a justification or being consulted.

Note that the procedural approach is not concerned with the outcome of the decision process. Instead, the focus is rather on input legitimacy. The procedural approach thus

justifies Institutions for the future on the basis that our decisions today will relevantly affect future people (relationship claim) and that because of this, they should be adequately included in our political decision making (procedural entitlement). This could be realised by adopting some of the proposals offered in the discourse, such as Ekelı's (2005) proposal for representing future people in parliament.

Having introduced the procedural approach, we can now consider a different approach – the instrumental approach. In contrast with the procedural approach, the instrumental approach starts by identifying certain values that it holds should be realised (for example, a just distribution of resources or maximal utility or another set of goals), and it then asks how institutions can be designed (and new institutions created) to help realise this value or set of values (Caney, 2016; Van Parijs, 2011). This view is focused on the 'output' of the political process instead of the input.<sup>3</sup>

Both the procedural and the instrumental approach can be employed to argue for institutional reform and the creation of F-Institutions. In the following, I argue that the procedural argument is more problematic than is usually recognised, and I will raise questions about it in this chapter and the next. In this chapter, I consider the first premise, the relationship claim, of such a procedural argument for the inclusion of future people in today's politics by considering the key principles employed for including future persons. I argue that some interpretations of this principle are implausible or impractical, or both, but that one can formulate a plausible version of the key principle that avoids these problems. The next chapter is concerned with the second premise of procedural arguments. I will show that the common argument for the representation of future people is implausible and impractical but that a modified version of the procedural argument can justify the installation of F-Institutions. The remainder of the thesis will develop an instrumental argument for F-Institutions.

The structure of this chapter is as follows. In section 2., I conceptualise the procedural argument in more detail and provide some criteria for assessing relationship claims and the inclusion of future people in these (2.3). Section 3. discusses the first challenge to the inclusion of future people, the non-identity problem. I show that this does not provide a general objection to the inclusion of future people in relationship claims. Section 4. discusses three approaches to defining the relationship claim, the all-affected and the all-subject to the law principles, and Fraser's (2009) iterative democratic approach regarding their capacity to provide a relationship claim that includes future people. Section 5. concludes.

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<sup>3</sup> Often, procedural and instrumental views can be combined into a 'hybrid' view (Caney, 2018a; Dowding, 2004).

## 2.1 The Procedural Approach

As noted above, the procedural argument involves two steps. First, such approaches start by defining a relationship claim or, as it is more widely called, *demos*.<sup>4</sup> A relationship claim specifies those who should be included in the democratic process with reference to some criterion, such as a specific kind of relation to other people. For example, some might say that those who are subject to a state's laws should be included in the democratic process of that state. In this view, the relevant relationship, then, is 'being subject to a state's laws.' Another common argument is that those *affected* by a political process should be included in the relationship claim. Drawing on such principles and criteria, we can then identify the relevant relationship claim.

Having identified the relationship claim, the second step specifies which entitlements someone or something has in virtue of being part of the relationship claim – what I will call their procedural entitlements. A procedural entitlement can come in many forms, such as (among others) a right to be informed, a right to be consulted, a right to take part in the decision-making process or a right to be represented. Different procedural entitlements may seem appropriate in response to different relationship claims.

To illustrate, consider the following example: '[E]veryone who is affected by the decisions of a government should have the right to participate in that government' (Dahl, 1970: 49). Dahl first specifies who is included in the relationship claim ('all those affected by the decisions of a government') and secondly points out what procedural entitlements those have ('the right to participate in that government'). Note that this principle could be specified further. For example, should people be entitled to participate in government only if they are directly affected by the decision that is going to be taken, or do they hold a right to participate in that government if they are affected by some decisions of that government (but not necessarily the one under debate)? We will come back to this question in section 2.3.

Another point needs to be mentioned. In the procedural view, the political system is designed to include all those who are part of relevant relationship claim and ensure their procedural entitlements can be effectuated. Accordingly, the system is not designed to produce any specific outcome. It is thus also not possible to specify the optimal outcome of the process in advance (this is what Rawls (1971, §27) calls 'pure procedural justice').

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<sup>4</sup> As noted above, I use the more abstract term 'relationship claim,' because a relationship claim is not dependent on characteristics that are often thought to be relevant in order to belong to the same *demos*, such as shared nationality, culture, language or else. As I will elaborate, the relevant criterion is solely some specific form of being affected by a decision.

Procedural justifications are not focused on any particular outcome. Instead, the outcome is simply the product of ensuring that the procedural entitlements of all those that are part of the relationship claim can be accessed.

### 2.1.1 Relationship Claims

A threefold specification can be made concerning the relationship claim. We can distinguish the dimensions of object, magnitude and mode (Caney, 2012a). First, the *object* of the relationship claim can be identified by asking: ‘what is affected?’ Held (2004, p. 99) helpfully distinguishes between three kinds of features of persons that might be affected, namely: i) ‘vital needs or interests’, ii) capacities to take part in social life, and iii) lifestyle and consumer choices. He suggests that the stakes one has should be reflected in the influence one has on a decision.

Secondly, the object of the relationship claim can be affected differently. We can ask, ‘how is someone affected?’ The magnitude captures this. So, a person’s vital interests can be *significantly* affected by a government’s decision, and her lifestyle can be *weakly* affected by someone’s personal decision.

Thirdly, the *mode* of affectedness can vary. We can ask, ‘why is someone affected?’ For example, someone can be affected by a voluntary business decision that turns out badly, and someone may have been coerced to perform an act that she did not want to perform. Many theorists use what has come to be known as the all-affected-interests principle, which holds that those causally affected are entitled to be included in the political process (e.g. Ekeli, 2005; Goodin, 2007). Others limit the relationship claim to all subject to some form of coercion. This is called the all-subjected principle (Fraser, 2009, ch. 4). In this view, being causally affected is insufficient. Instead, what is required is being coerced (or ‘coercively affected’) to be included politically. A third principle that is proposed is the subject to the law principle. Here, only those bound by the law of a particular state are part of the relationship claim (Beckman, 2013; Miller, 2009; Thompson, 2005, 2010).

To illustrate the relevance of specifying the *object*, *magnitude* and *mode*, let us consider the formulation of the all-affected principle given by Ekeli (2005) in his argument for representing future generations. He writes:

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. (Ekeli, 2005, p. 443)

Ekeli's application of the all-affected principle is very nuanced. The object, magnitude and mode of the relationship claim are clearly defined, and the appropriate procedural entitlement is stated. As the lives of future generations (object) are 'significantly affected' (magnitude) through 'democratic decisions' (mode), future generations should have a 'voice in the decision making process' (procedural entitlement). Ekeli also explains how this procedural entitlement could be fulfilled, namely by giving future people 'a voice.' His proposal will be discussed in more detail in chapter 7. of this thesis.

A final point deserves consideration. There are some cases of great affectedness where one may still think that the affected people do not hold any procedural entitlement. One may think that a person has a right to certain decisions, albeit they may significantly affect other people's lives. An example of such a decision is given by Nozick (1974, p. 269):

If four men propose to a woman, her decision about whom, if any of them, to marry importantly affects each of the lives of those four persons, her own life, and the lives of any other person wishing to marry one of these four men, and so on. Would anyone propose, even limiting the group to include only the primary parties, that all five persons vote to decide whom she shall marry?

Nozick shows that while other people may well be significantly affected by our choices, this does not necessarily result in them being entitled to a say, for certain decisions are within the rights of the affecter. Thus, one may hold that the right to be involved in a decision is only triggered by decisions not covered by an individual's (or a group's) prerogative. I will return to whether the currently living have the prerogative to perform certain acts, although undesirable, from the perspective of future people in chapter 3.

### 2.1.2 Procedural Entitlements

As noted above, different procedural entitlements seem appropriate in response to certain relationship claims. Thus, we may think of a continuum that begins with direct democratic participation (e.g., through referenda), moves over to indirect democracy (e.g., through elected representatives), accountability (e.g., performance measurement), transparency (e.g.,

public governments meetings and minutes), public justification (e.g., government statements), consultation (e.g., public consultation), and lastly, merely consideration.

Procedural approaches need to give an account of how relationship claims relate to procedural entitlements. There are three things worth considering: a) inclusiveness, b) proportionality, and c) equality. A decision is considered inclusive if all relevantly affected hold a procedural entitlement. Proportionality concerns the relationship between, on the one hand, what interests are affected (object) and by how much (magnitude) and why (mode) and, on the other hand, the specific procedural entitlement granted to them. Brighthouse and Fleurbaey (2010, p. 138) argue that ‘power in any decision-making process should be proportional to individual stakes.’ In such a view, an extensive procedural entitlement, such as the right to participate and to vote in a decision process, is appropriate when there is a robust relationship claim, such as that vital needs are strongly and involuntarily affected. We would, for example, consider it appropriate that someone is represented or has a right to vote in the decision whether income taxes are increased or not since this may affect her capacity to take part in social life or might even affect her vital needs and interests. Then again, we may not expect to be highly involved in a decision that only mildly affects (magnitude) our lifestyle opportunities (object) in a voluntary consumer-producer relation (mode).

Lastly, equality matters. People who are affected to an equal extent should also hold the same procedural entitlements. Pro tanto, there should be no other difference between those within the relationship claim regarding which procedural entitlement one holds other than those based on proportionality. Thus, people within the relationship claim do not necessarily all hold the same procedural entitlement. However, which entitlement they hold is subject to the requirement of proportionality, and the same principle of proportionality should hold for everyone within the relationship claim.

However, as noted above, there is one caveat to this. Even if someone is greatly affected by a decision, we may not always think it appropriate that she has a say in that decision, for we first must honour individual liberties. For example, someone may decide that she wants a divorce, but it is implausible to think that her partner has a veto or a vote in that decision, albeit being greatly affected. We may, however, think it appropriate that her partner receives a justification. Now that the preliminaries are dealt with, I can turn to whether future people can be part of the relationship claim more specifically.

### 2.1.3 Criteria for the Soundness of Relationship Claims

In the following sections, I will test three principles and methods regarding whether they can devise a relationship claim that includes future people that is theoretically sound and practical. If any of these principles suggests a relationship claim that includes future people (and is sound otherwise), this provides the first step towards a procedural justification of F-Institutions. These are the criteria I will use:

C1 a) Includes all citizens of a given society.

b) Includes (at least) some future people.

C2) Intuitive reasonability.

C3) Practicality.

Let me flesh out the criteria. First, the relationship claim must include persons alive and to be born. I assume that the relationship claim ought to include at least all persons alive who are part of the relevant political entity. Furthermore, the relationship claim must include at least some future people, as it is their procedural entitlements that legitimate an F-Institution in the first place. The legitimacy of such an institution will presumably be more extensive the more future people are included. However, the criterion does not require the inclusion of all future people. First and foremost, it is challenging to say what *all* future people mean, as I will explain in section 2.3. Furthermore, it may not be intuitively plausible to include all future people, in so far as not all future people may be affected by all decisions taken currently.

Regarding intuitive reasonability, I want to add the following. A relationship claim is intuitively reasonable if the verdict generally fits our considered convictions (Rawls, 1971). This criterion ensures that the relationship claims are not wildly out of sync with people's views. For example, one could defend a relationship claim that includes all future male people but not future female people. While this would satisfy criterion C1 b) and would, therefore, in principle, be useable as a foundation for the justification of F-Institutions, it is still not intuitively reasonable to use such a relationship claim as it unduly excludes future female people from consideration.

Third, a relationship claim is, first of all, an ideal and, as such, not necessarily 'practical.' It is nonetheless necessary to use practicality as a minimal restriction to ensure that the relationship claim provides some grounds for its implementation. Thus, a relationship claim that includes an infinitely large number of people or an indeterminate number of people will be considered impractical. The relationship claim should serve as an ideal that



one can aim at. In that sense, it should be *possible* to realise the relationship claim under ideal conditions.<sup>5</sup> Having introduced three criteria for evaluating relationship claims, I now turn to a problem that concerns all attempts to include future people in related claims.

## 2.2 The Non-Identity Problem

In this section, I discuss the non-identity problem (NIP), which has been argued to undermine attempts to include future people in the relationship claim. I first explain the problem and then ask whether it is an objection to the inclusion of future people in the relationship claim and under which circumstances.

One of the most common objections to intertemporal obligations is the so-called NIP. The problem was independently discovered by Adams (1979), Schwartz (1978) and Parfit (1976). In his *Reasons and Persons* (1987), Parfit gave the problem its name and described it most thoroughly. To get a grasp of the problem, let us consider an example by Parfit (1983, p. 112, italics in the original):

*The Risky Policy:* Suppose that, as a community, we have a choice between two energy policies. Both would be completely safe for at least two centuries, but one would have certain risks for the further future. If we choose the Risky Policy, the standard of living would be somewhat higher over the next two centuries. We do choose this policy. As a result there is a ... catastrophe two centuries later, which kills and injures thousands of people.

Parfit (1983, p. 113) continues:

If we choose the Risky Policy, the standard of living will be slightly higher over the next two centuries. This effect implies another. It is not true that whichever policy we choose, the same particular people will exist two centuries later. Given the effects of two such policies on the details of our lives, it would increasingly over time be true that people married different people. More simply, even in the same marriages, the children would increasingly be conceived at different times. ... children conceived at different times would in fact be different children. So the proportion

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<sup>5</sup> A lot more could be said here about different notions of practicality and possibility. However, due to limited space, I will leave it with the final comment that possibility is understood here in the sense that something is possible in 'our-current-world.'

of those later born who would owe their existence to our choice would, like ripples in a pool, steadily grow.

Now, this does not strike many people as problematic straight away, but now consider the following (Parfit, 1983, p. 113):

If we had chosen the alternative Safe Policy, these particular people would never have existed. Different people would have existed in their place. Is our choice of the Risky Policy worse for anyone?

Parfit argues that no person who has come to live and experienced the catastrophe would have been born had the Safe Policy been chosen. Consequently, those born who were killed by the Risky Policy or who suffered pain or hardship because of it could not complain that the Risky Policy has made them worse off because they would otherwise not have been born,<sup>6</sup> for the two groups of persons born in each scenario are non-identical, so the Risky Policy is not worse for any particular person. Choices like the choice between the Risky Policy and its alternative are called different people choices because the people in each scenario result in different populations.

### 2.2.1 Remote Future Persons Are Not Included

The inclusion of persons with their situatedness, their backgrounds and perspectives and their arguments is often advocated for amongst deliberative democrats (e.g. by Eckersley, 2004; Philips, 1998; Young, 2000), and many deliberative democrats phrase their arguments for the inclusion of the future in a similar way. In ethics, a view concerned with the effects on persons is called a person-affecting view. More specifically, the view immanent in this application of the all-affected principle may be called, with Parfit (1987, p. 393 ff.), a ‘narrow person-affecting’ view. In such a view, what counts is whether individuals are made better or worse off. This is to be contrasted with the ‘wide person-affecting view’ (Parfit, 1987, p. 396ff.), which I discuss in the following section.

The critical point is that some appeal to the non-identity problem to argue that future people are not entitled to be included in the relationship claim because, so the argument runs, they are not actually affected by our decisions. Torbjörn Tännsjö (2005), for example, argues that remote future people are not affected by today’s decisions. For, to

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<sup>6</sup>Parfit assumes that the lives of all in both scenarios are worth living.

affect someone in the relevant sense involves making someone better or worse off (or even neutral) than what they otherwise would have been. However, the NIP shows that decisions today do not make persons in the distant future better off or worse off than they would otherwise have been. Decisions today do not make their lives go differently than what they otherwise would have done – for alternatively, these lives would not be lived. Instead, different persons would live. Hence, one cannot say that earlier people made remote future persons better or worse off. Therefore, the argument concludes that the all-affected principle does not justify including remote future persons in the relationship claim.

Note, however, that both Parfit and Tännsjö are cautious to speak of remote future persons only in the discussed examples. Persons born shortly after a relevant decision may be born whether the decision is taken or not. Time makes a difference because the effect of the different policies on who gets born is not immediate in most cases, as most choices do not directly affect the whole population's procreational behaviour.

In this sense, remote future persons are possible persons, while close future persons are likely to be actual persons. Whether a future person is actual or possible depends on the kinds of decisions people make and whether these are different people choices or not. Some decisions have far-reaching consequences, while others do not.

Considering whether future persons are part of the relationship claim, we can conclude that the NIP undermines the inclusion of far future persons, not necessarily those close. This is in line with criterion C1, as some future persons are included. However, it will be counterintuitive for many that the present can decide to leave the future in dire circumstances and that future people living in those circumstances should not be considered in the decision making. Thus, criterion C2, at least for some, will not be in line with their considered judgements. Alternatively, one can bite the bullet and accept that remote future people are not part of the relationship claim. Tännsjö (2005), for example, thinks that this is good news, as it does allow the all-affected principle to be applied globally without troubles regarding the inclusion of remote future persons.

### 2.2.2 Or Are They?

There are ways to avoid Tännsjö's conclusion. Most question the assumption of a narrow person-affecting view. Parfit himself suggested what he termed a 'wide person-affecting' view. In this view, not individual well-being is considered but collective well-being<sup>7</sup>,

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<sup>7</sup> Parfit (1987, p. 396ff.) formulates two version of the wide person-affecting view. One considers average well-being, the other total well-being.

allowing one to consider whether one scenario is better or worse than its alternative (Parfit, 1987, p. 396 ff.). The focus of this view is thus on the collective well-being of these people compared to the collective well-being of those who would live otherwise. At least for such cases where the number of the people in both cases is similar, Parfit's wide person-affecting view seems to be able to deal with the non-identity problem, for even remote future people can be considered worse or better off in comparison to other remote future people who would have lived in other possible scenarios.

However, Parfit's wide person-affecting view is still problematic in my view. Parfit's wide person-affecting view is impersonal. It considers the collective well-being but does not consider how individuals fare. However, not taking seriously the independence of persons may result in great injustice to some for the benefit of others. In my view, at least some forms of interpersonal aggregation ought to be avoided, and I thus suggest employing a modified wide person-affecting view that takes individuals seriously.

The modified wide person-affecting view endorsed here is inspired by Rawls' (1971) original position and the veil of ignorance. The idea, stated crudely, is to focus not on specific persons but on people in general. The term people refers to individual moral agents but only takes certain information about them into account or, more importantly, does not consider their identity, aspirations, and beliefs. In this regard, the view is identity independent. It works similarly to the approach taken by Rawls (1971) regarding the original position, where a hypothetical choice situation under conditions of ignorance is designed to derive principles of justice. The situated perspectives of individuals are set aside, and the focus instead is on what is common to all as citizens of the same society. Such views have been fleshed out for the intergenerational context by Reiman (2007), Kumar (2003) and Heyward (2008). For example, Heyward (2008, p. 636) employs a political view of persons, what she calls citizen-types, that is defined by features common to all humans and suggests considering people regarding these features, not concerning all features they have as individual tokens. While this view is identity independent, it is still concerned with individuals in so far as these will be future people, and it thus avoids the charges that may arise from interpersonal aggregation.

On such a modified wide person-affecting view, we are not focused on particular individuals such as Fred and George, but instead on citizen-type people defined through general attributes common to all possible people. Consider the choice between the Risky Policy and its alternative again. Employing a wide person-affecting view, we can say that the individuals who witness the catastrophe due to the choice of the Risky Policy two centuries earlier were wronged. Citizen-type people affected by the choice of the Risky Policy

can complain that they are made worse-off because in the alternative Safe Policy scenario citizen-types would live, too. The NIP does not arise employing this view as citizen-type people will live in all relevant scenarios to be compared (and if not, that is usually a good reason not to opt for this scenario).

Thus, this view provides the grounds to consider remote future people and ask which responsibilities the present has towards them as citizen-types. What is required by this approach is thus to employ some pre-deliberative standard regarding which conception of person is to be employed. Of course, this is a high demand for many deliberative theorists in so far as the individual situatedness of persons and their perspectives would be limited to those concerns that they share as citizen-types. Nonetheless, adopting a wide person-affecting view, such as the citizen-type view, allows successfully following the call of inclusion of the all-affected principle.

### 2.2.3 Conclusion

This section has discussed whether the non-identity problem is a challenge to including the future in the relationship claim. Many theorists argue that future persons are affected by today's decisions and thus ought to be included in the democratic discourse. However, these arguments overlook that in a narrow person-affecting view, remote future persons cannot be affected by today's decisions (Tännsjö, 2005). Applying such a view, remote future persons would not be included in the relationship claim, as these generally are not affected by today's political decisions. As an alternative, I have presented an identity independent view that includes future people as 'citizen types' (Heyward, 2008). In this view, remote future people can be part of the relationship claim, and possible alternative states of the world can be compared with each other. We may conclude then that the non-identity problem does not undermine the inclusion of *close* future persons on a narrow person-affecting view, or alternatively does not undermine the inclusion of future people, no matter whether close or remote, in the relationship claim if one adopts a wide person-affecting view.

## 2.3 Including the Future in the Relationship Claim?

Having addressed one objection to the first premise of the procedural argument, I now turn to a second objection. The focus in what follows is on how we conceive of the relationship claim when applied to future generations. The worry is that none of the commonly employed principles for deriving relationship claims produces a relationship claim that includes future persons or people and is reasonable and practical.

### 2.3.1 The All-Affected Principle

Consider first the all-affected principle. In its simplest form, the all-affected principle as a criterion of democratic inclusion may be stated as ‘[a]ll whose interests are actually affected by a decision should be able to participate as equals in the democratic decision-making process’ (Owen, 2012, p. 131). Let us call this the outcome view, as the criterion for inclusion is affected by the actual outcome. This version of the principle has been criticised for employing a circular argument. For example, Whelan (1983) argued against the principle in the following way:

The deeper problem is that before a democratic decision could be made on a particular issue (by those affected), a prior decision would have to be made, in each case, as to *who* is affected and entitled to vote on the substantive issue—a decision that is on the proper bounds of the relevant constituency. Moreover, how is this decision, which will be determinative of the substantive decision, to be made? It too should presumably be made democratically—that is by those affected—but now we encounter a regression from which no procedural escape is possible.

(Whelan, 1983, p. 19; his italics)

Let us call this the circularity objection. Here, the argument is that the all-actually-affected principle cannot provide grounds for determining who is in the demos since i) who is included in the decision-making process depends on who is affected, but ii) who is affected depends on what policy options are chosen and iii) what policy options are chosen depends on who is included in the decision-making process. Thus, we seem to face a vicious circularity, as illustrated in Figure 1.

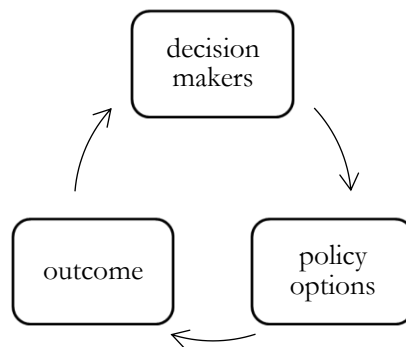


Figure 1. *Vicious Circle of Inclusion. Own illustration*

On closer inspection, the outcome interpretation of the all-affected principle seems too narrow for one can be affected by the actual outcome and by possible options and possible outcomes (Owen, 2012, p. 132). Consider the following example: Due to the recent findings of microplastic in many different goods, the mere fact that a relevant government institution is considering a ban on plastic bags may suffice for a producer of plastic bags to invest in research on substitutes for plastics for her bag production. Possible options and outcomes affect the producer in the example and, accordingly, need to be considered as affecting, too. A view that includes these considerations may be called the process view.

Taking the process view means that not only those affected by the actual outcome of the decision are affected, but all those who could be affected by any of the options available in a decision process and by any outcome that could follow. Thus, Goodin argues that

[y]ou are rightly said to be “affected,” not merely by the “course of action actually decided upon,” but also by the range of alternative courses of action from which that course was chosen. Furthermore, you are rightly said to be “affected,” not merely by what the consequences of that decision actually turn out to be, but also by what the consequences might have turned out to be.

(Goodin, 2007, p. 54)

Employing the process view – and thereby including everyone who could be affected in the relationship claim – has another benefit: it avoids Whelan’s (1983) circularity objection that haunts the outcome view (Miller, 2009, p. 215). For, once everyone who could be affected by the outcome is included in the decision-making process, all possible options need to be considered and thus, all possible outcomes, too.

Given this, let us now turn to such an alternative principle for determining the relationship claim. Robert Goodin offers a maximally inclusive principle (2007, p. 64) and argues that ‘[t]he democratic ideal ought ideally be to enfranchise “all affected interests.” Understood in a suitably expansive “possibilistic” way, that would mean giving virtually everyone everywhere a vote on virtually everything decided anywhere.’ While this principle is likely to result in gridlock with regard to some decisions, it sounds appealing when it comes to justifying F-Institutions, for there is no temporal or geographical limitation to this version of the all-affected principle.

So, would future persons be included in the relationship claim applying the all-possibly affected principle? It depends on whether you assume a narrow or a wide person-affecting view. As shown above, remote future persons are not included in a narrow person-

affecting view, following Tännsjö's (2005) reasoning. However, on a wide person-affecting view, such as Heyward's (2008) citizen-type view, future people are included, for decisions today affect their circumstances of life, and future people can be better or worse off in comparison to alternative future states of the world. Thus, criterion C1 is fulfilled on both views, as at least some people in the future are included, but the remote future is only included when a wide person-affecting view is employed.

Some may want to argue that remote possible future persons should be included in relevant decisions. The argument would be that specific future persons would come into existence if alternative decisions were taken and that these possible persons should thus have a say on whether this decision or another should be taken. This view is mistaken for at least three reasons. First, this would 'stretch fantasy too far' (Rawls, 1971, p. 138), as it would require each decision to be taken by all possible future persons, which is a probably infinitely large number of possible persons. A group of people with infinite size can never decide on anything. This seems unreasonable (C2) or impractical (C3), or both.

Furthermore, it would require considering the interests of possible persons. This means to include persons in a decision that will not be born. It seems implausible to include future persons who have to decide on a question that at the same time requires them to decide on whether they want to exist or not, for the first decision presupposes the second (Barry, [1977] 1991, p. 255). There are no interests to represent in this sense, and the representation of remote future persons thus seems impractical and unreasonable for this reason, too. Thus, applying the narrow person-affecting view regarding the distant future is incoherent and impractical. Criteria C2 and C3 are not fulfilled.

Is the inclusion of future persons reasonable and practical when applying a narrow person-affecting view? As long as the questions at hand are not different people choices, there seems to be no reason to assume that problems of incoherence or impracticality arise. The problem is to determine whether a decision is a different people choice or not. Paradoxically, the more impact a decision has on the future, the less there is a reason to include future persons on a narrow person-affecting view. For, decisions that have a substantial impact on the future are likely to be different people choices and, as such, do not make future persons better or worse off. This may strike many as unreasonable, as this turns the ideal of the inclusion of the future into an absurdity. Thus, C2 is not met.

Further, it also seems impractical to employ this view, as one would have to determine first who would come into existence along the lines of the status quo, to be then able to decide on whether a given decision is a different people choice and to what an extent, to establish who is part of the relevant relationship claim. This seems hardly feasible, and C3



is thus not fulfilled. The narrow person-affecting view, as commonly employed by deliberative democrats, does not justify the inclusion of remote future persons in the relationship claim (Heyward, 2008), and it seems very demanding concerning the nearer future. How to know whether a person would also have been born if another decision had been taken?<sup>8</sup>

What about the wide person-affecting view? The view seems coherent and practical as one only includes future people as defined by their citizen-type attributes. There is no need for a virtual competition on whether a specific person would come into existence or not. Instead, alternative states of the world resulting from different policy decisions can be compared based on relevant substantive criteria. All possibly affected future people can be included in the relationship claim. Indeed, this may at times result in extensive relationship claims and often the exact number of future people to be included would be difficult to determine.

However, as Gustav Arrhenius (2005, 2018) argues, not being able to determine the exact number of future people that may be affected does not necessarily make this view implausible or impractical. To see this, he highlights the distinction between democracy as a normative ideal and democracy as a decision theory. Democracy as decision theory, according to Arrhenius, is a method applied to realise democracy as an ideal. The practical problem that may arise from not knowing the exact number of future people affected by a decision is no reason to compromise democracy as a normative ideal. Instead, we should try to approximate the ideal. Showing that it may be difficult to operationalise the normative ideal of democracy does not necessarily discredit it, for you only show that it is difficult to develop a suitable version of democracy as decision theory. It may be challenging to operationalise ideal democracy, but we may retain the principle and do the best to realise it – using it as a decision theory.

I can see no reason why one may think it implausible or impractical to include remote future people in the wide person-affecting view. The view would require political decisions to be taken in such a way that the participatory entitlements of future people are honoured. Which procedural entitlements best express this ideal most appropriately is to be discussed in the following chapter. Here, we can affirm the following conclusions:

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<sup>8</sup> Goodin (2007, p. 62-63) discusses one way out of this dilemma: Limiting decisional power to such decisions that would only affect those that have a say. Applying this idea, the decision power of people in the present would be limited to such decisions that affect only themselves, not future people. However, such a move seems impossible. Consider an example: Even if we would like not to affect future generations through our nuclear power production, we have to consider that deciding to close our nuclear power plants down also affects future generations. Even by trying not to affect future generations, we may affect them (see also Miller, 2009, fn. 23).

- If a wide person-affecting view is employed, then the all-affected principle grounds the inclusion of future people in the relationship claim.

However,

- If (as is common) a narrow person-affecting view is employed, then the all-affected principle is very implausible when applied to the future. It is incoherent and impractical regarding the distant future and limited regarding its ability to include the near future.

### 2.3.2 The Subject to the Law View

Let us now turn to the principle of inclusion provided by the subject to the law view. According to this view, only a particular mode of being affected is relevant, namely being subject to the law/being coerced by the state. I will first discuss the empirical question of whether the laws of the people at one time can bind later people. If present laws cannot bind future people, future people would not be part of the relevant relationship claim and criterion C1 b) would not be met. Then, I turn to whether this view is intuitively reasonable (C2) and practicable (C3).

So, are future people subject to the laws of past and present? This is often discussed with a focus on constitutions since such texts of higher law are written to define the limits of legal power and ensure permanent procedures for law-making (Elkins, Ginsburg, & Melton, 2009). Constitutions are designed to last and ‘and to control behaviour over an extended period of time’ (Kay, 2000, p. 31). For this reason, the change or amendment is often made costly through the entrenchment of the document through amendment procedures that may necessitate a qualified majority (Roznai, 2017).

In some views, people at one time can constrain people’s decisions at a later time through legal regulations. In this vein, Otsuka suggests that ‘the dead are able from their graves to thwart the will of a simple majority of the living’ (Otsuka, 2003, p. 239), and Thompson states that ‘[g]ranting past majorities excessive power undermines popular sovereignty itself as new majorities find themselves increasingly constrained by the dead hand of past majorities’ (2005, p. 246).

Against this view, Beckman (2013, 2016) argues that it is only by the will of the people alive that the law maintains its authority. Beckman maintains that a law can only be enforced so far as those subjected to it also affirm it. Consequently, future people can only be bound by the laws of posterity if future people affirm them. In Beckman’s view, it is

thus incoherent to argue that people at one time can exercise legal power over people at a later point in time. He writes that

any legal framework applies only to the extent that the government currently in power affirms it. If future people wish to modify the laws passed down by us, they are of course free to do so. If future people do not modify these laws, this is presumably because they do not want to. Only the future can enforce the law on the future. Thus, no law ever applies to the future unless affirmed by future people themselves. Following this view, the idea of one people exercising legal power over some future people would consequently be incoherent.

(Beckman, 2013, p. 781)

In Beckman's view, even the need to form a qualified majority to change the constitution cannot be seen as an act of rule by one generation over another. It follows that future people are not part of the relationship claim in this view. For, the past does not legally bind them. Accordingly, Beckman concludes that 'there is no basis for introducing the political representation of the unborn following the legal version of the all affected principle' (2013, p. 786).

Michael Rose (2016, p. 58ff.) points to two arguments that affect Beckman's conclusion. First, this is the fact of generational overlap and, second, the feasibility of legal change. Beckman's view may seem plausible if one considers non-overlapping generations. However, this assumption is inappropriate as it overlooks those born in a certain period after a relevant political decision (e.g., a change of the constitution). In some cases, it may take decades for the relationship claim to transform so that a new qualified majority can amend what a previous majority did.

Second, we need to consider the empirical question of whether the amendment or change of, say, the constitution is politically *feasible* instead of merely legally *possible*.<sup>9</sup> Certain cases seem legally possible but are nonetheless very infeasible. Consider the German Grundgesetz. Its articles 1. and 20. state that human dignity is inviolable and define the political structure of the German Federal Republic. These articles are protected by the so-called 'eternity clause', article 79. Article 79. states that articles 1. and 20. cannot be changed. Thus, to change articles 1. and 20., one would first have to amend article 79. All

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<sup>9</sup> I develop a full-fledged definition of feasibility in the context of institutions for the future in ch. 7. of this thesis.

amendments to the Grundgesetz require a 2/3 majority in both the parliament and the federal council. Now, does the German Grundgesetz bind the future? Beckman argues that

the clause that denies the legislature certain powers is not itself out of reach for the lawmakers to amend. Future generations are not, in other words, prevented from amending any legal rule found in the German constitution – not even the “eternity clause.”

(Beckman, 2013, p. 784)

Beckman is, of course, correct to say that it is possible to amend articles 1. And 20. of the German Constitution. Even such a demanding procedure does not warrant the worry about ‘irreversible laws’ (Thompson, 2005, p. 247). Nevertheless, it should be acknowledged that the people at one time can seriously constrain the viable options of future people.

At the same time, we have to acknowledge that legal change and constitutions are the usual and not the extraordinary. On average, constitutions only last 17 years before replacement (the median is eight years). Furthermore, the average ‘life expectancy’ of constitutions has decreased from 21 years before World War I to merely 12 years since (Elkins et al., 2009). Only the Swedish, Argentinian, and US American constitutions lasted for more than a hundred years and even if a constitution lasts that long, this does not mean that these constitutions constrain people. In 1974, the people in Sweden decided to write a new constitution, which replaced the old one from 1809. And even if the people in Argentina and the US are bound by a constitution that is more than a hundred or two hundred years old, respectively, this may just be because they find these constitutions appropriate. Thus, whether future generations will be able to change the laws of the past is a question more context-specific and ambivalent than we may have thought in the first place. However, even if one believes that our laws can bind the future, our power to enforce laws intergenerationally seems somewhat limited, at least on a global scale. The relationship claim may, thus, typically only extend into the near future. This limits the scope of the relationship claim considerably.

How far into the future does the grasp of the principle reach? Whilst laws and constitutions may bind those in the near future, it is implausible to assume that they pose much of a constraint on far future people, e.g., those living a hundred years from now (maybe except for the US where a significant constitutional change seems very infeasible). Accordingly, whilst the subject to the law approach may provide the grounds for including those future people temporarily close, it does not give us any reason to think that the present

should design institutions to fulfil the procedural entitlements of future people going as far into the future as 100 years (for they are not part of the relationship claim on this account).

Does it matter whether one adopts a narrow or a wide person-affecting view on the subject to the law view? In principle, the same reasoning applies as above. However, as we are not concerned with the remote future, the worry that future persons are not included in the relationship claim is less persistent. This is because the identity changing effects of policies and laws will only come into effect normally after a period that is supposedly longer than a law will normally bind the future. However, a law that would result in great detriment for many is also likely to result in a different set of future people, and as such, those born in this scenario could not claim that they had been wronged on a narrow person-affecting view. Again, this is different from the wide person-affecting view. In this view, the subject to the law principle is likely to include some future people, but the scope is limited to the near future due to the focus on legal effects.

We may, therefore, conclude that contrary to Beckman's conviction, the relationship claim derived from the all-subjected principle includes future people of the directly succeeding generations on both the narrow and the wide person-affecting view. Criterion C1 is met.

Now to the criteria plausibility and practicality. First, the principle generally faces the same practicality questions as the causal version of the all-affected principle. How far into the future do laws bind people? This question could be answered in principle, but it is difficult to be precise on these matters. However, as argued above, this may not be necessary as long as the principle can be operationalised, and I thus deem the all-subjected-to-the-law principle practical.

Is the principle also reasonably intuitive? This depends on whether one believes that being legally bound is the only relevant way of being affected. Goodin (2007, pp. 49-50) thinks that to focus on being affected legally is misplaced, as it does not capture the strong intuition that it is not only about whether a law binds someone but also about its consequences. For example, a law to ensure the safe storage of nuclear waste may only bind people in the present or near future, but its consequences affect people also in the far future. This is not to say that there is no place for the all-subjected to the law principle, but it is unattractive if you consider remote future people to be part of the relationship claim as their interests are causally affected by today's decisions. Hence, I consider the principle reasonable but believe it needs to be supplemented by a more comprehensive view of what constitutes being affected, as its applicability is too limited.

### 2.3.3 Defining the Relationship Claim Procedurally

Having explored two principles, I now turn to a third interpretation of the procedural approach and its account of who should be included in relationship claims. This approach suggests a procedure for defining the principle of inclusion. Fraser develops such an approach for issues of transnational scope, and her account might thus be well suited for intergenerational contexts.

Fraser (2009, ch. 3) attempts to provide a procedural approach to defining the relevant relationship claims, or as she calls it, ‘frames,’ with regard to questions of global and transnational scope. She believes that relationship claims should be made democratically and use ‘democracy’s reflexive capacity: its ability to problematize and revise previously taken-for-granted aspects of its procedures and frames’ (Fraser, 2009, p. 45). So, instead of simply defending another principle of inclusion, she proposes to leave this question to newly established ‘transnational arenas for democratically mooting and resolving arguments about the “who.” Such arenas would be discursive spaces for hearing the claims of those who contend that existing territorially based frames unjustly exclude them’ (Fraser, 2009, p. 43).

New relationship claims can be envisaged, and current relationship claims can be criticised in these new political arenas. Iteratively, multiple new functionally defined relationship claims could be created through a decision in these arenas. However, Fraser believes these new relationship claims also need to be discussed and contested. In her view, this could begin a transformation towards participatory parity that starts from the status quo and step by step develops into a system of ideal deliberation of equals.

This may seem problematic as a process for identifying intertemporal relationship claims from the start, as future people cannot raise their voices even though they are certainly excluded from the relevant relationship claims today. However, some authors in the F-Institutions discourse maintain that future generations should be represented in our day-to-day political decisions (Dobson, 1998; Ekeli, 2005; Wells, 2014), so we could also try to represent future people in questions about the appropriate relationship claims.

How does Fraser’s approach fare concerning our criteria? Fraser’s approach seems to withdraw itself from being judged with criterion C1 as we cannot know in advance the (provisional) outcomes of the deliberations in those new political arenas, specifically, whether future people would be included in the new relationship claims or not. However, we may still question the approach and think about its intuitive reasonability (C2) and practicality (C3) for the task at hand.

Now to reasonability. One argument against Fraser's approach is that it only carries the problem to the next level, for those present in the new political arenas would have to ask themselves which relationship claim they would judge to be appropriate. Thus, they may find it impossible to represent future generations as we cannot know the numbers of future people affected nor their interests (more on this in section 3.1). Alternatively, they may find that a subject to the law principle is suitable for relationship claim-making. The question 'what principles should determine who is included?' just gets deferred to Fraser's new political arenas.

Furthermore, future people cannot be present themselves in such arenas and cannot criticise the current 'whos.' This might generate highly problematic outcomes considering the potential of a decision in such an arena to exclude all future people. The critical power of Fraser's approach seems to be limited to those who can or could take part in the discussions in such new political arenas.

Fraser's approach draws much of its force from the reflexive capacity of democracy to self-correct and to learn. However, I am not convinced that this corrective capacity would yield relationship claims that would necessarily include future people, for I share Goodin's (2007, 44) doubt that any starting point would necessarily bring us to a 'correct' relationship claim or for that matter to a relationship claim that would include future people. Moreover, while there surely is some corrective power in the 'politics of presence' (Philips, 1998), this power is limited at least in one specific way, namely to those who can be present. Even if future people are one of the most neglected groups in politics, they cannot join our debates and raise their voices (Whiteside, 2018). Thus, providing deliberative space for underrepresented groups and allowing their presence to develop a reflexive force in our politics is limited to such groups that *can* be present.

We could stipulate now that this position could be filled by representatives of future generations, but this would undermine the very idea of politics of presence. However, the deeper problem is that even if we would try to represent future generations in those decisions, we would never be able to escape the circularity objection unless we would include all future persons (with the same complications attached as above). Fraser admits that her approach may result in circularity and replies that instead of 'throwing up our hands in the face of a logical paradox, we should try to envision ways to finesse it, by imagining institutional arrangements for resolving such arguments democratically' (Fraser, 2009, p. 45). While one might concede that her approach provides a way around the circularity objection in transnational contexts, this does not hold in the intertemporal context.<sup>10</sup>

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<sup>10</sup> For a more positive take on this see Bovenkerk (2015, pp. 505-508).

Now to practicality. The assessment of practicality seems straightforward. There is not much that can be said here other than that her approach seems practical. I see no issues of impracticality that may arise out of the process she proposes.

To sum up: Fraser's account cannot be judged concerning C1 in advance. It is also practical (C3). However, her approach leaves everything up to what people decide in an iterative democratic process. However, we have no reason to assume that future people would be considered part of the relevant relationship claim. Fraser's democratic approach to defining relationship claims thus seems unreasonable for defining intertemporal relationship claims. Hence, criterion C2 is not met.

## 2.4 Conclusion

Let me shortly restate the chapter's argument. First, I differentiate between instrumental and procedural justifications of F-Institutions. This and the following chapter focus on procedural justifications. Procedural justifications come in two parts. Firstly, a relationship claim is defined by some principle, such as the all-affected principle. Secondly, an appropriate procedural entitlement is assigned to those affected. I deal with the second part in the following chapter.

Next, I show that the NIP undermines the inclusive potential of the all-affected principle if a narrow person-affecting view is assumed. On a narrow person-affecting view, only the near future may be affected. However, the NIP is no concern for those approaches to defining the relationship claim that apply some form of a wide person-affecting view, such as Rawls inspired citizen-type view (Heyward, 2008).

Then, I scrutinise three approaches for determining the relationship claim regarding whether and to what extent they include future people and whether the approach is both practical and reasonable. I show that

- the all-possibly affected principle combined with a wide person-affecting view meets all three criteria. However, for some, it will come with the concession that it requires the commitment to some pre-deliberative standards that define a conception of people that is identity independent.
- The all-subject to the law view is also plausible when combined with a wide person-affecting view. However, I show that it can only include future people to a very limited extent, for laws typically do not bind remote future people. This makes it unattractive to those who share the intuition that the present also has a responsibility towards the remote future.



- Lastly, I discuss Fraser's democratic approach to the definition of relationship claims that assigns the task of defining relationship claims to deliberative fora. While the approach may be promising concerning transnational issues, the problem is that future people could not raise their voices in such assemblies, and it thus remains doubtful that future people would be included in the decisions of these bodies.

The overall verdict then is that future people are part of the relationship claim on at least some views. But what follows from this? I explore this in the next chapter, where I consider future people's appropriate procedural entitlements.

### 3. Democracy and the Future II: Representing Future People?

The previous chapter explored arguments to the effect that future people have certain political entitlements because their lives are affected by the decisions of previous generations. What kinds of political entitlements are these? Many appeal to the notion of ‘representation.’ Since Kavka and Warren’s (1983) classic argument for representing future generations in politics, the claim that the future should be represented has been repeated many times. Indeed, ‘[i]t is no exaggeration to say that, today, representing future generations has become the standard way of squaring democracy with obligations to posterity’ suggests Kerry Whiteside (2018, p. 204). In the following, I will call those who represent future people representatives of future people or F-Representatives for short.

Given that we have already established that future people are – under certain conditions – part of the relationship claim, we now have to determine the appropriate procedural entitlement of future people. As it is commonly argued that future people are entitled to representation, I will discuss whether future people can be represented as equals in section 1. and whether this can be legitimate in section 2. Given that the discussion reveals major difficulties for the claim that future people are entitled to representation, I propose an alternative argument for future people to be entitled to consideration and justification in section 3. Finally, in section 4., I conclude that a modified version of the procedural argument can justify the creation of F-Institutions, but that the common argument for the representation of future people in today’s decisions fails.

#### 3.1 Representing Future People?

If representation is ‘the making present in some sense of something which is nevertheless not present literally or in fact’ (Pitkin, 1967, pp. 8-9), then representing future people seems plausible at first glance. Future people are not present in fact but could be made present through their representatives – or so one could argue.

Before discussing whether future people can be represented and whether this is legitimate, we need to specify at least some features of representation. There is ongoing development about what characterises or constitutes representation (Urbinati & Warren, 2008). For this thesis, it is helpful to turn to Pitkin’s (1967, p. 209) definition of political representation as ‘acting in the interest of the represented, in a manner responsive to them.’ There are many important aspects to this definition, but I would like to highlight two in the following. First, according to Pitkin, acting as a representative means to act in the interest

of those one represents. Pitkin (1967, p. 212) calls this ‘substantive acting for others.’ This addresses the responsibility of representatives to ensure certain outcomes. Secondly, Pitkin describes a relation between represented and representative that is characterised by some kind of responsiveness. While the representative acts freely, she should also be ‘responsive to the people’ (1967, p. 232), which, as she explains, requires some governmental institutions that allow the represented to express their wishes, interests, or preferences, including regular elections.

Many acts can be recognised as representative without being legitimate (Rehfeld, 2006). For example, Sergei Lavrov, the Foreign Minister of Russia, may speak in the name of the Russian people but whether this is an act of political representation crucially depends on whether there is some responsiveness between the represented and the representative as we are concerned with the entitlement of the Russian people to be represented qua being part of the relationship claim. The example may illustrate that political representation is only legitimate if the procedural entitlements of those represented are honoured, which requires some kind of responsiveness. Indeed, from a purely procedural perspective, the outcome of a decision is irrelevant. What matters is whether the procedure that brought the outcome about was just.

As noted above, representation can be characterised in different ways. The following argument aims to remain neutral regarding different conceptions of political representation. It will suffice to establish as a minimal criterion that some form of responsiveness characterises the relation between those represented and the representative(s) to say that we are concerned with political representation. This is a necessary requirement of the procedural argument for F-Representatives in so far as it hinges on the claim that those within the relationship claim are entitled to representation. Having established a minimal criterion for the legitimacy of F-Representatives, I discuss some difficulties with the claim that future people are owed representation next.

### 3.1.1 Representing Future People as Equals?

There are two particular problems with representing the future. I call these a) the numbers problem and b) the tyranny of the future. Both problems have been introduced to the discourse by Kavka and Warren (1983), but the implications of both problems deserve further elaboration. Let me introduce you to the numbers problem first.

How many future representatives ought there to be? If we take future people as equals, then the number of F-Representatives should be in proportion to the number of

future people. There are two sides to the numbers problem. The first is that the number of future people is not known. There are, of course, demographic predictions about how many people will live in the following decades and beyond. However, these predictions are less reliable the further into the future they reach. A very large number of people could live on planet earth and potentially other planets. Bostrom, for example, suggests that there could be about  $10^{16}$  human lives on planet earth alone, but this number rises to  $10^{34}$  if space colonisation is included in the prediction and to  $10^{54}$  if human brains were emulated in computer hardware (Bostrom, 2013, p. 18). Given these widely diverging numbers, it becomes clear that it is difficult to say how many F-Representatives there should be. This is the first side of the numbers problem. This side of the numbers problem also has some serious political implications resulting in the second problem, which I call the future's tyranny. However, before I turn to the tyranny of the future, I would like to discuss the second side of the numbers problem.

The numbers problem has another dimension. The problem is not only, as the first side of the problem suggests, that the number of future people is uncertain, but also that the number is, of course, affected by today's actions. Specifically, the number of future people is likely to be influenced by the number of F-Representatives. To see this, consider that the number of F-Representatives is as many as there are representatives of the present. If these F-Representatives would care for future people, this could result in a much greater probability of many future people coming into existence. This is because such a high number of F-Representatives would arguably make it more likely that existential risks are avoided and that a pathway of development is chosen that results in future people living lives under good and sustainable conditions. Arguably, this would make it more likely that the  $10^{16}$  lives that Bostrom estimates could be lived on planet earth.

However, if it is the case that F-Representatives affect how many future people will be born, then the number of future people is not only uncertain but also indeterminate. The number of future people is (partly) dependent on the number of F-Representatives, but the number of F-Representatives is dependent on the number of future people if we assume some form of proportionality. It seems that we – again – face a vicious circularity based on the procedural approach if we apply a causal interpretation of the all-affected principle. However, the all-subjected to the law view seems not to get entangled in this mess, or at least not to the same extent due to its limited scope.

As mentioned, there is a second problem that arises out of the large but uncertain number of future people: what I call the tyranny of the future. Even if the number of future people is uncertain, it is likely to be very large. Much larger, in most likely scenarios,

than the number of people in the present. Thus, future people affected by our political decisions will, in many cases, vastly outnumber the present. Consequently, F-Representatives should be in the majority in today's parliaments (Attfield, 2003, p. 120). Bergström (2005) illustrates the consequences for democracy nicely:

If other generations than our own have a right to influence our decisions, we should perhaps give up our bias towards the present altogether. This means, I suppose, that even with respect to our own decisions, each generation should count as one and no one as more than one. A consequence of this would be that our own generation – i.e. people who have a democratic right to vote now – should have almost no influence at all over our decisions. This seems to be the opposite of democracy. (Bergström, 2005, p. 192)

If we granted everyone 'affected' or 'subjected to the law' the same procedural entitlement, this would result in a dramatic shift of power. Employing a causal view of the all-affected principle results in people in the present having close to zero power over a decision that affects their lives, given that these also affect many future people. In this view, taking future people as equals results in the tyranny of the future over the present. The fall from power of the present seems less dramatic but substantial on the subject to the law view because future people are subject to the law only to a limited extent. Nonetheless, F-Representatives would take a relevant part of the seats in parliament. Both versions of the tyranny of the future problem seem to result in demands for much higher numbers of F-Representatives than reflected in the literature on the representation of the future.

### 3.1.2 Dropping Proportionality?

While taking future people as politically equal would require many F-Representatives, the discourse on F-Representatives seems to be content with proposing the representation of future people by a small number of F-Representatives. The literature advocating the representation of future people rarely discusses how many F-Representatives there should be. The only statements I know of are Ekeli (2005), who at one point suggests that F-Representatives should hold 5 or 10 % of all seats in parliament, while Wells (2014) suggests 10 %. Kavka and Warren (Kavka & Warren, 1983, p. 34) suggest installing a 'handful of representatives for future people, or even a single one in each house of congress.' Dobson

does not specify the number of representatives of future people, but he notes that '[a] system of proportional representation would give them rather too many!' (1998, p. 134).

Besides, there is an even wider mismatch in arguments for future people to be represented through a commission or an ombudsperson for future people (Göpel, 2012; Stein, 1998; Tremmel, 2015). None of the mentioned authors argues for the political equality of future people vis a vis people in the present. Further, established F-Institutions also seem to be designed without considering the number and stakes of future people involved. Thus, in his analysis of the representation of future people, Kerry Whiteside (2018, p. 209) concludes that 'there is no serious attempt to proportion the committees' power to the numbers of people allegedly represented by their activity or the gravity of the risks imposed upon them.'

Kavka and Warren (1983) maintain that proportional representation should not be applied in the case of future people for two reasons. First, they acknowledge the numbers problem and state that the number of future people to be represented is indeterminate, and accordingly, so is the number of F-Representatives. Further, they also point out that the number of F-Representatives will affect how many future people there will be. The second argument for not including future people as equals is that they find the implications of the tyranny of the future problem unappealing. Like Bergström (2005), Kavka and Warren question whether the present could be required to hand over so much power to F-Representatives. Further, they think this is impractical as the present would be unwilling to hand its power towards F-Representatives. Hence, they maintain that it suffices to have a less than proportional representation of the future.

In summary, we observe a vast discrepancy between, on the one hand, the number of future people who are part of the relationship claim and, on the other hand, the number of representatives for the future included in existing proposals for representing the future. Can this mismatch be justified? It may be that taking seriously proportionality can show that the proportion of F-Representatives to the number of future people included in the relationship claim should be different to the proportion of representatives in the present and the number of people in the present. I consider this argument next.

Indeed, the all-affected principle has some proportionality components that one may try to draw on. As I noted earlier, Brighouse and Fleurbaey (2010) argue that the power to influence a decision should be distributed according to a proportionality principle, where one's power should be inferred from the stakes one has in a decision. Suppose it can be shown that the stakes of future people are relevantly different from the stakes of the

currently living. This might provide the basis for an argument against the political equality of the future.

In chapter 2., I have proposed differentiating relationship claims based on object, magnitude and mode (Caney, 2012a). Let us turn again to Ekeli's argument for the representation of the future:

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. (Ekeli, 2005, p. 443)

Ekeli's statement provides no room for arguing that future people are affected differently than people in the present are. Consider again the object, magnitude, and mode defined in Ekeli's argument. Ekeli defines the object as 'lives of posterity'. The lives of future people are 'significantly' (magnitude) affected. If anything, one could question the mode of being affected critically and ask whether it is not an involuntary decision process for future people, while presumably not for people in the present. The future cannot influence the decision. Accordingly, one could maintain that the future's entitlements should be comparatively greater. There seems to be little wiggle room in Ekeli's argument for claiming that future people's procedural entitlements should be different or less profound from those of people in the present.

For illustration, consider the example of nuclear waste management. Today's nuclear waste needs to be stored safely for hundreds of thousands of years (Ramana, 2018). Failing to ensure this may seriously harm future people, for example, through contamination of the groundwater or direct exposure. As such, future people are affected by today's decisions to use nuclear power plants. Arguably future peoples' risk to be harmed through mismanagement of nuclear waste is similar to that of people today. Accordingly, a vast discrepancy between the procedural entitlement of people today and people in the future does not seem justified in the decision to produce nuclear energy.

More generally, I am sceptical that the criteria of proportionality one might include in the all-affected principle can account for the vast differences in procedural entitlements that we observe in proposals for institutions for the future in relation to future people's stakes. Drawing on mode, magnitude, and object will only support an argument for less than equal representation in those cases where it can be shown that future people will be

affected in a relevantly different way than people in the present. However, many of the issues relevant to the distant future may affect future people at least as much as the currently living, often more. Thus, the vast discrepancy between the power assigned to the living and the future seems unjustified based on proportionality.

In this section, I have shown that the proportional representation of future people is complicated because the number of F-Representatives is indeterminate but likely to be very large (the numbers problem) and that, accordingly, F-Representatives would hold a significant or dramatic number of seats in parliament (the tyranny of the future). Furthermore, a discussion of proposals for F-Representatives has shown that these proposals do not attempt to represent future people in proportion to their number. I have shown that the low number of F-Representatives cannot be justified because future people are not affected to the same extent as future people. The consequences of representing future people as politically equal seem to be so undesirable that proponents of the representation of future people do not want to engage with it. However, the justification of proposals for the representation of future people lacks essential arguments for dealing with the numbers problem and the tyranny of the future. On a procedural approach, those who aim at justifying institutions to represent future people need to argue why it is justified not to represent future people as equals. Without such arguments, the justification of the representation of future generations seems defective.

### 3.2 Can the Representation of Future People Be Legitimate?

In the previous section, I have shown that the representation of future people is theoretically challenging and morally undesirable if one takes future people as political equals. However, proposals for F-Representatives avoid the assumption of political equality and argue that it suffices to represent future people unproportionally. Notwithstanding these problems, I wish to discuss a second feature of the representation of the future that raises another set of difficult questions, namely its legitimacy.

The question arises whether the representation of future people can be considered procedurally legitimate. As established above, showing that the representation of those within the relationship claim can be considered procedural legitimate is a necessary step in the procedural justification of institutions for the representation of future people. In the following, I test the procedural approach on whether it can justify the representation of the future. To this end, I discuss two prominent arguments for the representation of future generations. I begin with an argument by Andrew Dobson.



### 3.2.1 Representation by Those with Similar Concerns

Andrew Dobson (1998) argues for the representation of future people through F-Representatives in parliament. Dobson suggests that '[t]here 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' (Dobson, 1998, p. 132). In search for a proxy, Dobson (1998, p.133) identifies the sustainability lobby as a potential proxy of the future, having 'its eyes firmly fixed on the future.' Thus, in his proposal, F-Representatives would only be members of the 'sustainability lobby' elected by members of the 'sustainability lobby.' Dobson 1998, p. 133). To ensure political equality, Dobson suggests, at one point, withdrawing those people who would be electing F-Representatives their right to vote for ordinary representatives.

Dobson's proposal is in some ways similar to the concept of 'surrogate representation.' In an empirical study of political representation in the US, Jane Mansbridge found that some representatives not only represented their constituency but also, due to their working-class background, or being lesbian, gay or a person of colour, the interests of a specific group beyond their immediate constituency (Mansbridge, 2003, pp. 522-525). In Mansbridge's cases of surrogate representation, both a correspondence between the interests of the representative and the represented and sympathy for a common cause can be observed. And often, surrogate representatives will engage with those they represent (beyond their constituency) discursively. Mansbridge argues that within a democratic system, it may raise normative and empirical legitimacy if some representatives not only represent their constituency but also represent some other groups in virtue of having a similar concern, for these groups might otherwise go unrepresented.

The crucial difference between Mansbridge's concept of surrogate representation and Dobson's call for F-Representatives is that Mansbridge's surrogate representatives take on the role of surrogate representatives on top of their normal role as representatives of their constituency. Surrogate representatives have been elected as ordinary representatives and decide to represent the interests of a specific group additionally. In this sense, elected representatives in parliament could decide to take on the role of representatives of future people and their role as representatives of their constituency. Indeed, there is evidence that the members of the Parlamentarische Beirat für nachhaltige Entwicklung, the parliamentary advisory council for sustainable development in the German Bundestag, 'actually view *themselves* as representatives of future generations and their interests' (Kinski & Whiteside, 2022, p. 8, italics in the original).

Surrogate representatives are elected representatives who additionally take on the role of representing some special interest. Dobson's F-Representatives are not surrogate representatives. They are not elected by everyone within the relationship claim, but only a selected sub-group, as this is assumed to be a proxy of future people. Dobson's proposal has been criticised because it assumes that only a subgroup of the present has interests in line with the future and that this group could be identified clearly (Ekeli, 2005, p. 435 ff.). A second problem is that the relation between F-Representatives and future people is not characterised by responsiveness. Future people cannot authorise nor hold accountable their supposed representatives. There is no engagement between representative and represented (Dupont, 2019; Whiteside, 2013). Accordingly, F-Representatives on this proposal lack procedural legitimacy. Even though future people are among the affected, the procedural approach cannot justify their representation in accordance with Dobson's proposal. Having discussed the legitimacy of one proposal for F-Representatives, I now turn to a second argument for the representation of future people.

### 3.2.3 Representing Future People Through Claim-Making

Another argument for the representation of future people builds on the concept of representation as claim making (Karnein, 2016; Saward, 2010, pp. 111-123). A representative claim is structured as follows. 'A maker of representations (M) puts forward a subject (S) which stands for an object (O) which is related to a referent (R) and is offered to an audience (A)' (Saward, 2006, p. 302; highlighting omitted). For example, an MP of the Green Party (maker) offers herself (subject) as standing for the interests of nature (object) to the electorate (audience). The object, nature, is one conception of nature, the referent. For Saward, it is important to point out that the maker of a claim creates the object but is never directly referring to the referent, e.g., nature itself. Instead, the claim maker only claims to stand for one idea or one image of the referent.

The conception of representation as claim making allows observing representation not only as an institutional process but also as an act in the wider public sphere. For example, advocacy work can be read as a form of representation under this conception. In this light, the work of Fridays for Future or Extinction Rebellion can be read as a claim to the representation of future people, and one could also argue that it increases the legitimacy of the democratic discourse as their work highlights the exclusion of future people from it. In the following, however, we are concerned with whether the entitlement of future people to be represented can be fulfilled legitimately. For this, arguably, the work of NGOs or

individuals does not suffice, and the focus is hence on F-Representatives in the legislative process.

How can the legitimacy of a representative claim be assessed? Saward (2010, p. 159) suggests that a 'claim can be respected by observers as long as it receives validation by the relevant proto-constituency at some reasonable future date, and rejected if it does not.' However, as Karnein (2016, p. 92) argues, it does not seem reasonable to apply this criterion to future people in so far as F-Representatives cannot receive validation from their constituency, as this will only exist long after they made their representative claims.

Accordingly, Karnein develops two further criteria that may be employed to assess the legitimacy of representative claims. She suggests that the present could evaluate the decisions of F-Representatives based on whether it perceives as appropriate i) the principles on which F-Representatives make decisions and ii) the 'procedural mechanisms' employed by F-Representatives to interpret what the principles suggest in a specific case. As a principle to test F-Representatives, Karnein suggests the standard of 'equal respect' (Karnein, 2016, p. 93). She elaborates that

[i]t seems safe to assume that future generations could not possibly think it was justified if we decided that promoting our own interests (in keeping costs low, for instance) is more important than their having to live with the devastating effects of a radically destabilized climate (as a consequence of keeping costs low). Likewise, it seems clear that they could not possibly think it was treating them with equal respect if we chose, for the sake of convenience, to be careless and negligent about disposing of our nuclear waste. (Karnein, 2016, p. 93)

A first worry regarding this approach concerns the interests of future people. First, future generations' interests are a rather vague, underspecified concept. Hence, there is a significant chance that – in Saward's terminology – the object, future people's supposed interests, and the referent, future people's real interests, are widely falling apart – not the least because future people's interests, the referent, are shaped partly by today's decisions. As Karnein suggests herself, future generations' 'interests are moving targets' (Karnein, 2016, p. 87).

Saward's account allows observing the potential ambiguity of claiming to speak in the interest of future people. Indeed, speaking in the name of future people may open up room for the pursuit of partial interests and corruption. Karnein (2016, p. 95) worries that we may find that F-Representatives 'end up invoking the interests of future generations to

bolster their own controversial agendas against, for instance, immigration or against providing more aid to the contemporary global poor.’ And Ekeli (2005, p. 439) points out that F-Representatives might not promote future generations’ interests, too. This thought finds further support in the fact that F-Representatives would have the same incentive to be re-elected on all proposals where re-election is possible, such as Ekeli’s.<sup>11</sup> Thus, it is likely that at least a part of their decisions reflect the interests of current generations (Jensen, 2015).

Now, how about the legitimacy of F-Representatives on Karnein’s approach? I suggest that whether Karnein’s approach to legitimising the representation of future generations is plausible depends partly on whether a wide or a narrow person-affecting view is employed. Employing a wide person-affecting view, one can argue that future generations could complain that earlier generations did not act respectfully when they did not care about, for example, safe nuclear waste disposal. However, on a narrow person-affecting view, they would waive their rights to a healthy environment and equal respect, given that they would not exist otherwise (Parfit, 1987, pp. 364-366). Thus, on a narrow person-affecting view, the interests of future generations are unlikely to be a plausible legitimacy guide.

Adopting a wide person-affecting view combined with Saward and Karnein’s approach may work the following way. The standard of evaluation for whether future people are adequately represented is not a question of whether their interests have been represented adequately, which is implausible for the reasons given above, but rather whether their representatives acted following some principles of equal respect. Indeed, this seems to be the position Karnein (2016, p. 93) adopts as she argues that ‘we can know, for instance, that future generations could not possibly agree to be treated with less regard for their well-being than we display for our own. That is, the only standard they could reasonably be expected to accept is to be treated with equal respect.’ We do not need to know what Mary, born in 2200 AD, will actually want. Instead, it suffices to know that the principles employed by F-Representatives when making a political decision give equal respect to the present and the future. In this way, F-Representatives could be held accountable by the present.

Karnein’s approach avoids the pitfalls of Dobson’s approach and defines a plausible accountability mechanism that can be employed by the present to hold F-Representatives accountable. Curiously, Karnein suggests employing this mechanism only to hold

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<sup>11</sup> Suppose one assumes them to be elected at all. Tremmel (2018) suggests that it might be advantageous not to elect them for this reason.

accountable F-Representatives. If future people are entitled to the same type of procedural entitlement as everyone else, why should this principle not also be employed to hold accountable any political representatives?

However, while Karnein's approach does provide a procedural accountability mechanism, it remains insufficient in so far as future people have no way to influence their representatives. This proposal cannot ensure that future people are included in today's decisions either. The procedural argument for the representation of future people fails on this account, too.

### 3.2.3 A Slippery Slope: The Instrumental Base of Arguments for F-Representatives

At this point, we may pause and ask whether it is plausible to think that current people could be genuine representatives of the future. We have seen above that future people cannot influence their supposed representatives. The representatives of future people are not responsive to future people – how could they be? Their constituents are not even born yet.

Accordingly, installing F-Representatives does not give future people any influence over the decisions that affect them. To highlight this, consider the following example. If future people were represented and could influence their representatives, they could – being in the majority – set up a repressive political system to secure the future's power. They could invest heavily into the future and leave the present with the bare minimum. Of course, one would call this unjust, but future people – being in the majority – should be able to do so. However, of course, this is only a thought experiment. Future people have no power in the present, even if F-Representatives are installed. They have zero 'contributory influence' (Kolodny, 2014, p. 200) and installing F-Representatives does not change this.

To sum up. The first part of the procedural argument holds that future people are – given some assumptions – part of the relationship claim. Accordingly, one may think that they are entitled to representation. However, when scrutinising the second part of the procedural argument, we find that the claim for the representation of future people cannot be sustained because F-Representatives are necessarily unresponsive to future people. If representation requires some form of responsiveness between representative and represented, the procedural argument for F-Representatives fails. Other criteria for assessing the performance of F-Representatives have been proposed. Karnein suggests a procedural criterion for assessing the performance of F-Representatives, but this is arguably insufficient to ensure the legitimate representation of the future. Other arguments, such as Dobson's, rely

on a substantive claim about what the present owes the future. I will discuss this last point in the following paragraphs.

Taking a closer look at Dobson's argument reveals that the approach proposes an instrumental benchmark. He argues for a selected constituency because the interests of this constituency supposedly align with what future people want. This is not a procedural argument as it is no longer about a specific relationship between represented and representative but about ensuring that a particular outcome results from the democratic decision process.

If one is willing to accept this argument, one can justify installing institutions for the future, including representatives for the future in parliament. However, this argument leaves the procedural route to justifying F-Institutions and instead uses an instrumental argument. It is not an argument based on the conviction that future people should be involved in today's decisions. Instead, having F-Representatives is considered legitimate, as it ensures that certain outcomes are produced.

In a similar vein, Whiteside criticises arguments for the representation of future people because these lack procedural justification:

Because even a minimal consultative relationship with the affected parties is impossible, we should probably just say that these 'representatives' are advocates, pure and simple. With this difference: *these* advocates, as opposed to countless other potential ones, get a certain number of seats reserved for them in the legislature. Unlike all other representatives, they will not be accountable to constituents made grateful, fearful or just plain ornery in reaction to planned policy changes.

(Whiteside, 2013, pp. 350, italics in the original)

Given that the procedural justification for F-Representatives is lacking, the justification for the representation of future people seems only viable on an instrumental account. An instrumental approach can potentially justify all sorts of F-Institutions, including F-Representatives. However, a proper instrumental justification of F-Institutions requires much more than stating that a specific F-Institution may be beneficial. It requires a clear statement of the outcome one aims to realise, and one needs an assessment of institutional (and potentially also policy) ways of getting there. An elaborated instrumental justification of F-Institutions, including F-Representatives, would also consider side effects, moral legitimacy, and feasibility. I will provide an instrumental justification of F-Institutions in chapter 6.

In conclusion, the second claim of the procedural argument, holding that future people are entitled to representation, cannot be justified because future people cannot be

politically represented so that their entitlement is fulfilled. There can be advocacy work in the name of future people, and there can also be F-Representatives, but both do not suffice to meet the procedural entitlements of future people. As such, the procedural argument for F-Representatives fails.

One can, of course, argue for the creation of F-Institutions on an instrumental approach, as I will do myself in the second part of the thesis. However, one should not give up the procedural approach just yet. Instead, one can bring the procedural approach to fruition if one changes the entitlement of future people from representation to an entitlement to consideration and justification. I will elaborate on the plausibility and fruitfulness of such an account for the justification of F-Institutions in the following.

### 3.3 Which Procedural Entitlements do Future People Hold?

Having shown that procedural justifications of the representation of future people are lacking, I want to consider whether a procedural argument can nonetheless be fruitful to justify other types of F-Institutions. To this end, I will try to adjust the procedural approach and show that what follows from the fact that current people affect future people is that future people have a procedural entitlement to be considered and receive justification in today's decision-making.

The argument has two parts. First, I show why it is more plausible to think that future people deserve consideration and justification rather than representation by stressing the prerogative of the present to make decisions that may affect future people (negatively) based on considerations of the rights of the affecter. Secondly, I show that arguing that future people are entitled to consideration and justification justifies the implementation of some F-Institutions.

#### 3.3.1 Should Future People Be Included at All?

It is time to consider the fundamental question: Why should future people be included in political decisions? In many views, there are decisions that an agent may take despite significantly affecting other people because they have a right to do so without those affected having a right to a say. I have added this as a fourth consideration of the procedural approach in section 2.1.1. This consideration is nicely illustrated by Robert Nozick (1974, pp. 268-271), but one does not have to buy into this particular moral framework to think that the general argument has merit. So, do the rights of the affecter justify that future people are not included in some or all decisions of the present?

Nozick argues that one has a right to participate in a decision that affects one under the following conditions. First, the decision or action does not violate the rights of the affected, for, in this case, the option is not permitted and should be prohibited. There should, for example, not be a vote on whether you are allowed to break someone's leg. Second, the decision or act that one is affected by is not within the agent's prerogative whose decision or act one is affected by. If, for example, I lend you my sandwich maker during exam season (or for the academics among the readership: the marking season), it may be that you become pretty dependent on it. Nonetheless, it is my choice whether I want it back or not. Only those decisions that fall in the realm between those categories are such where one ought to have a say.



Following this reasoning, there should be no democratic decision on issues where future people hold a right. As I will maintain in chapter 5., there are some basic rights that every person should enjoy. Accordingly, any decision that would violate these rights while alternative decisions would not infringe such rights should be off the table. Hence, the inclusion of future people would only be required if other decisions do not violate the rights of future people that nonetheless significantly affect them. Such cases may exist, and the argument thus far does not rule out that future people should be included in a decision process.<sup>12</sup>

Now consider the second requirement. Among the decisions that present people make about their lives, there could be some decisions within the prerogative of the present that do not infringe the rights of future people. Leaving those decisions aside that concern future people's rights, as these are not to be taken democratically, there is a set of decisions that the present may be able to take, albeit affecting future people because these decisions fall within its prerogative. What grounds the argument is the right of people in the present to live autonomous lives. Should future people then have any say in whether the present builds more opera houses or more bowling alleys? Should they have a say on whether university education is subsidised or not? Should they have a say on whether to have pro natal-ity policies?

At this point, one may worry that if future people are not included in the decision process, decisions would be taken that could harm future people significantly. Ideally, such options would be considered impermissible as they would violate the rights of the future. However, one may ask whether decisions that may cause serious harm should be up for democratic decision (as long as there are alternatives that do not cause considerable harm). Here, a critic may reply: 'Yes, of course, rights-violating decisions should not be taken. However, this misses the point that we need F-Representatives to ensure that no such rights-violating decisions are made.' I fully agree that it ought to be ensured that no such rights-violating decisions are taken. However, installing F-Representatives to ensure that future people enjoy their rights is an instrumental argument. Are F-Representatives the most effective way to ensure that future people can enjoy their rights? There may be more effective alternatives, as I will show in the second part of the thesis.

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<sup>12</sup> There are also such cases where the rights of many people may be violated no matter whether future or present and no matter which option is chosen. A democratic decision may be appropriate in such cases, but I suggest that ideally, the option should be chosen that minimises rights violations. Often a democratic decision will be a good way to figure out which option this is.

There may, however, be such decisions that the present can take that seriously affect future people, but arguably not their rights. Let us consider an example. The present could take up considerable debt to finance an early retirement programme and burden younger and future people with paying back the debt that would be taken up to finance the programme. Arguably, setting up such a programme does not infringe the rights of future people or people in the present, so criterion one is met. However, is such an investment – including the financial burden to the future – within the prerogative of the present? For this to be the case, one would have to argue that the present is the only one who has legitimate claims on the pension system. This is implausible, for the way pension systems are set up, they are intertemporal projects. They rely on intertemporal indirect reciprocity – you receive because you gave earlier, and you give to the future to receive from someone else.

Due to future people being affected in relevant ways, there is a strong intuition that they should also be entitled to an adequate type of procedural entitlement in such a decision. This intuition finds support in the comparison with the intragenerational case: Relevantly affected people in the present are considered to be entitled to some form of inclusion in the decision that affects them. And even if you believe that such a decision falls within the rights of the affecter, you may still think that future people are entitled to some form of inclusion. Consider the following argument by Caney (2012a, p. 145):

[I]magine a couple who have been married for many years. Suppose that, after 30 years of marriage, the husband announces that he is going to apply for a divorce. By doing so, he may have a huge impact on his wife. Now she does not have a right to vote on whether he should be allowed to divorce or not. But I do not think that it is implausible to suggest that, in virtue of their longstanding relationship, he owes her a justification – that it would be wrong of him simply to leave without giving a reason. One can, then, adopt a ‘pluralist’ position and think that different kinds of relationships generate different kinds of entitlements.<sup>13</sup>

It seems plausible that, even if a particular decision falls within the rights of the affecter, they still owe those relevantly affected some form of procedural entitlement, such as being considered or receiving a justification. Hence, even if one thinks that future people are not entitled to be included in the decision process directly, one could still hold that they are entitled to justification or consideration. Similarly, Whiteside (2013, pp. 353, three dots in the

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<sup>13</sup>This is from an unpublished English version of the paper that was subsequently translated and published in German.

original) poses the question, ‘what if we didn’t assume that, whatever the environmental deficiencies of representative democracy, the alternative has to be couched in terms of... more representation? Is representation really the only game left in our green democratic town?’

### 3.3.2 What are Future People Entitled to?

Given the problems associated with the claim that future people are owed ‘representation’, I think the following is a reasonable response. One can argue that future people hold a procedural entitlement to have their interests considered by policymakers (consideration), and they have a procedural entitlement that policymakers issue a justification of their decisions directed to all current and future people affected by the decision. In the following, I will understand ‘consideration’ to involve taking the interests of those affected into account, while justification involves decision-makers issuing a public justification of their policies towards those affected. I will consider whether it is plausible to say that future people are entitled to consideration and justification in the following. I will also suggest two institutions that ensure the consideration of the future and that it receives justification.

Some may argue that there is no difference from a procedural perspective on whether future people are considered or whether they receive a justification. This is because future people will only judge the justification after birth. Giving a justification to the future may be advantageous in terms of its outcomes because it requires the present to step into the shoes of the future and take its decisions so that future people could not reasonably reject the decision as unjust. This also requires the present to be careful in its decision making and, specifically, avoid unintended consequences by assessing potential effects on the future in advance. However, this is an instrumental argument for a specific method of ensuring the consideration of future people.

Nonetheless, one can reply that there is something to justification to future people beyond its instrumental value. Even if future people only receive the justification many years after a decision, this may still matter to them as an appeal towards their autonomy and rationality. Likewise, there is the case that a state may justify its policies publicly without giving due consideration to the future in so far as it can give a justification for ignoring the future’s interests. Justification to and consideration of future people in today’s decisions are thus distinct procedural entitlements.

The claim that future persons have a right to justification has been made by G. F. Johnson (2007) and Eckersley (2004), while Jensen (2015) suggests that the future is owed consideration. MacKenzie (2018, p. 253) also argues that future people should receive justification: ‘normative,

political, or legal obligations requiring us to explain ourselves to the future would encourage us to think more carefully, regularly, and systematically about how our decisions will affect the future.’ Indeed, while Karnein argues for the representation of the future, she also maintains that the crucial point of their representation ‘is that we would have to justify our decisions to future generations as if they were present today’ (Karnein, 2016, p. 93). However, to justify decisions to the future, one does not need to represent them. In this view, F-Representatives may have a symbolic function, and they remind others in the discourse that future people are entitled to justification or consideration, but this is not the same as representing future people.

The argument that the present owes the future consideration and justification can be sustained by assuming a view of lives that also includes the time before one is born and the afterlife. In such a view, one could maintain that not being born is a condition that is common to all humans and that during that period of one’s life – including here also the time before one is born and after one dies – one has a right to consideration and justification. As this is the same for all people, there would be no difference between the currently living and future people. Thus, people are only entitled to representation in political decisions when they are alive and entitled to consideration and justification before they come into existence (and maybe after death).

This view has a further advantage. For it assures the sovereignty of those alive and, at the same time, puts the entire moral burden on them. This way, the present cannot justify its (in-)actions to the future because some F-Representatives were installed. Instead, it is highlighted that the present is in full moral responsibility (Jensen, 2015). To avoid misconceptions: This view does not hold that the future is politically irrelevant. On the contrary, in this account, future people have a right to receive justification and to be considered regarding all decisions that affect the long term. Let me thus formulate the procedural duties towards the future:

#### D1: Duties of intertemporal procedural justice

When making decisions that significantly affect future people’s interests, those currently alive have two duties:

- a) to take future people’s interests into account and give them equal consideration.
- b) To give future people a reasonable justification for their decision.

To avoid confusion, arguing that future people are entitled to consideration and justification is not to argue that the present needs to align its decisions with intertemporal justice necessarily. Arguing for the realisation of a specific principle of justice would be an instrumental argument while arguing that future people are entitled to consideration and

justification is not. Giving due consideration to the future and justifying today's decisions does not specify the outcome that one wishes to result from such decisions but instead defines a procedural duty of those who take decisions that affect the future, namely, giving due consideration and justification.

The worry, of course, is that even though the present ought to consider the future in its choices, this is not likely to happen in actually-existing democracies. This worry has merit, and I suggest that some institutional reforms will be required to make politicians and the public spend more time and effort in considering the future and justifying their decisions to the future. Indeed, I believe that the procedural approach can justify the implementation of some F-Institutions based on the entitlement of the future to due consideration and justification. I will go into much more detail regarding which institutions to install to ensure that the future is taken into account in chapter 9. Here I would like to highlight two institutional proposals that seem particularly well suited to ensure that the future receives more consideration and appropriate justification: Posterity Impact Assessments and Intertemporal Performance Indicators.

Posterity Impact Statements are proposed by Dennis Thompson (2005, 2010, 2016). Thompson (2016, p. 192) suggests that governments should be required to publish 'statements justifying any adverse effects their actions might have on the democratic capacities of future citizens.' However, one could widen the scope of Posterity Impact Statements to other policy domains, as I will suggest in my proposal for a set of F-Institutions in ch. 9. Identifying the effects of potential policies on future people would help make the justificatory process more transparent and make it more challenging to justify policies that have profound adverse effects on the future. Also, Posterity Impact Statements would make it more feasible to consider whether a policy affects the interests of future people.

Intertemporal Performance Indicators are also a part of my proposal for a set of F-Institutions developed in chapter 9. Such indicator sets define measurable goals that allow to better keep track of long-term aims. Such indicators may include, for example, the median income development, the length of budgeting horizons and the inclusiveness of political decision processes (Oxford Martin Commission for Future Generations, 2013, p. 62). As I suggest in chapter 9., the indicators are ideally developed based on principles of intertemporal justice and sovereignty developed in chapters 4. and 5.

Summing up this section, I have argued that the procedural approach can be brought to fruition if one considers future people as entitled to consideration and justification instead of representation. Furthermore, this approach is advantageous because it honours the autonomy of the living. Lastly, I have argued that the procedural approach justifies

the installation of some F-Institutions, such as Posterity Impact Statements and Intertemporal Performance Indicators, based on the entitlement of future people to be considered in and to receive justification regarding today's decisions.

### 3.4 Conclusion

In this chapter, I show that arguments for the representation of future people run into serious difficulties. Procedural arguments face the numbers problem and the tyranny of the future. First, procedural accounts would need to specify how many F-Representatives there should be. Given that the number of F-Representatives may affect the number of future people, the number of F-Representatives that should participate in political decisions seems indeterminable. Secondly, the tyranny of the future suggests that the number of representatives of the present would be outnumbered on a causal interpretation of the all-affected principle and less likely to find a majority on a legal interpretation. However, the discourse mainly argues for an unproportional representation of future people, where the number of F-Representatives is not proportional to the number of future people affected. I argue that the unproportional representation of the future lacks an argument for why it is justified to violate proportionality and thus political equality.

In the second section, I consider the legitimacy of the representation of future people. Defining procedural legitimacy as some form of responsiveness, I show that none of the discussed approaches meets the standard of procedural legitimacy. Indeed, on closer inspection, some supposedly procedural arguments for representing the future slip into instrumental arguments.

Lastly, I argue that it is more plausible to interpret the procedural entitlements of future people with regard to decisions of the present as entitlements to consideration and justification rather than representation. First, this grants the present the autonomy it requires to decide on its own lives. Furthermore, it also gives an appropriate value to political equality, for everyone is treated similarly. Those alive and affected are entitled to representation, and those to be born (or dead) and affected are entitled to consideration. This is the same for every person hence political equality is ensured. Lastly, I show that the procedural approach can justify the implementation of some types of F-Institutions based on the entitlement of future people to be considered and receive justification with regard to today's decisions. Among the institutions that may be justified in such a version of the procedural argument are Posterity Impact Statements and Intertemporal Performance Indicators. In

conclusion, the procedural argument for F-Institutions is plausible, but the interpretation of this argument as a call for F-Representatives is flawed.

## 4. Democracy and the Future III: Sovereignty

So far, this thesis has focused on a procedural approach to designing F-Institutions. I now turn to instrumental approaches. Instrumental approaches hold, recall, that we should design institutions to best realise good outcomes – that is, important social goals or objectives. However, what constitutes a ‘good’ outcome and what a ‘bad’ outcome? I explore this question in the next two chapters. One very plausible answer is that we should design institutions to realise justice toward future (and current) generations. It is in order to ask what duties of justice do we have to future generations? In this chapter, I explore duties regarding the sovereignty of future people, and in the next, I explore duties of distributive justice between the present and the future.

One common account of duties to future generations concerns what Axel Gosseries (2016) calls ‘generational sovereignty.’ While the term ‘generational sovereignty’ is relatively young, the roots of the concept can at least be traced back to Jefferson ([1789] 1958) and Paine ([1791] 2001), who both maintain that generations should be independent of one another. Arguments for ‘generational sovereignty’ rely on different moral concerns such as non-interference, self-determination, autonomy, or self-government.

Discussing the usage and function of the concept of generational sovereignty in the first half of the chapter, I derive two principles of intertemporal sovereignty in the second part of the chapter. Further, I aim to show that duties of intertemporal sovereignty can be employed as a base for an instrumental argument for F-Institutions.

The structure of the chapter is as follows. In section 1., some terminology is introduced by explaining how sovereignty is applied in international relations theory and introduces Jefferson’s conception of generational sovereignty. Section 2. Broadens the discussion by developing a taxonomy of metrics and patterns of intertemporal sovereignty. This section also clarifies what the concept of sovereignty can contribute to the discussion regarding the present’s duties towards the future. In section 3., I defend a version of the ‘generational sovereignty’ view. I develop both a minimal and a maximal principle of – what I suggest calling – intertemporal sovereignty. Section 4. Concludes.

### 4.1 Sovereignty: States and Generations

To begin with, I sketch the concept of state sovereignty. Then, I discuss whether the concept needs to be altered to apply in intertemporal contexts.



#### 4.1.1 Sovereignty of States

A great many definitions of sovereignty exist in international relations theory and political theory. In modern times, sovereignty has been deeply connected to states, so I suggest starting with Daniel Philpott's definition of state sovereignty: 'supreme authority within a territory' (Philpott, 1999, p. 570; 2020). Philpott (2020) highlights three features of this concept. First, to hold 'supreme authority' means to be ultimately authoritative – there is no other body within the territory or beyond of higher authority. Sometimes this is also specified with regard to internal and external sovereignty: Where internal sovereignty states that there is no higher authority within the territory, external sovereignty claims the same beyond the specified territory (Krasner, 2007). The second property of sovereignty is 'absoluteness' (Philpott, 1999, p. 571). Absoluteness requires that a sovereign state is the ultimate authority regarding all policy areas, not just some. Thirdly, sovereignty is defined with regard to a specified territory. According to Philpott (2020), territoriality is the quality that allows demarcating those subject to authority from those who are not, namely only those who reside within the specified territory, normally the borders of a state.

It should be noted that authority is commonly understood in legal terms. In this sense, supreme authority requires constitutional independence, 'constitutional authority' (James, 1999, p. 466). This is a legal category that holds that there is no other body able to overrule the authority. As such, this is not about its 'actual capacity ... to coerce' (Beitz, 1991, p. 236).

Not all states are de facto sovereign. This is highlighted by Jackson (1991), who points to many political entities, particularly in the so-called developing world, that lack some of the properties listed by Philpott. Jackson calls these 'quasi states.' To do so, he differentiates between negative and positive sovereignty. Positive sovereignty describes the various capacities required for self-government. Negative sovereignty describes a kind of independence but makes no claims about whether and how this freedom from intervention is employed. Jackson argues that, while these states de facto lack autonomy in decision-making, they are formally free with regard to international law.

Sovereignty may seem to presuppose a specific kind of political structure where states co-exist in independence and a principle of non-intervention is upheld. At the same time, it is accepted that states have some moral duties to one another. Such a political order of a 'society of peoples' has been defended by Rawls (1999) and others. However, note that Rawls rejects the concept of a state to describe his ideal and refers to peoples instead. Yet, many other political structures have been argued for. Most of these adapt the concept of sovereignty by changing at least one of the features named by Philpott. For example,

cosmopolitan thinkers have argued in favour of a multi-level governance system where some of the authority of states is allocated to global and local authorities (Caney, 2005; Held, 1995; Pogge, 1992). With these conceptual remarks at hand, let us take a closer look at the idea of generational sovereignty.

#### 4.1.2 Sovereignty of Generations?

The concept of sovereignty in time is commonly termed ‘generational sovereignty’ (Gosseries, 2016) or ‘intergenerational sovereignty’ (Otsuka, 2003, ch. 7). One of the earliest and most famous defences of this idea is by Thomas Jefferson, who first elaborated on these matters in a letter to James Madison:

[b]etween society and society, or generation and generation, there is no municipal obligation, no umpire but the law of nature. We seem not to have perceived that, by the law of nature, one generation is to another as one independant [sic, JMH] nation to another. (Jefferson, [1789] 1958, p. 395)

Here, an idea similar to that of supreme authority is defended by Jefferson as a normative ideal to be upheld between generations. Jefferson feared that earlier generations could bind later generations through debts, contracts, and constitutions. Thomas Paine, shortly after Jefferson, argued in a similar vein: ‘The vanity and presumption of governing beyond the grave is the most ridiculous and insolent of all tyrannies. Man has no property in man; neither has any generation a property in the generations which are to follow’ (Paine, [1791] 2001, p. 6).<sup>14</sup>

Jefferson’s idea of generational non-intervention captures the strong intuition that each generation should be able to decide how it wants to govern itself and which rules it ought to follow. In line with this reasoning, Jefferson ([1789] 1958, p. 396) suggests that every constitution should lose its validity after 19 years – Jefferson calculated the average life expectancy to be nearly 38 years in the US – so that the succeeding generation could make a new constitution. In the same letter, Jefferson also argues that all personal and governmental contracts should be terminated after the same amount of time, no matter whether they are fulfilled.

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<sup>14</sup> Indeed, the end of the 18<sup>th</sup> century exhibits a remarkable abundance of contributions regarding the question of intertemporal sovereignty, albeit, at the time, the term sovereignty is not used in this capacity (Gosseries, 2014, pp. 99-100).

Generational sovereignty as independence is a powerful idea. It allows one to clearly distinguish the encroaching actions of earlier generations to the disadvantage of succeeding generations. It marks out past generations as potential authorities that may undermine the authority of the present by highlighting how earlier generations can bind future generations against their will by making contracts, compiling debts, passing laws, or building infrastructures that constrain their successors. It highlights how a past generation can effectively curtail the present generation's capacity to govern itself and how past generations can restrict change and development long after their authority has ceased.

Nonetheless, Jefferson's view of generational sovereignty is, as I will argue in the following, both theoretically defective and normatively incoherent. However, as I suggest below, a moderate version of the principle may have some plausibility. First, the moral ontology: Jefferson, in his works, uses two different notions of generation. One is birth cohorts, and the other is generations as all alive at one point in time. The first notion is used, for example, in his statement that '[e]very constitution then, and every law, naturally expires at the end of 19 years' (Jefferson, [1789] 1958, p. 396), as this is the time where the majority of people alive would not have been alive when the constitution or law had been made. The second notion is used famously in his expression that '*the earth belongs in usufruct to the living*: that the dead have neither powers nor rights over it.' ([1789] 1958, p. 392, italics in the original). Note that the first notion is much more restricted, including only some people alive, while the second notion includes everyone alive.

While some conceptions of generations may have a clear start and end date in the same way that a border defines the territory of a state, a state's population is not fixed. New people join the citizenry. Some leave, some are born, and some die. There is a constant flux that is not captured in both notions employed by Jefferson. Indeed, Jefferson himself is aware of this condition as he writes in another passage of his letter to Madison that generations are collective units 'changing daily by daily deaths and births' (Jefferson, [1789] 1958, p. 394). The incremental change of the people alive at a time cannot be captured by thinking about generations in some kind of cohort format demarcated by birth dates.

Relying on generations as the moral ontology is misleading and obfuscates the constant change of the people within the temporal territory. Madison (1790), in his response to Jefferson, already pointed to two problems of drawing borders between generations by birth dates. Firstly, Madison points out that it may at times be justified to divide the burdens between the present and the future, if the future benefits, too:

Debts may be incurred for purposes which interest the unborn, as well as the living: such are debts for repelling a conquest, the evils of which descend through many generations. Debts may even be incurred principally for the benefit of posterity: such perhaps is the present debt of the U. States, which far exceeds any burdens which the present generation could well apprehend for itself. The term of 19 years might not be sufficient for discharging the debts in either of these cases.

(Madison, 1790)

If the past complies with a duty of non-interference, some burdens could not be passed on to future people, even if this makes future people better off.

A second problem that is connected to all obligations and responsibilities losing validity after a generation's term ends is the political instability this would cause, in so far as it would, for example, be very difficult for a government to pursue projects that last longer than the constitution or a contract would. Sovereignty seems to be of constant relevance, not only every 19 years or so. Indeed, with the average life expectancies of today, the time until the majority of people is replaced by half is more than forty years in some countries. On a more general level, Madison's objections point to the fact that there is always generational overlap, and there is thus always some form of interaction.

Generations are not nation-states and cannot be independent of one another in the same way. Others have termed this continuity 'intergenerational chain' (Howarth, 1992) or intergenerational 'relay race' (Heyd, 1992, pp. 201-202). However, I prefer Brian Barry's concept of generations as 'an abstraction from a continuous process of population replacement' (Barry, [1977] 1991, p. 242). Hence, I prefer the metaphor of an intertemporal river, or stream, as it stresses the continuity of the flow of births and deaths and avoids the reference to collective units that cannot be clearly and non-arbitrarily demarcated.

Acknowledging the '*continuously multigenerational* society' (Gosseries, 2016, p. 105; italics in the original) helps to avoid partiality to some people over others due to their arbitrary generational affiliation. It is not the case that we should consider the question of sovereignty anew every so-and-so many years, as Jefferson proposed, but as a value relevant to all people simultaneously alive at any point in time. For this reason, I suggest employing the term intertemporal sovereignty instead of generational sovereignty. Intertemporality highlights the continuity aspect that is concealed by the generational terminology. Sovereignty as non-intervention is not a concept that can be employed over time. At least not between two generations that follow each other. Indeed, past generations, as in the first of

Jefferson's notions, may still be alive, and it is thus misplaced to think of them as external authorities that interfere in the current generation's affairs.

Furthermore, the idea of generational non-intervention is also blind to the advantages of being bound by earlier generations: in many instances, earlier people adopt a constitution, build political institutions and infrastructure, gain knowledge, and accumulate capital of all sorts (Rose, 2016). This potentially provides the following people with the circumstances to successfully govern themselves. For example, today's people could bind future people to paying back debts taken up to prevent dangerous climate change. This would be justified because future people would benefit from this, so they should also share the burden (Caney, 2014a). Here is a second example: The people at  $t_1$  (some point in time) may bind the people at  $t_2$  (some later point) through constitutional means to prevent the people at  $t_2$  from wronging the people at  $t_3$ . Binding later generations may be justified as this can resolve intertemporal collective action problems.

Jefferson's view of generational sovereignty is also problematic regarding its spatial assumptions. While Jefferson extended the concept of sovereignty into the temporal dimension, the assumption in his letter is that the territorial questions are answered with reference to national borders. Jefferson's assumption is still common nowadays in the scarce discussions of sovereignty in time. However, nation-states should not necessarily be considered the appropriate entity to be assigned sovereignty. Arguments of this kind ought to have more appeal when sovereignty is not considered solely as a question of the here and now but as a question that has implications in the long term. For, as Thompson (2005) maintains, thinking about state borders over extended periods of time, one ought to conclude that it is unlikely that these remain as they currently are but are likely to change in various ways. Extending the idea of sovereignty to intertemporal matters needs us to think beyond the nation-state frame. Thomas Paine, for example, urges us to consider the sovereignty of people who 'live a hundred or a thousand years hence' (Paine, [1791] 2001, p. 6). It seems that defining the territory along the line of state borders is empirically hard to justify, given that one cannot foresee whether and how nation-states may develop over the next millennium. After all, the concept of nation-states is less than 400 years old. Thus, extending the concept of sovereignty into the future also requires rethinking territorial assumptions (Thompson, 2005, 2010). How extensive the spatial inclusion of future people ought to be is, in my view, an empirical question that I suggest is answered best by employing a 'causal impact principle' (Caney, 2018c, p. 164). I have outlined this in more detail in section 5.2.1.

Lastly, Jefferson's view is also insufficient on normative grounds. The following is a case that may highlight the blind spot of Jefferson's conception of generational sovereignty. If the people at  $t_1$  made the constitution invalid, destroyed all governmental institutions, dissolved the parliament, dismissed all civil servants, took away all money from the treasury and ended all contracts with third parties, no matter whether on security or free trade, it would still leave the people at  $t_2$  sovereign in Jefferson's sense, as the actions at  $t_1$  would not constrain the future, would not bind the people at  $t_2$  to any agreements against their will, would not interfere in their business. Undoubtedly, doing so would wrong the people at  $t_2$ . The example shows that the idea of sovereignty as non-intervention may have disastrous consequences. It needs serious enhancement to be applicable in intertemporal contexts. To call some people sovereign, their formal independence from the past seems insufficient.

Nonetheless, non-interference may still be of value at some times. I have shown here that it is likely to be outweighed by other concerns, but it should not be concluded that it is of no moral relevance. Considering whether an intertemporal intervention is justified is an important task, and Jefferson is right to highlight how powerful the dead hands of the past can be. However, non-intervention needs to be balanced carefully against other concerns, such as the capacity for self-government. I will discuss this in more detail below.

To sum up, Jefferson's idea of generational non-intervention is problematic in many ways, given generational overlap. His view also overlooks the potential advantages of intertemporal continuity, such as capital accumulation and stable political institutions. Later people may benefit from the investments of earlier people. This may constrain their choices to some extent but may widely broaden their opportunities in other ways. Lastly, Jefferson's view is also normatively insufficient. It cannot explain why it would be wrong to leave later people without functioning institutions, as his theory of sovereignty solely focuses on avoiding constraints to later people. Nonetheless, non-intervention is a relevant concern that ought to be considered carefully, albeit other considerations may often outweigh it.

## 4.2 Intertemporal Sovereignty

Having observed that one prominent view of intertemporal sovereignty is flawed, I want to provide a taxonomy of different principles and metrics of intertemporal sovereignty in this section so as to derive two principles of intertemporal sovereignty afterwards. I will begin with the principles.

#### 4.2.1 Principles of Intertemporal Sovereignty

Let us begin with a principle by Thomas Paine. In his *The Rights of Man* ([1791] 2001), Paine writes in response to Edmund Burke's ([1790] 2009) *Reflections on the Revolution in France*:

The Parliament or the people of 1688, or of any other period, had no more right to dispose of the people of the present day, or to bind or to control them in any shape whatever, than the parliament or the people of the present day have to dispose of, bind or control those who are to live a hundred or a thousand years hence. Every generation is, and must be, competent to all the purposes which its occasions require. It is the living, and not the dead, that are to be accommodated. When man ceases to be, his power and his wants cease with him; and having no longer any participation in the concerns of this world, he has no longer any authority in directing who shall be its governors, or how its government shall be organised, or how administered. (Paine, [1791] 2001, p. 6)

Paine's statement is interesting for several reasons. First, I think it is worth pointing out that, in the first part of the statement, he does not argue that there should be no constraints to the collective self-government of future people, but only that there should be *no more* constraints than for the previous generation. Second, it is worth noting that Paine, in the first part, is only concerned with constraints. Note further that Paine takes a comparative tack between the sovereignty of generations. Hence, we may call this an egalitarian approach to intertemporal sovereignty.

Paine adds a further non-comparative requirement in the second part of the quote, namely that '[e]very generation is, and must be, competent to all the purposes which its occasions require' (Paine, [1791] 2001, p. 6). We may call this a form of sufficientarianism of intertemporal sovereignty. This does not presuppose no constraints to the government but rather qualifies the background requirements that the people at one time should leave to their successors. Note also that this approach does not limit the constraints on future people but specifies the government's capacity that should be sustained or realised.

We find further principles of intertemporal sovereignty and demands for appropriate institutional sets in Dennis Thompson's works. Thompson (2005) derives a weak and a strong principle of intertemporal sovereignty. The weak principle is formulated as 'citizens or their representatives in democratic states at any present time should seek to preserve a democratic process that gives future citizens at least as much competent control over their collective decision making as present citizens have' (2005, p. 249). This weaker principle of

temporal sovereignty is another formulation of an egalitarian standard of temporal sovereignty. Thompson's more demanding standard reads: '[M]ajorities should seek, up to the point that competent control over their own decision making begins to decrease, to maximise the competent control that future majorities will enjoy' (2005, p. 249). We may call this principle a maximisation approach to intertemporal sovereignty. Note that Thompson argues that this more demanding principle may prove too excessive to be realised and that, in practice, the difference between the two principles will often be irrelevant (2005, p. 249).

Let me recapitulate the three principles of intertemporal sovereignty offered so far. First, the sufficientarian principles of intertemporal sovereignty specify certain levels of some properties of sovereignty. Note that the thresholds prescribed can vary, be rather demanding or undemanding. Paine's first principle is sufficientarian.

The egalitarian principle of intertemporal sovereignty says that the people at  $t_1$  ought to leave the people at  $t_2$  as much sovereignty as they enjoyed themselves. Here the required level of sovereignty is not defined with reference to a prespecified threshold but with reference to the level of sovereignty people enjoyed at some other point in time. Paine's second and Thompson's first principles are such egalitarian principles of intertemporal sovereignty. Lastly, the maximisation principle of sovereignty holds that the sovereignty of the people at  $t_2$  ought to be maximised (up to the point where the sovereignty of the people at  $t_1$  would fall below this level). Thompson's second principle takes such a maximisation approach.

Due to its context insensitivity, we may find that a sufficientarian principle of intertemporal sovereignty may be either too demanding or not demanding enough. For example, it may demand too much of those alive if they have just witnessed a break-down of the political system for some reason, such as war or a severe catastrophe, or it may turn out not to be as demanding as appropriate in such cases where a given society could hand over to the future a very high measure of sovereignty but is not required to do so. For, if future people could enjoy a higher level than sufficient at little or no cost to the present, then the present has – in my view – a pro tanto duty to incur the burden for the benefit of future people. This does not rule out the application of such a principle, but it demonstrates its limitations and gives us reason to consider further principles of intertemporal sovereignty in detail.

In comparison, an egalitarian principle may ground lower obligations of the currently living to future people, for the level of obligation presumably corresponds to the level of sovereignty enjoyed by the currently living. For this reason, I would suggest not applying an egalitarian approach to generational sovereignty without further qualification.



One option would be to use a normative baseline instead of a descriptive baseline as a point of comparison. Then, it would be the obligation of people at t1 to ensure that the level of sovereignty of future people rises to the point specified by the baseline.

#### 4.2.2 The Metric of Intertemporal Sovereignty

Concerning the metrics, I would like to take as a starting point Axel Gosseries' (2016, pp. 101-103) threefold differentiation of generational sovereignty: a) judicial sovereignty, b) effective political sovereignty, and c) effective sovereignty. These conceptions of generational sovereignty differ with regard to the metric that is employed.

The metric of the judicial view is usually defined negatively as the absence of judicial constraints on future people. According to Gosseries (2016, pp. 101-102), any judicial regulation passed by the people at one time that is meant to apply also to future people is a violation of the sovereignty of future people in this sense. Gosseries suggests that this kind of judicial non-intervention is what Jefferson, Kant, and many of their contemporaries had in mind. Notably, this is also the metric employed by Beckman (2013). The crucial difference between Beckman and the other authors mentioned is that Beckman is only concerned with formal constraints and not de facto constraints and therefore concludes that future people would always be able to amend the law if they so wish, while this is denied, for example, by Thompson (2005).

Effective political sovereignty is a broader concept of sovereignty that does not only concern judicial constraints but also includes consideration of resources required to govern oneself effectively (Gosseries, 2016, p. 102). This concerns all sorts of resources, including human capital and institutional knowledge. A wide range of internal resources is required for this metric to be complete. Thompson (2005, p. 249) has called this the capacity for 'competent control over ... collective decision making.' Similarly, Paine ([1791] 2001, p. 6) speaks of each generation being in need to be 'competent to all the purposes which its occasions require.'

For Thompson, a people is competent if it has a set of institutions that allows for 'the capacity to express a sufficiently settled and an adequately informed judgment' (2005, p. 249). Others, such as Wurster et al. (2015), use the concept of 'state capacity' to refer to the government's ability to choose and implement adequate policies. Both terms refer to the given institutional set's quality and capacity to enable decision-making and policy implementation. Thompson further specifies the concept of competent control by rejecting institutional constraints that would not allow for adequate decision making and

implementation. The exception, of course, are such constraints that safeguard the functioning of the political system itself (Thompson, 2005, p. 249). In other words, it may be necessary to restrict the sovereignty of the people at t1 to ensure that the people at t2, t3, tn can also be sovereign (Gosseries, 2014).

To elaborate, it may be necessary for the people at t1 to constrain the choices of the people at t2 to ensure that the people at t2 will have these capacities available:

Constraints that provide opportunities for majorities to act deliberately or to inform themselves adequately should be justifiable. Constraints that seek to prevent future majorities from enacting laws of which current majorities disapprove should not be justifiable. We can say then, that the principle should only permit constraints that are necessary to make a sovereign at any particular time competent in the sense of having the capacity to express a sufficiently settled and an adequately informed judgement. (Thompson, 2005, p. 249)

Thompson's statement highlights the dual nature of constitutions: They constrain the future but may, at the same time, increase the ability of the future to govern itself. In this sense, they are 'double-edged swords' (Gosseries, 2008a, p. 32). Notably, judicial sovereignty and effective political sovereignty come apart here insofar as effective political sovereignty requires the people at one time to install certain constraints on themselves and future people to ensure the effective political sovereignty of future people.

A still more comprehensive metric of sovereignty is included in the notion of effective sovereignty. According to Gosseries (2016, p. 102), this includes not only the relevant resources to govern oneself effectively but also all resources to exercise all other relevant human capabilities. What may motivate such a view is that mere effective political sovereignty may be considered insufficient.

Consider the discussion on solar radiation management (SRM) and Carbon Dioxide Removal (CDR) from the recent report of the IPCC working group I:

Without conventional mitigation efforts or potential CDR methods, high CO<sub>2</sub> concentrations from anthropogenic emissions will persist in the atmosphere for as long as a thousand years, and SRM would have to be maintained as long as CO<sub>2</sub> concentrations were high. Stopping SRM while CO<sub>2</sub> concentrations are still high would lead to a very rapid warming over one or two decades, severely stressing ecosystem and human adaptation. (IPCC, 2013, p. 634)

SRM and CDR are two approaches to dealing with dangerous climate change, commonly termed geo- or climate engineering. In recent years such measures have been proposed as instruments of last resort in case mitigation attempts cannot provide sufficient decreases in greenhouse gas (GHG) concentrations in the atmosphere (e.g. Crutzen, 2006). Geoengineering has been criticised for its potential to induce moral hazard, the involved uncertainties and side effects, and low legitimacy (S. Gardiner, 2019; Heyward, 2019; Jamieson, 1996). As noted by the IPCC, SRM, once installed, would have to be employed until GHG concentrations are back to an acceptable level. Hence, future people would effectively be forced to continue with the measures started by earlier people as they would otherwise face a quick backlash. As the IPCC suggests that GHG concentrations may remain high for 1000 years, taking up SRM effectively requires future people to maintain SRM for this amount of time as the consequences of stopping to do so would be very costly and very bad. In a sense, future people are free to stop SRM, but this would confront them and later people with a drastic temperature rise. In a world where there is only a choice between maintaining SRM or dramatic temperature rises, it, of course, seems preferable to maintain SRM. However, taking a view of effective generational sovereignty, one may argue that earlier people should have mitigated climate change more effectively so that future people would not be forced into this situation which curtails their sovereignty. Earlier generations could mitigate climate change more effectively and pass on some associated financial costs to later generations. This would also force future people to pay back the debt but leaves them with many different ways to achieve this and thus allows them more room for self-government.

Whether and to what an extent one considers future people bound by such constraints crucially depends on the metric of generational sovereignty. The potential lock-in of future people is highly problematic to views concerned with effective generational sovereignty but is of little relevance to those who equate generational sovereignty with jurisdictional sovereignty.

Thus, three metrics of intertemporal sovereignty are suggested in the discourse: i) the absence of judicial constraints, ii) competent control, and iii) policy space in front. Judicial sovereignty is only concerned with the first of these metrics. Both other conceptions make use of all three metrics. The difference between effective political sovereignty and effective sovereignty is that the metrics are limited to the political sphere with effective political sovereignty, while there is no such limitation on the effective sovereignty view.

### 4.2.3 What Can Intertemporal Sovereignty Give Us?

At this point, it may seem appropriate to ask what the purpose of these principles of sovereignty is. What can a principle of intertemporal sovereignty add that is not covered by theories of distributive justice or theories of democracy?

As defined by Gosseries (2016), effective sovereignty is a substantive principle that seems to overlap with concerns for distributive justice. Take the example of public debt. Jefferson worried about future generations being forced to pay back a loan taken on by earlier generations. To this, Madison (1790) replied in a letter that '[a]ll that is indispensable in adjusting the account between the dead & the living is to see that the debts against the latter do not exceed the advances made by the former.' It seems that Jefferson's worry could easily be framed as an issue of intertemporal distributive justice. Future people will have a legitimate complaint vis a vis earlier people if they have to take on a greater part of the burden. Indeed, there seems to be no advantage to phrase this as an issue of intertemporal sovereignty. Also, consider the example of SRM I gave above. This, too, can be framed as an issue of intertemporal justice without any relevant concern being dropped. Again, this is a question of how best to distribute burdens across time.

Indeed, Gosseries (2016, p. 110) suggests that effective sovereignty could be employed as a metric of intertemporal justice. In this sense, effective sovereignty would be a complex basket of capacities that the people at one time owe people at a later time. However, why would it be advantageous to phrase issues in these terms instead of the more commonly known languages of democracy and justice? Gosseries (2016, fn. 19) says that there is at least one reason: intertemporal sovereignty can be applied across time without encountering any difficulty with the non-identity problem. However, as I show in chapter 2, this is no advantage for those who employ some form of a wide person-affecting view.

I think that there is a place for the concept of intertemporal sovereignty to shine. A principle of intertemporal sovereignty could specify how to distribute procedural entitlements of present and future people. This is a relevant contribution in so far as democracy in itself is not a concept that can easily be applied across time. Specifically, a principle of intertemporal sovereignty could explain how much democracy should be realised at each point in time and how it should be distributed between the people at each point in time. This is relevant as there is a potential trade-off between democracy in the present and the future. If democracy in the present is not constrained, the procedural entitlements of people in the future may be ignored. As discussed above, there are good reasons to constrain

democracy to ensure that people in the future can enjoy it. A principle of intertemporal sovereignty can justify these constraints and specify how much constraint is justified.

Intertemporal sovereignty, in this sense, is a principle of justice that specifies how democracy should be distributed across time. Its function is to ensure that future people can govern themselves and, further, to decide on how they want to govern themselves. This conception of intertemporal sovereignty is close to Paine and Thompson's views on the matter.

In summary, I have argued that intertemporal sovereignty can be conceptualised in different ways. I have suggested that a plausible and fruitful interpretation of the principle is a conception of effective political sovereignty. The role of this principle would be to specify how democracy should be distributed across time. In the following section, I elaborate on this by deriving two principles of intertemporal sovereignty.

### 4.3 Two Principles of Intertemporal Sovereignty

I am convinced that it is advantageous to advance both a minimal and a maximal take on principles of justice. In line with (Caney, 2012b, p. 278; 2012c, p. 96), I understand a 'maximal' view to be the perspective on justice that one fully endorses, the 'perfect ideal'. A minimal view defines the absolute basis, what is 'essential', a 'redline that may not be crossed' (2012a, p. 278). In a sense, the minimal view defines what is prior to other demands that arise out of a commitment to justice. This may be helpful when discussing questions of justice in public with policy leaders, politicians, or activists. However, this view only defines the basics, and it does not cover our further duties of justice. For this, we need to look at maximal views. Maximal views are not something that would be nice to have, not a question of benevolence or charity. A maximal view defines what is to be done in order to live under conditions of ideal justice. This is, what we should strive for, but what may seem infeasible in the short run.

The following example may clarify the relation between the 'minimal' and 'maximal' views. Let us assume we discuss the state of political institutions in your country and how they should develop. We may find a quick consensus on democratic values and that whatever the exact institutions should look like, they should grant each citizen a vote. Also, there should be some form of checks and balances. However, we may then start to discuss the more complicated questions such as which form of electoral system would be appropriate – first past the post, proportional systems, et cetera. We may find that there can be reasonable disagreement on these questions. In a sense, the first question seems to take

priority over the second. Whether you live in a democracy or not undoubtedly seems to be a more important question than whether you live in a democracy with a proportional electoral system or not. This illustrates the moral urgency reflected in the ‘minimal’ view. To avoid misunderstandings, differentiating between a minimal and a maximal view should not be construed as a conflict between procedural and substantive justice. One can simultaneously have a minimal and a maximal principle of procedural justice and a minimal and maximal principle of substantive justice. It is not the case that the minimal principle is substantive and the maximal principle is procedural or vice versa.

Establishing the values captured in the minimal principle is fundamental to many. However, this does not render the question regarding the ‘maximal’ view a luxury question or something nice to have. This is for two reasons. First, our take on the ‘maximal’ approach may inform our ‘minimal’ view and give us reasons to pursue the appropriate steps in a certain way to avoid institutional lock-in. Secondly, – and most importantly – we should recognise that realising what is entailed by the minimal view does not discharge all duties we have to one another. It only provides the basis, the bare minimum and does not at all reflect the beauty of a just society. Having said this, let us now turn to define the relevant parameters of my view on intertemporal sovereignty.

#### 4.3.1 A Minimal Principle of Intertemporal Sovereignty

Defining a minimal principle of intertemporal sovereignty is a challenging undertaking. I intend this to be a minimal sufficientarian threshold of sovereignty. While there is comprehensive literature on basic rights that will allow me to define the metric and principle of intertemporal justice in the following chapter, there is thus far no minimalist approach to intertemporal sovereignty I know of. Paine’s principles set a relatively high standard and can provide little guidance for the formulation sought here. Furthermore, he provides only limited arguments for the proposed principle, so the suggestions made here have to go beyond the existing discussion on the issue.

As with all sufficientarian principles, this too faces the charge of arbitrariness. My principle will be no exception. Nonetheless, a clear definition, I hope, will stimulate the discussion of this important topic. As a minimal principle of intertemporal sovereignty, I adopt the following:

Those alive at one time should leave people in the future with ‘(reasonably) just basic institutions for a free constitutional democratic society.’ (Rawls, 1999, p. 107)

This principle defines an obligation to hand over functioning institutions for self-government to the future. Note that Rawls' version of the principle would also allow for institutions fit for other kinds of well-ordered societies. I suggest dropping this part of Rawls' principle, as people in well-ordered societies are not, in my view, sufficiently sovereign.

Some may ask whether the principle of sovereignty also specifies how to distribute democracy among contemporaries. The response is that the minimal principle does not specify this directly but that how to distribute democracy between those who participate in it is a question that is more commonly discussed and where appropriate answers build on concepts such as political equality and proportionality. Indeed, in section 2.1.2, I suggest that the distribution of procedural entitlements needs to be evaluated concerning a) inclusiveness, b) proportionality and c) equality. Hence, the minimal principle of sovereignty suggests how democracy is to be distributed across time, while the reasoning about a fair distribution of procedural entitlements in Chapter 2. suggests how to distribute it at each point in time.

The minimal principle suggested here is far from demanding but should ensure that the future can deal with the issues most relevant to it in an adequate way by providing the circumstances for effective governance. This is certainly less demanding than Paine's ([1791] 2001, p. 6) requirement that future people should be 'competent to all the purposes which its occasions require.' Paine's principle defines a much higher threshold as he requires the institutional set left to people in the future to be fit no matter which circumstances future people find themselves in. The approach taken here is more minimal, for it only requires leaving people with institutions that allow for what may be called basic sovereignty. The same will also apply to the maximal principle of sovereignty.

I suggest the minimal principle of intertemporal sovereignty be understood as a negative duty. This is to ensure that the principle is widely acceptable because it would not require people at any point in time to incur onerous burdens upon themselves for the sake of future people. Thus, the people at  $t_1$  are not burdened in this view to restore the specified level of sovereignty if, through the conduct of the people at  $t_0$ , the people at  $t_2$  will not be able to enjoy this level. The principle only states that the people at each time are required to ensure that there is no adverse effect on sovereignty below the specified threshold.

What can be said in support of this principle? It requires the people at each point in time to ensure that the sovereignty of future people does not fall beneath a minimum level. Following the principle would provide the people at every time the most fundamental

institutions to ensure that they can govern themselves democratically and can decide on how to govern themselves.

I believe that such a minimal principle is necessary given that such a low demanding principle is likely to gain broad support from many different perspectives. However, I believe that the minimal principle is certainly not enough – the present ought to do more in favour of future people’s sovereignty. This intuition, which some may share, is better catered for with the maximal principle of intertemporal sovereignty that I suggest next.

#### 4.3.2 A Maximal Principle of Intertemporal Sovereignty

As a maximal principle of intertemporal sovereignty, I would like to advance an egalitarian approach. This reads:

Those alive at one time should leave future people with at least as much democratic control as they enjoy themselves.

Again, the scope of the principle is inclusive to all people alive now and in the future. Contrary to the minimal principle, I understand this principle as a positive duty for reasons I elaborate on below. The living should ensure that future people will enjoy at least as much sovereignty as they enjoy themselves.

While this may be interpreted as an empirical baseline, I prefer employing a normative baseline when comparing the level of sovereignty in the past and present. This should be set at the point where more sovereignty at a certain point would not be sustainable in the future as it would undermine the sovereignty of future people or use up resources quicker than they can be reproduced. This is not the same as Thompson’s (2005) maximisation principle, as it is not capped at the point where more sovereignty at  $t_2$  results in less sovereignty at  $t_1$ . Rather it is capped at the point where the people at  $t_1$ ,  $t_2$ ,  $t_n$  enjoy a maximum of sovereignty. Thus, the level of sovereignty at  $t_2$  is not only capped by the level of sovereignty at  $t_1$  but also by the requirement to sustain this level of sovereignty at  $t_3$  and  $t_n$ . This is thus a dynamic baseline as the level that can be sustained indefinitely is affected by cultural and technological development.

What is the currency? In the view advanced here, intertemporal sovereignty is a principle for the just distribution of democracy in time. Instead of the discussed three components of intertemporal sovereignty observed above, I suggest employing the V-Dem indicator system (V-Dem, 2021). This index allows measuring democracy by employing a



range of individual measures of various components of democracy, such as free and fair elections, access to information, access to political offices, public justification, et cetera.

Specifically, the maximal principle of intertemporal sovereignty requires not any kind of sovereignty but popular sovereignty – democracy. As I have shown above, the reason for this is that sovereignty needs continuous reconfiguration. The sovereignty of the people at t1 may undermine the sovereignty of the people at t2, if the people at t2 are not able to suspend, amend, or adjust the structures, institutions, and procedures inherited from the people at t1. However, this is only possible if future people have at their disposal a set of institutions that allows for effective self-government. Otherwise, the people at t1 could decide democratically to adopt an autocratic form of government without leaving the people at t2 the institutional capacity to choose a system of government aligned with their preferences. Generalising this thought means that ensuring the sovereignty of the people in the future is only possible if they are left with a set of recognisably democratic institutions. This requires further that people in the past and present leave an adequate policy space in front of future people so that they have a meaningful choice between different versions of government and societal structures.

The ‘at least’ element may deserve some further attention, too. This specifies that people at t1 are under an obligation to leave people at tn at least as sovereign; it does not require them generally to make them more sovereign. People at t1 may, however, be required to make people at tn more sovereign if the level of sovereignty at t1 is not the highest level of sovereignty that can be retained sustainably. How much more sovereign ought the people at t1 make the people at t2, how much ought they ‘save’? I think this is most plausibly settled by applying Rawls’s intergenerational heuristic. People at t1 ‘are to ask themselves how much they would be willing to save at each stage of advance on the assumption that all other generations are to save at the same rates’ (Rawls, 1971, p. 287).

The reasons for this principle go beyond those in support of the minimal principle, so some arguments might be considered supererogatory or matters of benevolence. However, this is not so. Ensuring maximal intertemporal sovereignty is what ideal justice requires. Let me expand on the reasons that justify the maximal principle.

The first argument for the maximal principle is that if the people at one time were not to leave future people at least as sovereign, this would indicate a case of intertemporal discrimination bracketing all non-human influences (such as catastrophes). People in the future would be discriminated against on the basis of their birth dates. However, at which point in time one lives should be utterly irrelevant to considerations of just distribution. Otherwise, people in the future would be worse off through no fault of their own. This

argument also clarifies why fulfilling the maximal principle of intertemporal sovereignty is not an act of benevolence. It is an obligation that arises out of our commitment to justice.

In my view, the appeal to intertemporal equality and the discrimination that would occur if earlier people do not ensure that future people are left with the same level of sovereignty as their predecessors provides a solid foundation for this principle. There seems to be no *prima facie* reason to justify not fulfilling this obligation. Of course, there may be non-ideal considerations that may be considered more relevant. For instance, it could just turn out to be too costly to ensure the same level of sovereignty as previous people enjoyed, for example, after a system breakdown. Also, other values may be considered more important – certainly, consideration of basic rights and a minimal level of sovereignty would normally hold priority. What remains to be said here is that the principle would not necessarily burden the people at any time to reinstate the level of sovereignty immediately after a system collapse or else. For, how much saving can be expected is to be decided along the lines of an intertemporal original contract heuristic as sketched above.

A second argument in favour of the maximal principle of intertemporal sovereignty is that even if the duties of distributive intertemporal justice are fulfilled, we would still wrong future people if they are not able to govern themselves. Ensuring the sovereignty of future people may not be difficult, and increasing it, for example, by improving access to voter registration (such as in the US), may not be costly either.

Consider the following example to clarify the value at the heart of this principle. We can imagine a future world where all future people enjoy a high standard of living that is still remarkably flawed. This is because we can imagine those future people enjoying such a high living standard, all live in a society organised most efficiently to ensure a healthy environment and many other goods future people care for. However, the cost may be that future people will have to live in this way – without any control over their own polity. We may imagine them like robots, efficiently fulfilling their duties to maximise the good, but without any influence on how they want to live, work, and organise themselves. Many examples of this kind can be found in classic dystopian works such as Orwell's ([1949] 2008) *1984* or Bradbury's ([1953]2013) *Fahrenheit 451*.

A more subtle transgression of the idea of intertemporal sovereignty can be found in Toby Ord's (2020) *The Precipice*. Ord argues that all generations should work on the project of realising the human potential. He suggests that there should be a time called 'the Long Reflection' for devising a 'Grand Strategy for Humanity' (Ord, 2020, pp. 189-193) after security from existential risks is realised. Such an approach fails to see what intertemporal sovereignty precisely is about. Future people may not want to realise human

potential, which is fine, for it is their choice. We may leave them the means to do so, but to set up a grand strategy that binds people over millennia is not taking future people's sovereignty seriously. A principle of intertemporal sovereignty, such as the one defended here, allows to mark such a case out as unjust, as such endeavours overlook the right of the people at any time to determine the aims of their lives to a maximum degree.

The argument against devising grand strategies for maximising human potential can be combined neatly with the following lines. We could be wrong regarding both our considerations of intertemporal justice and sovereignty. There are, however, better and worse ways to deal with our fallibility. By ensuring that future people will be sovereign, the present ensures that the future will be able to decide again what is best in its view. In this way, the present will not take from the future the opportunity to decide for itself and to make better choices than the present or past made or even could have made. Ensuring that future people enjoy democracy ensures that future people can take the wheel whatever else the currently living do. Or, as Dennis Thompson writes:

Present sovereigns need to be able to deliberate in light of new circumstances and new information and act on the conclusions of their deliberations. Granting past majorities excessive power undermines popular sovereignty itself as new majorities find themselves increasingly constrained by the dead hand of past majorities.

(Thompson, 2005, p. 246)

This argument is also an instrumental argument for democracy based on the fundamental thought that future people should be free to decide their fate for themselves to the extent that this also allows remote future people the same.

Lastly, the maximal principle of intertemporal sovereignty also demands the control and limitation of the influence of corporate structures, as these can seriously undermine the sovereignty of future people, too. When large corporations have far-reaching influence on political and private decisions, their power must be limited in the same way as the power of political structures must be limited to ensure that future people can govern themselves.

#### 4.4 Conclusion

In this chapter, I discuss the question of intertemporal sovereignty. To this end, I first introduce the popular view of Jefferson, Paine, and others that future people should be independent of earlier generations. By scrutinising the underlying generational ontology, I show

that the argument for intergenerational non-intervention is theoretically troubling as it ignores the continuous intertemporal stream of birth and death. I also show that Jefferson's view – notwithstanding its appeal – is normatively incoherent. Next, the chapter discusses various principles of intertemporal sovereignty. Building on this, I devise both a minimal and a maximal principle of intertemporal sovereignty. These principles suggest a just distribution of democracy through time. This chapter, thus, suggests a second duty towards the future that may ground the installation of F-Institutions.

## 5. Justice and the Future

The last chapter analysed the duties of the present concerning the sovereignty of the future. This chapter aims to define the obligations that currently living people have regarding future people in terms of distributive justice. It intends to illustrate the fair division of burdens and entitlements between the currently living and future people. The aim here is modest. I will provide an outline of the principles of intertemporal justice that I think should be adhered to. I will give reasons for the view I endorse, but space does not permit a full review and discussion of all views on intergenerational justice present in the discourse. I will, however, engage with some of the most common objections that could be raised against my lines of argument. This chapter thus suggests a third duty towards the future upon which I will argue in the second part of the thesis that F-Institutions need to be installed.

My discussion will follow the common variables of distributive justice: It begins with the moral ontology (2.), the scope (3.), and the moral standing (4.). I then turn to the pattern, the metric, and the baseline. Regarding the last three variables, I will provide two lines of argument. The first is a very modest line of argument that provides arguments for my ‘minimal’ view (5.) – a minimalist human rights approach – and the second is an ambitious line, my ‘maximal’ view (6.) – an egalitarian take on intertemporal justice. Without further ado, let us discuss the moral ontology of intertemporal distributive justice next.

### 5.1 Moral Ontology

Moral ontology concerns the question of the appropriate rights and burden bearers. Indeed, these are two questions. First, we need to determine who are appropriate rights or burden bearers in principle (individuals, states, nations, ...). Secondly, we need to identify who is an actual right and/or burden bearer out of these groups. The first question concerns moral units in general and should be answerable without any reference to actual cases, while the second question may be relevantly influenced by the circumstances of a question of justice.

#### 5.1.1 An Individualist Account

In what follows, I try to motivate endorsement for an approach characterised by two features. First, it is individualist in the sense that it is individual people that are the moral units of choice as both rights and burden bearers. Second, I appeal to a particular kind of

individualism. On the following account, I am concerned with the standard of living enjoyed by persons. The focus, however, is not on how specific persons fare but instead on ‘people’. ‘People’ refers to individual moral agents but strips them of the specific features of their identity. That is, they are considered as political entities without taking into account those attributes that we would often use to differentiate between two individuals, such as their colour of hair, their name or hobbies. In this regard, the account employs a kind of ‘veil of ignorance’ reasoning borrowed from Rawls (1971), an identity independent perspective that focuses on certain ‘properties’ of persons but does not consider the ‘particulars’ (Reiman, 2007, p. 83). This view is close to what Parfit calls a ‘wide person-affecting view’ (Parfit 1984) but is more neatly described as ‘citizen-type’ view (Heyward 2008). My reason for doing so will become clear below.

My view then is a) individualist (as opposed to more collectivist approaches) and b) focused on the general attributes of individuals – their fundamental moral and political interests and responsibilities as members of humanity and parts of political societies. Let me give you my reasons why I think that we should assume this view in questions of intertemporal distributive justice. I begin with my reasons for a).

First, I would like to point out that conceiving of intertemporal justice as ‘justice between generations’ or intergenerational justice may attribute moral relevance to a unit – generations – that should only be of derivative moral significance. For example, Edith Brown-Weiss (1988) explicitly argues that we owe something to future generations based on considerations of intergenerational equity, where future generations are understood as collective moral entities. Many others use the term ‘future generations,’ but it is often unclear whether they refer to future generations as moral entities or only as ‘containers’ for individual future people. The problem with such views is that ‘generations’ are entirely arbitrary units. A cohort’s beginning and end length are often not clearly demarcated.<sup>15</sup> Accordingly, it may be of huge difference for an individual, whether it is part of one generation or another. As such, I do not see why these units should be of any moral relevance and using them as moral units may undermine the value attached to each individual.<sup>16</sup> Instead, I will

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<sup>15</sup> In the literature, you find many different approaches to ‘generations’ some take them to be age-cohorts of fifteen or twenty years, some associate certain age groups with major events that influenced them or some commonality that they exhibit, such as the ‘baby boomers,’ ‘the internship generation’ etc. Tremmel (2009, Ch. 3) provides the most comprehensive overview of the different conceptions of generations I know of.

<sup>16</sup> As Caney (2018) points out ‘generations’ may under certain circumstances be of derivative moral importance. On p. 162 fn. 9, he argues that how well off someone is in comparison with other members of their generation may affect their self-esteem (being worse off than one’s contemporaries can often be stigmatising) and, thus, generations could be relevant in this derivative sense.

speak of intertemporal justice whenever the scope of justice includes living people and people yet to be born.

Second, aggregative views are often insensitive to *intragenerational* injustice. As such, the distribution of goods within the collective, e.g., a generation, is not considered, resulting in vast and unjustified inequalities. This may be true for questions of the appropriate rights as well as burden bearers. To avoid this blind spot, I will instead speak of justice between contemporaries or justice between those alive at a specific point in time.

My third reason for the individualist account sketched above is that it allows us to treat each individual with equal respect and fairness. This is important since aggregative views, as employed, for example, by some economists or utilitarians, may override the core rights of individuals in the quest for the greatest welfare overall. This is not to say that aggregation is always a bad idea, but aggregation that results in making someone who is already worse off even worse off for the sake of making someone who is already better off even more so seem to be so, in my view. There are, as I see it, thus, two reasons not to adopt a 'generational' view in questions of intertemporal justice, and there is a further reason to adopt an individualist view that is founded on equal respect for every individual.

I turn now to b). I have two reasons for holding this view. One reason is that I believe that public deliberation should be accessible to all and that this becomes more feasible and fruitful if we try to make our arguments in such a way that they are intelligible to as many people as possible. One requirement is to present arguments in an accessible way so that they are understandable, although the other parties involved do not share the same background. Thus, from a political point of view, we should consider everyone as an equal and make arguments in such ways that it is not relevant which particular features someone has (Gutmann & Thompson, 2004).

The view has another advantage that has already been explored in chapter 2. As I do not refer to future individuals but instead to future people, the non-identity problem does not raise its head. This is an important advantage of this view, as the NIP is regarded by many as a strong argument against the obligations of the currently living to the remote future. However, if we step back and do not consider the identity of future persons, but only their identity independent properties, we may, as Parfit (1987, pp. 396-401) argued himself, avoid the problem.

### 5.1.2 Rights and Burden Bearers

So far, I have not differentiated between rights and burden bearers. In my view, it is individual people who are both rights and burden bearers. However, some may want to disagree with me regarding the one or the other or both. Let me, therefore, say a few more things regarding my choice of rights bearers/entitlement holders and discuss some objections that will likely be raised. I then turn to the appropriate burden bearers below.

I think we owe something to each and every person *per se* and not in their capacity as a part of a collective. I have argued above that generations are somewhat arbitrary constructs and can be employed in many ways. In collectivist views, some individuals will fare better or worse simply because they are part of either one or the other collective unit. Further, such views may allow for some measure of inequality or unfairness within the collective unit that cannot be accounted for if we do not take the individual as the point of moral reference. However, I think this would be a moral mistake that can be easily avoided by employing an individualist view.

I do not want to question whether groups and collectives could not have some moral importance under certain circumstances by stating this point. One may, for example, think that collectives have certain rights to self-determination (as discussed in the previous chapter). I can see that states and other collectives may have some moral value; however, I do not think that generations should be considered among these.<sup>17</sup> I believe they should be of no moral importance by themselves.

Edith Brown-Weiss explicitly argued that we should conceive of rights in the intertemporal realm as rights of generations or planetary rights (Brown-Weiss, 1992). These rights and obligations ‘derive from their relationship with past and future generations’ (Brown-Weiss, 1992, p. 23) and should be regarded as ‘group rights’ instead of individual rights. However, Brown-Weiss points out that some individual rights may be deduced from these intergenerational rights. One advantage this collectivist view brings with it is its avoidance of the non-identity problem. Further, I can see the beauty of the flow of responsibility from one generation to the other. However, I find it rather unconvincing as a defence of our rights and responsibilities. One way to think about this is by comparing the relative moral significance of our relations to our predecessors and ancestors with the interests and rights that we hold as human beings. In my view, the latter outweighs the former.

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<sup>17</sup> Belonging to a nation may in certain cases be relevant, as argued for example by David Miller (1995), and may provide a sense of belonging and a shared culture and this may be relevant in the long term as well. However, I cannot see that ‘generations’ are relevant in this sense.



Some may want to object that future people cannot have rights as they do not currently exist and, as such, cannot have anything (Beckerman, 2006). I share the view that rights are attached to some object or person that bears this right. This, however, still allows me to say that people in the future will have rights once they are born (Düwell & Bos, 2016). Some have called these ‘future rights’ (Gosseries, 2008b).

Now to the burdens. I also believe that it is individual people who are the burden bearers. However, I can see that some may want to object to this line of reasoning in the following way. By focusing on people, I may load individuals with too high moral demands. Furthermore, states or other means of collective organisation would be better able to deal with certain questions due to their capacities. I fully take this criticism and agree that some responsibilities will be too demanding for individuals to deal with. However, this may seem infeasible is no reason to reject my view. Duties can be mediated and, e.g., handed over to collective entities of organisation such as governments (Shue, 1988). However, this does not entail full deference of the responsibility to the collective unit. In many cases, the mediation of duties may be necessary to ensure that responsibilities can be discharged fully and efficiently, but the responsibility is still an individual responsibility.

Nevertheless, it should be noticed that some think that we have the best chance to discharge our duties to future people through individual action or in small communities (Hopkins, 2008; Paech, 2012; Welzer, 2013). In their view, it would be a fallacy to hand over the duties to act in the interest of future people to the state. This line of reasoning is not in contradiction with my approach. The authors who stress that these burdens should be discharged individually do not disagree on whether the burdens are individual or not but on the best ways to discharge the connected responsibilities. While I hold that collective organisation will contribute a relevant part to discharging the present’s responsibilities towards the future, one may deny this and maintain that other forms of discharging the present’s responsibilities may be more appropriate. In chapter 6., I will elaborate on why institutional approaches to overcoming wrongful short-termism are necessary.

So far, I have discussed who could be a rights or duty bearer in principle. The following section’s task is to discuss the scope of justice, that is, to consider who should be a right or duty bearer regarding a certain question of justice.

## 5.2 The Scope

Traditionally the scope of justice has often been equated with the boundaries of a nation-state (Fraser, 2009, Ch. 2&3). Some have adopted cosmopolitan views where all people are

considered part of the same scope of justice (e.g. Caney, 2005). The next step in this chain would be to include future people in the scope, too. However, some theories of justice are not easily extended into the further future. Whether and how the scope of justice can be extended into the future is the question discussed in this section.

### 5.2.1 A Temporal Extension

We have to deal with some features that do not arise if all people within the scope are contemporaries at least at some point, that is, if their lives overlap completely or partially. First, in principle, the scope could be indeterminate or, in any case, very large (just consider our responsibility arising out of nuclear waste), and second, our actions now have effects on the number and identity of future people. As I said before, I do not think that it matters from a perspective of justice whether a particular individual Eva or a specific person, Adam, is born, but it certainly matters whether two persons are born or just one. Furthermore, we also need to deal with a level of uncertainty that may be considered unfamiliar from questions of justice between contemporaries (a question that I take up in chapter 6.)

With regard to the appropriate scope of justice, different principles have been invoked to define it. De-Shalit proposes to employ a sense of community as the relevant criterion for the extent of the scope. He asserts that

communities and traditional values fade away over time. Thus, at some time or another, a community is likely to reach a stage of diminished transgenerational community. That is why our ‘positive’ obligations to remote future generations fade away, although not all our obligations to them completely vanish.

(De-Shalit, 1995, p. 54)

Beyond the transgenerational community, the present has only negative duties towards the future, which are, in De-Shalit’s view, obligations of humanity, not of justice. Thus, in De-Shalit’s view, the scope of justice ends where the ‘immediate future’ ends. Other theories of justice also rest on criteria for extending the scope that may not grant the inclusion of many future people. Somewhat similar to the inclusion of spatially remote people, theories that rely on interaction, reciprocity, shared culture, nationality, shared coercive structures, or contracts may face a difficult time with including remote future people in the same scope (Meijers, 2018).

I suggest demarcating the scope of justice by employing the criterion of causal impact. This is similar to a causal interpretation of the all (possibly) affected principle. It asks how far the influence of the present stretches and thus takes the causal impact of the present's actions and inactions as the criterion that delimitates the scope of justice. Caney defines the causal impact principle as follows: 'This holds that the duties of those alive at one time extend as far into the future as the effects of their actions (and inactions)' (2018c, p. 163).<sup>18</sup> In this view, the extent of the scope is not fixed but instead changes whenever the potential of the present to causally affect the future evolves. One example may clarify this point. The nuclear waste produced in Germany until 2009 alone would suffice to kill a person in more than 300.000 years (Tremmel, 2008, p. 2). Thus, the duties for German citizens that arise out of nuclear energy production extend at least as far into the future.

Four issues need further consideration here. First, in some instances, one cannot reasonably be expected to know about the consequences of an action or inaction. Hence, we may not expect people to have known about the dangerous effects of burning fossil fuels in the 19<sup>th</sup> century. However, ignorance alone would not suffice to deny responsibility. Instead, what matters is whether one *should* have known, including researching possible outcomes of certain actions, the consequences of an action.<sup>19,20</sup>

Secondly, the causal impact principle needs to be specified further so that not all kinds of causal effects are relevant in terms of justice. Some actions taken in the present may have consequences for people in hundreds of years but may be irrelevant for the scope's demarcation, nonetheless. Consider Franz Kafka's last will, according to which his

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<sup>18</sup> The Causal Impact Principle closely resembles the possibilistic interpretation of the causal all-affected principle discussed in the previous chapter. However, it does not get entangled with the democratic paradox/the boundary problem as we do not have to assume that the people decide on its own boundaries.

<sup>19</sup> A difficult question is who should pay when no one could reasonably have known about the consequences of an action. Early GHG emission are a good example here. Henry Shue (1999) suggests that it should still be those who are outcome responsible, in so far as they also benefitted from the outcome (the emission of GHGs). I tend towards assigning the burden to those who benefitted and who are able to pay.

<sup>20</sup> One movie that tries to capture such chains of consequence across the very long term is 'The Cloud Atlas' by the Wachowski Sisters and Tom Tykwer (2012), based on the novel *Cloud Atlas* by David Mitchell. The movie tries to illustrate chains of action and consequence spanning many centuries through a focus on the actions of a few individuals born in different eras at what may be called 'critical junctions.' While I appreciate the idea the directors try to illustrate, it seems to me to be an arbitrary focus on a few characters and it may overlook the importance of systemic influences, or to be more precise the actions and inactions of all other people on the planet.

unpublished drafts should be burned.<sup>21</sup> Albeit this decision would affect many if not all future people to come, it is not a decision that widens the scope of justice up until the point where Kafka's works would not have been missed. The decision to have these burned is within Kafka's prerogative, and any effects caused by such a decision can thus not ground a widening of the scope until this point in the future. This example reminds us that only such actions and inactions beyond the prerogative of any individual can extend the scope.

Thirdly, only such causal effects are relevant where at least a major contribution can be related to the present and where this contribution is morally relevant. In other words, moral responsibility should not be confused with causal responsibility. If an effect cannot be explained to a significant extent by the present's actions or inactions, it is not relevant for defining the scope of justice. It follows that the effects of individual contributions to climate change by the present are relevant to this view and that the scope of justice thus needs to be extended up to the point where greenhouse gas emissions of the present have no relevant influence on the climate, while the decision to have another child or not only extends the scope to the next birth cohort.

A fourth point regards very far future people. Future people *beyond* the scope still have rights, in my view, but the present does not have obligations against them, as it does not affect them in any relevant way. However, we should be careful not to underestimate the relevance of the present's influence on future people. An example may clarify my point. There may be people living on this planet (or somewhere else) 100.000.000 years from now, and it is very hard to claim that our actions today would impact them in any morally relevant way. However, some of our actions and inactions *could* have such far-reaching effects. The development of superintelligence, for example, may result in the subjugation or extermination of all humans (Bostrom, 2014). Thus, there is an obligation at least to make sure that this does not happen (it is not clear at which point in the future we will develop a superintelligence, but most experts believe it will be at some point in this century (Grace, Salvatier, Dafoe, Zhang, & Evans, 2018)). Furthermore, these risks are usually of such devastating character that we have strong reasons to ensure they do not occur. As some of our actions may have such long-lasting effects, we have obligations even against very far future people.

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<sup>21</sup> Max Brod, the executor of Kafka's testament, did not act on Kafka's will and published his works.

## 5.2.2 Spatial Extensions

So far, I have discussed the temporal dimension of the scope. Another issue concerning the appropriate scope is the spatial in- and exclusion. In my view, the specified causal impact principle should not only apply to temporal in- or exclusion but should also be used to evaluate who has relevant rights and who has the respective obligations spatially. In some cases, such as government debt, pensions, or constitutional constraints to the future, the scope may closely resemble that of a nation-state. However, in many cases that we assume to be framed best as a question of justice between citizens, many other people may be relevantly affected that are not part of the considered state. There are two reasons for this.

First, many decisions taken by national governments have consequences far beyond their borders. This is why many theorists of democracy (e.g. Fraser, 2009; Goodin, 2007) – as we have seen above in Chapter 2. – argue that we need to rethink the delimitation of votes to citizens. Take the environmental effects of industrial politics. These often – as many other effects of national decisions – do not stop at borders.

My second point regards the historical development of borders and their continuous change over decades and centuries. One good example here is the state of Poland. The borders of Poland were drawn and redrawn. It was dissolved into three parts at the end of the 18<sup>th</sup> century, only to be re-established as a satellite state of the Soviet Union after World War Two. Concurrently, it was ‘moved’ towards the west, incorporating formerly German territory while losing much of its territory in the east (Lukowski & Zawadzki, 2019). This example shows that borders and citizenship are not as stable as we may sometimes assume. A similar point is made by Thompson (2005, p. 247), who argues that

[t]he citizens of our future democracy are just as likely to be descendants of some other present democracy or some present non-democracy. Even if the states remain the same (which is unlikely in the further future), the citizens of any particular future state are not any more connected to our current democracy than the citizens of some other future state. Even if we tried, we could not completely limit our efforts to help future citizens to only those who will be living in our own state in the future. From the perspective of the present, boundaries between states matter less the further into the future we look.

Viewed from a long-term perspective, we may thus ask whether we can and should assume a) that state borders and citizenship are stable and b) that states will exist in the far future.

In the future, we may find other ways to organise ourselves that will omit this concept favouring other forms of collective organisation (Frey, 2003).

It does not follow from these arguments that the scope should always be global. Instead, we need to rethink the unquestioned frame of the nation-state, especially when we are dealing with questions, decisions, or policies that may affect far future people. Moreover, there is at least a tendency towards a cosmopolitan frame regarding the spatial dimension the further the effects of a considered decision extend into the future, as we should not assume inflexible and rigid borders and conceptions of citizenship. Thus, there may be certain issues, such as national debt, that warrant some limitation of the spatial scope, but these seem to be the minority of cases.

### 5.3 Moral Standing

Having stated my preferred composition of the scope of intertemporal justice, we may turn to the question of whether all those that are part of the scope should be considered equal or whether we may have reasons to discount the standing of some people within the scope. This is a pressing question that has been discussed in some depth with regard to economic models of climate change (Stern, 2007, sec. 2A; Weitzmann, 2007), but is of importance in many policy decisions in general. I believe that we should not discount someone's (or something's – human animal's and the natural environment's) moral standing due to her/his/its place in time. I have three reasons for this.

First, one can ask whether the position of someone or something in time is of any moral relevance. Time, in this respect, is like space. It should not make a difference for the normative value of someone or something whether he/she/it is far or close geographically (Singer, 1972) or temporally (Parfit, 1987, pp. 356-357). Whether someone is in pain next to us or on the other side of the globe or 200 years from now is morally the same. We may, of course, have different motivations or practical considerations in play, but this does not provide an argument against a zero time discount rate as such. Thus, the '[t]emporal location is utterly irrelevant' (Caney, 2014a, p. 324). Others have been more explicit here. According to Ramsey (1928, p. 543), pure time discounting 'arises merely from the weakness of imagination.' And Roy Harrod (1948, p. 40) thinks pure time preference would express 'the conquest of reason by passion.' To state the charge clearly: pure time discounting is another form of discrimination, namely discrimination based on one's date of birth.

Apart from this argument for moral equality, many utilitarian thinkers, such as Jevons ([1879] 1970, p. 124) and Pigou (1932, sections 3-5, pp. 25-28), provide a second reason against discounting. They argue that pure time discounting results in an inefficient

allocation of resources and, foremost, in the overuse of resources in the short term. As Parfit (1987, p. 485) points out, this may result in situations where a major catastrophe is not prevented while a smaller one would be, simply due to the comparative proximity of the smaller catastrophe in time. Note that this argument is not limited to utilitarians, though. As Caney (2014) suggests, inefficient distributions of goods in time are also relevant for non-utilitarians, in so far, as these will often be unjust, too.

Thirdly, we need to consider whether it could be appropriate to deduce the discount rate empirically, for example, by surveying people's time preferences on money markets. This is the approach that some economists, such as William Nordhaus (2007), propose. It is argued that by examining market interest and savings rates, one may derive the actual discount rate currently living people employ regarding the future. Indeed, it may be the case that people employ a pure discount rate in their savings and investment decisions, but as Sen (1961) points out, we need to differentiate between people's private behaviour and their collective behaviour. While we may act as if our individual preferences would display a mitigated interest in the future, we may still have a stronger preference not to discount the future collectively. This, however, cannot be captured by a study of people's saving and investment behaviour. Furthermore, it requires an independent normative argument for why employing the empirical discount rate of existing people *should* be employed when considering the distribution of goods intertemporally.

Having presented my arguments regarding the moral ontology, the appropriate rights and burden bearers, the scope and moral standing, I now turn to the pattern, metric, and baseline of distribution. Specifically, I first present my 'minimal' view regarding these criteria.

#### 5.4 A 'Minimal' View

In this section, I present my 'minimal' view regarding the pattern, metric and baseline and provide arguments why I think every reasonable person should accept this view. To reiterate section 4.3, a minimal view defines the most essential or core. A maximal view defines what justice, or any other value, would require in ideal conditions. The same strategy is also advantageous when dealing with sovereignty in time. In the following section, I define my minimal principle of intertemporal sovereignty.

This view aims to formulate some core rights that should not be infringed. In the words of Henry Shue (1996: 18), '[b]asic rights are the morality of the depths. They specify the line beneath which no one is to be allowed to sink.' I think that this view is insufficient

as a full account of justice and will need to be heavily supplemented by more demanding principles. I will give you my arguments for this in the following section, discussing my ‘maximal’ view of intertemporal justice. However, before I begin this more controversial inquiry, I would like to provide a – hopefully – shared starting ground for further discussion. Here is my minimal principle of intertemporal justice:

Those alive at one time should ensure that people in the future can enjoy their rights to life, health, and subsistence.

My account of a ‘minimal’ view is centred on some core human rights and can be read as a minimalist sufficientarian approach. The main argument for these basic rights is that they are ‘inherent necessities’ (Shue, [1980] 2020, p. 26) for everyone to perform other rights such as free speech or religious worship. The exercise of such rights would simply not be possible if one would not be able to subsist and live relatively healthy and secure lives. In this sense, the three rights stated above are preconditional to other rights. Thus, you may want to accept these rights as a minimal consensus even if we may disagree on other questions of justice and the value of certain other rights. Note that these rights also underline many theories of democracy, in so far as these rights are requirements for participating in a democracy (Saward, 1996; 2021, pp. 56-61). Indeed, most democrats would extend the list of ‘internal’ or ‘primary’ rights (Dahl, 1991) considerably, for example, by rights to education, free speech, and association.

I would like to present four specifications to my ‘minimal’ view. The first is a further specification of the three core rights in line with Caney (2010b, pp. 166-168):

the human right to life: Every person has a human right not to be “arbitrarily deprived of his life.” (UN General Assembly, 1976, § 6.1)

the human right to health: All persons have a human right that other people do not act so as to create serious threats to their health.

The human right to subsistence: All persons have a human right that other people do not act so as to deprive them of the means of subsistence.

The second specification regards the metric. The metric does not need to be specified too much. I think that an appropriate account is provided by Nussbaum (2011, pp. 76-78) and



her capabilities approach. However, one could argue that her view on the metric is too broad and that there is no need to include ‘human flourishing’ or ‘play’ here.

Third, the duties arising from these rights shall only be considered negative duties. That is, there is no obligation to ensure that these rights will be fulfilled other than the obligation to ensure that one does not infringe these rights through one’s actions. This would entail, for example, no duty to rectify any injustice that arises out of bad brute luck, such as a meteorite crash that would seriously lower the living standard of the future. By considering the minimal principle a negative duty, I avoid the argument that the present may be required to rectify the (in-)actions of the past or the projected misconduct of early future people against later future people.

These restrictions make my ‘minimal’ view acceptable to many (if not all) reasonable humans as they, as far as I believe, define the utmost minimum of rights that we should ascribe to every human being. Undoubtedly, many will argue that this is too little to demand from the currently living, and I agree – this is why I also formulate my ‘maximal’ view – but I can see that this is a ‘starting point’ that will find consensus amongst many parties, although they may have differing views regarding the nature and extent of justice.

A fourth point regards the justification of human rights. As Thomas Nagel (1995) points out, human rights can be justified intrinsically or instrumentally. One could start with respect for each individual human being and thereby define a deontic or intrinsic approach. Following such an approach, violating human rights denies someone the respect they are owed. Teleological and instrumental justifications of human rights take a different route and defend human rights as means to the enjoyment of some higher good. In this sense, human rights can be viewed as a means to maximising welfare, for example. In the following chapters, I will remain neutral between those two takes on the justification of human rights and believe that proponents of both views can accept my arguments.

What burdens are people required to take on at each point in time so that the minimal principle is realised? Given that the minimal principle defines the bare minimum that people need to live a life, I think the respective burdens that previous people should be prepared to incur include very heavy burdens. This is because these burdens would ensure that future people can enjoy their basic rights. Given that the minimal principle is a negative duty, there can be no case that would require the people at  $t_1$  to drop their enjoyment of basic rights below the level of people at  $t_2$ ,  $t_3$ . I cannot specify how to trade off potential benefits and burdens in this scenario but suggest that given the current circumstances, the present’s burden to ensure the minimal principle is fulfilled is very low compared to the benefit this would bring about. Notice that the people at  $t_1$  may also have to take measures

to ensure that people at t3 enjoy their basic rights, which may include measures that may be required to counterbalance the deeds of the people at t2. If the people at t1 have good reason to assume that the people at t2 will not take sufficient measures to ensure that the people at t3 have enough, this adds an additional burden to the people at t1.

## 5.5 A ‘Maximal’ View

In the following three sections – pattern, metric, and baseline – I introduce my ‘maximal’ view and provide some arguments on why I think it is an appealing view on intertemporal justice.

### 5.5.1 The Pattern

I may try to motivate you to adopt my ‘maximal’ view by pointing toward the following case, which illustrates a grave injustice. It is not hard to imagine the currently living plundering most resources and other means for a high living standard to live lives of high well-being while leaving those born later with the utmost minimum. Those born later, I think, could rightly complain of those born earlier that they discriminated against them due to their date of birth. ‘Why should it matter’, they could ask their ancestors ‘that you were born earlier? Suppose it would have been the other way around – would you not envy us for all the good things we enjoyed and that you could not have because you were born “too late”?’ You can frame this in many ways, in terms of envy, in terms of discrimination, fairness or impartiality. The point remains the same: People in the future should be right to expect from the people in the present as much as they claim for themselves. In line with this, I propose the following maximal principle of intertemporal justice:

Those alive at one time should leave people in the future at least as well-off as themselves.

Let me specify the principle. According to the principle, the currently living are obligated to distribute to future people at least as much as they have themselves collectively at each point in time or to distribute more (to distribute more will be required under circumstances that I specify below).<sup>22</sup> Notice that this is distinct from a view where the currently

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<sup>22</sup>There is also the possibility that the present ought to leave less than it had itself in order to ensure that all following people enjoy the highest possible living standard. I discuss this in more detail in 5.3.

living are obligated to leave to future people as much as they inherited from their ancestors. My view also incorporates the potential increase in, e.g., wealth that may occur during the lives of the living.

Other egalitarian principles of intertemporal justice have been proposed by Barry ([1977] 1991, [1979] 1991), Caney (2018), Mulgan (2006), Solow (1993), and Woodward (1986). Woodward, for example, provides an appealing version of the principle when he states that ‘each generation ought to leave for succeeding generations a total range of resources and opportunities which are at least equal to its own range of resources and opportunities’ (1986, p. 819). Caney (2018c, p. 159; emphasis in the original) puts it in the negative and states that ‘X (roughly those at one time) should leave others, Y (those born in the future), *no worse off than themselves.*’

Many will have considerable doubts regarding such a demanding pattern of intertemporal distribution. Let me, therefore, give you more reasons for why I think that a minimal sufficientarian principle as described above and more demanding sufficientarian principles do not suffice.

Imagine again the currently living to live lives of relatively high well-being. Let us assume that they could if they wanted to hand this standard of well-being to future people at no extra cost to themselves. But they do not. They only leave posterity the bare minimum. This strikes me as morally blameworthy. Tim Mulgan (2006, p. 197) puts it this way: ‘No generation should leave later generations worse-off than itself if it can avoid this.’ Consider now the same decision by the currently living and assume that their level of well-being would drop slightly but would still be very high by all standards. Handing over to the future the same standard of living would thus incur a small cost, but this cost seems comparatively petty when set in relation to the living standard that posterity would be left with and the loss of well-being that is brought about in the future if the standard of living drops to the minimum defined by the basic rights stated above. Here, too, I believe that the present should leave future people at least as much as it has if this does not come at too high a cost.

The view needs to be qualified further. As stated, the principle is not concerned with the number of future people and the number of the currently living. A principle of justice between generations would often be indifferent to the size of a generation. The consequence of this ignorance concerning population size may be of great importance and may actually support some distributive injustice that I think should not be committed. Assume, for example, an increase of the global population by 100% over a century. Committing ourselves to distributive equality between generations would result in the individual

members of the last generation receiving way less than the members of the first generation of the century due to population growth. This seems to be a case of discrimination of later people due to their position in time.

As noted above, reasoning in terms of generations also does not consider unequal and possibly unjust distributions of burdens and benefits within each generation. However, some people may decide to have no children, while some may have many. Some people will have a high negative impact on the future even without children, while others will have a net positive impact despite having many children. I suggested above that the reasoning employed should not focus on generations but on individuals at specific points in time. To distribute the burdens fairly, it does not suffice to consider the number of children one has compared to other people. Instead, what would need to be done is to consider the overall impact of each person's actions, including whether to procreate or not, on the benefits and burdens of people now and in the future. This also includes other forms of impact on future people, such as how much one contributes to dangerous climate change through one's lifestyle. Population, affluence, and technology contribute to the overall impact on the future (Roser & Seidel, 2016, ch. 18).

Taking this view, those whose choices result in a potential reduction of the wellbeing of future people ought also to carry a heavier burden than those who have a much less negative impact. The benefits and burdens ought to be distributed in proportion to their impact on the future, and simultaneously it ought to be ensured that future people are at least as well off, including the burdens that future people at  $t_2$  may face in ensuring that people at  $t_3$  are at least as well off.

The principle, as it stands, may also run into complications if the equal distribution of relevant goods is not possible in the long term and when the level of goods the present enjoys is low but could be higher without much cost. I discuss those and further cases in section 5.5.3.

### 5.5.2 The Metric

After presenting my take on the appropriate pattern of intertemporal justice, I now turn to the question of how we define whether someone is better or worse off or equally well off. That is 'well off in terms of *what*?' In other words, we need to discuss the appropriate metric or 'currency' (Cohen, 1989) for intertemporal distributive justice. Many metrics come with some kind of pitfall or deterring consequence, and this may be even more problematic in intertemporal cases (Page, 2007).

Space does not permit a full defence of the ‘currency’ I prefer. However, I still want to try and motivate you to at least take the perspective of the metric I endorse for a while. I favour a rather objectivist metric, namely well-being or ‘human flourishing.’ This can be fleshed out well with Sen and Nussbaum’s capabilities approach. For now, Nussbaum’s (2011, pp. 76-78) list of capabilities captures my intuition about the appropriate metric best in so far as it describes all aspects a flourishing requires, but as she says herself, such a list should always be open to revision. The list of capabilities includes ‘life,’ ‘bodily health,’ ‘bodily integrity,’ ‘senses, imagination, and thought,’ ‘emotions,’ ‘practical reason,’ ‘affiliation,’ ‘other species,’ ‘play,’ and ‘control over one’s environment.’

A subjectivist metric might want to focus on future people’s preferences and wishes. In the intertemporal setting, this is a downside, for as we have seen in chapter 3., future people’s interests are unknown and ‘moving targets’ (Karnein, 2016). They are likely to have similar biological needs and share many fundamental interests with us, but whether future people will prefer coffee or tea is likely to be a self-fulfilling prophecy. By assuming that future people will prefer this option and catering to it, they are more likely actually to grow this interest. An objectivist metric does not get entangled in this difficulty.

One advantage of such a broad currency of intertemporal justice is that it can capture the effect of, e.g., dangerous climate change and many other issues in many ways and not just, for example, in terms of economic impact or resource distribution. Furthermore, we may also find that many policies that are aimed at maximising economic growth are not required or even counter-productive from the point of view of intertemporal distributive justice and that we should instead seek to stabilise the economy at that level that provides the highest level of well-being (Keynes, [1930] 2010; Mill, 2000 [1848]) – this may demand a drastic reduction of the GDP in many industrialised societies (Daily, 1980; Rawls, 1971, §44). The question I turn to next is which level of well-being should be left to the future.

### 5.5.3 The Baseline

When I say that the present is obligated to leave future people at least as much as it has, we still need to consider what the baseline in this case is. We could, for example, assume a global average as the standard. However, the global average is just as arbitrary as any other baseline without further normative qualification. For this reason, Caney (2018c, p. 166; emphasis in original) proposes to use a normative baseline set at the highest sustainable level: *‘the highest level at which the system of equal capabilities could be enjoyed by those alive at one time such that it would also leave future people with an at least equally good set of capabilities.’* This is

supported by the argument that no one could reasonably reject such a standard, for everyone would prefer a higher standard to a lower standard, all things considered.

We need to consider cases where the current level of enjoyment of a good or a set of goods is already very low. Let us assume for a moment that biodiversity is a relevant good that cannot be substituted through other goods and that we have an obligation to leave to future people in at least as good a standard as it currently is to discharge our duties to future people. The overall genetic diversity has decreased heavily in the last century, and we are only short of witnessing the sixth great mass extinction (however, the first induced by humans) (Barnosky et al., 2011; Ceballos et al., 2015). Does it, in such cases, suffice to hand over to future people our environment in such a state, or do we have an obligation to hand it to them in a better state? I think that certain thresholds should not be crossed and that it is a moral fault to do so. In such cases, it should not suffice to hand something over in the state one had it, but one has an obligation to make things better.

But how much better? Llavador, Roemer, and Silvestre (2015) argue that human welfare should be maximised. They maintain that this is a duty of the present towards the future. In some circumstances, this may be very demanding, and I do not think the present has a general duty to leave future people more than it has itself. However, I submit that it ought to do so if this does not come at too high a cost to itself and later people. What also needs to be considered is that not all levels of welfare can be sustained so as also to allow the further future to enjoy the same. The capacity of the planet (and that of potential other planets that humans may live on) is limited, and it is thus necessary to limit the amount of goods used to the extent that can be regenerated in the relevant time frame.

Let me elaborate further on the requirement that the baseline ought to be sustainable. We may, in some cases, find that handing over to those living in the future at least as much as the present currently has will demand too much. It might not demand too much of the present per se but of our planetary system, and it would, as such, be unsustainable to leave future people as much as the present has. Again, let us assume for a moment that goods are not easily substituted. We may find then that by aiming for handing over as much (per person) as the present has, this would actually reduce the total of this good so much that it would not be possible to regenerate within the relevant time span and that the present thus takes from future people the chance to enjoy the good as much as it did and, furthermore, the chance to hand over to their descendants the appropriate amount. I propose to approach such questions with a sustainability constraint in mind. We should not take more than can be reproduced by the planet's (and our) capacity in the appropriate time frame. Thus, it is just in such cases to leave future people less than the present has to

ensure that farther future people and their descendants will also be able to enjoy the good and be able to discharge their duties to their descendants, too.

## 5.6 Conclusion

Now that I have provided an overview of my ‘maximal’ and ‘minimal’ views with regard to intertemporal justice, I would like to restate both shortly. In my view, it is individuals who are the appropriate rights and duty bearers. It is not appropriate to discount the value of people (or objects or animals) in the future due to their places in time, and it is also inappropriate to think of future generations – instead of future individuals – as duty or rights bearers. The relevant scope of justice is best defined by following the Causal Impact Principle, where we ask who is morally relevantly affected. All those who are relevantly affected are rights bearers. All those who cause the impact are potential duty bearers.

My ‘minimal’ view reduces the moral demands to the bare minimum of human rights. It includes a right to life, health, and subsistence. The duties that follow from these rights are negative only. Thus, this view should yield a wide-reaching consensus.

My ‘maximal’ view is committed to a pattern of distribution that leaves future (individual) people with access to a set of capabilities of at least the same value as those alive enjoy. In this view, the currently living have additional duties to distribute more to the future until the maximum equal standard of living is reached. The entitlement to a set of capabilities of at least as good a standard is held by all future people, even if our actions cannot impact them in any meaningful way.

To sum up the first part of the thesis, I show that there are at least three responsibilities that people in the present have to people in the future in political decisions. First, as argued in chapters 2. and 3., future people ought to be considered in political decisions and receive justification. Secondly, I argue in chapter 4. that the present ought to ensure that future people can enjoy democracy. Thirdly, I argue in this chapter that the present ought to ensure at least that future people can enjoy their basic rights, but that ideally, future people can enjoy as many capabilities as can be sustained forever.

## Part II



## 6. An Instrumental Justification of F-Institutions

In the first part of the thesis, I have defended three sets of duties to future generations. In what follows, I will develop an instrumental argument for F-Institutions. I will argue that such institutions are required to ensure that the present complies with its duties to the future. This chapter argues that existing institutional arrangements are inadequate, and thus if we are concerned, as we should be, with honouring responsibilities to future people, we need to engage in institutional reform.

An instrumentalist justification of democratic institutions has two components. It first specifies a value or set of values, such as peace, justice, or liberty, that it aims for. This value or set of values may be very nuanced, such as a commitment to a specific principle of egalitarian justice, or it may be broad, such as a commitment to some form of liberalism. Secondly, an instrumental justification is consequentialist with regard to political institutions in so far as it maintains that the set of institutions should be chosen that best realises the given aim or value (Arneson, 2009, p. 197; Caney, 2012a). Note that while the justification is instrumental, the specified value that is aimed for can be justified instrumentally or deontologically. One can, for example, call for realising rights – which one perceives to be of a deontological nature – by establishing a specific set of institutions. The instrumental argument for F-Institutions in this thesis has the following structure:

P1: People alive have three duties to future people:

D1 Duties of a) consideration and b) justification,

D2 Duties to respect and protect sovereignty,

D3 Duties of distributive justice.

P2: Due to wrongful short-termism, the people alive fail to comply with their duties towards the future.

P3: To reduce wrongful short-termism, the drivers of wrongful short-termism need to be addressed.

P4: F-Institutions address the drivers of wrongful short-termism.

C: To mitigate wrongful short-termism, F-Institutions should be installed.

P1 has been established in chapters 2. to 5. This chapter's task is to provide arguments for the other premises. Note that the aspiration of this chapter is only to show that F-

Institutions can be justified instrumentally. I show that this approach is promising and plausible, but it remains for the following chapters to specify in more detail which reforms or institutions should be realised and which set of F-Institutions should be installed.

Two notes on the instrumental argument for F-Institutions are in order. First, in practice, the duty to consider the future and the duties of intertemporal justice and sovereignty are likely to overlap with regard to the institutional implications that may be derived. So, one may think that the duty to consider the future is redundant.<sup>23</sup> Nonetheless, I would like to highlight that D1 may have more appeal to some because it is based on a concern for procedural justice. The justificatory force of the intertemporal duties may vary, and I think it is thus important to keep these duties separate, albeit the institutional recommendations are likely to be the same. Secondly, note that for the following argument, there is no specific view of democracy presupposed. Rather, the strategy developed here should be applicable to many views of democracy.

The structure of the chapters follows the structure of the instrumental argument for installing F-Institutions. Section 1. is concerned with the second premise. I observe that it is for many reasons – the climate catastrophe being one of them – that currently living people do not fulfil their obligations to future people, including future selves, based on the three duties to the future. I argue that the present fails to comply with its duties towards the future due to democratic systems being wrongfully short-termist. To establish P3, a discussion of the drivers of wrongful short-termism is required. Section 2. provides an overview of the most relevant drivers of wrongful short-termism, and section 3. discusses the strength of the pull of the drivers on the political system. Section 4. asks how wrongful short-termism can be mitigated and concludes that this can be achieved successfully by reforming the political system and installing F-Institutions, thereby establishing P4 and C.

In sections 5. and 6., I consider two objections regarding the feasibility and comparative desirability of establishing F-Institutions and argue that F-Institutions, despite motivational concerns, are feasible and that they are desirable, also in comparison to other strategies for mitigating wrongful short-termism. Section 7. concludes.

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<sup>23</sup> This is the case if one employs a causal version of the all-affected principle. If one adopts a version of the all-subjected principle, then the relationship claim is not as extensive as the Causal Impact Principle suggested in sec. 5.2.1 that defines the scope of the principles of justice. Thus, employing a subject to the law view, the duties are not co-extensive with regard to the people they apply to.

## 6.1 Wrongful Short-termism

As it currently stands, the three duties toward the future established in the previous chapters are very likely not to be fulfilled in the next century. Climate crisis, loss of biodiversity, and the poverty of billions of people are some of the most germane reasons for future people – including at least some future selves of the currently living – not being able to enjoy their basic rights. Further, little consideration of the interests of future people in political decisions and the potential deterioration of democratic institutions may also result in the present failing to live up to its responsibility. Further potential wrongs include those from biotechnology, pandemics, artificial intelligence, nuclear wars, and failures of nuclear plants (Bostrom & Ćirković, 2008; Ord, 2020). These are only a few problems caused by wrongful short-termism. In the following, I develop the concept of wrongful short-termism and justify the claim that it is due to wrongful short-termism that the present fails the future.

### 6.1.1 Conceptualising Wrongful Short-termism

The inability of governments to balance their commitments to the short and the long term adequately is often explained by a bias towards the present. This bias can either be described without any normative valuation as in ‘presentist bias’ (Boston, 2017), ‘presentism’ (Thompson, 2010; Tremmel, 2018b), short-termism (Jacobs, 2016), ‘democratic myopia’ and ‘functional short-sightedness’ (MacKenzie, 2021). Alternatively, it can be conceptualised normatively. Hence, Gonzalez-Ricoy and Gosseries (2016) speak of ‘wrongful short-termism’ and Caney (2016, 2019) of ‘harmful short-termism.’

A bias towards the present is not always problematic from a moral point of view. In this thesis, I will consider those instances of short-termism that are morally problematic. This will also allow me to limit the scope of the drivers to be considered shortly, as some forms of discounting can be morally justifiable. Thus, in the following, I will speak of wrongful short-termism. I will speak of wronging instead of harming the future, for as I use the terms, one can cause harm without doing a wrong, and one can wrong someone without doing any harm. An example of the first case is self-defence, which may cause harm without committing a wrong. An example for the second case is performing a risky action that may or may not harm someone. In case it does not harm someone, one may still have wronged someone if the risky action was performed without consent and if no urgency required the action. Furthermore, speaking of ‘wrongs’ instead of ‘harms’ also avoids potential objections from those who think we cannot harm future people due to the NIP.

At least some will accept that the future can be wronged despite there being no possibility to harm it.

How would one know that wrongful short-termism is overcome? The principled answer to the question is that one would know that wrongful short-termism is overcome when the present honours all its duties towards the future. Some of the responsibilities suggested in chapters 2. to 5. can be tested relatively easy. It should, for example, be possible to study whether all policy proposals include a discussion of potential consequences for the long term and whether there is a justification for the policy and its (projected) outcomes to future people. It may be more difficult to assess whether the present leaves the future at least as well off in terms of capabilities to function. Measuring the development regarding these duties requires making predictions and complex risk assessments.<sup>24</sup> I will go into more detail on how to measure a reduction in wrongful short-termism in section 7.2.1.

However, while identifying the optimum intertemporal distribution of benefits and burdens may be difficult, one should note that the current situation is not even close to this. As I have shown in the previous chapter, there is reason to worry that not all future people will enjoy their rights to life, health, and subsistence. As such, wrongful short-termism results in the present failing to comply with even its most minimal responsibilities. I will provide support for this claim in the following section.

### 6.1.2 The Consequences of Wrongful Short-termism

First, consider the case of hurricane Katrina. The hurricane occurred in 2005, cost about 1200 people their lives and produced damage of about 125 billion US \$. The cost could have been drastically lower, and many lives would have been saved if disaster preparedness spending had been higher.

An ounce of prevention would be far more efficient than a pound of cure, but voters seem interested only in the cure. The resulting inconsistencies in democratic accountability reduce public welfare by discouraging reelection-minded politicians from investing in protection, while encouraging them to provide assistance after harm has already occurred. (Healy & Malhotra, 2009, p. 402)

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<sup>24</sup> In the thesis, I set aside the question of how to deal with uncertainty and risks due to reasons of space. The critical questions are i) how much caution the present needs to take when making decisions that affect the long term and ii) how to distribute risks across time? I cannot spell out plausible responses here and would instead like to refer to contributions by Roser (2020), Shue (2018) and Lazar (2018).

As Healy and Malhotra show, voters seem not to be valuing disaster preparedness highly, which results in large intertemporal inefficiency and, in this case, also avoidable deaths. Furthermore, this illustrates how little consideration is given to the future in many policy decisions. Consequentially, the human right to life, as specified in chapter 5., and the entitlement to be considered in political decisions, as specified in chapter 3., have not been sufficiently protected by the government.

The example illustrates that it is not only future people who can suffer from an unwillingness of the present to prepare for harmful future events but also future selves and others. One way to express this is to observe that people tend to assign their future welfare a lower weight than their current welfare for any set of rational or irrational concerns. However, I would like to avoid cases that would justify paternalism, so, for example, whether you want to smoke or not will be discussed, even though it is also likely to be an instance of short-termism. We are concerned with cases where people at  $t_2$ ,  $t_3$ ,  $t_n$  might or will be wronged because of actions or inactions of people at  $t_1$ . The people at  $t_2$ ,  $t_3$ ,  $t_n$  can be a) the same people that lived at  $t_1$ , so the future selves of the people at  $t_1$ , or it can be b) a new set of people, future people, or c) a mixture of both. I will often speak of ‘the future’ and refer by that to a), b) or c). In the next section, I will explore the reasons for such wrongful behaviour in greater detail. What is important to take away here is that it is not only the welfare of other – as yet unborn – people that attracts far too little consideration by voters, organisations, and governments but also the future selves of the current presently living, too.

Here is a second example. The climate emergency poses probably one of the largest threats to humanity (Jamieson, 2013). Climate change poses a particularly difficult policy problem in so far as a) the effects are dispersed widely and unevenly in space and time, b) agents are fragmented, and so their contributions to the problem differ widely, as does their ability to respond, and c) the given political institutions are not fit for a coordinated global response (Gardiner, 2010).

Effects of global heating threaten the human rights to life, health, and subsistence – specified in chapter 5. – of hundreds of millions of people in the future. Thus, Bell (2013, p. 168) argues that ‘[t]he paramount importance of our interests in life, health and subsistence “demands” that we avoid causing rights-threatening climate change.’ However, the effects of the climate crisis are not only a threat to future people – albeit they are likely to face the main part of the burden, depending on how much mitigation takes place. Extreme weather events such as heatwaves, severe droughts, flooding, unusually high precipitation, or wildfire are becoming more likely, and as a consequence, crop failure, forced migration,

and the spread of diseases will increase, amongst other risks. The effects of dangerous climate change affect all regions of the globe, but it should be noted that the already disadvantaged are expected to be affected most strongly (IPCC, 2014).

Simon Caney (2010b) and Derek Bell (2011) show, employing the same minimal human rights framework as employed in this thesis, that many people's rights to life, health, and subsistence are breached today because of the climate crisis. As the consequences of the climate breakdown are already at a level where many people's basic rights are violated, it is up to the currently living to ensure that the basic rights of their contemporaries and of future people are honoured by taking the necessary steps to avoid dangerous climate change and to assist those who suffer from the consequences.

The example of the climate crisis shows that the present does not take the necessary measures to ensure that people will enjoy their basic rights now and in the future. Further, it shows that too little consideration is given to future people in today's decisions. Thus, the welfare of the future is not factored in appropriately in the policy decisions of the present, as avoiding the dangerous consequences of climate change is not only feasible but also affordable if appropriate action is not delayed for too long (Glanemann, Willner, & Levermann, 2020).<sup>25</sup>

One may object here that governments are not short-termist, as climate change is taking place now and argue instead that they are wrongly focused on the interest of the oil industry and affluent people while not focusing on the interest of vulnerable people alive today. This is true, and many people today suffer from governments' inaction, but, in my view, it overlooks that the main consequences of global heating are in the future and that it is thus insufficient to describe this as a conflict of interest between the advantaged and the disadvantaged today. The extent of the failure of the present can only be fully captured if the wrongdoing regarding the future is fully considered. The examples both show that the obligations toward the future are overlooked in political decision making.

However, wrongful short-termism is not just limited to disaster preparedness and dangerous climate change. There are further environmental limits such as the loss of biodiversity and ocean acidification, 'planetary boundaries' that have or may be crossed if humanity stays on its current path (Steffen et al., 2015). To stay within planetary boundaries and ensure that future people can live a good life will require a substantial reduction in resource use (O'Neill, Fanning, Lamb, & Steinberger, 2018).

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<sup>25</sup> For a view that maintains that we should not mitigate climate change drastically and that the current level of climate mitigation policy is roughly sufficient, see Nordhaus (2008).

Consider also that there is a substantive risk that democracy may deteriorate due to developments of digital systems that may have huge influences on public deliberation through fake news, bots and the fragmentation of discourses (Susskind, 2018, pp. 227-243). This may seriously undermine the sovereignty of the future. As the Russian assault on Ukraine and renewed worry of a third world war remind us, there is also the threat of nuclear war and subsequent nuclear winter (Robock, 2010; Robock, Oman, & Stenchikov, 2007). Despite this severe risk from nuclear winter to the present and the future, Robock (2011, p. 276) regrets that '[w]e have had no luck getting attention from the US government.'

The list of reasons for the present not honouring its responsibilities to the future is long, and I have only been able to hint at the severity of the consequences of wrongful short-termism. It is now time to consider the concept of wrongful short-termism and its various causes.

## 6.2 The Drivers of Wrongful Short-termism

Having introduced the concept and the consequences of wrongful short-termism in the previous section, I want to consider the various drivers that contribute to it in this section. Considering all drivers of wrongful short-termism is beyond the scope of this thesis. Nonetheless, it is necessary to identify at least the relevant drivers in play to get a grasp of all the factors that may influence wrongful short-termism. It is important to understand the nature of the various drivers and their interplay in order to be able to mitigate and potentially overcome their effects on decision processes.

Too many conceptualisations of the presentist bias, short-termism, or presentism are rather crude in this regard. They begin from a very limited set of drivers and propose some institutional remedies without establishing how the proposed institution could influence the drivers of short-termism introduced beforehand. An incomplete problem definition is likely to result in an inappropriate proposal for F-Institutions. As lamented by Boston (2017), short-termism is often explained by short election cycles and myopic voters. These are, of course, relevant drivers of short-termism, but the picture is more complicated than that. As such, lengthening the parliamentary sessions may sound much more promising than it is once we study the nature of the problem with more sophistication. As McKenzie writes:

institutions designed to address one source may be unable to address others. In the worstcase scenario, institutions designed to address a particular source of short-

termism may make the problem worse if other sources are not simultaneously addressed in other ways. (MacKenzie, 2016b, p. 25)

Often, groups of political agents are considered the sources of wrongful short-termism. For example, Gesang (2015, 2018) and Tremmel (2015, 2018b) both identify politicians and citizens as major drivers of democracy's myopia. My analysis will not start with analysing the contributions of political agents, for, as I will show, many drivers that contribute to wrongful short-termism are the same, no matter whether they affect politicians, voters, or special interest groups. All these people, qua being human, suffer from the same biases (albeit maybe to different extents), and it is thus more appropriate to differentiate between different categories of drivers of wrongful short-termism. In the following, I differentiate between three broad categories of drivers: 1) the situatedness of decision making in time, 2) the human condition, 3) institutional and political factors, and where appropriate, I also highlight the interplay of the drivers.

### 6.2.1 Situatedness in Time

The first category of drivers results from human life being set in time. From this result a number of drivers of wrongful short-termism. These drivers are the most fundamental in a sense, for there is barely anything that can be done to alter them, although the influence of some can be mitigated. I will focus on the way these drivers come into play with regard to politics being situated in time specifically. There are three features to discuss here: a) the absence of future people, b) intertemporal commitment problems, and c) uncertainty.

As MacKenzie (2016b, 2021), Ekardt (2020), Caney (2019, p. 9), Jonas (1979), Kates (2015, p. 517), and Boston (2017, p. 87) note, one of the primary sources of short-termism is the absence of future people. If future people were present today, they could voice their interests and concerns. However, as they are not citizens yet, they are not politically represented, and so their voices cannot be heard. Because of their absence and lack of electoral power, their preferences, thoughts, and views are not fed into political processes directly. In the words of the Report of the World Commission on Environment and Development (1987, p. 8): 'We act as we do because we can get away with it: future generations do not vote; they have no political or financial power; they cannot challenge our decisions.' Were future people present today, this would be a counterbalance to many drivers of wrongful short-termism.



To some extent, this is also true for the young. They are not absent, as future people are. But they are political absent in so far as they are not allowed to vote. Thus, politicians who try to act in the interest of future people and the young must do so without receiving full support from those they try to benefit.

We furthermore face two kinds of commitment problems. First, we have commitment problems with our future selves. However, secondly, as I have pointed out in chapters 4. and 5., we also have commitment problems in relation to future people. These intertemporal commitment problems are a consequence of the situatedness of politics in time, as Simon Caney reminds us:

relations over time are anarchic in the sense that there is no overarching political power that exists throughout time. The future is, in that sense, relatively open. One government may try to constrain later ones, but, in many cases, the successor can repeal an earlier decision. (Caney, 2019, pp. 9-10)

Investment choices of governments are not simply choices regarding who gets what, but decisions of who gets what when (Jacobs, 2011, 2016). As such, these political decisions are situated in time. Long-term policy choices are made in a context where different governments or people in different centuries or even millennia participate. Due to the situatedness in time, it is harder for governments to make what has been called ‘credible commitments’ (North, 1993; North & Weingast, 1989). There is a chance that new governments will change the plans for their good and renege from the original agreement (MacKenzie, 2021, Ch 4). This may be illustrated by the following example regarding the British pensions system:

In Britain in 1925, investment faced multiple potential hurdles, including tight electoral competition, ministerial concerns about the effects of new pension taxes on the Tory vote, and hostility to new social burdens among business leaders influential within the governing party. Yet investment was removed from the menu of options before it could even be subject to these considerations: top civil servants vetting pension options rejected a funded plan because they believed that state reserves amassed for a specific long-term purpose would end up being spent by governments on other things in the short term.

(Jacobs, 2011, p. 247)

A further consequence of politics being situated in time is uncertainty. Uncertainty and policy complexity are not problems that arise only regarding the long term, but long timespans seem to amplify these problems significantly. While uncertainty may warrant some discounting of the future, we should make sure that complexity and uncertainty do not result in over-discounting. This may happen where future benefits involve opportunity costs to be faced in the present. Often, near-term costs are easier to conceptualise and more salient than potential future benefits (Jacobs, 2011, 2016). As Ekardt (2020, p. 73) points out, ‘the advantages of climate protection, for example, often appear to be uncertain, far removed and not clearly visible, while the costs are often tangible here and now, for example in the form of higher energy prices.’

Uncertainty seems to be aggravated by an acceleration of human development. While people’s lives in the past were mainly like those lived by people before and after them, this is not so for people born in recent years. This ‘social acceleration’ (Rosa, 2013) or ‘social acceleration of time’ (Scheuermann, 2004) suggests that the lives of future people may differ even more from our lives than ours differ from those of our parents.

General uncertainty is often combined with policy uncertainty. Jacobs (2011) finds that policy uncertainty is one of the major factors that hinder intertemporal policy investments. Uncertainty about whether a policy will yield the prospected returns, whether it is coherent and will work in the given context and whether future governments will not renege are some of the main reasons politicians and people alike may not invest in the future. Further, Jacobs and Matthews (2012) find that lay people’s main reason to discount future policy benefits is policy uncertainty. However, they also find that this effect is nearly offset if there is high trust in the government.

Lastly, note that the situatedness of politics in time does not only cause commitment problems between one government or, more generally, between the people at  $t_1$  and  $t_2$ , but it also causes commitment problems between governments. As a result, coordinated actions between governments are hard to realise as governments know of the temporal limits of power of other governments and that later governments may renege (Caney, 2019, p. 10).

Many of these aspects are further enhanced by the fact that we do not know future people’s identities, making it less likely that we take the appropriate measures, as we will see below.

## 6.2.2 The Human Condition

The following drivers of wrongful short-termism are part of the human condition<sup>26</sup> and, as such, affect all humans in their various roles in politics, be it as voters, politicians, government employees, lobbyists, journalists or else. However, while these drivers affect all humans in their various roles, they do not affect everyone to the same extent. Specifically, some conditions and circumstances can make people more prone to be affected by these drivers than others.

### 6.2.2.1 Perception and Biases

Let us begin by asserting that people often discount the future. This is for a variety of reasons. First and foremost, people discount the future because they prefer things in the present. This is commonly called time preference (Frederick, Loewenstein, & O'donoghue, 2002). Second, people also discount the future due to considerations of risk and uncertainty. Discounting something due to its probability can be appropriate, but it turns out that humans often over-discount outcomes with low probabilities. This is, for example, the case when a certain risk has never realised before, as it is then harder to imagine the potential consequences (Boston, 2017, pp. 70-71). Third, when information is rare or hard to access, people commonly rely on their experience and tend to underestimate the likelihood of rare outcomes – as do bumblebees (Hertwig, Barron, Weber, & Erev, 2004). For example, when dams are installed, flooding happens less often, but it is way more severe if it happens. Due to the low frequency of such events, Burton, Kates, and White (1978) find that people take less precaution and the overall costs of flooding rise after a dam has been built.

There is a myriad of further biases that also make decision making on intertemporal issues inefficient. For example, we have difficulty recognising long-term effects that develop slowly. So-called 'creeping problems' and 'slow threats', like the shrinking of the Aral Sea, are hard to recognise as the change happens so slowly that people fail to observe it (Glantz, 1999; Olson, 2016). Due to rational ignorance, we ignore information as it would be overwhelming not to, and we also suffer from selective attention bias and a general

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<sup>26</sup> Some political philosophers may worry about making anthropological assumptions. Many political philosophers have abstained from making assumptions about anthropological factors for good reason. Indeed, I think it is appropriate to do so when reasoning about what, for example, justice ideally entails. However, wrongful short-termism and the quest to overcome it are non-ideal endeavours. If people do not act in certain ways, albeit they physically could, due to some anthropological factors, it is crucial to consider this. As such, I believe that it is necessary to engage with drivers of wrongful short-termism that arise out of the human condition.

attention deficit. Furthermore, we are more likely to focus on negative events (Yudowski, 2008). Moreover, we often exhibit an ‘out of sight/out of mind mentality’ and ignore risks and opportunities that are temporally or geographically distant (Caney, 2016).

Many future related issues are less likely to receive due consideration because of the nature of the challenges we are facing. Often, the victims of (future) risks are statistical – we do not know their identity (in advance) – and due to the ‘identifiable victim’ effect, it is much less likely that people act morally appropriately in such instances (Jenni & Loewenstein, 1997). Thus, we would save a child in the pond from drowning, thereby ruining our clothes, but are not willing to give the value of our cloth in order to save people from starvation (Singer, 1972).

This is further enhanced by the fact that many risks and potential developments in the future are presented as statistical effects. There is evidence that vivid forms of presentation are much more likely to result in relevant action. Changes to the climate, for example, are often presented as the probability of a certain effect realising at a certain point in time. Alas, ‘cold’ data is much less likely to induce learning and action than information that is ‘warm’ and appeals to our emotions and affections (Robinson, Burch, Talwar, O’Shea, & Walsh, 2011, pp. 762-763; Weber, 2010). The scope insensitivity bias further enhances this effect. Due to this bias, we do not take the scope of problems and opportunities sufficiently into account. A study has shown, for example, that people were willing to pay roughly the same sum for protecting 2.000, 20.000, or 200.000 birds from drowning in oil ponds by employing protective nets (Kahneman, Ritov, & Schkade, 1999).

Moreover, there are a set of biases that lure us into a false sense of security. We are prone to positive illusions that cause us to overestimate our capabilities and our ability to control events, while we perceive ourselves as invulnerable to risks (D. Johnson & Levin, 2009, p. 1597). Further, we often display over-confidence. We commonly attach a too high confidence level to our judgements, predictions, inferences, and plans (Hoffrage, 2004).

Another important source of wrongful short-termism can be mental models, paradigms, and heuristics. People use cues for decision making, as their capacity to consider and gather information is limited. How people, and especially political actors, think about political processes and causal relations can shape political debates and decisions. For example, Jacobs (2011, p. 248), in a historical study of politicians’ decisions regarding pension schemes, finds that ‘policymakers’ causal maps determined whether they understood policy investment as a credible trade-off between short-term social costs and long-term social gain, a costly gamble, or a mere redistribution of resources.’

Many more cognitive biases affect the way we think about the world, make choices, and perceive it. For an overview, see Pohl (2004), Yudowski (2008) and Gifford, Kormos, and McIntyre (2011). For the current endeavour, the brief overview provided here must suffice. Nonetheless, I think it has become clear that there are many different cognitive biases at work that relevantly affect our thinking and which, in one way or another, bias us towards the present or make it harder to think appropriately about the long term.

#### *6.2.2.2 Motivation, Habits, and Action*

Many factors affect our motivation and the way we act. Here are a couple of drivers that may result in wrongful action. The first factor to mention is self-interest. As such, the currently living may value their self-interest more than that of others. Furthermore, we tend to value potential losses higher than opportunities of equivalent size. We display a significant level of loss aversion, which makes it more difficult to invest in the long term, especially when the costs are upfront. We furthermore suffer from the endowment effect, which makes us value objects higher because we own them (Kahneman, Knetsch, & Thaler, 1990, 1991). There is thus a tendency to undervalue opportunity cost and not to ignore sunk cost (Thaler, 1980).

The second set of drivers makes it more likely that we act too little, postpone action, or do not act at all. Firstly, we suffer from self-commitment problems and weakness of the will (Caney, 2016, p. 144). We eat the chocolate, albeit we formulated the intention to eat fewer sweets on New Year's Eve. Further, we are impatient and therefore do not persevere when we should. Both tendencies make it less likely that we avert a threat that demands continuous action over time to be prevented and less likely that we take opportunities that demand long-term commitments before benefits are realised (Wasser, 2014).

Further, we tend to procrastinate and delay important actions or decisions until later, as most of us know from the time when we had to hand in essays at school. Hence, we are reluctant to take action or may even delay thinking about a problem altogether (Andreou, 2007; Andreou & White, 2010). Moreover, due to bystander apathy, we are less likely to act if many other people are around who could act, too. As a result, people confirm that no action is required as no one else acts (Latané & Darley, 1969).

From the drivers presented in this section, it follows that we generally tend to stick with the status quo and have difficulties in taking action that require a long-term commitment. Again, this explains the wrongful short-termism of democracies and other systems to some extent.

### 6.2.3 Institutions and Political Factors

Apart from the many anthropological drivers of harmful short-termism, some drivers are features of modern societies and democracies' institutional arrangements. Indeed, it sometimes seems 'as if legislatures and other elected offices had been explicitly designed to undermine long-term thinking' (Smith, 2021, p. 31). I list those political and institutional drivers I consider most relevant.

*Electoral cycles.* Politicians typically want to be re-elected and govern. Therefore, they are dependent on voters and will be attracted by such political options that will ensure citizens' approval in the next election. Given the usual length of parliamentary sessions of four to five years, politicians have little incentive to pursue goals that have a timeframe of more than that, as many voters will cast ballots based on short-term considerations. At the same time, voters can only choose from the political offers made by politicians and parties and are, as such, bound to the battle for the median voter, too (Thompson, 2010). In a study on pension systems and their reform in the US, Canada, the UK, and Germany, Jacobs (2011, esp. 242-6, 255-6) finds that while electoral concerns are a relevant consideration in intertemporal policy choices, these were never the decisive factor when politicians decided to make long-term investments or to refrain from them. Further, he finds that while politicians will not commit political suicide in order to invest for the long term, they are far from maximising electoral turnout as long as the risk of electoral loss is not substantial. Furthermore, he also shows that politicians are aware of policy implications decades away.

*Special interest groups.* The influence of special interest groups who exert pressure on the political system often further reinforces the tendency towards the short-term. Companies, unions, and other lobby groups all aim to maximise their interests. Such concentrated interests have an organisational advantage and often (much) more resources so that they can affect policy decisions to their benefit, while the involved costs can be dispersed widely (Boston, 2017, p. 88). The influence of specialised interest groups is especially problematic if the influence of other groups does not balance their influence on the government. When the access to political processes is one-sided, this will often result in maximising the short-term interest of those groups who have access (Jacobs, 2011). In many countries, the impact on the political system by special interest groups is further enhanced by the dependence on financial support for campaigns and party finances.

Sometimes the elderly are considered a special interest group that would contribute to wrongful short-termism. This argument is often based on general demographic trends and age-related self-interest (Van Parijs, 1998). However, this depends on the hard to establish claim that the elderly would put their short-term interests before the long-term

interests of all (MacKenzie, 2021, p. 12). Indeed, age negatively correlates with the discount rate one applies to the future (Freund & Blanchard-Fields, 2014; Green, Myerson, & Ostadzowski, 1999; Steinberg et al., 2009). A more persuasive case can be made for the rich, the fossil fuel industry and other powerful economic actors to be able to pursue their short-term interests against the long-term interests of society (Brulle, 2019; Gilens, 2005; Mitchell, 2009; Winters & Page, 2009). Powerful economic actors can, in many ways, influence political processes, including campaign contributions, lobbying, supporting favourable candidates, media ownership and the like.

*The Media.* Whether the media affects whether we take wrongfully short-termist decisions or not is more controversial. Boston (2017), in his thorough investigation of drivers of the presentist bias, does not include the 24 clock news cycle or any other effect of news and journalism. In conjunction with some of the cognitive biases I have listed above, it seems to me that the media, with its focus on publishable news within a short time frame, can further increase a bias towards the present (also, Caney, 2016).

*International coordination problems.* Many policy issues of long-term relevance, such as systemic risk prevention or the sustainable usage of collective resources and global public goods, require international coordination, as they cannot be dealt with by nation-states independently. As there often is a tendency to free-ride in such scenarios, much depends on the ability to negotiate agreements and bind the relevant parties to them. However, as Boston (2017, p. 86) assesses, '[c]urrently, most global governance institutions are weak and have only a limited capacity to tackle the major long-term issues that require coordinated international responses.'

*Accounting Asymmetries.* There are two issues with public accounting that may emphasise a focus on the short-term. One is that the performance indicators employed are incomplete and do, for example, often not include social and ecological criteria. Costs and benefits are measured with lopsided indicators and influence how policymaking is perceived. The Commission on the Measurement of Economic Performance and Social Progress, commissioned by the former French President, Nicolas Sarkozy, finds:

What we measure affects what we do; and if our measurements are flawed, decisions may be distorted. Choices between promoting GDP and protecting the environment may be false choices, once environmental degradation is appropriately included in our measurement of economic performance.

(Stiglitz, Sen, & Fitoussi, 2009, p. 9)

Secondly, the auditing duration matters: A short timeframe is likely to induce a focus on the short-term for those who are audited (Caney, 2019).

*Path Dependence.* Decisions and actions taken at one point in time can greatly shape and constrain people's choices and available opportunities in the future. This can result in choice situations where people are effectively locked in as other options are too expensive to pursue. In such a case, decisions cannot be easily reversed and as such, changing the direction of travel is hard (Caney, 2019). Consequently, the institutional circumstances make it more or less difficult for a government to make long-term investments. Further, Jacobs and Matthews (2017, p. 194) find that whether citizens support public investment also crucially 'depends on whether the institutional context makes elites' policy promises credible.'

Having provided an overview of the most relevant drivers of wrongful short-termism, I now discuss the strength of their pull towards the present and how it may be assessed.

### 6.3 Assessing the Drivers' Strength

How strong is the influence of the drivers on the political system? Is there any chance that wrongful short-termism can be overcome? In order to answer these questions, the strength of the drivers needs to be assessed. Boston (2017, p. 52) uses the criteria prevalence and intensity and defines these in the following way: 'Prevalence refers to the range of policy domains where the bias is evident, while intensity refers to the rate at which long-term outcomes are discounted.'

Boston (2017, Ch 2) describes two strategies for assessing prevalence and intensity: a) long-term empirical studies and b) hypothetical counterfactual reasoning. In a), a number of indexes would have to be developed according to which policy and regulatory decisions would be evaluated. For example, the Intergenerational Fairness Index of the Intergenerational Foundation in the UK lists 13 indicators, including 'Housing Costs, Government Debt, Spending on Pensions, Spending on Education, Health Services, Youth, Unemployment, Democratic Participation' (Leach, Broeks, Østensvik, & Kingman, 2016, p. 5). In the EU index of the Intergenerational Foundation, the criteria are not weighted, and apart from spending on education, attainment of tertiary education and investment in research and development, more spending/a higher value is generally evaluated as less fair to the future. By employing the index, it is found that (2016, p. 5) 'intergenerational fairness is getting steadily worse across Europe as a result of ageing populations and increasing borrowing.'



While it is thus possible to derive such indexes and apply them comparatively, there still remain methodological difficulties due to the intricacy of many issues relevant to future people and comparability issues. Public debt, for example, is not necessarily problematic from a perspective of intertemporal justice, as it can also be taken up to mitigate the climate catastrophe or boost education. Nonetheless, this approach, if viable, would provide valuable insights. However, developing and applying such an approach is beyond the scope of this thesis, and I thus consider option b) a hypothetical counterfactual assessment of the prevalence and intensity of the drivers of wrongful short-termism.

Boston also takes this approach. He constructs a scenario of a presentist bias of high prevalence and intensity to use it as a benchmark for the current state of affairs. This would include, amongst other things, governments regularly defaulting from the golden rule of government borrowing, where this is not used for investment but for financing current expenses, the usage of a high discount rate in planning and government investment strategies and the depletion of a societies resource base, as well as little spending in research and development that does not pay-off quickly. Boston finds that

a strong presentist bias over an extended period would generate a vicious circle, with an ever-accumulating series of negative feedbacks reinforcing a nation's decline. Elected officials would be faced with a daunting array of policy problems ... Ultimately, the situation is likely to become unmanageable, with economic turmoil, social strife, and the possible collapse of democratic governance.

(Boston, 2017, p. 58)

Comparing this picture against the current state of affairs, Boston argues that the presentist bias is generally only of low to medium strength. However, the bias may be more intense in some areas than others. For example, Boston points out that if one would focus on questions of environmental concern and resource depletion, then one could argue that the bias is high.

Boston stresses that there is a significant variance concerning the prevalence and intensity of the presentist bias. Political systems and sub-systems seem to be affected by the drivers of wrongful short-termism to the same extent, and not all democracies make the same intertemporal trade-offs. This is also suggested by Jacobs:

While the myopic pressures of electoral politics are indeed formidable, the actual record of policymaking in the democratic world suggests a far more complicated

pattern. Even a casual glance at the cross-national policy landscape suggests that democratic governments have, in a range of spheres, made widely differing inter-temporal policy choices. (Jacobs, 2011, p. 5)

Comparing public debt, spending on education and investment in environmental protection also exhibit a significant variance among OECD countries (Vanhuysse, 2013). While some governments spend less than four per cent of the respective GDP on education, others spend more than eight. Furthermore, some countries have managed to produce a positive financial net worth, such as Finland, Sweden and Norway, while others exceed a negative net worth of more than 140 per cent of their GDP (OECD, 2019). The available data suggests that governments react quite differently to the drivers of wrongful short-termism, and it seems that some governments have taken the long term far more seriously with regard to broadly the same policy choices. Consequently, either the prevalence and intensity of the presentist bias vary greatly between societies, or some governments have been much better at making long-term policy choices despite the pull of the drivers towards the short-term.

There is one note of caution that I would like to spell out with regard to Boston's analysis of the presentist bias. This regards his analysis of the strength of the bias by comparing it against a worst-case scenario. By comparing only against a worst-case scenario, the upper end of the scale is not considered, nor is a sustainable scenario. This way, the upper end of the scale remains undefined, and it is thus not possible to assess the strength of the bias. In this way, it remains unclear where on the scale the current state of affairs is.

If we take the rights of future people seriously and include all future people who are affected within the scope, then failure to mitigate climate change aggressively, to take precautions against other human-induced environmental catastrophes, and other risks, such as artificial intelligence and bioweapons are all good reasons to think that wrongful short-termism is a formidable problem. In consequence, one could argue that the bias is not only of a low to medium strength but higher.

However, one also needs to consider the relevant timescales of the aforementioned issues. Even a low to medium strength bias may have disastrous consequences in the long run. This is because the effect of the bias can build up over time. Continuous neglect of issues that will only materialise a generation or two down the road are cases of wrongful short-termism but might not be salient political issues today. As Boston, in his analysis, only considers the effects of the bias that realise in the short-term, the problem of risks and dangers accumulating over time cannot be grasped entirely. Tipping points may only be

reached after a long, relatively stable period but could then result in self-enforcing feedback loops initiating cascading catastrophes (Lenton et al., 2019; Steffen et al., 2018). In consequence, it may be the case that the presentist bias is generally only of a low to medium strength, but it is important to note that even such a relatively small bias may have disastrous consequences in the long run.

To conclude, wrongful short-termism seriously affects political choices in all policy fields. The pull of the drivers varies between policy fields and polities, and the kinds of drivers that affect the system also vary across sectors and countries. To measure the effect of the drivers of wrongful short-termism is only possible through comparative analyses, which are not currently available. Instead, Boston tries to estimate the strength of the bias by considering a worst-case counterfactual alternative. Boston considers the presentist bias to be of low to medium level based on such a counterfactual analysis. I issue one note of caution regarding Boston's analysis of the strength of the presentist bias: I suggest not comparing only against a worst-case scenario but considering a best-case scenario, too: what would a world without wrongful short-termism look like? Also, defining the upper end of the scale may lead one to think that the effect of the various drivers could result in a bias that is stronger than a low to medium level – not just concerning environmental issues. In any case, the effects of wrongful short-termism can accumulate over the long term. Hence, even a bias toward the present of a low to medium level can still result in disastrous consequences over time. Having provided some discussion of the drivers' strengths, I now turn to the strategies for mitigating their effects.

#### 6.4 Mitigating Wrongful Short-termism

In the literature, different approaches to mitigate wrongful short-termism are suggested. Approaches that focus on changes to the human condition can be differentiated from such approaches that aim to reform the set of political institutions and/or install institutions for the future. In *Unfit for the Future*, Ingmar Persson and Julian Savulescu (2012) argue that we should make use of moral enhancement by bio-medical means to ensure that people's moral dispositions are adapted to their current contexts, while authors in *Institutions for Future Generations* (Gonzalez-Ricoy & Gosseries, 2016) propose various institutional means to mediate wrongful short-termism.

In the following, I will briefly sketch the institutional approach to mitigating wrongful short-termism and leave aside other attempts due to reasons of space. However, I will discuss arguments against the institutional approach in the following sections. The

argument for F-Institutions will be built in this and the following three chapters, culminating in chapter 9., where I provide a set of arguments for a specific set of F-Institutions.

Here, it should suffice to say that there is empirical evidence, anecdotal as well as scientific, that F-Institutions can have a mitigative effect on wrongful short-termism. I will provide proof for this claim in the following chapters. Further, there is a hypothetical argument in favour of installing F-Institutions: While some drivers seem hard to change or should not be changed – we surely do want regular elections to take place – it clearly is the case that something can be done. Some of the drivers are mitigatable or changeable. We can work on some of these without running into ethical problems. Of course, it is not possible to predict the precise effect of implementing a specific institutional proposal. Nonetheless, it is plausible to assume that at least some of the proposed F-Institutions can have direct mitigative effects on the drivers of wrongful short-termism. There is thus a case for installing F-Institutions, as this makes it more likely that today's decisions will be just towards the future.

The justificatory base for the argument sketched here will be deepened in the next chapters to strengthen the grounds for the full justification of F-Institutions. Specifically, I will consider different institutional designs and evaluate their prospective performance, as well as assess them regarding other relevant criteria, such as their political accessibility and political legitimacy. However, before turning to this issue, two relevant objections against installing F-Institutions deserve discussion.

### 6.5 An Objection: Are Not F-Institutions Infeasible?

In a discussion of the proposal to give extra votes to parents so that they could vote for their children, Claus Offe mentions a problem concerning organising a majority for the implementation of the proposal that could potentially affect the political accessibility of many proposals for F-Institutions: 'If the latter majority obtains, then it is not necessary to change voting rights. If it does not, then it is not possible to change them' (Offe, 1993, cited in and translated by van Parijs 2011, p. 62). Since then, this argument against the implementability of F-Institutions has been made a couple of times.

More recently, the problem has been discussed by Kates (2015). He writes with regard to proposals for F-Institutions:

one cannot just assume that current democratic majorities will adopt these proposed solutions if one begins from the assumption that the structure of actually

existing democracies is by its very nature ill-equipped to secure intergenerational justice. For the matter of incorporating these proposals into the fabric of democratic constitutions is itself a question of political will or motivation and it has yet to be shown how actually existing democracies could be both the cause of, and solution, to the very same problem. (Kates, 2015, p. 508)

Kates calls this the bootstrap objection. He observes that most proposals begin with the observation that democracies are ill-equipped to secure the interests of future generations but argue at the same time that, once a certain proposal is in place, this failure would be corrected— however, without providing a route from here to there. Further, Kates observes that the existing institutional set hinders the motivational effort for implementing F-Institutions and that this motivational problem is also not considered sufficiently in the discourse. Similarly, Karsten Klint Jensen observes that Ekeli, in his proposal for representatives for the future in parliament, implicitly alters the motivational assumption. Jensen calls this the ‘Münchhausen problem of motivation’:

We start out from the observation that the present generation tends not to take the interests of future generations sufficiently into account. But the same generation is supposed to reform democracy and appoint representatives of future generations. So how should their preferences be changed in a less short term direction?

(Jensen, 2015, p. 541)

I think Kates and Jensen are right to observe and criticise that many proposals are made without explaining a realistic route for installing F-Institutions and fail to explain the change in motivation that is required. However, to make a plausible case for the implementation of F-Institutions, it is necessary to deal with the motivational objection raised by Kates and Jensen. For, if democracies are biased towards the short-term, why should a majority form that is in favour of safeguarding the future?

Before I explain why this may be possible, we should note first that we have empirical evidence that F-Institutions can be installed despite the motivational difficulties, for otherwise, no F-Institution would have been installed. We find that many such institutions have been installed in recent decades (Boston, 2017; Rose, 2018). Hence, it seems that majorities can at times consider the interest of the future and that this can suffice to install F-Institutions. There are at least three further reasons for thinking that the motivational objection to the feasibility of F-Institutions is an overstatement.

Firstly, if wrongful short-termism were of the same intensity all the time and in every policy domain, we would have a hard time explaining the installation of these F-Institutions. However, this is not the case, and as such, there can be moments in the political game where majorities can build a sufficient interest in the future to allow for the installation of F-Institutions. Here, the *καιρός*, the right moment for the possible, is a relevant consideration (Geuss, 2008 also; Rose, 2018, ch. 5.3 & 7.2&3). In Germany, for example, a majority for phasing out nuclear power evolved shortly after the Fukushima nuclear disaster in 2011, even though it only had been decided in 2010 that nuclear power plants should continue running for an extended period.

Secondly, there may be reasons to install F-Institutions even if a majority already displays an interest in the future. For, while a current majority might sufficiently care for the future, this can change and as such, future majorities could turn out to be more wrongfully short-termist. Installing F-Institutions would make it more likely that future majorities still ensure that future people will enjoy their rights (Van Parijs, 2011, p. 63). In this sense, F-Institutions are commitment devices, much like the rope is that tied Ulysses to the mast (Stein, 1998, pp. 422, 441). They can mitigate at least some motivational difficulties through self-binding by ‘deliberately making deviations more difficult or less attractive, or by deliberately restricting future options’ (Birnbacher, 2009, p. 292).

Furthermore, Van Parijs stipulates that there might be ways to install F-Institutions, even if the current majority displays insufficient care for the future. Van Parijs argues that people may be in favour of installing F-Institutions for many reasons, even though they display insufficient interest in the future:

Opportunities to get the right reform through are few and far between. Hence, when one arises, it cannot afford the luxury of requiring a majority not only to support the appropriate reforms but to support these for the appropriate reasons. If the rhetoric of ‘democracy’ or ‘equality’ or the appeal to some factional interests helps move things forward, it would be foolish to be fussy.

(Van Parijs, 2011, p. 63)

Thirdly, Rose (2018, pp. 196-197) notes that F-Institutions, in comparison to future-oriented policies, may have the advantage that they are more abstract and, as such, may be seen less of a threat by politicians in so far as there is higher *ex ante* uncertainty with regard to their distributive consequences. Levison makes this point succinctly:

It is a common observation about institutional – and constitutional – design that actors might take a less self-interested, more impartial view of political decisionmaking structures that they expect to be in place for relatively long periods of time simply because they cannot predict how these institutions will affect their own interests. (Levinson, 2011, p. 694)

In so far, it cannot be derived from the fact that the majority is not in favour of future-oriented policies that they would also not be in favour of installing F-Institutions.

All of this suggests that the motivational objection can be overcome. First, there is empirical evidence that installing F-Institutions is possible. Second, wrongful short-termism is not equally distributed. It affects policy areas to different extents, and it is also fluctuating over time. Thus, there may be opportunities at times to install F-Institutions in certain domains while this is normally considered infeasible, and it is plausible to install F-Institutions even if the majority displays already a sufficient concern for the future. Third, majorities for F-Institutions may form, despite lacking sufficient interest in safeguarding the future. And fourth, F-Institution may be less of an ex-ante threat to politicians given that the distributive consequences of institutions are less salient than that of policies. Thus, both empirical findings and thorough reasoning suggest that it is possible to install F-Institutions despite the political system being generally wrongfully short-termist.

## 6.6 Why Bother with New Institutions? There Are Better Ways to Mitigate Wrongful Short-termism

There are two further arguments against establishing new institutions in order to tackle wrongful short-termism that I would like to consider.<sup>27</sup> The first holds that it would be more effective to focus on making better policy straight away. The second maintains that instead of focusing on new institutions, one should aim to optimise the existing set of institutions.

The first of these arguments against installing F-Institutions could run along the following lines. As an activist, politician, responsible citizen, or academic I may wonder:

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<sup>27</sup> There is a third counterargument regarding the installation of F-Institutions, maintaining that it is more likely that autocratic governments overcome wrongful short-termism (Beeson, 2010, 2016; Daniel Bell, 2015; Lovelock, 2010; Randers, 2012; Rees, 2014; Shearman & Smith, 2007). I cannot engage with these arguments due to reasons of space and instead would like to point to the empirical analyses by Wurster (2011, 2013, 2015) and Krznaric and McQuilkin (2020) which illustrate the comparative disability of autocracies with regard to taking care for the long term, as well as to Hanusch (2018) who shows that democratic quality positively correlates with climate performance.

On which horse should I put my bet? If I want to realise a just, sustainable, or fair world, is installing F-Institutions the most effective way? Should I not rather focus on lobbying for specific policy proposals? For example, if I want to ensure that drastic mitigation measures are taken, should I not rather focus on getting this done straight away instead of taking a detour along institution road?

Indeed, if this is all you care to achieve, I guess your best bet is to focus on getting the best policy regarding the issue implemented. However, I would remind you that F-Institution may not only provide an advantage in so far as they make it more likely that appropriate climate mitigation measures are taken, but they also provide this advantage concerning many other long-term issues. The advantage of reducing wrongful short-termism through reforming the set of democratic institutions is that these reforms make it more likely that appropriate responses are taken not just with regard to dangerous climate change but also concerning biodiversity loss, artificial intelligence, plastic pollution, or bio-weapons. We do not know which challenges lie ahead of us and which skills and strategies will be required to deal with them. By installing F-Institutions, the capacity to deal with complex problems and uncertainty will often be raised. This makes it more likely that appropriate choices regarding all long-term issues are taken.

Also, the arguments by Levinson (2011) and Rose (2018, pp. 196-197) presented in section 6.5 matter in this context: Salient cost here and now for the promise of greater benefits or less cost in the long term may not motivate many, and as such, future-oriented policies may be less feasible than F-Institutions, where the distributive consequences in the short-term are not easily forecast nor salient.

Nonetheless, F-Institutions may seem an unnecessary detour, especially if one is concerned with urgent issues that require swift responses. F-Institutions' potential value lies in their capacity to tilt the playground a bit more into the favour of many long-term issues and could thus be a much-underrated component of a socio-ecological transformation, facilitating the adoption of more future-oriented policies after their implementation. Note also that an argument for making future-regarding policy is not an argument against F-Institutions per se. Political resources and motivation may be limited, but these two motives can often be combined.

The second argument against establishing F-Institutions to mitigate wrongful short-termism is that it would be more effective to optimise democratic procedures. This view is endorsed by Campos (2020, p. 13), who argues that 'what is required for the representation of relevant affected interests that will be held by as-yet-unborn persons is an optimal operation of representative democracy.' I call this the optimisation approach.



Indeed, it is plausible that optimising the given set of democratic institutions will mitigate the effects of some of the drivers of wrongful short-termism, and it is a sound strategy. For example, Jacobs (2011, 2016), Lindvall (2017) and Finnegan (2019) all stress the importance of the structure of the set of political institutions as a relevant factor that contributes to a political system's capacity to implement reform. Lindvall (2017) finds that high concentrations of power, as in winner takes all systems, are less likely to engage in long-term investment. Power-sharing regimes are more likely to invest in the long term as such investments are not conceived to be electorally risky to the same extent as in high concentration of power regimes. With regard to climate policy, Finnegan (2019) shows that proportional electoral rules are associated with electoral safety and thus allow to burden voters with short-term costs to a greater extent in order to invest in the long term. Furthermore, government transparency (Aguilar-Conraria, Magalhães, & Veiga, 2019), trust in the government (Jacobs & Matthews, 2012), and low corruption (Povitkina, 2018) all correlate positively with higher levels of investments for the long term as these reduce the effect of policy uncertainty on long-term policymaking.

Besides, I do not think it is necessary to focus on either reforming existing institutions or installing new ones. Both are promising approaches for mitigating wrongful short-termism. However, one should note three advantages of installing F-Institutions. First, F-Institutions arguably can mitigate the effects of some drivers that are difficult to engage with on the optimisation approach. It seems that dealing with such phenomena as creeping problems or positive illusions would still be difficult for even the most legitimate and well-maintained democracies because democratic institutions are not designed to deal with such issues. Adding institutions that make it easier to detect and deal with such issues may be a step towards a solution that seems beyond normal democratic institutions.

Furthermore, installing F-Institutions is also a way to signal credible commitment regarding long-term developments. This is important for ensuring international cooperation towards intertemporal justice. Lastly, F-Institutions make it more likely that issues regarding the long term receive more awareness due to their symbolic function, which may result in long-term issues being perceived as more salient.

Both arguments for alternative routes towards intertemporal justice and sovereignty highlight important considerations. Focusing on getting important policies done and optimising the given institutions are both relevant ways of ensuring intertemporal justice and sovereignty. However, it is unlikely that these approaches will suffice to overcome wrongful short-termism. As such, it is arguably necessary (albeit not necessarily sufficient either) to install F-Institutions to overcome wrongful short-termism.

## 6.7 Conclusion

In this chapter, I show that the present seriously wrongs the future due to short-termism. Amongst others, short-termism results in too little investment in disaster preparedness and climate mitigation resulting. Thus, wrongful short-termism results in an unjust distribution of democracy and justice in time.

I provide an overview of the relevant factors that cause wrongful short-termism. These can conveniently be sorted into three categories. First, politics is set in time, and accordingly, the future is uncertain, and future people cannot participate in today's decision making. Second, many anthropological factors undermine democratic procedures, making it challenging to consider long-term issues in decision-making processes. Thirdly, institutional and structural factors, such as election cycles and the influence of organised interest groups, also make it difficult to give due consideration to the future in decision processes.

Discussing Jonathan Boston's (2017, ch. 2) work on the presentist bias, I show that it is difficult to assess the strength of the bias towards the present, but maintain that even a low to medium level bias may have disastrous consequences in the long term as factors can accumulate over time, resulting in cascading risks. Given the severity of the problem, I suggest installing F-Institutions to mitigate wrongful short-termism and consider two counter-arguments.

Based on chapters 2. to 6., we can now answer the first research question. This is to remind you: Can principles of democracy, justice, and sovereignty ground a justification for the installation of F-Institutions? We can answer the question by stating that all three duties to the future discussed in the thesis provide some grounds for installing F-Institutions. Indeed, the argument for F-Institutions seems very robust, given that three different kinds of duties give us reason to install F-Institutions.

In the following chapters, I will first clarify the criteria for choosing F-Institutions (chapter 7.) and then define appropriate strategies for setting up F-Institutions and suggest heuristics and methods be employed in this process (chapter 8.). In chapter 9., I conclude my instrumental argument for installing F-Institutions by proposing a set of F-Institutions to be installed in advanced democracies.

## 7. Criteria for the Assessment of F-Institutions

We now have an understanding of what causes institutions to focus on the short-term and neglect their responsibilities to the future. Given this and given the importance of realising responsibilities to the future, we have good reason to consider how we might address these causes of short-termism. What reforms ought to be implemented? This raises the question: How should we assess competing proposals for F-Institutions and decide what should be implemented. That is the task of this chapter.

While there is an abundance of proposals for F-Institutions, the same cannot be said of criteria suggested for their assessment. However, a few authors have made important suggestions on which criteria to use when assessing F-Institutions. In the following, I will take up these suggestions and, building on their accounts, propose a set of criteria.

The structure of the chapter is as follows. In the first section, I will review the usage of criteria in the discourse. Building on this, I derive a set of criteria for the assessment of F-Institutions in section 2. These criteria are a) effectiveness, b) political accessibility, c) institutional sustainability, and d) moral legitimacy. In section 7.3, I discuss how proposals for F-Institutions should be assessed using the set of criteria. Section 4. concludes.

### 7.1 Review of Criteria for the Evaluation of F-Institutions

In this section, I provide an overview of the criteria that have been proposed or used in order to evaluate F-Institutions such institutions. Often the only considered criterion seems to be the democratic legitimacy of an F-Institution. This is plausible, given the frequent charge that F-Institutions are a means to establish more authoritarian forms of government. However, there is certainly more to say than whether an institution (or a proposal for it) is politically legitimate or not. Some authors go beyond this, and their criteria are reviewed here. I introduce the criteria and sets of criteria they propose and any guidance they give on employing and testing them. I discuss the question of trade-offs between the criteria in section 7.3. Furthermore, some authors propose design principles for F-Institutions. I will discuss these in the following chapter.

In her proposal for an ecological council, Tine Stein (1998) discusses mainly its political legitimacy. She argues that the council should be politically independent and that members of the council should only serve for one term of nine years. She briefly also discusses the successfulness or effectiveness of the proposal. She argues in favour of a suspensive veto right that could only be overridden by a majority of parliament after some

specified time has passed. Further, she argues against the right to initiate and pass legislation since legislative competencies would demand a higher level of political legitimacy, which would compromise the institution's independence and its function of "throwing a monkey-wrench" into the political decision-making process.' And she continues: 'So it is, paradoxically, the lesser power, in terms of formal competence, on which the council's success relies' (Stein, 1998, p. 440).

Kristian Skagen Ekeli (2005) proposes to reserve some seats in parliament for representatives of future generations. A qualified majority of two thirds or three quarters holds a suspensive veto right which can only be overridden by parliament after two years or once a new parliamentary term begins. The criteria he uses to assess this proposal are legitimacy and the quality of decision processes. Legitimacy, in his view, is defined in terms of democratic inclusion, relying on the all-affected principle. A decision is legitimate in this sense if all those who are affected have taken part in the decision-making process. As future generations cannot participate themselves, this justifies their representation in those decisions. Ekeli builds on classical arguments from deliberative democracy, and as such, the quality of decision processes is captured in terms of impartiality and rationality of deliberations and decisions. I will discuss his proposal in depth in section 7.4.

Beckman and Uggla (2016) propose to install an ombudsperson for future generations and discuss their proposal in terms of feasibility, legitimacy and effectiveness. Concerning democratic legitimacy, they write:

Any such proposal should be evaluated from the standpoint of democratic legitimacy. Clearly, the claim that a specific institution is effective or even necessary for the protection of some interest does not itself entail that it is democratically legitimate. Indeed, there is widespread if not complete agreement that the protection of future generation's interests must be consistent with democratic values and principles. (Beckman & Uggla, 2016, p. 121)

They note that there is considerable disagreement about how democratic legitimacy is to be understood due to the absence of future people. They also observe disagreement on whether future people are part of the demos and whether the decisions of earlier generations can bind them. They maintain that it is favourable, from the viewpoint of legitimacy, if F-Institutions can avoid binding coercively the present to policies that are assumed to be in the interest of future people, for this successfully avoids dealing with the disagreement mentioned above and can be considered legitimate straight away.

Next, they discuss feasibility and argue that their proposal for an ombudsman is the more [sic; JMH] politically feasible proposal among the alternatives to promote the interests of future generations. We should note that considerations of feasibility in political arguments are not necessarily conclusive either in favour or against specific political proposals. A more constructive perspective is to see feasibility considerations as “comparative assessments.” (Beckman & Ugglå, 2016, p. 124)

Lastly, they discuss effectiveness. This is considered an empirical question, and they draw on the general literature on ombudspersons to justify their proposal in this regard.

In his comprehensive study of F-Institutions, Jonathan Boston (2016, ch. 6) names three criteria that proposals for F-Institutions should be tested against: a) feasibility, b) effectiveness, and c) desirability. Feasibility is dependent on the given context where an institution is to be implemented. Political feasibility, as Boston calls it, is very context and time sensitive, as it is influenced by political leadership and as a large part of political feasibility depends on a proposal’s political acceptability. Boston suggests that proposals should also be assessed with regard to their technical feasibility. For example, some proposals for digital democracy will only be feasible once the necessary infrastructure, capacities and capabilities are in place.

Boston (2017, ch 6) argues that effectiveness is difficult to evaluate as it is complicated, if not impossible, to attribute a certain consequence to some institution. However, Boston thinks that we can evaluate the effectiveness of proposals for F-Institutions by considering their intervention logic’s plausibility along the interaction chain and the assumptions it is based on. A second approach that can be taken is to identify existing or previous institutional analogies that resemble a proposal in relevant respects and to evaluate these then.

Boston proposes three tests for effectiveness. First, one can ask whether a similar reform had positive effects in other cases. This should normally be reflected in good governance indices. However, positive effects might be cancelled out, and so a second approach is to consider whether a reform is sustainable or not, whether, for example, it crosses relevant thresholds or is generally deteriorating. Third, Boston considers a test for durability. Shortly: Will an institution stand the test of time and be in place for decades or more? Boston maintains that all evaluations of proposals must be tentative, as their effectiveness can only be established in retrospect.

Lastly, Boston (2017, ch 6) considers desirability. This is given if an institution meets the standards of justice and fairness, serves the public interest and common good and if the benefits are larger than the net cost. Boston acknowledges that there can be disagreement regarding the desirability of proposals and F-Institutions as these necessarily involve judgements, and not all costs and benefits can be known in advance.

Simon Caney (2016), in his fivefold proposal of institutions for the future, names four criteria for their evaluation: a) effectiveness, b) moral legitimacy, c) political sustainability and d) political accessibility. Regarding effectiveness, Caney points out that the baseline must be chosen appropriately. For example, demanding a proposal to overcome wrongful short-termism might be unrealistic, and so even some mediation of wrongful short-termism should count in favour of the proposal. Further, proposals and institutions can also be evaluated comparatively. Again, one proposal faring worse than another does not necessarily mean that we should not adopt it. Sometimes installing more than one institution might be feasible, and then the comparatively worse proposal might be implemented, too (assuming that it is somewhat effective in an absolute sense).

Caney argues that an F-Institution must meet further criteria. In his view, the institution should also be evaluated in terms of moral legitimacy. A proposal should not violate principles of substantive justice – e.g., by creating an unfair distribution of goods between the currently living. Furthermore, it should not violate principles of procedural justice – e.g., by establishing non-democratic decision procedures.

Political sustainability captures an institution's 'tendency to remain in operation over time' (Caney, 2016, p. 141). Caney maintains that this criterion is relevant, as many F-Institutions have been eradicated after a short period of existence. An institution should thus be assessed on the grounds of whether there are sufficient hurdles that would make it difficult to eradicate it. Further, it may generate its own support among citizens and the political actors, or it might 'sow the seeds for its own destruction.' Political sustainability, however, should only count in favour of a proposal if it also performs well in terms of effectiveness and moral legitimacy.

Lastly, Caney discusses political accessibility. Caney writes:

Put succinctly, this concerns whether and how likely it is that we can get from 'here' to 'there'. A proposal may be effective and not contravene any moral standards, but if there is no prospect of implementing it now or in the future then we have overwhelming reason not to pursue it. (Caney, 2016, p. 142)

In an updated proposal (Caney, 2019), Caney calls this ‘political viability.’ He stresses that proposals for F-Institutions should depart from the status quo and use all opportunities available in the given context while they simultaneously need to enjoy social support. In his most recent contribution, Caney (forthcoming) takes a different view on the matter and suggests that ‘campaigns for utopian projects can often expand people’s political imagination and transform their understanding of what is politically possible, opening up a space for more radical options than would otherwise have been the case.’

This concludes my review of the criteria for the assessment of F-Institutions. The review reveals the fragmentary nature of the discussion: Only Boston and Caney go beyond describing the criteria and indicate how the criteria should be employed. Further, some authors discuss the trade-offs between the criteria (usually effectiveness vs legitimacy), but they do not generally discuss how the criteria relate or should relate to each other. Only Caney gives us some guidance regarding how the criteria should be ranked. Following this short review of criteria for the evaluation, I will develop my own set of criteria for this purpose in the next section and discuss the question of trade-offs after that.

## 7.2 A Set of Criteria for the Evaluation of F-Institutions

I propose using the following four criteria for evaluating (proposals for) F-Institutions: a) effectiveness, b) political feasibility, c) institutional sustainability, and d) moral legitimacy. This set of criteria builds on Caney’s (2016) proposed set of criteria, elaborates on it, and discusses how the criteria could be measured and evaluated.

The reasoning for choosing these criteria is the following. First, effectiveness captures the instrumental value of an F-Institution. Thus, this criterion is directly supported through the instrumental justification of F-Institutions provided in chapter 6., relying on the three duties toward the future discussed in chapters 2. to 5. Political accessibility and institutional sustainability add two real-world considerations to effectiveness. An institution will only ever be effective if it can be installed, and an institution will only remain effective if it remains in place. Lastly, it is crucial to recognise that not all institutions that could be justified on the basis of the three duties to the future honour all other relevant considerations of justice and legitimacy. In response, the criterion of moral legitimacy is added, which underlines the commitment to further substantive and procedural justice principles and some intrinsic values, such as nature.

I discuss each criterion in the following section, explain its way of functioning, how it can be assessed, and its relevance. Thereafter, I discuss how the criteria work together as a set and how they should be traded off, which is likely to be necessary. Finally, I also cover

some questions regarding the timeframe and level of implementation. Note that I speak of implementing F-Institutions for reasons of space and simplicity – this also includes changes to the given institutional set.

### 7.2.1 Effectiveness

Regarding effectiveness, an institution or a proposal may be more or less effective than another (relative baseline) or more or less effective in an absolute sense (absolute baseline). An institution is effective, in an absolute sense of effectiveness, to the extent that it can mitigate wrongful short-termism. It is more or less effective than another proposal or institution to the extent that it mitigates wrongful short-termism to a different extent than the other proposal or institution. I suggest using both baselines and explain how to establish the relevant rankings in the next paragraphs. Note that issues of distribution, discrimination, procedural justice, and intrinsic value are captured by the criterion ‘moral legitimacy’ and discussed below.

The absolute effectiveness of an F-Institution should be testable in the following way. The effect of an F-Institution should ideally be reflected in an increase of consideration and justification to the future (D1), intertemporal distributive justice (D2) and intertemporal sovereignty (D3). Testing for D1 is comparatively easy, as it requires checking whether policy decisions exhibit the consideration of future people and whether they include an adequate justification to future people. With regard to D2 and D3, I have provided both a minimal and maximal version of the duty. Ensuring the demands of the minimal views is of the highest relevance and cannot be traded off easily against other benefits. These three duties provide the grounds for testing the effectiveness of F-Institutions.

Unfortunately, testing for whether D2 and D3 are met is only plausible once an F-Institution has been implemented and working for a while. Moreover, even after the wait, it may not be possible to attribute impacts on justice or sovereignty to the respective F-Institution. Furthermore, the impact of an F-Institution may well be cancelled out by other developments. As explained by Boston (2017, ch. 6), an alternative, comparative assessment of polities with and without F-Institutions that are sufficiently similar may be considered one way to assess the effectiveness of F-Institutions. Nonetheless, effectiveness assessments will remain tentative for a long time, also because some of the effects of wrongful short-termism (or its absence) will only be observable over extended periods.

Ideally, one would know the effectiveness of an F-Institution before it is installed, and thus, different methods are required to grasp its potential effectiveness. Evaluating the



potential effectiveness of proposals that have not been implemented poses further challenges, as noted by Caney:

It would, though, be extremely implausible to think that one could design a specific institutional order in such a way that it would likely issue in this particular outcome. Institutional design is a crude and imprecise instrument: one can design institutions in ways that might result in certain broadly defined outcomes—say, reducing current inequalities, or coping better with famine, or making war less likely to occur.

(Caney, 2018a, p. 121)

Often, proposals have never been implemented before, or the cultural and institutional context is too different to compare. Nonetheless, there are some ways to at least hypothesise the potential effectiveness of such proposals if they were implemented. As noted above, Boston (2017, Ch 6) suggests two approaches for getting a better grip on the potential effectiveness of a proposed institution. First, one can consider the intervention logic or mode of functioning of the proposed institution and ask whether it is plausible concerning the assumptions being made and the internal logic of the institution. Second, a proposal can be compared with functioning analogies from other fields. Often an intervention logic has been applied in different contexts, and to some extent, one can expect the same effects to occur in the new context.

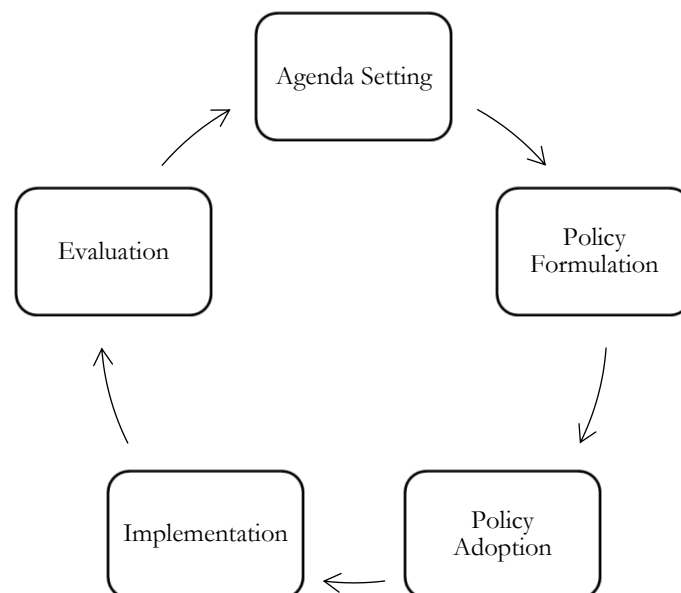


Figure 2. *The Policy Cycle*. Adapted from Knill & Tosun 2020, p. 365

As Rose and I (2020) suggest, it is advantageous for a thorough assessment of the potential effectiveness of a proposed institution to consider its (potential) impact on each stage of

the policy cycle. Combined with Boston's first approach, this should provide a clearer picture of what to expect from a proposed institution.

One last point is worth making. When assessing the effectiveness of an F-institution, or a proposal, what also has to be considered, is the possibility of things turning out badly (González-Ricoy, 2020). Some proposals' effectiveness may be considered high if a particular set of assumptions is met. If, however, one of these assumptions is violated, the proposal could have less or even an adverse effect in terms of mitigating wrongful short-termism. For example, Jensen (2015) argues that installing representatives of future generations could have a net-negative effect on wrongful short-termism, as this may result in moral crowding out: People may believe that they do not have to care for future people anymore, as the newly established F-Representatives would do this for them.

However, effectiveness is not all that matters. Whether a proposal is politically feasible matters, too. I discuss this criterion in the next section.

### 7.2.2 Political Feasibility

G.A. Cohen (2009) and Gilibert and Lawford-Smith (2012) conceptualise feasibility as the combination of political accessibility and stability. I use both criteria but separate them for ease of assessment. Thus, the following paragraphs discuss political feasibility, and the next section discusses stability, or as I call it, institutional sustainability.

In the following, I would like to differentiate between hard and soft constraints (Gilibert & Lawford-Smith, 2012). Lawford-Smith and Gilibert define hard constraints as such kinds of constraints that render the implementation of a proposal impossible. For example, Allen Buchanan (2004, p. 38) maintains that '[a]n ideal moral theory is feasible if and only if the effective implementation of its principles are compatible with human psychology, human capacities generally, the laws of nature, and the natural resources available to human beings.' Soft constraints do not render a proposal impossible to implement but only less easy to implement. Thus, any hard constraint renders a proposal politically infeasible, while soft constraints only make it less feasible. Political feasibility is very context and time sensitive. I discuss the issue of the relevant timeframe below.

The term 'political accessibility' is used by Buchanan (2004) and Caney (2016), who builds on Buchanan's definition of the concept. For Caney (2016, p. 142), political accessibility 'concerns whether and how likely it is that can we get from "here" to "there".' Thus, Caney's political accessibility reflects hard constraints, like natural laws and soft constraints, such as people's attitudes and motivation. This highlights the advantage of employing

feasibility as a scalar concept. As I define it, political feasibility captures the difficulty and probability of achieving a predefined aim.

Gilbert and Lawford-Smith (2012) and Lawford-Smith (2013) conceptualise feasibility as conditional upon trying. A proposal is, thus, feasible if an agent can perform an action. Zofia Stemplowska (2016) criticises this assumption as some motivational constraints that could make it very difficult to act in a certain way would be overlooked if this assumption applies. For example, the implementation of F-Institutions may be considered politically feasible, even though some relevant agents, such as politicians, would not be able to motivate themselves to implement them. Estlund (2008, p. 13) illustrates this by asking us to consider the difficulty it would demand to motivate ourselves to dance in front of our bosses. It is certainly possible, even easy, but it is still likely that we will not do so. Stemplowska (2016) maintains that the conditional upon trying assumption should be dropped, as it would result in an overestimation of political feasibility in cases where agents are unlikely to motivate themselves to do what is required. Further, Stemplowska points out that the conditional upon trying assumption overlooks coordination problems that may arise when many different agents' actions are required for a successful implementation. Often, the probability of the relevant agents trying to do what they ought to do will be much lower than the probability of them succeeding once they try.

Gilbert and Lawford Smith's reasoning behind the conditional upon trying assumption is that it does not let people off the moral hook too easily. However, this critique can – and in my view, should – be formulated directly and not as a part of the concept of political feasibility in itself. Nonetheless, I see some value in asking whether it would be difficult to install an F-Institution if everyone tried. In my view, both considerations – conditional upon trying and without – are valuable. While the first tells us how difficult it may be to implement a particular institutional set even if everyone tried, the second tells us not to put our hopes too high and work with the given circumstances. Only employing the conditional upon trying version of political feasibility would not suffice. This is likely to suggest that many proposals for F-Institutions would be highly politically feasible by bracketing some of the anthropological features at the heart of the problem of reforming democracy. However, only applying political feasibility without this condition cannot tell us how much difficulty is of motivational and how much of another kind. I thus suggest using both conceptualisations.

One further methodological point deserves discussion. In the discourse, I have not found any reference to the relevant timeframes that ought to be applied when assessing feasibility. These, of course, make a significant difference. An institution that may be

considered infeasible in the next ten years may well be politically feasible in 30. Which timeframe is appropriate may depend on the specific context and also the agents and their motives. Here are two – a narrow and a wide – timeframes that I think are particularly useful in many circumstances. The wide timeframe extends into the future up to the furthest point that can be affected by any human activity in the here and now. This timeframe is based on Caney's (2018c) causal impact principle that I adopt to define the temporal scope of intertemporal justice in section 5.2.1. This timeframe helps us ask what the ideal set of institutions may look like. The second time frame is relatively short. I suggest a scope of two full parliamentary sessions, thus typically eight to ten years. This timeframe should allow one to assess what is possible here and now. However, other timeframes may be more appropriate for some agents. How can the political feasibility of a proposed F-Institution be evaluated? There are at least the following five approaches available.

First, we can ask the people what they would like. Of course, this comes with all sorts of difficulties, as it is, for example, often tricky to ask the people about all available options, and they may not be well informed, but this could provide insights on whether an institution will enjoy public support or not.<sup>28</sup>

Secondly, we can search for analogous institutions in other policy fields or similar policy fields in other countries and observe how the implementation process worked out. The empirical evidence on the implementation of F-Institutions seems to suggest that there are many different roads open for the implementation, from bottom-up, as in Hungary (Fülop, 2014) to top-down, as in Israel (Shoham, 2010; Shoham & Lamay, 2006). Rose (2018) studies 29 F-Institutions and considers whether, amongst others, the absence of low GDP growth, high unemployment rates, or the number of parties in government were favourable to the installation of F-Institution, but could not confirm any systematic differences. Rose's interpretation of these findings is that these factors do not generally constrain the implementation of F-Institutions and that it may have been possible to install F-Institutions with more potential for impact (Rose, 2018, p. 479).

Third, the cultural and institutional context can be studied, and the fit of a proposed F-Institution can be evaluated. For example, ombudspersons are widely proposed as a means for the representation of the interests of future people (Beckman & Ugglå, 2016;

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<sup>28</sup> One example of how this approach can be misused was the 2011th National Consultation questionnaire by the Hungarian Fidesz government. It included a question whether the new constitution should contain a commitment to future generations. Despite the question being answered positively by a large majority, the Ombudsman for Future Generations was not carried over to the new constitution, but downgraded, while there is some commitment to future people acknowledged in the new constitution (Oross, 2020).

Gesang, 2018; Göpel, 2012), but while these are widely employed in the Nordic countries, the concept is, for example, not well-known in Germany and is thus more likely to be met with indifference, as is also suggested by Rose (2016, p. 65) and Tremmel (2018b, p. 127).

Fourth, the process required to establish an F-Institution can be sketched, and potential hurdles can be assessed. Not all proposals have to pass the same decision process, and some will find more support from those taking those decisions than others. Specifically, some proposals may require a qualified majority because their implementation necessitates amending the constitution. Other proposals may in some way curtail the decision rights of MPs, insulate decisions from them, or diminish their powers in other ways. Proposals that entail such consequences seem less likely to gather support within the political elite and may thus be less likely to be installed.

Lastly, the study of social change on the basis of historical examples may provide some further indication regarding the political feasibility of radical institutional change. This also allows incorporating non-linear theories of change and the significant development that can be reached within short timeframes in certain situations. There are, for example, windows of opportunity that can be opened by factors outside of the control of any of the relevant actors. For example, the Fukushima nuclear catastrophe in 2013 made an early phase-out of nuclear energy in Germany feasible. Such moments of social change may later be considered ‘critical junctions’ (Capoccia, 2016) where the underlying narrative and or infrastructure is changed quickly. These considerations cannot provide detailed evidence on how feasible a specific proposal is but may help balance the focus on constraints.

Once we have established the feasibility of a proposal within a specific timeframe, we may ask how likely it will stay in place if installed. The institutional sustainability criterion captures this consideration. I will discuss it next.

### 7.2.3 Institutional Sustainability

Simon Caney (2016) and Jonathan Boston (2017) explicitly discuss the importance of institutional sustainability concerning F-Institutions. While Boston considers it part of the criterion of effectiveness, Caney lists it as a separate criterion and calls it ‘political sustainability.’ Indeed, whether an institution will remain working over an extended period of time is closely linked to its effectiveness, but so is the question of feasibility. Keeping these criteria separate will allow for a more detailed discussion of potential trade-offs in the next section and a more nuanced discussion of proposals for F-Institutions.

As the empirical evidence suggests, institutional sustainability is a relevant criterion for assessing F-Institutions. Many F-Institutions, particularly those with hard political

power, have been abolished after only a few years: The Hungarian Ombudsman for Future Generations was downgraded after only three years, and the position of the Commissioner for Future Generations in Israel was not reoccupied after six years and then formally abolished after four more years (Rose, 2018). There may be an interesting tension with effectiveness – I discuss this in section 7.3.

How can the institutional sustainability of an F-Institution be assessed? There are two important considerations here. First, are there any legal constraints on its abolishment or reform (Rose, 2018, pp. 178-179)? If, for example, the abolishment of the institution requires a change of the constitution, this will often require a serious political effort and so guards the institution against short-termist intentions within the legislature. Secondly, an institution may also be more or less difficult to abolish due to its empirical legitimacy. If an institution enjoys much public support, it is less likely to be threatened by plans of eradication. Some forms of institutional design may be better able to generate their own support than others, which should count in their favour. If an institution is likely to threaten economic interests, then it may provoke a hostile media response. Unfortunately, predicting the public support an institution may gather seems to be a matter of low-level confidence. Both legal fencing and public support are relevant to determining institutional sustainability. However, often achieving either a high level of empirical legitimacy or constitutional fencing may suffice. Indeed, given that some countries do not have constitutions, that may be all that is possible.

The criteria effectiveness, political feasibility, and institutional sustainability can sometimes be conveniently combined in the criterion I call long-term effectiveness. Long-term effectiveness defines an institution's effectiveness considering its plausibility of being implemented and staying in place.

#### 7.2.4 Moral Legitimacy

While effectiveness is measured by the extent to which an institution contributes to the compliance of the present with D1, D2, and D3., moral legitimacy specifies further moral considerations that should be taken into account when evaluating a proposal for an F-Institution. This is necessary to ensure that all moral costs are included in assessing a proposal for or an installed F-Institution. For example, an F-Institution, despite the great achievements in terms of intertemporal justice and sovereignty, might seriously undermine the equality of distribution of goods between the currently living. Alternatively, it might turn out to be discriminatory against certain minorities. In short, moral legitimacy is the criterion for assessing how an F-Institution fares regarding principles of substantive and

procedural justice with regard to the present and some concerns for intrinsic values, such as nature.

Note that moral legitimacy as defined here is distinct from the legitimacy of the process by which an institution was, is, or is going to be implemented. Implementing an F-Institution may be done in an undemocratic way, for example, through the Queen's decree, but the institution in place could still be democratic. For my thoughts on the legitimacy of the implementation process, see section 8.2.

Let me thus specify the kinds of considerations that play into moral legitimacy. The first component of moral legitimacy is procedural justice. This can be further specified using the framework employed by Caney (2012a) and explicated in section 2.1. This tells us to consider whether a decision is a) inclusive, b) proportional, and c) equal. Different levels of inclusion and participation may be required depending on the decision to be taken. We may say that a decision is not sufficiently democratically legitimate if a) not all those who should be included are included (if not all those who are part of the relevant 'relationship claim' are included), b) if the level of participation, the entitlement, is not of the appropriate kind in relation to the kind of relationship claim that people hold, c) if people's procedural entitlements are fulfilled to different degrees despite them being part of the same kind of relationship claim without good reason. Thus, if, as a consequence of a proposal, not all those affected by a decision have a right to participate in the process, as would be the case if an authoritarian regime was proposed and installed, conditions a), b) and c) are violated. The given proposal would score highly negative concerning moral legitimacy or procedural justice more specifically.

Moral legitimacy is meant to capture many considerations of substantive justice, too. The absence of discrimination, intragenerational justice, and justice with regard to non-human animals and the environment and further intrinsic values are all part of the moral legitimacy criterion. One may ask whether considering the effects of an F-Institution on substantive justice is a question of effectiveness and not of moral legitimacy. Indeed, substantive justice here invokes the same considerations as in the intertemporal case. Specifically, it uses the same metrics as in the intertemporal case. However, the considerations here go beyond those suggested in chapter 5. Specifically, it includes some further specifications of substantive principles and adds some caveats based on concern for intrinsic value.

With regard to substantive considerations, it highlights three things. First, substantive justice, here, refers to the absence of discrimination. F-Institution may have discriminatory consequences. They may, for example, wrong certain minorities. For example, van

Parijs (1998) finds that certain restrictions on the voting age – such as allowing one to vote only every 25 years – may turn out to be discriminatory against blacks and other minorities, as their average life expectancy is comparatively short. Thus, while the outcome may be positive in terms of reducing wrongful short-termism, it may be that it comes to the disadvantage of a salient group of people, and the discrimination of this group would count against such a proposal.

Second, the substantive element here refers to intragenerational justice, understood as justice between birth cohorts. Equality can be measured over one's lifetime. This is how Rawls and Nagel conceptualise equality, and this is also the view Employed in chapters 4. and 5. However, Dennis McKerlie (2012) illustrates that such a view cannot observe inequalities between age groups or within one's lifetime. The view that equality should be measured over one's lifespan is indifferent to how goods are distributed within one's own life and how goods are distributed between age groups at one point in time and between similar age groups (e.g., 50-60-year-olds) at different times. I agree that it does not only matter whether one has been equal to others when the total benefits and burdens of one's life are calculated. This includes comparisons between people of different age groups at the same time and between different people who belong to the same age group at different points in time. By employing such a more demanding view of equality concerning the intragenerational scope, the criterion of substantive justice is better able to detect the unjust effects of F-Institutions.

Third, substantive justice captures the duties of justice that humanity has regarding other species. The principles of intertemporal justice and sovereignty that I develop in chapters 4. and 5. consider humans as the only rights holders, but there are other beings whom I believe we have relations of justice with. Among these are many species (Ladwig, 2020). Of course, to a certain extent, considerations of ecosystems and species have an instrumental value as they are a means to ensure that the lives of future people are of a valuable kind. To this extent, they are reflected in my principles of intertemporal justice and sovereignty. However, our obligations towards other species go beyond this, which is reflected in the inclusion of such duties in moral legitimacy. To illustrate, an F-Institution could have profoundly adverse effects on specific species, which are not of instrumental value to us because other species could substitute them. By considering further obligations to other species as part of moral legitimacy, we are able to say that such effects come with an additional moral cost that we should factor in.

Beyond procedural and substantive justice, there may be reason to think that we have duties with regard to beings, objects, and systems due to their intrinsic value. This can



be captured by saying that moral legitimacy attributes some intrinsic value to nature and to other goods, such as art or heritage sites. Again, the intention is to ensure that all moral costs and benefits are considered when evaluating a proposal for an F-Institution. It is unlikely that a suggested F-Institution would directly affect specific heritage sites, but if it had, this could be accounted for.

Moral legitimacy is thus an umbrella for procedural and substantive considerations and further considerations of human obligations that allow for evaluating all relevant moral costs and benefits of an F-Institution. This is achieved by including relevant considerations that the effort to mitigate wrongful short-termism may overlook otherwise. Many authors of proposals for F-Institutions only consider whether these institutions would affect the justice of the decision-making procedures, specifically, whether they are to be considered democratic or not. While this is undoubtedly an important consideration, moral legitimacy, as I understand it, goes beyond that by including substantive concerns and concern for intrinsic value.

How can moral legitimacy be evaluated? Moral legitimacy can be assessed by reflective equilibrium. We may ask whether the principles that guide the design and practice of an institution are in line with our considered judgements (Daniels, 1979; Rawls, 1971). However, this will not suffice in so far as in order to evaluate the effect of the institution once installed. We will require empirical evidence and analysis of the actual impact, intended or not, of the given institution. Although, again, this is plagued with the kinds of difficulties that I mentioned when discussing how to measure effectiveness and how to attribute it to an institution, nonetheless, we ought to be critical of potential wrongful side-effects that F-Institutions may cause. As such, designing F-Institutions will remain an ongoing process that may require readjustment as new evidence becomes available. The exercise of assessing an F-Institution's (or a proposal's) moral legitimacy is best done by public deliberation as this raises the chance that all relevant considerations are voiced. Alternatively, a parliamentary committee could be charged with evaluating the performance of the proposed institution at regular intervals.

### 7.3 Assessing Proposals for F-Institutions

To assess F-Institutions, a set of criteria without guidance on how to trade them off would be insufficient. One would not know how to assess the overall desirability of a proposed F-Institutions if one cannot tell how the scores regarding the individual criteria relate to one another. For example, some take the view that intergenerational justice should be

considered more relevant than political legitimacy (e.g. Lovelock, 2010; Randers, 2012; Shearman & Smith, 2007). In such cases, political legitimacy is traded off for intergenerational justice. The commitment to distributive justice or the existence of the human species is suggested to outweigh the concern for political equality in such cases. This argument can take different forms. In some cases, it may result in an argument for more authoritarian regimes (Shearman & Smith, 2007), while in other instances, it may support giving some independent bodies a veto right over parliamentary decisions or isolating some decisions from the usual political pressures, as is also done with central banks. However, both Stein (1998) and Beckman and Ugglå (Beckman & Ugglå, 2016, pp. 125-127) suggest that the successfulness, or effectiveness of their proposals, depends on it *not* having too much hard power: ‘An ombudsman can be effective despite its lack of hard power’ Beckman and Ugglå argue (2016, p. 117). The reasoning here is that there are other modes of functioning that can be effective despite lacking the ability to override the decision of the parliament.

Trading off the criteria for assessing F-Institutions and respective proposals is a complex issue, and most accounts provide little guidance on this issue. To my knowledge, only Caney and Boston provide a list of criteria and also provide some discussion of how to trade the criteria off. This section’s task is to deepen the discussion regarding the issue and provide more guidance on assessing proposals for F-Institutions, even though a full assessment could only be achieved with full knowledge of the relevant context. As such, I aim to provide ‘reflective’ rather than ‘determinant judgement’ (Arendt, 1978, p. 69 f.). While I have provided a set of criteria to make a decision and am going to provide guidance on how to employ them – also when they conflict –, I could still not provide determinant judgement, in so far, as the context, the given institutional set, the political culture and the Kairos matter for taking such decisions.

In earlier versions of this chapter, I have said that moral legitimacy constrains the design options available for F-Institutions. And while it is certainly true that the values under the moral legitimacy umbrella are of great importance, I would not say that they define the moral limits of institutional design anymore. Nonetheless, such trade-offs need to be made carefully and consider all available evidence. Some may expect me to deliver a conversion table or a precise formula for all trade-offs that may arise. Given the plurality of values at stake, I do not think this is possible. Nonetheless, I explain how the different criteria may fit together and provide some guidance. Many of the criteria are context relevant, and so, this will not suffice to make final decisions. For this reason, I suggest a procedure for choosing appropriate F-Institutions in section 8.2.

In many situations, the empirical criteria – effectiveness, political accessibility, institutional sustainability – can be combined into a single criterion: Long-term effectiveness. For example, if a proposal is not politically accessible or will not last long, then the long-term effectiveness score will be low, even though the effectiveness score could be high. Likewise, a proposal can be easily accessible and sustainable, but if its effectiveness score is low, long-term effectiveness will be low, too. In other words, these criteria work together to a large extent. A low score on any of these three criteria reduces long-term effectiveness dramatically. Note that all these criteria are of an empirical nature and can be measured in principle. This may prove – as discussed – to be difficult for many reasons, but the metric for each of these criteria is clear, and these metrics can be traded off as suggested.

Moral legitimacy is more complex and poses further difficulties for questions of institutional design. As highlighted above, moral legitimacy and effectiveness employ the same metric to some extent. The substantive part of moral legitimacy and the effectiveness criterion both rely on considerations of justice to some extent, and both also contain considerations of procedural justice. Thus, to the extent that the trade-offs between these two criteria have to be made, I suggest applying the principle of aggregate relevant claims (Voorhoeve, 2014). Roughly, this works like this: All relevant claims should be listed and claims relevant to the strongest claim aggregated. Then the option with the highest sum of strength weighted claims should be adopted.

However, moral legitimacy contains more than only a concern for procedural and substantive justice. It also includes considerations of the intrinsic value of nature and other goods. The three categories of moral legitimacy are measured by employing different metrics, and they may not be fully commensurable. Further, people may reasonably attach different values to these considerations. Thus, trading off the different considerations within moral legitimacy poses an intricate challenge. This difficulty is then also translated to the question of trade-offs between long-term effectiveness and moral legitimacy.

We should bear in mind that these criteria are not meant to guide us concerning the outcomes of a policy. Instead, these principles should provide the means to evaluate which proposals for reforms of democracy should be pursued. This is different as many such institutional questions will not directly bear on policy outcomes. There may be many trade-offs in theory, which will not be relevant when design decisions have to be taken. For example, it seems that no proposal directly affects nature in any way and thus, whether we attach value to nature and how this should be weighed against benefits or losses in intertemporal justice is not a question that needs to be answered in order to make the relevant design decisions.

Procedural justice will often be affected, as many proposals would change the democratic process in one way or another and thus are likely to reduce or increase procedural justice. Indeed, these gains and losses may need to be balanced against long-term effectiveness. As noted above, it has often been suggested or quietly assumed that effective F-Institutions require hard political power, while others have made the argument that F-Institutions can be effective despite any hard power at their disposal (Beckman & Uggla, 2016; Stein, 1998). However, one should note that D2 requires the present to ensure that the future enjoys democracy, too. To this extent, the supposed trade-off between effectiveness and democracy obscures the fact that such proposals also reduce effectiveness in so far as the sovereignty of future people would be reduced.

Given the reasoning above, my suggestion is to focus on such proposals that score positively concerning long-term both effectiveness and moral legitimacy. Most generally, this means that ‘the cure for the ailments of democracy is more democracy’ (Dewey, [1927] 2016, p. 124). There are two reasons for this suggestion. First, F-Institutions that do not rely on hard power often take their effectiveness from strengthening the democratic process by providing additional information, including underrepresented perspectives, or ensuring a more impartial decision process. Such proposals provide two benefits. They reduce wrongful short-termism and also increase the overall moral legitimacy of the political system. Institutions that rely on hard power often have a negative moral legitimacy value because they infringe the right to political equality or violate the democratic process in some other relevant way, and they also need to trade off the gain in intertemporal justice with the loss in intertemporal sovereignty. Such a trade-off might be justified under certain circumstances, but it surely would require a much higher score in intertemporal distributive justice to compensate for the loss in moral legitimacy and intertemporal sovereignty compared to such proposals that do not violate moral legitimacy in the first place. Secondly, there is no proper empirical evidence that institutions with hard power outperform F-Institutions that do not rely on hard power in order to mitigate wrongful short-termism.

The guiding principle may thus be formulated in the following way: When installing F-Institutions, we should try to maximise long-term both effectiveness and moral legitimacy. To illustrate the guiding principle, consider the following. There may be a proposal for an F-Institution that is highly effective once in place. But if we do not know how to get from here to there, we should consider installing another option that may be less effective once in place but politically feasible, sustainable, and morally legitimate. Similarly, a proposal could score high on effectiveness, political feasibility, and moral legitimacy. However, if it is not going to remain working for an extended period, we should search for an

alternative. There could also be a proposal that scores really high in long-term effectiveness, but if it comes at too high a moral cost, the overall score would be low, and we should not install it if there are suitable alternatives that come with fewer costs on the side of moral legitimacy.

If we assess not a single F-Institution, but a set of institutions, I suggest that long-term effectiveness can be aggregated but that each institution's moral legitimacy within a set needs to be evaluated separately. The surplus in moral legitimacy of one institution should not be able to counterbalance a too negative score in moral legitimacy of another. For example, consider a set of two institutions, *i1* and *i2*. *i1* scores meh in terms of effectiveness but is very beneficial in moral legitimacy because it adds a lot of consideration for underrepresented groups. *i2* scores high on effectiveness but low on moral legitimacy because, for example, it disenfranchises the elderly. Considered by itself, many would object to implementing *i2*. However, considered as a set, the negative moral legitimacy score could balance out by adding up the score in moral legitimacy of *i1* and *i2*. To do so is a mistake in my view. The benefit in moral legitimacy caused by *i1* should not outweigh the negative moral legitimacy score of *i2*. I think this constraint is required to attribute the correct value to moral legitimacy. We owe everyone and thing their and its due respect each and every time, not just on average.

Designing sets of F-Institutions has two important advantages that I will highlight in detail in chapter 9. when I propose a set of F-Institutions. Firstly, designing sets of institutions allows for symbiotic effects. Installing two F-Institutions may result in overall effectiveness being higher than the addition of their individual levels of effectiveness would suggest. For example, this can be the case because different institutions work at different points of the policy circle and thereby leverage the input of the other institution. Secondly, sets of institutions also allow us to hedge our bets by including low-effectiveness-high-feasibility and high-effectiveness-low-feasibility proposals.

One further thought concerns the relevant agents. For different agents, different trade-offs may be appropriate. For example, while an activist may protest for an institution that seems inaccessible in the short run, this may open the door for more modest proposals by NGOs. And while politicians may leverage their influence by opting for an incremental approach, others may want to aim for a more revolutionary strategy. Thus, given different social and professional positions, some agents may aim for more ambitious and thereby less accessible institutions, while others may want to opt to go for a less ambitious project to leverage their position effectively. Of course, this is no excuse for those who defend too modest proposals on the basis that their social or political position would not allow them

to advocate for more – perhaps they had a duty to place themselves in a different position in the first place.

Similarly, different agents may think in different time frames and, as such, different implementation strategies may seem more attractive to them than others. Connected to this theme is the question of implementation strategies and transformation processes. I elaborate on this in the following chapter.

A critic may still not be satisfied with the guidance provided in this section. My response is this: You ask for something that cannot be supplied in the abstract. We can only provide the relevant considerations and give as much concrete guidance as is possible: There is no algorithm for deciding which proposal to implement. Hence, to say more is not possible at this stage. There are, however, better and worse ways to deal with the remaining ambiguity. I suggest taking the best procedure for resolving the issue. And this is to make the decision democratically. I develop this thought further in section 8.2.

## 7.4 Conclusion

In this chapter, I review the discussion and suggestions for criteria for the assessment of F-Institutions. The usual comments on this subject are rather tenuous, and apart from the contributions by Caney and Boston, the criteria are employed in an ad hoc manner and without any indication on how different criteria, such as effectiveness and legitimacy, should be balanced out if they pull in different directions. In section 2. I put forth a set of criteria for the assessment of F-Institutions. These criteria are a) effectiveness, b) political feasibility, c) institutional sustainability, and d) moral legitimacy. I provide a definition of each criterion, explain how it is conceptualised, and importantly, I provide more guidance on measuring how a proposal fares regarding the criteria. In 7.3, I discuss assessing specific proposals and how to trade off the criteria. Given the relevance of the specific institutional and cultural context, balancing the criteria must remain somewhat abstract. Nonetheless, it provides a scheme for assessing F-Institutions and their proposals that allows for a more nuanced evaluation. In the next chapter, I turn toward considerations regarding the implementation of F-Institutions.

## 8. Implementing F-Institutions: Design, Process, & Transformation

In the previous chapter, I have suggested to use four criteria for assessing F-Institutions. However, there is more to be said with regard to the design of such institutions, how they should be chosen and combined. This chapter takes up these issues. First, section 1. provides a list of design considerations that will often make institutions more effective in mitigating wrongful short-termism. These design considerations are specific conditions of an F-Institution's design or methods and heuristics that can be employed to reduce wrongful short-termism in its running. These design considerations can also be employed in implementing and choosing F-Institutions. Secondly, the chapter discusses how F-Institutions are implemented, and I sketch an ideal implementation process employing a citizens' assembly. This is in section 2. Also, I discuss alternative modes of implementation and show why the implementation process I propose is advantageous. Thirdly, in section 3., I aim to move the discussion from mitigating to overcoming wrongful short-termism. While a great number of proposals have been made to mitigate wrongful short-termism, the question of how to overcome wrongful short-termism has rarely been discussed. I argue that installing a single F-Institution is unlikely to suffice and that sets of F-Institutions will be required. Consequently, questions of sequence and strategy raise their heads. I suggest transforming the institutional set by employing the concept of a 'non-reformist reform' (Gorz, 1967) to overcome wrongful short-termism ultimately. I sketch how such a transformative process could be set in motion. Section 4. concludes.

### 8.1 Design Considerations

Michael Rose (2018, Ch. 6) identifies 29 institutions installed at the subnational or national level that either directly aim to further the interest of future people or do so by voicing concerns regarding sustainability. Rose assesses these institutions and finds that at least some are (or have been) equipped with hard political power and can directly influence the political process. Furthermore, Gonzalez Ricoy (2016) finds that 57 constitutions contain some provisions for future generations – albeit often in the preamble.

How effective are the existing F-Institutions? Let us begin with considering legal provisions. Tremmel (2015) maintains that adding a posterity clause in constitutions has had no observable effect on the short-termism of the respective political systems. And Boston finds that

[c]urrently, there is a lack a [sic, JMH] robust data on how the interests of future generations have been incorporated into judicial decisions. There are some examples where principles of intergenerational equity have been invoked in the decisions of courts, but such considerations have not generally received overriding priority.

(Boston, 2017, p. 211)

What about other institutions? The literature often refers to the Hungarian Ombudsman for Future Generations, the Israeli Commissioner for Future Generations, or the Welsh Future Generations Commissioner to indicate the potential of F-Institutions. All of these hold or held considerable hard power, including rights to information and in Israel and Hungary, a de-facto suspensive veto rights on parliamentary decisions (Rose, 2018). Alas, the Israeli Commissioner lasted only from 2001 to 2006 (officially abolished in 2010) and the Hungarian Ombudsman from 2008 to 2011.

The main insight regarding the effects of the Hungarian and Israeli Ombudsman and Commissioner are the reports by the former heads of these institutions (Shoham 2006, 2010 and Fülöp 2014) or their members of staff (Ambrusne 2010), as well as the yearly reports of the Office of the Ombudsman in Hungary (2010, 2011). These documents exhibit the activities of both institutions vividly. However, it is impossible to assess these institutions' actual effect on wrongful short-termism given this limitation and one-sidedness of evidence.

The Welsh Commissioner was only established in 2015 (Davidson, 2020, pp. 87-94), and we have yet to wait to see how it affects Welsh politics. Its supposed success is discussed briefly in Roman Krznaric's *The Good Ancestor* (2020, pp. 177-178), and although there are some signs of hope, it is too early to tell how much influence the Welsh Commissioner actually has (Smith, 2021).

Furthermore, there is a wide variety of proposals for F-Institutions. Boston (2017) identifies 68 different types of proposals for F-Institutions. Studying those proposals, he maintains that they all rely on one or more of the following six types of 'intervention logics' (Boston, 2017, ch. 6; 2021), mechanisms that are meant to mitigate wrongful short-termism in political decision making:

- 1) changing the values and goals of policy-makers so that they care more about future interests;
- 2) changing the political incentives facing policy-makers such that it is in their interests to give more weight to long-term considerations;
- 3) enhancing the capacity of policy-makers to exercise foresight, thereby improving their



anticipatory governance; 4) constraining the formal decision-rights of policy-makers when long-term interests are at risk; 5) insulating policy-makers from short-term political pressures; and 6) enhancing the capacity for coordination across different tiers of government and/or policy domains. (Boston, 2021, p. 102667)

There is no systematic study of which institutions are most effective in mitigating wrongful short-termism, and there is generally little empirical work on the effectiveness of F-Institutions or the intervention logics. Accordingly, the design of F-Institutions can only rely on insights regarding existing institutions to a limited degree.

However, scholars have identified specific procedures, methods, and heuristics that can be employed to mitigate wrongful short-termism in decision processes. These methods, heuristics, and concepts could also be employed in F-Institutions – and in the implementation processes for F-Institutions, as I will argue below – and some proposals have been designed with such considerations in mind. I call these design considerations. Note that these are different from the criteria I suggest for assessing F-Institutions. These design considerations are likely to make the design of F-Institutions better in terms of the criteria suggested but employing these is neither necessary nor sufficient in order to design F-Institutions that score well regarding the criteria developed in chapter 7. A few authors have suggested some design considerations, too. I provide a brief overview next.

MacKenzie (2021, ch. 7) identifies three ‘design criteria’, as he calls them, for future regarding institutions: Independence, inclusion, and deliberation. Earlier work by Göpel and Arhelger (2010, p. 6) highlights the importance of independence, proficiency, transparency, legitimacy, having access, and being accessible as criteria for assessing whether an institution provides a ‘strong mechanism for temporal checks and balances.’ Graham Smith (2021, p. 116-17) similarly suggests five ‘design principles’ derived from a study of deliberative mini-publics and offices for future generations, such as the Hungarian Ombudsman and the Israeli Commissioner. The principles he suggests are a) independence, b) diversity, c) deliberation, d) institutionalisation and e) empowerment. a), d), and e) may require a short explanation. a) means to design institutions independent from party politics and election cycles. Smith suggests this can be achieved through sortition. d) reminds us to design institutions in such a way that they will remain in place, much like my institutional sustainability criterion. Lastly, e) suggests that F-Institutions should have decision-making or (suspensive) veto power.

In contrast to the way I suggest design consideration to be used, MacKenzie and Göpel and Arhelger propose to employ their design criteria much in the same way as I

suggest employing the assessment criteria in chapter 7. Smith (2021, p. 116) suggests that his design ‘principles are not exhaustive. Rather they give us some direction as to how we might craft democratic spaces that promote consideration of the long term and of interests of future generations.’ Thus, there is a crucial difference to observe. As I use the term, design considerations refer to *pro tanto* advantageous, but not necessary, nor sufficient, design features of institutions. Only Smith’s principles seem to concur with this definition.

The design considerations I will focus on are a) deliberation, b) use of future conducive heuristics, particularly back-casting, and c) representation of the future. The reason to focus on these three considerations is that there is relevant empirical evidence that these considerations mitigate wrongful short-termism in decision processes.<sup>29</sup> Noticeably, MacKenzie, Smith and I include deliberation in the list of design considerations. This is also the consideration I will introduce next.

### 8.1.1 Deliberation

The effect of deliberation on decisions can be pretty substantial (Estlund & Landemore, 2018; Goodin & Spiekermann, 2018, ch. 9). Evidence from experiments and observations points to the power of deliberation to mitigate some of the drivers of wrongful short-termism. Dietz, Stern, and Dan (2009) and MacKenzie and Caluwaerts (2021) have conducted experiments eliciting how deliberation affects willingness to pay for environmental goods via tree planting or an additional gasoline tax. MacKenzie and Caluwaerts (2021, p. 12) find ‘that there is a systematic relationship between deliberation and support for climate action policies with near-term costs and future potential benefits.’ Groups that deliberated whether a gasoline tax would be an adequate measure to mitigate dangerous climate change were considerably more likely to accept a raise in the tax than control groups that had not deliberated before giving their opinion via individual ballots. Notably, the effect was the strongest in those cases where participants judged the deliberation as of high quality (MacKenzie & Caluwaerts, 2021, pp. 14-15).

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<sup>29</sup> As noted above, there could be further such design considerations. In particular, two considerations seem promising. First, there is evidence that diversity and inclusion are likely to make decision processes more likely to detect the truth (Goodin & Spiekermann, 2018; Hong & Page, 2004) and the diversity argument has been used by Bidanure (2016) to propose youth quotas in parliament. Secondly, it has been suggested to move decisions to those places that are most affected by the decision. For example, moving the COP to areas of Bangladesh afflicted with the consequences of global heating may influence the decisions taken.

A further study by Koirala, Timilsina, and Kotani (2021) tested the effect of deliberation in intergenerational sustainability dilemma games where groups of three can either decide to save capital to hand it over to subsequent groups (sustainable option) or to maximise the payoff for themselves (unsustainable option). They found that groups that had to decide by vote without deliberation chose the sustainable option significantly less often than those that had to deliberate for 10 minutes. The groups that deliberated and gave a written statement of justification and advice to the subsequent group chose the sustainable option most often (Koirala et al., 2021, p. 8). However, as these cases are based on a ‘cold’ deliberative setting (Fung, 2003), and people would not have to pay, the insights on whether people would support higher taxes or support other sustainable policies to realise long-term gains after deliberation are questionable.

However, studies have also been conducted on actual deliberative settings with real consequences. For example, Niemeyer and Jennstal have studied mini-publics on Australia’s climate change mitigation and adaptation. They have found that these resulted in a ‘stronger commitment to addressing the climate change issue over the long term’ (2016, p. 255), as revealed by follow-up meetings to the Australian Capital Region Deliberative Forum (Hobson & Niemeyer, 2011). A reason for this suggested by MacKenzie is ‘that it can be difficult to defend self-serving perspectives in deliberative environments because any claims that are explicitly self-serving can be challenged by others on those grounds’ (MacKenzie, 2016a, p. 287). A second reason Niemeyer and Jennstal highlight is that deliberation can affect the way people engage and perceive an issue. In the case mentioned above, participants ‘began to think about future generations: not as abstract entities, but as individuals like themselves who would potentially be affected’ by the impacts of dangerous climate change (Niemeyer & Jennstal, 2016, p. 255). Thirdly, MacKenzie (2018, pp. 255-256) suggests that participants in a deliberative setting might want to defend the interest of future people to further their own interests where these interests align because framing a claim in terms of an interest in the long-term may give additional support to an argument.

In order to leverage the effect of deliberation in decision processes, a variety of conditions and requirements have been proposed. Ordinary citizens are able to engage in high-quality deliberation if the setting is arranged appropriately (Dryzek et al., 2019): Specifically, deliberation requires reason-giving. Those reasons should be given in an accessible way so that those who are addressed can take the perspectives of their fellow deliberators. Furthermore, such a process requires some form of facilitation. It is also enhanced by expert testimony and a provision for balanced information.

### 8.1.2 Future Conducive Heuristics

Research also shows that specific heuristics can be employed to reduce wrongful short-termism in decision processes. Heuristics are seldomly discussed with regard to the design of F-Institutions but note that Shlomo Shoham, the former Parliamentary Commissioner for Future Generations in Israel, recalls that one of the major tasks at the beginning of his term was to find methods and principles suitable for long-term decision making (Shoham & Lamay, 2006, pp. 253-257). In the following, I introduce three heuristics proposed for long-term thinking before turning to a specific heuristic that has been empirically investigated and shown to be effective in mitigating wrongful short-termism.

The first heuristic I would like to introduce is a simple question raised by Harald Welzer in his book *Selbst denken* (2013). He suggests that individuals ask themselves, ‘whom will I have been?’ to explore their potential for change and action. Using the future perfect, the question allows one to look back from an imagined standpoint in the future on one’s actions and analyse or judge them from this imagined point in the future. For the purposes of this thesis, this question can be modified to: ‘whom will we have been?’, hence, focusing on the collective potential and responsibility. Following this, one could raise a second question, ‘who would we like to have been?’ This allows focusing on the evaluative issues involved. As most people do care for the future, this may help clarify the normative standards while still maintaining the advantage of opening a field of opportunities that could be taken.

The decision-makers of the Iroquois nations employ the second heuristic I would like to introduce. It is part of the constitution of the Iroquois confederacy and was first delivered orally. It is assumed to be at least 400 years old:

In all of your deliberations in the Confederate Council, in your efforts at law making, in all your official acts, self interest shall be cast into oblivion. Cast not over your shoulder behind you the warnings of the nephews and nieces should they chide you for any error or wrong you may do, but return to the way of the Great Law which is just and right. Look and listen for the welfare of the whole people and have always in view not only the present but also the coming generations, even those whose faces are yet beneath the surface of the ground – the unborn of the future Nation. (The Iroquois Nations, Estimated 1000 AD–1525 AD, §28)

Sometimes it is referred to as the ‘seventh generation principle,’ albeit there is no direct reference to the number seven in the original text. Other indigenous people also employ similar principles, such as the Maori (Krznaric, 2020, p. 86ff.).

The third heuristic I suggest employing is proposed by John Rawls to determine the appropriate rate of savings for each generation. In the original position,

the parties can be required to agree to a savings principle subject to the further condition that they must want all previous generations to have followed it. Thus the correct principle is that which the members of any generation (and so all generations) would adopt as the one their generation is to follow and as the principle they would want preceding generations to have followed (and later generations to follow), no matter how far back (or forward) in time. (Rawls, 1993, p. 274)

As Caney notes, this heuristic

gets parties to choose a principle that is not too onerous (they must comply with it, and so it takes the claims of duty-bearers seriously) and yet not too lax (they must be willing to live in a world in which preceding generations complied with it, and so it takes the claims of rights-bearers seriously). (Caney, 2018b, p. 483)

Recently, some empirical studies were conducted on the effectiveness of back-casting, a heuristic that may help mitigate wrongful short-termism. Indeed, the variations of Welzer’s questions above are a short version of a back-casting process. In such processes, some agents develop scenarios for desirable futures and then ask – chronologically backwards – what would need to have happened for this scenario to realise (Holmberg & Robert, 2011; Quist & Vergragt, 2006). There is a wide variety of back-casting methodologies, and such processes can be enhanced, for example, by a wide variety of participants, 3D visualisation, community short-film projects or logic trees. Back-casting approaches have been used to provide visions and strategies for sustainability in various policy domains (Vergragt & Quist, 2011).

A wide range of studies shows that back-casting approaches are fruitful tools for creating desirable visions of the future and designing coherent strategies for getting there (Kishita, 2020). For example, Aoki, Kishita, Nakamura, and Masuda (2020) studied a participative process in Toyama, Japan, that employed back-casting to make proposals for a sustainable, transformative process of the city. Despite significant plurality in views and

values, they found that the participants produced coherent visions and pathways in the workshops.

Uwasu, Kishita, Hara, and Nomaguchi (2020) also found that assigning the role of ‘imaginary future generations’ to some of the participants lets the workshops maintain a back-casting perspective. This brings us to the third design consideration.

### 8.1.3 Representing the Future

In recent years, several studies have been conducted in Japan on the inclusion of ‘imaginary future generations’ in laboratory experiments (Kamijo, Komiya, Mifune, & Saijo, 2017), as well as a set of workshops in Suita city on the future of the energy system (Uwasu et al., 2020) and a workshop in a smaller municipality on long-term policymaking for up to the year 2060 (Hara, Yoshioka, Kuroda, Kurimoto, & Saijo, 2019). All find that including ‘imaginary future generations’ in the form of assigning some of the attendants the role of future people results in more sustainable policy choices than control groups where such future representatives were not present. In some of the experiments conducted, the role of a representative of future people was deferred by lot (Kamijo et al., 2017), while others had groups of representatives of future people discussing amongst each other (Uwasu et al., 2020).

Kamijo et al. (2017, p. 415) found that assigning someone the role of an advocate for another group in an intergenerational resource allocation game did not only significantly affect the behaviour of the person who took on this role in comparison to persons in the control groups but also affected the choices of the other participants in the group with the representative of an ‘imaginary future generation.’ Importantly, they find that the effect is the greatest when representatives of future generations are included in groups where people are less prosocial (Kamijo et al., 2017, p. 417), thus, less prone to cooperate and less willing to minimise the difference between themselves and others.

Following these studies, I would like to suggest as a third design consideration: including the role of ‘representative of the future’ in deliberative processes in F-Institutions. I suggest representing the future by assigning some of the participants the role of a representative of the future. The future is context-specific and which future to represent is a question that the representatives of the future ought to reflect on – preferably together with the other participants. Their role should not be to represent any specific group or generation. Rather, their role should be to question the various options discussed in the assembly from the point of view of those people who will live under the circumstances decided

upon. Their role is thus, to ask for justification to those people (and possibly also other sentient beings) who will come to exist and who will live with the consequences of whichever decision is taken. In this sense, the number of future representatives or their decision power does not have to be in correspondence to the number of people who will live in each option discussed. What matters is that the interests of these groups are considered appropriately.

It may come as a surprise that I suggest as a design consideration, to assign the role of a representative of the future, after I have raised some objections to representing future people on procedural grounds in chapter 3. However, the reason I suggest adopting this here is instrumental and based on the empirical evidence that having such representatives assigned makes people more likely to choose sustainable options in small deliberative settings. Hence, introducing representatives of the future is primarily justified by the effect that such representatives have on the outcome of the process. For this reason, it is also not necessary to represent future people in proportion to their likely number.

This instrumental argument for the representation of the future is different from the procedural argument for the inclusion of future people in political decisions through representatives in chapter 3. The argument there relied on employing the all affected principle to the long-term and assigning some people the role of being representatives of future people in parliament or other legislative bodies. As a reminder, this raised serious questions regarding the legitimacy of such representatives and the theoretical coherence of the justification. The instrumental argument for representatives of the future avoids these pitfalls.

Let us sum up. Apart from the epistemic advantages generated using these heuristics and methods, these design considerations may also raise empirical legitimacy. Furthermore, these design considerations cannot only be applied to the design of F-Institutions but may also enhance other processes and institutions. Having suggested three design considerations for F-Institutions, I now turn to the process for choosing and implementing F-Institutions.

## 8.2 Choosing and Installing F-Institutions

The question of how best to choose and install an F-Institution regards its ‘moral accessibility.’ This term was coined by Buchanan and is described as follows.

Even accessibility is not enough; ideal theorizing should also satisfy the constraint of *moral* accessibility. Other things being equal, a theory should not only specify an ideal state of affairs that can be reached from where we are (though perhaps only after a laborious and extended process of change), but also the transition from where we are to the ideal state of affairs should be achievable without unacceptable moral costs. (Buchanan, 2004, p. 62)

As Buchanan ascertains, there are better and worse ways to implement an institution or a policy. This issue should be confused with accessibility or feasibility, as discussed in chapter 7. Moral accessibility is not about how difficult or likely it is to get from ‘here’ to ‘there;’ it is about the moral costs or benefits of getting from ‘here’ to ‘there.’

### 8.2.1 A Democratic Process for Choosing and Installing F-Institutions

The given institutional context, the timing, and the public mood are significant factors that cannot be forecasted or put into an ethical algorithm telling us which institution to install. As discussed in chapter 7., installing F-Institutions is fraught with epistemic difficulties. Further, weighing the various values on the table – intertemporal justice, sovereignty, consideration, political equality, nature’s intrinsic value and more – is a task that goes beyond what may and should be expected from this and probably any work in political philosophy. Given the plurality of values and the complexities of the context, I suggest setting up a democratic process to determine which F-Institutions to install. As I will argue, setting up such a process will be beneficial in terms of moral accessibility.

There is a variety of democratic processes that could be employed in order to determine which F-Institutions to install. As future people cannot be included in such processes themselves, special care must be taken to ensure that short-termist interests do not seize the process. The approach endorsed here is to set up a citizens’ assembly<sup>30</sup> tasked with

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<sup>30</sup> I would like to note that ‘citizen’ is an exclusory term, as non-citizens such as migrant workers and refugees are not included. However, there is good reason to include them in deliberations and in the suggested assembly.



proposing for F-Institutions to be installed. Members of the assembly could be selected by sortition and be descriptively representative of the population. Members of such an assembly could meet regularly for an extended period, would consult experts and practitioners, and could use various methods for decisions and vision making, such as facilitated discussions and back-casting. I suggest that the assembly employ various further measures to ensure inclusiveness, transparency, and opportunity to participate. For example, information about the process should be made available pro-actively, and a reasonable remuneration should be paid so that opportunity costs are limited for participants.

In line with the findings reported in chapter 8., it seems advantageous to assign the role of representative of the future to a few participants at each meeting on a rolling basis. Discussions and workshops would be facilitated by trained moderators. Ideally, the process would be set up by parliament, and the final report and proposal of the citizens' assembly would be brought to a public referendum. As a second-best, it would be brought to a vote in parliament. I suggest that this approach could be used repetitively, as it may take many attempts to find a suitable proposal for an F-Institution (or a set of F-Institutions) and gather suitable support from the wider public.

There are several advantages to this approach. First, the process is less likely to be captured by special interest groups or concerns for (re-)election. Thus, some major drivers of wrongful short-termism are mitigated significantly in such processes. Secondly, the proposals by a citizens' assembly can provide backing for politicians to take more demanding steps (Willis, 2021). Third, given the stratified sampling of members, citizens' assemblies include more diverse perspectives, crucially including also minority perspectives that are commonly underrepresented (Landemore, 2013). Further, given that citizens' assemblies will be less likely to be considered part of the conventional political melee, people may exhibit a higher level of trust with regard to decisions or recommendations made by such bodies (Warren & Gastil, 2015).

Mini-publics and citizens assemblies have been used for decisions of high political relevance. For example, in British Columbia and in Ontario, citizens' assemblies were set up to make proposals for electoral reform (Smith, 2009; Thompson, 2008). In Ireland, a Constitutional Convention was set up in 2012 to make a recommendation regarding marriage equality, and in 2016 a citizens' assembly was installed to make recommendations regarding abortion, climate change and further issues (Farrell, Suiter, & Harris, 2018). All of these assemblies were followed up by a referendum. Further, citizen assemblies were installed in the UK and France to make climate policy proposals (Willis, Curato, & Smith, 2022). Participants in all assemblies were lay-persons only and were representative of the respective

population, chosen by lot. Nonetheless, I would like to note that my suggestion to use a citizens' assembly to make recommendations on how to reform democratic institutions is more demanding than the examples just given. To set up a citizens' assembly tasked with proposing reforms of democratic institutions to mitigate wrongful short-termism will require extensive planning of the set-up and sufficient resources to be successful.

The approach advocated here draws both on instrumental and procedural elements and combines them fruitfully and appropriately. Following Simon Caney, I suggest a 'division of labour' of procedural and substantive ideals:

[t]here can be a division of labor between substantive and procedural ideals. The former specify people's entitlements and responsibilities in abstract and general terms. The decision-making procedures cannot challenge or override these principles. However, what they can do is help to determine what these abstract claims about persons' entitlements and responsibilities mean in practice.

(Caney, 2018a, p. 218)

Indeed, Caney (2018a) suggests that only procedural approaches should be allowed to translate abstract substantive claims into concrete claims in practice.

Combining instrumental and procedural elements in this way has two advantages. First, it is normatively sound. Both the solution and the process for arriving at it honour democratic ideals. Beyond the soundness of the approach in terms of the principles it appeals to, it is also likely to fare better in terms of empirical legitimacy. It is more likely that the people will consider an institution legitimate if it was decided on the design and its implementation by the people. For the same reason, it is also more likely that advice or decisions given or made by such an institution will be received favourably. Furthermore, the inclusion of people from different backgrounds will also make the recommendations developed in the citizen's assembly more context-sensitive, thus raising the chance of identifying proposals that are most effective.

Before considering alternative approaches for identifying and implementing F-Institutions, I would like to consider an expected objection. It may be argued that such an assembly should not be descriptively representative of the overall population but that instead, those who are likely to be more affected in the long-term should be given a larger quota. In response, I would like to point out that those who are part of the assembly should all be politically equal. Deciding in advance to exclude some groups or decrease their influence may lower the empirical legitimacy. Instead, I propose in the next section to employ some

specific heuristics and methods so as to make it more likely that the future is considered appropriately.

While relying mainly on an instrumental justification for F-Institutions, my approach attaches a high value to democracy. Indeed, it depends on democratic procedures in determining which F-Institutions should be installed. The duties derived in chapters 2.-5. can ground the installation of F-Institutions as shown in chapter 6. They also provide the basis for assessing effectiveness, as suggested in chapter 7. In this way, the intertemporal duties provide the definition of the outcomes institutional design aims to achieve. However, the difficult task of deciding which set of F-Institutions should be installed should be made – as described above – by democratic procedure.

To sum up, the instrumental justification of F-Institutions Motivated in chapter 6. shows that the present should install F-Institutions to honour its duties towards the future. F-Institutions are required to mitigate and, if possible, overcome wrongful short-termism. While the justificatory approach is instrumental, the approach still attaches a high value to democratic procedures and leaves plenty of room for the democratic process to deliberate and determine the appropriate design of F-Institutions.

### 8.2.2 Other Procedures for Installing F-Institutions

The process described above would be desirable, but it may not be the most feasible process in many instances. The process likely turns out to be much less ideal. Nonetheless, it may still be worthwhile to support the process in such cases where there is reasonable hope that the process may result in the implementation of some F-Institutions. Is there some principle that can guide us concerning which kinds of procedures are to be considered acceptable given the chance of installing some F-Institutions? Let me quote Allen Buchanan again:

Whether the moral costs of transition are acceptable will depend in part upon how defective the current state of affairs is and upon the probability that efforts to reach the ultimate moral targets set by ideal theory will in fact succeed, without substituting other, comparable evils.

Other things being equal, greater costs are acceptable if needed to escape great evils. Yet surely there are limits to what we may do to bring about morally desirable ends. Part of a nonideal theory's task is to provide an account of when the moral costs of transition are unacceptable. (Buchanan, 2004, p. 62)

We can imagine processes that are much less morally legitimate because they are less inclusive and participative. Many of these processes of decision making are also less likely to produce empirically legitimate decisions that take into consideration the many different perspectives and interests involved in such complex decisions. Here are two examples of implementation processes of real F-Institutions that may illustrate some trade-offs.

A vanguardist approach, spear headed by a group of activists, for example, advocating for a specific proposal for F-Institutions, may gain empirical legitimacy over time and generate considerable political force. For example, the Hungarian Ombudsman was installed only about eight years after the environmental NGO Védegyület ('protect the future' or 'fight for the future') began lobbying for such an institution. As a reaction to their work, two MPs presented a bill to parliament in 2002, and their proposal for an ombudsman was discussed in two committees but did not find enough support at the time. In 2006, the NGO made another attempt and achieved support from the public and politicians and forged a proposal accepted by all major parties, including the opposition. In addition, the NGO ensured that the media covered the development by organising press conferences. Parliament decided to install an ombudsman nearly unanimously in 2008 (Ambrusné, 2010; Fülöp, 2014).

Contrast this with the implementation process of the Commissioner for Future Generations in Israel. There, the leader of the junior governing party 'Shinui,' Joseph Lapid – the father of the Alternate Prime Minister and Minister of Foreign Affairs, Yair Lapid – presented the bill to the Knesset in 2001, and it was decided on it after considerable changes to the draft bill in the same year. The later Commissioner, Shlomo Shoham, describes the process as follows: 'The establishment of the Israeli Commission was not preceded by a public campaign or even a public discussion arising from outside the parliament. It was not a result of a bottom-up process, but a totally top-down process imposed directly from the parliament' (Shoham & Lamay, 2006, p. 244). Note then that Commissioner's power and status were scaled down considerably in the bill's final version. Whereas the original bill wanted to install an independent commission with a considerable budget, the final bill reduced the Commission to a body within the parliament with only four staff members. The Commissioner also recalls that one of the major tasks was to attract public support, as the new institution was not well known and was met with some hostility by the media as it was installed at a time when welfare cuts had been decided. Note also that two further motions were made in parliament shortly after the Commission was installed: One seeking to abandon it altogether, while the other wanted to curtail the power of the

Commission further. Both, however, were not supported by a majority of the Knesset (Shoham & Lamay, 2006).

While the approach in Hungary seems to have been carried by a large consensus and public support, the top-down implementation process in Israel appears to have been heavily influenced by the short-term interests of the other parties. Furthermore, the less inclusive process in Israel may have been one of the reasons why the Commission's work was not met with public support for a long time. Note also that the Commissioner's post was not reoccupied after the first term and then formally abolished in 2010 (Teschner, 2013). Different reasons have been given for its abolishment, among them that its operation was too costly and that it was becoming too powerful (Smith, 2020, p. 1000). However, the Office of the Hungarian Ombudsman had an even shorter lifespan. With the adoption of a new constitution in 2011, the Ombudsman for Future Generations was stripped of some of his power, and the office was subsumed under the Office of the Ombudsman for Fundamental rights.

Both approaches sketched here are in the spectrum of normal politics, but there could be approaches that go beyond this. Specifically, a vanguardist approach may also make use of civil disobedience to highlight the grave injustice that is done to future people. Depending on the context and the other options available to political agents, such measures could well be justified in an attempt to ensure that F-Institutions are installed. Note that Rawls also thought that democratic decisions could be contested and reason for disobedience if they do not entail an appropriate level of savings for the future:

there is no reason why a democrat may not oppose the public will by suitable forms of noncompliance, or as a government official try to circumvent it. Although one believes in the soundness of a democratic constitution and accepts the duty to support it, the duty to comply with particular laws may be overridden in situations where the collective judgement is sufficiently unjust. There is nothing sacrosanct about the public decision concerning the level of savings; and its bias with respect to time preference deserves no special respect. In fact the absence of the injured parties, future generations, makes it all the more open to question.

(Rawls, 1971, p. 296)

Given the bluntness of wrongful short-termism in many political decisions today, it seems that many approaches to implementing F-Institutions seem morally accessible, albeit there are surely trade-offs that I have tried to allude to. Moreover, elements of these approaches

can be combined in fruitful ways to maximise the chance of installing F-Institutions. Given the variety of political agents that are potentially involved in such a process and the diversity of contexts in which such a process takes place, the specificities have to be left to decide by those who attempt to change the institutional set. Many roads are open to them.

Besides moral accessibility, another consideration regards the feasibility of different implementation processes. The hurdles of setting up a citizens' assembly may outweigh the benefits in terms of legitimacy and quality that such a process may deliver. Note also that time may be a crucial factor. Establishing certain processes may take longer than the benefits in terms of more appropriate proposals would justify. Again, agents ought to consider the political context carefully.

To sum up. F-Institutions can be implemented in many different ways. I suggest that, ideally, a citizens' assembly is established and tasked with identifying suitable F-Institutions. The final decision is ideally taken by referendum. I suggest that this approach is most likely to suggest F-Institutions that are well suited to the political context and that the process would also confer a great deal of empirical legitimacy on the established institutions. However, given that such a process may take (too) long and require too many political resources, other approaches, including those relying on civil disobedience, seem justified considering moral accessibility, too.

One crucial aspect of the political process toward F-Institutions should be how to conceive of this implementation process and whether it is part of an overall strategy regarding the sustainability of the political system. This is the question to be explored in the next section.

### 8.3 From Mitigating to Overcoming Wrongful Short-termism

Mitigating wrongful short-termism can happen in various ways. Simon Caney suggests three different tacks to engage with the drivers of wrongful short-termism: a) reduction, b) prevention/isolation and c) harnessing:

First, proposals might seek to *reduce, or eliminate*, the underlying psychological factors that cause short-termism (e.g. reduce lack of knowledge or tendencies to procrastinate). Second, they might not seek to reduce the psychological factors that cause short-termism, but rather try to prevent these factors from affecting the policymaking process. ... Most ambitiously, third, one might try to exploit some of the psychological factors listed, and seek to channel and *harness them to promote greater protection of long-term interests*. (Caney, 2016, pp. 145-146, italics in the original)

Differentiating these responses is essential as some drivers may also have positive effects that are useful in other ways or can, as suggested by Caney, be employed in order to reduce wrongful short-termism.

Whether an F-Institution would reduce, insulate politics from, eliminate, or harness drivers of wrongful short-termism, if it is only partially effective, that is, if it only results in the mitigation of wrongful short-termism, we have only partially succeeded in overcoming wrongful short-termism. However, not to overcome wrongful short-termism is to fail the future – future people and future selves. It causes (pro tanto) unnecessary wrong: People today fail to meet their responsibility towards the future if they do not attempt to overcome wrongful short-termism but instead only mitigate it.

In the following, I will argue that the F-Institutions discourse should move from discussing how to mitigate wrongful short-termism to considering the more demanding question of how to overcome wrongful short-termism. As it is unlikely that a single F-Institution will overcome wrongful short-termism, multiple F-Institutions have to be installed. Consequently, new questions regarding strategy and sequencing arise: How can F-Institutions be combined? Does the sequence of implementation of F-Institutions matter? In the following, I flesh out the argument for overcoming wrongful short-termism in more detail and suggest a strategy for this purpose in section 4.

### 8.3.1 Overcoming Wrongful Short-termism through Single F-Institutions?

Many innovative and desirable proposals for F-Institutions have been made in the discourse. However, most authors openly acknowledge that these will not be silver bullets: These proposals would only be partially effective – they would not overcome wrongful short-termism. This is not surprising, given the diversity of the drivers contributing to wrongful short-termism presented above.

Even the most advanced F-Institution proposals do not aim to overcome wrongful short-termism. Consider, for example, the proposal to implement ombudspersons for future people (Beckman & Uggla, 2016; Brown-Weiss, 1988; Gesang, 2018; Göpel, 2012; Göpel & Arhelger, 2010). As noted above, Ombudspersons for the future have been adopted in Wales, Israel, and Hungary.

The primary function of the ombudsperson in most of these institutions and proposals is to review the implementation of relevant laws and act as a kind of complaint officer for citizens. The ombudsperson is commonly suggested to have the power to exert investigations and has a right to information. Its core purpose is to combat the absence of future people through voicing their interests. In cases where an ombudsperson credibly represents future people in the discourse, this could reduce wrongful short-termism in the political discourse and decision making. Installing an ombudsperson for future people may thus mitigate the effect of one of the most severe drivers of wrongful short-termism.

Furthermore, an ombudsperson for future generations might affect the overall political discourse. Politicians may feel the need to justify their decisions to future generations publicly, and citizens may be reminded through the ombudsperson of the relevance of today's decisions for future people. Moreover, an ombudsperson may also affect the policy formulation phase. Legislators may be less likely to suggest policies that are likely to face critique from the ombudsperson. Installing an ombudsperson for future people may thus reduce wrongful short-termism effectively.

An ombudsperson may reduce wrongful short-termism to some extent, but it is unlikely to counterbalance the effect of all the drivers of wrongful short-termism. Consider, for example, the influence of special interest groups on the policy process. They can lobby the agenda stage, policy assessment period, and everything in between. I can see that an ombudsperson could affect the political discourse, and it could balance to some extent the absence of future people, but I cannot see how it could balance out the influence of organised interests in all phases of the policy cycle. Nor is an ombudsperson likely to annihilate the effects of all those motivational and cognitive drivers that contribute to wrongful short-



termism. However, this does not render installing ombudspersons a bad proposal. On the contrary, it may still be one of the better cards on our hands.

There may be other proposals that would be more effective if installed, but I have not come across a proposal that claims to eradicate the problem of wrongful short-termism. Again, this is not necessarily a flaw of these proposals, but it raises strategic questions that require further discussion, as I will show below.

### 8.3.2 Why Mitigating Wrongful Short-termism Is Not Enough

As suggested in the introduction, the consequences of short-termism can be disastrous and will often amount to wrongs of enormous scale. The worst that could result from a failure to overcome wrongful short-termism would be the collapse of human civilisation (Bostrom, 2013; Ord, 2020). Leaving the worst-case aside, failing to overcome wrongful short-termism may result in preventable wrongs to millions or billions of people ranging from an unjustified inequality in capabilities to function to avoidable catastrophes, global heating, and lacking even the most basic conditions to live a life worth living (Bostrom & Čirković, 2008). Hence, mitigating wrongful short-termism is a good but insufficient aim.

In order to make good on our responsibility to the future, we will need to overcome wrongful short-termism. Indeed, given the consequences of wrongful short-termism, it seems difficult to underestimate the wrong that may be caused to the future by not trying to overcome wrongful short-termism but instead settling on mitigating wrongful short-termism.

The problem that we are facing has two dimensions. First, most proposals are not designed to and cannot be designed to address all the drivers of wrongful short-termism. This is due to the complexity and the strength of short-termism. Consequently, there will be no effective proposal in absolute terms – no single proposal will overcome wrongful short-termism. Call this the effectiveness problem. Secondly, even if such a proposal could be designed, it would likely be very infeasible. This is due to wrongful short-termism itself. It makes it challenging to build majorities for reforms, such as installing F-Institutions, that are not likely to make many people better off in the short term (Jensen, 2015; Kates, 2015). Call this the feasibility problem.<sup>31</sup> In combination, the two problems result in the claim that it is unlikely that a single F-Institution will suffice to overcome wrongful short-termism.

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<sup>31</sup> Note that the feasibility problem is distinct from the Münchhausen problem of motivation discussed in 6.5. The feasibility problem does not say that it is not feasible to install any F-Institution due to short-termism. It only says that absolutely effective F-Institutions (those that would overcome wrongful short-termism) are very infeasible.

Proposals for F-Institutions will either be effective and very infeasible or only partially effective and feasible (or ineffective and infeasible).

Acknowledging that a single F-Institution will not do the trick raises two questions about F-Institutions that the discourse needs to address. First, we need to think about combining F-Institutions and find ways to assess which sets of institutions seem promising. Secondly, we ought to consider the installation sequence: Does it make a difference which F-Institution is installed first, given that we want to overcome wrongful short-termism and will thus need to install more than one F-Institution?

Recently, some authors have started discussing the advantages of having sets of F-Institutions (González-Ricoy, 2020). As Tonn (1996), Caney (2016, 2019) and Rose and I (2020) show, sets of F-Institutions can be designed to mitigate wrongful short-termism more effectively. The advantage of such a package of institutions is that it can use multiple intervention logics to deal with the drivers of wrongful short-termism at various stages of the policy process. In this way, synergies could be created between different F-Institutions that, in combination, make it more likely that wrongful short-termism is mitigated effectively. However, these proposals still face the feasibility problem.

In the following, I will take up the question of sequence and suggest a strategy for installing multiple F-Institutions that may have the potential to overcome wrongful short-termism ultimately.

### 8.3.3 A Strategy for Overcoming Wrongful Short-termism?

We need a strategy for installing multiple F-Institutions, as a single institution will not suffice. Installing multiple F-Institutions could be done in a single step or as part of a process. However, considering the scale of the task, it seems improbable to install as many F-Institutions at once as will be required to overcome wrongful short-termism. Again, this seems infeasible. Accordingly, I will focus on designing a strategy for installing multiple F-Institutions at different points in time. In the following, I will introduce the concept of non-reformist reforms as a potential base for a strategy to overcome wrongful short-termism through F-Institutions.

There could be various ways to sequence the implementation of F-Institutions. Moreover, these strategies may have different consequences on how the political system is transformed. Here, we may draw on André Gorz's concept of 'non-reformist reforms' (Gorz, 1967). Gorz sketches this concept when reasoning about the potential of the socialist movement in Europe in the late 60ies. He suggests that a revolutionary act has become

infeasible and thus begins the search for ‘reforms which advance toward a radical transformation of society’ and ‘assume a modification of the relations of power’ (1967, p. 7 & p. 8). He calls these ‘non-reformist reforms’ in contrast to ‘reformist reforms’ ‘which subordinate their objectives to the criteria of rationality and practicability of a given system and policy’ (Gorz, 1967, p. 7).

Gorz’s concept has been taken up by Nancy Fraser and Michael Kates in their reasoning about reforming the democratic system. Fraser describes non-reformist reforms as follows:

[t]hey set in motion a trajectory of change in which more radical reforms become practical over time. When successful, nonreformist reforms [sic; JMH] change more than the institutional features they explicitly target. In addition, they alter terrain upon which later struggles will be waged. By changing incentive structures and political opportunity structures, they expand the set of feasible options for future reform. Over time their cumulative effect could transform the underlying structures that generate injustice. (Fraser, 2003, pp. 79-80)

Kates employs the concept of non-reformist reforms to consider how to make democracy more intergenerationally just. I will discuss his approach in the following section. However, before, I want to show that some F-Institutions may be better suited to initiate a transformative process than others.

Compare, for example, the effects of a national fund for future generations, such as the Norwegian Future Fund, with the effect of policy impact statements. The Norwegian Future Fund is an independent fund with a volume of 1.3 trillion US \$ (Reiche, 2010). It invests the surpluses from Norway’s petroleum industry according to some ethical criteria to secure Norway’s post-petroleum prosperity. The Future Fund effectively insulates decisions regarding savings for the future from political influence. It makes it more difficult for people at  $t_2$  to renege and thus makes it more likely that people at  $t_3$  will receive its share. The Future Fund thus effectively mitigates the intertemporal commitment problem that may arise by insulating this decision from the democratic process.

Consider, for contrast, introducing policy impact statements. In brief, the idea is that every policy proposal would be investigated concerning its effects in the long term, and the findings would be presented publicly before a decision on the relevant policy is made (Thompson, 2010). Policy impact statements may mitigate the effects of important

drivers of wrongful short-termism: Policy uncertainty and an out of sight/out of mind mentality may be reduced considerably.

Both of these F-Institutions are likely to mitigate wrongful short-termism to some extent. However, a crucial difference between these institutions is that the mitigative effect of policy impact statements may also affect how feasible it is to install further F-Institutions. As installing policy impact statements reduces the influence of some relevant drivers of wrongful short-termism in all policy processes, it may become easier to install further F-Institutions in the future. This is not the case with a future fund, as it does not mitigate any driver of wrongful short-termism in general policymaking but only serves to insulate one policy choice from democratic melee. Thus, it seems that creating a future fund would not make installing further F-Institutions more feasible, while this may be the case with policy impact statements.

Some F-Institutions, Posterity Impact Statements being an example, may serve as a springboard for making the political system less wrongfully short-termist. They have the character of a non-reformist reform and may thus change the political landscape so that further F-Institutions could be installed more easily. Having established that some F-Institutions may contribute more to installing F-Institutions than others, I now want to consider Kates' application of the non-reformist reform approach.

#### 8.3.4 First Steps Towards Overcoming Wrongful Short-termism

As discussed in section 6.7, Kates (2015) believes that it is not feasible to install F-Institutions directly due to motivational difficulties. In response, he develops a strategy for installing F-Institutions based on the concept of a non-reformist reform. He maintains that one should not aim to install F-Institutions directly but instead change the given institutional set to make it more likely that such institutions can be installed in the future by altering the current system's incentive structures. This is because Kates believes that the democratic bias towards the present would make it impossible to install F-Institutions directly (Kates, 2015, p. 514). Once the political institutions are reformed so that it is feasible to install F-Institutions, Kates suggests choosing those institutions that are both politically feasible and benefit future people and are also in line with the interest of the currently living. He further points out that any proposal should find support in the general public by appealing to quasi moral motifs such as love and sympathy.

In section 6.7, the motivational objection regarding the feasibility of F-Institutions has been shown to be an overstatement. F-Institutions have been installed in many

jurisdictions (Boston, 2017; Rose, 2018) and the observation that political systems exhibit a bias towards the present is also no reason to believe that installing F-Institutions is infeasible for the reasons given above. Nonetheless, employing a non-reformist reform approach may still be plausible once we target installing F-Institutions straight away instead of focusing on getting the existing institutions right. In the following, I will elaborate on how a non-reformist reform approach may be employed to overcome wrongful short-termism.

Employing a non-reformist reform approach requires us to look beyond the first step to take. If there is no direct path to our goal, is there something we can do to reach the goal, nonetheless? We have to consider that it is likely to take multiple steps to overcome wrongful short-termism. However, the most effective proposal for mitigating wrongful short-termism is not necessarily the one that brings us closest to overcoming wrongful short-termism if we consider installing multiple F-Institutions. It seems paramount to identify those proposals that do not only effectively mitigate wrongful short-termism but can also set in motion a transformation of democracy. It requires F-Institutions that mitigate wrongful short-termism effectively and serve as non-reformist reforms.

As will show in the following, installing some F-Institutions may make it more feasible to install other F-Institutions later, while the same seems unlikely for other proposals. Applying the concept of a non-reformist reform to the problem of wrongful short-termism tells us to consider which F-Institutions display the highest potential for setting off a transformation of the political system that minimises wrongful short-termism and potentially overcomes it. Similarly, Simon Caney argues that we should start with installing F-Institutions that make it more likely that legislation is not biased towards the present (Caney, 2016). Thus, Caney (2016, p. 152) emphasises the question ‘what political environment is most hospitable for setting up ... forward-looking schemes?’

Drawing on the discussion above, I suggest that it is more likely that F-Institutions that mitigate or eradicate or harness the effects of wrongful short-termism can fulfil this function. If some driver’s impact is reduced or harnessed, it should often be easier to install further F-Institutions later on and may thus make proposals for more effective F-Institutions feasible that currently would be considered infeasible. This contrasts with proposals that only aim at insulating certain decisions from the democratic process. Often, these have no direct effects on further decisions within the democratic process and thus do not make it more likely that further F-Institutions are installed.

To make the case more vivid, consider again the proposal for Intertemporal Performance Indicators, an F-Institution that seems well suited to reduce and harness some drivers of wrongful short-termism (and ensure that future people are considered in today’s

decisions, as suggested in sec. 3.3.2). Intertemporal Performance Indicators are installed to keep track of long-term aims and evaluate political performance over a more extended period of time than the usual annual or three-year reviews. Proposals for such indicator sets have been advanced by Caney (2016) and the Oxford Martin Commission for Future Generations (2013). For example, the Oxford Martin Commission suggests setting up an index that would include the following indicators: The 'median (rather than average) household income; biodiversity protection; quality of civil registration systems; the nature and scope of long-term institutions, committees and infrastructure; planning and budgeting horizons; company "health" metrics; transparency of tenure and selection of leaders; openness of decision-making processes; measures to enhance female and youth participation; rule of law deference and stability; carbon neutrality; and change in inequality over time' (2013, p. 62).

Implementing such performance indicators may help change the incentives faced by politicians, 'what counts politically,' and may also enhance long-term accountability (Boston, 2017, p. 176; Stiglitz et al., 2009). Intertemporal Performance Indicators may mitigate some drivers of wrongful short-termism, including policy uncertainty and, to some extent, the incentive structure of the political game. Adopting such indicators may thereby harness the self-interestedness of political actors and thus mitigate the effects of election cycles and accounting asymmetries. They may also push political actors towards adjusting the heuristics employed in policymaking.

Beyond the immediate effects of Intertemporal Performance Indicators regarding the reduction of wrongful short-termism, I suggest a second and crucial advantage of installing this proposal. Such indicator sets would pave the way for installing further F-Institutions. As they would change the political incentive structure, it would become easier to commit further to institutions that give due consideration to the future. Indeed, more demanding proposals that seem beyond reach in the current state of affairs could become feasible. Intertemporal Performance Indicators may thus be the first step towards overcoming wrongful short-termism.

A transformation of the political system that will set it free of wrongful short-termism will likely require many steps. I will highlight potential further steps in my F-Institutions starter set in the following chapter. In line with a non-reformist reform approach, we should try to set in motion such a trajectory of change and be ready to install further F-Institutions as opportunities arise.

## 8.4 Conclusion

This chapter suggests employing a range of heuristics and methods to ensure the future's due consideration. Deliberation, back-casting, and including representatives of the future are likely to mitigate wrongful short-termism in political decisions and should be considered methods to be used in F-Institutions and beyond.

Furthermore, I argue that the procedural and instrumental approaches discussed in the earlier chapters of this thesis can be combined fruitfully. In section 8.2.1, I describe an ideal democratic process for deciding which F-Institutions to install. The process uses a citizens' assembly that is representative of the overall population. Also, such an approach is more desirable than less democratic alternatives for reasons of legitimacy but also of epistemic quality. However, given the severity of wrongful short-termism, I suggest that most political roads to implementing F-Institutions seem morally accessible.

Lastly, I discuss how best to sequence the implementation of F-Institutions given that a single F-Institution is very unlikely to overcome wrongful short-termism. I argue that there is an advantage in thinking about this process as a transformation of the political system and that it is best to begin with reforms or new institutions that make such a transformation towards the eradication of wrongful short-termism most likely.

To conclude, a non-reformist reform approach to installing F-Institutions will suggest installing F-Institutions first that make a transformation of the political system towards zero wrongful short-termism more feasible. There thus seems to be a good reason to begin to install F-Institutions that, in one way or another, make political actors less short-termist so that it is more likely that they will favour the installation of further F-Institutions. This way, a transformative process may be triggered that allows us to overcome wrongful short-termism eventually. Intertemporal Performance Indicators may be particularly suited to kick off such a transformative trajectory.

## 9. Seven Institutions for the Future: A Proposal

This chapter proposes a set of F-Institutions that are effective in the long term and morally legitimate. Before I elaborate on which institutions I suggest installing, I want to connect the arguments that brought us here.

§1. Thus far, I have argued for three duties to the future (chapters 2.-5.):

D1 A duty to consider and give justification to future people when taking political decisions that affect the future (ch. 2. & 3.).

D2 A duty to ensure that they enjoy some form of constitutional democracy, and ideally at least as much democracy as the present (ch. 4.).

D3 A duty to honour their basic rights, and ideally to ensure the future enjoys a set of capabilities at least as good as the present (ch. 5.).

§2. I have also set out why states do not honour these duties and shown that this causes serious wrongs (ch. 6.).

§3. This situation calls for reforms. Accordingly, I have set out four criteria that institutional reform should honour (ch. 7.):

- a) Effectiveness
- b) Feasibility
- c) Institutional sustainability
- d) Moral legitimacy

§4. Finally, I have discussed considerations that should inform the design of F-institutions and the implementation process (ch. 8.).

In the following, I continue this discussion and propose a set of F-Institutions that could work as a starter set. Specifically, I argue that if some or all of the F-Institutions I propose were installed, this a) would mitigate wrongful short-termism to a substantive extent, b) would do so more effectively and legitimately than other proposals for F-Institutions, and c) would provide a strong basis for installing further F-Institutions in accordance with a non-reformist reform strategy.



Before I can present my proposal, I want to comment briefly on the justification for this specific proposal and the reasons for suggesting a particular institutional set, after having proposed in the previous chapter, that ideally, a citizens' assembly would debate which F-Institutions to install. After this, I will introduce the set I propose (in section 9.2). This includes, amongst others, a discussion of its likely effects, its limitations, and the knowledge we have regarding similar institutions. In 9.3, I evaluate the proposed set based on the criteria I have developed in chapter 7. and discuss why this set is advantageous compared to many alternatives. Section 9.4 concludes.

## 9.1 Justification and Democratic Design

There are two issues that deserve discussion before I can turn towards my proposal. First, the advantages and complications of justifying this starter set of F-Institutions on the basis of three separate duties may raise questions. Secondly, I turn to the question of the democratic thrust of my proposal for a starter set, given that I have suggested that, ideally, a citizens' assembly should suggest which F-Institutions to install.

Each duty specified in chapters 2. to 5. would provide the grounds for installing F-Institutions independent of the two other duties. Taking the three duties together, the case for installing F-Institutions gains additional strength. The present is responsible for ensuring that the future receives appropriate consideration and justification, and it needs to ensure that future people are sovereign and enjoy at least their basic rights.

Two questions arise from the threefold approach developed in the previous chapters: i) Is one of the duties more robust and should take priority over the others? ii) Do they always point in the same direction – and if not, how are they to be balanced or perhaps traded-off? I will take the question in turns. The question of priority is a tough one and it would require more space to give a full account of how the three duties should relate. Nonetheless, I would like to highlight some considerations that may clarify my position in this regard.

First, I would like to refer to my discussion in chapter 7., section 3. There, I do discuss how the four criteria for assessing proposals for F-Institutions should be traded off. The following argument takes the same contour. I do not think that any duty holds lexical priority over the other duties or that they can be ranked. However, the duty to ensure that future people enjoy basic rights seems to be more fundamental in one crucial respect: Without future people enjoying their basic rights, there is no point in them having institutions to govern themselves or having received justification for the past's decisions.

However, what should be done in cases where we cannot have it all? Which duty should one try to fulfil if one cannot fulfil all? My first answer is that, in most cases, trying to live up to one duty will also make it more likely that the other is fulfilled. Or that it is possible, at any rate, to identify such options that satisfy all duties. This conviction is based on the argument in 7.3, where I suggest that better democratic institutions will often result in fairer outcomes.

Nonetheless, there may be cases where the duties have to be traded off. In such cases, I suggest employing the aggregate relevant claims method by Voorhoeve (2014). I have briefly explained this method in section 7.3. The gist of it is that only those claims of individuals should be considered that are relevant to the strongest claim. These can then be aggregated and weighted against each other according to their strength and number.

The second issue that may raise suspicion in the reader is that I will shortly propose a new set of institutions to be installed to mitigate wrongful short-termism after explaining that I believe that the best method to choose and implement F-Institutions is through citizens' assemblies. I have two reasons in support of this two-pronged approach. First, I think that the discourse should discuss both first- and second-order democratic designs. While my proposal for an implementation process is a second-order design according to Saward's (2021) definition, the proposal for my starter set is a first-order design. As such, these proposals answer different questions: One answers the question 'how should we choose which F-Institutions to install?' the other answers 'which F-Institutions should we install?' The one proposal focuses on the process, while the other provides a proposal that can be chosen in such a process.

Secondly, I would like to highlight that the proposal for using citizens' assemblies to choose which proposal to install is only one option out of many. As I have discussed in chapter 8. section 2., there are other legitimate and feasible ways to choose which F-Institutions to install (if any). And amongst such processes, the one I have proposed is probably not the most likely adopted. Further, within such a process, the proposal that I am about to make is but one option that can be chosen among a wide variety of options. Making a specific argument for such an option does not mean that I want to bypass the democratic process. To the contrary, I offer this proposal and my justification for it to inform the debate on which F-Institution to install. Having clarified these matters, I proceed by introducing my starter set.

## 9.2 F-Institutions: A Starter Set

Here, I list seven suggestions for F-Institutions that together make up the starter set for mitigating wrongful short-termism. I do not contribute a new proposal but build on existing proposals for F-Institutions and make amendments to their design based on the arguments presented in earlier chapters. In a policy paper for the Foundation for the Rights of Future Generations, I have proposed, together with Michael Rose, a set of F-Institutions specifically for the German institutional context (Rose & Hoffmann, 2020; Rose & Hoffmann, 2018). This starter set builds on these proposals as well as on those of many other authors, including Simon Caney (2016, 2019), Dennis Thompson (2010, 2016), as well as Patrizia Nanz and Claus Leggewie (2019).

In my view, the starter set I propose here is in many ways an advancement, not least because it considers recent findings regarding the effects of deliberation and other methods for increasing the consideration of the future. I provide a more thorough analysis of the proposal as a set in section 9.2. Now, I turn to describe each element of the starter set in detail. I sketch the main features of each institution, describe the intervention logics it employs, cover its main limitations, point out the drivers the institutions may affect, draw attention to existing institutions of similar design, and sometimes add some further comments. I provide an overview of the proposed set of F-Institutions in a table in section 9.2.1.

### Policy Impact Assessments

The idea is to assess policy proposals before their implementation with regard to their long-term consequences. Policy or Posterity Impact Statements have been proposed many times. For example, Thompson (2010, 2016) suggests assessing policies on whether they make government more or less democratic, while the German Advisory Council on the Environment, in its special report on politics within ecological boundaries (Hornberg et al., 2019), suggest employing these for all sorts of policy fields.

The assessments could either be produced by the relevant ministries or independent research institutions. An Independent Research Council could be established to assist with Posterity Impact Assessments (see below). Often, governments have specific institutions for the long-term effects of their policies anyhow. Ideally, Posterity Impact Statements are produced in all policy fields and with multiple temporal horizons. It is important that these assessments are mandatory and produced already in an early phase of policy development to allow any stakeholders to get involved before the draft bill is discussed in

parliament or decided upon by the executive (Hornberg et al., 2019, p. 171 ff.). The assessments should follow a prespecified procedure and be publicly available to ensure transparency and quality. I suggest that a citizens' jury scrutinises the assessment before a draft law is discussed in the legislative. The report by the citizens' jury should be publicised and attached to the draft bill, too. Furthermore, governments should be required to publicly justify if they decide to enact a policy despite it being considered unjust towards the future according to the Posterity Impact Statement or the citizens' jury. Lastly, there should be a periodic review process of passed policies that reassess their impact, especially regarding the impact on future people.

Similar existing institution: In Baden-Württemberg, one of the German states, sustainability assessments of all regulations made by the executive have been compulsory since 2011 (Rose, 2018, pp. 309-316). For the assessment exists a detailed guideline. While the assessment is conducted by the relevant ministries, the main findings have to be presented as a part of the justification of the draft policy. According to Rose (2018), this is the only policy assessment that is legally binding and requires effects on future people to be taken into account.

Main Intervention Logic: Enhance information base for long-term decisions, avoid over-looking long-term effects, enhance debate and understanding of long-term issues, raise justificatory requirements of policymakers (Boston, 2017 ch 6).

Limitations: For policy impact assessments to be effective, they need to be mandatory and work by a prespecified procedure. They must also be publicly available before any decision is taken to allow civil society to scrutinise the draft process and participate in the deliberative process.

Further Comments: For the German context, the federal environmental agency (Tappeser & Weiss, 2017) has developed a catalogue of guidelines that may be used for policy impact assessments. So far, on the national level, there are no binding guidelines on how to assess policies concerning sustainability in Germany, albeit policies ought to be assessed on this matter according to the rules of operation of the Bundestag (Rose, 2018, pp. 389-394). Often, policy impact assessments are conducted by the relevant ministries themselves without being publicly scrutinised.

Drivers Affected: Policy impact assessments are likely to mitigate some policy uncertainty, a driver that is a particularly strong contributor to wrongful short-termism in the wider public (Jacobs & Matthews, 2012). Furthermore, they require public justification of effects in the long term and thereby mitigate some of the attention-based biases, such as time

preference, ignorance, and out of sight – out of mind that may be present among politicians and the wider public.

### Intertemporal Performance Indicators

Caney (2016) suggests employing performance indicators that better keep track of long-term aims, and secondly points out that the performance should be evaluated over more extended time periods instead of the usual annual or three-yearly reviews. Similarly, the Oxford Martin Commission for Future Generations suggests setting up an index that would include the following indicators: The ‘median (rather than average) household income; biodiversity protection; quality of civil registration systems; the nature and scope of long-term institutions, committees and infrastructure; planning and budgeting horizons; company “health” metrics; transparency of tenure and selection of leaders; openness of decision-making processes; measures to enhance female and youth participation; rule of law deference and stability; carbon neutrality; and change in inequality over time’ (Oxford Martin Commission for Future Generations, 2013, p. 62).

This provides a good start, but ideally, the performance indicators should be drawn from our views on intertemporal justice and sovereignty. This is why I suggest assessing the performance against a basic rights standard and Nussbaum’s list of capabilities (2011, pp. 76-78) for this purpose. However, given that an indicator set based on Nussbaum’s list of capabilities may be difficult to access in the short term politically, a more viable suggestion would operate with a more minimal set of indicators that could be determined by the Future Council on the national level (see below). This could be open for regular discussion at Visions for the Future Weeks (below), too.

Similar existing institution: Balanced budget requirements have been constitutionalised in seven states (Amick, Chapman, & Elkins, 2020). After years of advocacy work by the NGO GenerationSqueeze, the Canadian federal budget includes a rating of its ‘intergenerational impact’ since 2019, which indicates whether an investment disproportionately benefits the young or old (Canadian Department of Finance, 2019, p. 256; Kershaw, 2019). Further, Vanhuyse (2013) assesses OECD countries’ performance along with an intergenerational justice index, including criteria such as poverty among children vs elderly, spending on education, and public debt per person.

Moreover, sustainability indicator sets are employed in various countries. Still more comprehensive, the ‘Gross National Happiness Index’ is employed in Bhutan to measure government performance. The indicator includes measures for psychological wellbeing,

health, good governance, and biodiversity (Adler, 2009; Dragsback Schmidt, 2017; Schroeder, 2018).

Main Intervention Logic: This may help to change the incentives faced by politicians, but also ‘what counts politically’, and may also enhance long-term accountability (Boston, 2017, p. 176).

Limitations: It is inherently difficult to measure the long-term effects of policies and government performance. Furthermore, each set of indicators comes with specific moral assumptions (Zuber, 2016). For example, indicator sets may include considerations of new debt taken up by governments. Taking up public debt may be considered intertemporally problematic, but arguably must not be so, as these debts can be taken up to invest in goods valuable in the long term, such as education or infrastructure.

Further Comments: Stretching the relevant time frame and using more advanced (sets of) metric(s) for government performance measurement is an important tool for tilting the political game towards the long term (Boston, 2017, ch 10; Stiglitz et al., 2009). Various alternative performance indicators are discussed in the literature. Some are specifically geared at certain policy areas, while others are meant to be employed in order to evaluate government performance. Some focus on natural resources and capacities, while others focus on human resources or processes (Zuber, 2016).

Drivers Affected: Again, this would help reduce policy uncertainty, but also, to some extent, the incentive structure of the political game and could thereby harness the self-interestedness of political actors.

### Select Committee for the Future

Select Committees for the future or sustainable development have been widely proposed (Caney, 2016, 2019; Foundation for Democracy and Sustainable Development, 2018) and operate in some countries, such as Finland and Germany. Caney proposes that the Committee for the Future should scrutinise all policy proposals and would have a right to call for justification by the government as well as hold it accountable (Caney, 2016, p. 136).

This is also how the Committee is designed in the proposal by Rose and me (2020, p. 21). Here, I propose that the Select Committee receives a broader mandate.

The Committee’s primary task is to advocate for the long term in all aspects of government. This involves two tasks specifically. First, it is tasked with establishing intertemporal justice and sovereignty as a core principle in all areas of the Government. It would hold accountable the executive regarding its policies and programmes based on

these principles, which are specified in the Intertemporal Performance Indicators (above). This includes assessing the Government's performance concerning its commitments in the Government's Future Manifesto (below). Secondly, it is tasked with organising and feeding back to the Government the visions and suggestions developed at the Visions for the Future Weeks (see below). The Select Committee should be staffed appropriately and also command an appropriate budget.

The role of the Committee is similar to that of the 'imaginary future people' in the studied citizens' assemblies and experiments of the Japanese Future Design Initiative (Kamijo et al., 2017; Saijo, 2020a). By taking on the role of imaginary future people and using methods such as back-casting (Hara et al., 2019), the Committee could establish a long-term perspective within the political discourse. Indeed, it has recently been shown that politicians are capable of making claims in the name of future people. MPs in Belgium make claims in the name of future people infrequently and mostly if re-election is of little concern (Vermassen, Caluwaerts, & Erzeel, 2022). Accordingly, Vermassen et al. (2022, p. 17) suggest installing Committees for the future to 'inject future generations' needs into the core of parliamentary decision-making.' Furthermore, Kinski and Whiteside (2022) show that members of the German Parliamentary Advisory Council for Sustainable Development conceive of themselves as representatives of future people.

Similar existing institution: In Finland, the Committee scrutinises the Government's Manifesto for the Future (discussed below) and produces reports on future trends. First introduced in 1993 and a standing committee since 2000, it is one of the oldest F-Institutions in existence and part of the wider Finnish foresight framework, including a Future Research Centre at the University of Turku and a Government Report on the future published every parliamentary term (Boston, 2017, 401-414; Rose, 2018, 322-7). In a recent study, Koskimaa and Raunio (2020) examined the Committee for the Future and found that its impact had been mainly indirect. Many of the Committee's reports have influenced subsequent policy decisions. The Committee, furthermore, has an educative function. Its members often work in other Committees or join the cabinet in later parliamentary sessions and take the learnings from the Committee with them (Koskimaa and Raunio, 2020, p. 16). A recent study by Heikkinen (2020) supports Koskimaa and Raunio's findings.

In Germany, the Parliamentary Advisory Council on Sustainable Development is not a permanent select committee but is instituted each parliamentary session anew. It is charged with scrutinising the Policy Impact Assessments for new policies, but without any academic staff, it is not able to perform any qualitative analysis of the impact assessments (Kinski & Whiteside, 2022).

Main Intervention Logic: According to Boston (2017, ch 6), such committees work by an enhanced analysis of long-term issues and sometimes also more advocacy of the interest of the future.

Limitations: Koskimaa and Raunio (2020) and Heikkinen (2020) have studied the Finnish Committee for the Future and found that its main effect was a dispersion of knowledge regarding long-term events and processes (which helps mitigate some of the epistemic drivers of wrongful short-termism, such as the out of sight – out of mind effect) and an educative effect, as many politicians would later serve on other committees or in the executive and would then use their insights previously gained in the Committee. A full select committee would have more formal powers and could perform policy assessments, but Koskimaa and Raunio (2020) suggest that this may come at the cost of the soft-power effects of the Finnish model.

Further Comments & Suggestions: The German Advisory Council on the Environment, in its recent assessment of German F-Institutions (Hornberg et al., 2019), as well as Rose and I (2020), propose to make the Parliamentary Advisory Council a Select Committee and to raise its budget, to ensure that it has sufficient academic staff to perform qualitative policy assessments.

Another point to note is that a Select Committee for the Future gives the Future a sort of address, an institution that is primarily tasked with considering the future and ensuring that these considerations are not ignored in politics. Among the institutions in my starter set, this is the institution that comes closest to the commonly proposed representatives or ombudspersons of future people. Note, however, that the committee is not tasked with representing the future. Instead, it is tasked with ensuring intertemporal justice and sovereignty and providing a platform for the visions developed in the Visions for the Future Weeks. It is politically accountable to the present, not the future.

Drivers affected: On my version of the Select Committee for the Future, it would affect various drivers. First, scrutinising all policy proposals would mitigate positive illusions, optimism biases, tendencies to procrastinate, and ignorance regarding creeping problems. Secondly, it would raise transparency and reduce a lack of trust in the government, which negatively correlates with long-term investments.

## Future Manifesto

Simon Caney (2016, also 2019), expanding on the Finnish Governmental Future Report, proposes to require the Government to issue a Governmental Manifesto once per



parliamentary term. Caney suggests that the Manifesto needs to respond to long-term trends and challenges described in the reports of an Independent Research Council (described below), while Rose and I recommend a 30-year time span in our policy paper (Rose & Hoffmann, 2020, p. 23). My suggestion here is that the time horizon of the Manifesto should depend on the specific challenges that the Manifesto needs to respond to.

Similar existing institution: In Finland, each new government is required to issue a Governmental Future Report, the theme of which is chosen by the Prime Minister (Koskimaa & Raunio, 2020).

Main Intervention Logic: Reduces overlooking of long-term risks, improves political information base and quality, provides a basis for public debate and understanding (Boston, 2017, ch 6).

Limitations: The Governmental Manifesto may be employed by the government to put a topic of its liking on the agenda. To avoid this, the topic of the Manifesto should be a response to issues or trends specified by an independent body, such as the Independent Research Council (see below), as suggested by Caney (2016). Furthermore, the Future Manifesto requires public scrutiny to become effective. For this reason, I suggest it be scrutinised by the opposition and the Committee for the Future. It is thus best combined with a mechanism that puts the future onto the agenda, such as the Vision for the Future Week (described below).

Further Comments & Suggestions: Caney combines the Governmental Manifesto with the Independent Research Council and the Vision for the Future Day (both discussed below) but stresses that the Manifesto could become part of every parliamentary session. In Finland, the government's report is published around the middle of the parliamentary term, but the Committee of the Future's reply on it is submitted only at the end of the parliamentary session when the parliament is busy with other issues (Koskimaa & Raunio, 2020, p. 10). It seems advantageous to scrutinise the Future Manifesto closer to its publication.

Drivers Affected: The Future Manifesto may help mitigate some of the epistemic drivers of wrongful short-termism, especially the out of sight / out of mind bias, policy uncertainty and creeping problems. This may affect politicians and the wider public, as all are required to deal with long-term issues at least at some point in the parliamentary calendar.

### Vision for the Future Week

These are specific events in the parliamentary term with the purpose of putting the future on the agenda. In my proposal, they have a twofold function. First, during the Vision for

the Future Week, the Governmental Manifesto is scrutinised in parliament by the opposition and the Committee for the Future with assistance from the Independent Research Council (see below), and future challenges, obstacles and opportunities are discussed. Second, the Vision for the Future Weeks are public events held annually where co-creative processes are offered on the local and regional level and in organisations and schools to envision desirable futures. These can be organised by the local Future Councils (see below) with assistance from the Committee for the Future and other public bodies. At the local Vision for the Future Weeks, various themes can be discussed, and visions can be developed using back-casting or scenario games to imagine the future more vividly and create a deeper understanding of long-term trends and nexuses.

My proposal advances on Caney's (2016) proposal for a Vision for the Future Day, where the Governmental Manifesto is scrutinised. Later, he suggested that the Vision for the Future Day could be broadened so as to discuss also other issues of relevance for the future (Caney, 2019).

Similar existing institution: Since 2019, Finland has held a Vision for the Future Day, the Tulevaisuuspäivä (Pouro, 2019). In Finland, the Tulevaisuuspäivä is organised by several organisations, among them the Finnish Futures Research Centre at the University of Turku and the association of Finnish Municipalities. The Future Days are co-creative processes that aim to envision desirable futures in schools, companies, and municipalities (Tulevaisuuspäivä, 2020).

Main Intervention Logic: Caney (2016, pp. 136-137) describes this as follows: 'The process of public justification can have a chastening effect, and by instituting such a feature into the parliamentary process, it would put pressure on politicians to take the impacts of their decisions on the long-term seriously.' Further, the Vision for the Future Day may enhance the public debate and information basis (Boston, 2017, ch 6), and its co-creative element may bring to the horizon a desirable future that one can imagine vividly. Vividly imagined futures might reduce the relative imbalance between considerations of the present and the future, as suggested by Saijo (2020b, p. 3).

Limitations: The Vision for the Future Weeks could be employed by the government as an event for self-adulation. To avoid this, the Governmental Manifesto should be up for scrutiny by the opposition but also by the Independent Research Council, NGOs, and the public.

Further Comments & Suggestions: It is desirable to have the event organised in a collaboration of the government (or governments) with many other stakeholders to ensure that an inclusive platform for long-term thinking and envisioning is created.

Drivers Affected: The accountability element of the Visions for the Future Weeks is likely to minimise the effects of procrastination, optimism biases, ought of sight – ought of mind mentality and creeping problems as the long term is taken into focus in parliament and the public at least once a year. The citizen assembly element can reduce individual discount rates for the long term (Nishimura, Inoue, Masuhara, & Musha, 2020). If some participants are given the role of ‘imaginary future people’, the vision process is more likely to envision sustainable futures (Nakagawa, 2020). Further, the use of back-casting allows envisioning tangible and plausible visions of the future with lay people (Aoki et al., 2020). This may reduce policy uncertainty, too, as long-term interactions between policies and systems become more comprehensible.

### Independent Research Council

These are institutions tasked with horizon scanning, reporting long-term trends, opportunities, and challenges, and assessing potential solutions and difficulties. This institution has also been proposed by Caney (2016), and foresight institutions of a similar character already exist in various countries. I suggest that the members of the council are chosen by their respective academic associations, including both the social and the natural sciences, as well as relevant humanities. The councils are independent and produce regular reports on any issue they deem relevant in the long term. However, the reports should not only discuss any long-term issue but also highlight how this will affect people in the future and plausible strategies to deal with these. These reports are made publicly available to inform the debate on the relevant issues. Furthermore, the Independent Research Council supports the assessment of the Governmental Manifesto and the creation of Posterity Impact Statements.

Similar existing institutions: Research Councils that focus on the long term or sustainability exist in many countries, such as the UK, the US, Germany, Finland and many more. For example, in Germany, the German Advisory Council on Global Change and the Advisory Council on the Environment consult the executive (Rose, 2018).

Main Intervention Logic: Strengthening the information base (Boston, 2017, ch 6).

Limitations: The value of reports regarding the long term by Independent Research Councils is only harnessed if they are publicly available and widely discussed. Often, such councils are installed by the executive and their reports are prepared in response to government requests. It seems advantageous to install councils independent of the executive and free to

engage with issues they consider important. For the same reason, members of the council should not be selected by the executive but by the relevant academic associations.

Further Comments: There is evidence from the UK Committee on Climate Change that the reports produced by that independent advisory institution were used by politicians in parliament across the political spectrum and that the institution did not simply function as a ‘legitimiser’ of politics, but that its report were rather used to call for more ambitious and evidence-based policies (Averchenkova, Fankhauser, & Finnegan, 2021).

Drivers Affected: Independent Research Councils would specifically help to deal with ‘creeping problems’ (Glantz, 1999), and they would also mitigate the effects of policy uncertainty and an out of sight – out of mind mentality.

### Future Councils

Future Councils are advisory councils much like citizens’ assemblies on the local, regional, national, and international levels. The seats should be allocated by statistically stratified sortition among all members of the public. The members would serve for two years and should receive sufficient remuneration. The councils set their own agenda and are supported by trained facilitators. Their task is to make recommendations to the relevant political bodies (parliament, city council etc.), and the relevant legislative and executive bodies are required to respond publicly to the recommendations made by the Future Councils. Future Councils, as described, have been proposed by Nanz and Leggewie (Leggewie & Nanz, 2013; Nanz & Leggewie, 2016, 2019). To make Future Councils more attentive to long-term challenges and chances, I suggest that ten to 20 per cent of the assembly members have to take on the role of an imaginary future person as tested under laboratory conditions by (Kamijo et al., 2017) and successfully tested in sets of participatory workshops on long-term policy issues by Uwasu et al. (2020) and Hara et al. (2019). The role of imaginative future persons should rotate so that every member has to take the role at some time.

Similar existing institution: In 2019, a citizens’ council and a citizens’ assembly were established in the German-speaking district of Belgium (Van Reybrouk, 2019). Both institutions have no explicit mandate with regard to the future and are thus similar to Nanz and Leggewie’s proposal (Nanz & Leggewie, 2019). The council’s 24 members are drawn by sortition from the German-speaking public and serve for 18 months. The council’s task is to identify relevant issues and questions so that these can be discussed in the citizens’ assembly. The assembly consists of up to 50 members that are supposed to gather three times in three months regarding any specific issue. They can hear experts and stakeholders in order

to make policy proposals on the themes set by the council. The district parliament must meet with the assembly's members twice with regard to each topic and is required to respond to the assembly's recommendations.

Main Intervention Logic: Raising awareness for long-term issues and effects (Boston, 2017, ch 6). Niemeyer (2020, p. 16) argues further that mini-publics such as the proposed Future Councils 'can serve to decontaminate public debate of anti-reflexive strategic arguments and reshape public discourse.' Hara et Al. (2019) and Uwasu et Al. (2020) find that having some participants in participative workshops regarding long-term policy issues raises the awareness of the perspective of future people and ensures that future peoples' interests receive more consideration than control groups without imaginary representatives of the future.

Limitations: There is no guarantee that even very inclusive and fair democratic processes lead to intertemporally just outcomes, especially when the affected are excluded (Goodin, 1992; Wong, 2015). However, the design considerations presented in section 8.1, deliberation, back-casting, and inclusion of representatives of the future, are all positively connected with a reduction of wrongful short-termism. This is why I suggest amending the design of the Future Councils as suggested by Nanz and Leggewie and employing these methods.

Further Comments: Whether mini-publics and citizens' assemblies are conducive to long-term considerations partly depends on the circumstances of the deliberation and their quality. Thus, good facilitation processes are instrumental. Importantly, whether people are willing to incur a short-term cost for long-term benefits is affected by how individuals perceive the quality of deliberation, which can markedly deviate from inter-subjective observation (MacKenzie & Caluwaerts, 2021).

Drivers Affected: Policy Uncertainty and complexity may be reduced. Future Councils might also balance out some of the influence of special interest groups and may make reneging by succeeding governments less likely, as they could raise awareness in the wider public.

### 9.3 Why This Starter Set?

So far, I have only provided an overview of the seven new institutions that I think should be installed. In the following, I want to give some justification for the suggested institutions and emphasize some of the symbiotic effects they may generate. I follow the criteria developed for the assessment of F-Institutions in chapter 7.

Before discussing and evaluating the proposal in greater depth, I want to provide a better overview by providing a summary table. It lists all the seven components of the set, its main intervention logic, the drivers mainly affected, which parts of the policy cycle are mainly affected, and the political level.

Proposal	Intervention Logic	Drivers Affected	Policy Cycle	Political Level
Posterity Impact Assessment	Enhance information base for long-term decisions, avoid overlooking long-term effects, enhance debate and understanding of long-term issues, raise justificatory requirements of policymakers (Boston, 2017 ch 6).	Policy uncertainty, time preference, ignorance and out of sight/out of mind mentality.	Policy Formulation, Policy Adoption, Evaluation	National
Intertemporal Performance Indicators	Changes the incentives faced by politicians, but also ‘what counts politically’, and may also enhance long-term accountability (Boston, 2017, p. 176).	Policy uncertainty, incentive structure for political agents.	Policy Formulation, Policy Adoption, Evaluation	National (& international?)
Select Committee for the Future	According to Boston (2017, ch 6), such committees work by an enhanced analysis of long-term issues and sometimes also more advocacy of the interest of the future.	Positive illusions, optimism biases, tendencies to procrastinate and ignorance regarding creeping problems. Raises transparency & thus may also reduce a lack of trust toward the government (which negatively correlates with long-term investments, according to Jacobs and Matthews (2012)).	Policy Formulation	National

Pro-posal	Intervention Logic	Drivers Affected	Policy Cy- cle	Political Level
Future Manifesto	Reduces overlooking of long-term risks, improves political information base and quality, provides a basis for public debate and understanding (Boston, 2017, ch 6)	Epistemic drivers of wrongful short-termism, especially the out of sight /out of mind bias, and creeping problems; also, policy uncertainty.	Agenda Setting	National
Vision for the Future Week	Enhance the public debate and information basis (Boston, 2017, ch 6). Co-Creative is likely to create more vivid pictures of the future. Vividly imagined futures might reduce the relative imbalance between considerations of the present and the future, as suggested by Saijo (2020b, p. 3).	Procrastination, optimism biases, ought of sight/ought of mind and creeping problems. Time preference (of participants) & policy uncertainty.	Agenda Setting	National
Independent Research Council	Strengthening the information base (Boston, 2017, ch 6).	Creeping problems, policy uncertainty, & out of sight/out of mind mentality.	Agenda Setting	National

Proposal	Intervention Logic	Drivers Affected	Policy Cycle	Political Level
Future Councils	Raising awareness for long-term issues and effects (Boston, 2017, ch 6). Niemeyer (2020, p. 16) argues further that municipalities such as the proposed Future Councils ‘can serve to decontaminate public debate of anti-reflexive strategic arguments and reshape public discourse.’ Hara et Al. (2019) and Uwasu et Al. (2020) find that having some participants in participative workshops regarding long-term policy issues raises the awareness of the perspective of future people and ensures that future peoples’ interests receive more consideration than control groups without imaginary representatives of the future.	Policy Uncertainty, influence of special interest groups, & credible commitment problem.	Agenda Setting, Policy Formulation	Subnational & national

Table 1. *F-Institutions – A Starter Set. Own illustration.*

Having provided an overview of the set I propose, I now turn to its assessment.

### 9.3.1 Effectiveness (Absolute)

All institutions included in the starter set are likely to decrease the effects of some drivers of wrongful short-termism. Furthermore, some of the proposals made could also harness some of the driver’s effects for the benefit of the future. Consequently, it is more likely that political decisions will give due consideration to the future and take decisions that are intertemporally just and honour the sovereignty of the future. The following arguments support the plausibility of these claims.

In one way or another, the proposals made here alter the democratic decision procedure. The underlying consideration driving this starter set is to direct the attention of the



political process towards the long term at multiple stages. The aim is not just to make it less easy to ignore the future but to make it easier and more common to spend time deliberating in the long run.

As suggested in chapter 7., it is helpful to consider which stages of the policy cycle would be affected by the proposed set of institutions and how. The institutions in the starter set would make alterations within most stages of the policy cycle. Let me illustrate.

The Independent Research Council, the Visions for the Future Week, the Future Manifesto, and the Future Councils should have effects at the agenda-setting stage as they either enhance the information base, provide a platform for the creation and diffusion of visions for the future, engage with long-term trends publicly or deliberate issues of long-term relevance. Together these alterations should make it more difficult to frame policy choices as distributive choices in the here and now and more likely that policy choices are considered as long-term investments.

The policy formulation stage would also be altered in multiple ways. First, the metrics for a policy proposal's success would be adjusted by employing the Intertemporal Performance Indicators. Secondly, each policy proposal would be subject to a Posterity Impact Assessment – scrutinised by a citizens' jury – and, thirdly, the proposal would also be discussed and scrutinised by the Committee for the Future. Fourth, the Future Councils may recommend policies for adoption to the relevant legislative bodies.

Adding these institutions would make it less likely that policies focusing on the short-term are considered viable or beneficial from the perspective of political agents. Importantly, the choice structure is altered so that political actors find it more difficult to avoid intertemporal choices by optimising their political gains through short-termist policies. Of course, there is a chance that voters are not interested in policies that do not exclusively focus on the short-term, and in such cases, the performance of the set of institutions proposed would suffer. However, this is unlikely to be the case in so far as citizens do often exhibit interest in the long term. For example, a representative study in Germany recently found that only 26 per cent of the citizens believe that the government would do enough to mitigate climate change, while only 16 per cent believe the same regarding the economy (Gellrich, 2021, p. 5). The combined effect of these institutions may be a kind of laundry mechanism of the public discourse. Short-sighted and short-cut arguments may be sorted out in favour of more reflexive arguments through a web of nests of long-term discourses (Niemeyer, 2020).

The Policy adoption stage would require taking into account the effects on the future by acknowledging the reported long-term impacts in the Posterity Impact

Assessments, and a public justification would be required if a policy is adopted despite its assessment indicating its unsustainability. While the institutions proposed here would not make it more difficult for special interest groups to influence the policy adoption through some kinds of insulation mechanisms, it would still be more difficult for them to ensure that their short-term interests are maximised, and they will thus be more likely to be satisfied with long-term policy investments.

At the implementation stage, there is no direct change.

The evaluation of a policy would change as the process would be made along with a new set of Intertemporal Performance Indicators, and because the timeframe of the evaluation would be increased, too. Also, each policy would be reviewed a few years after its implementation with regard to its long-term effects in line with the requirements of the Posterity Impact Statements.

By installing this set of institutions, political actors would be incentivised to pursue long-term strategies, and it would be more costly for them to adopt or advocate short-term policy options. This is in line with the discussion of the drivers of wrongful short-termism in chapter 6. The general finding there was that while all political actors are somewhat biased towards the short-term and that their motivation, habits, and attention management makes it more difficult for them to conceive politics as an intertemporal choice situation where benefits can be optimised in the long run, it is not the case that political actors are exclusively focused on the short-term and not able or not wanting to consider the long term.

Let me illustrate this again by pointing to Alan Jacobs' (2011) findings regarding decisions on pension systems in Canada, the US, the UK, and Germany. While Jacobs finds that the pressures of the electorate and politicians' aim to be re-elected are strong features of politics, both features were not decisive in decision making on pension systems. Instead, Jacobs highlights the importance of how policy choices are framed, what narratives are told and which information is used (Jacobs, 2011, pp. 30-31). The set of institutions proposed here will make it more likely that policies will not be understood as distributive measures, burdening some actors with additional costs and providing benefits for others, but instead will allow them to be understood as intertemporal investments. As Jacobs puts it:

[D]emocratic politics abounds with ideational and structural forces that can bias choice definitions away from investment. And, as the necessary-conditions framework implies, many things have to go right – policy dilemmas have to be favorably aligned across multiple classes of actor – for investment to emerge. But where they

do confront ineluctable trade-offs between pain today and greater pain tomorrow, voters, politicians, and organized interests will be much more willing to accept costly policy investment as the least-bad option before them.

(Jacobs, 2011, p. 252)

By providing several steps within the policy cycle that allow for pause and reflection, ensuring a better informational basis, adding several steps of public justification and accountability, and requiring some methods for the consideration of the future to be employed in deliberations, many of the biases that make it difficult to consider the long-term consequences of actions are mitigated.

Another way to frame this point's relevance is to highlight agenda setting, priming, and framing effects. Long-term trends, impacts, and visions are introduced at multiple stages of the policy cycle, and it is likely that this stimulates related thoughts and ideas by political actors and thus raises the probability that they will respond by constructing an appropriate agenda. By requiring the government to state its intentions regarding the long term in the Government Manifesto, a special form of priming, the 'mere measurement effect' is used, which says that people are more likely to stick with their intentions if they have asserted these (Thaler & Sunstein, 2009, p. 81). Furthermore, a rising frequency of information regarding long-term policy impacts may change how politics is framed and may underline its temporal structure and the importance of making long-term choices. This is further enhanced by making clear that the governments' performance is measured based on Intertemporal Performance Indicators and is scrutinised by the Committee for the Future on this basis.

Implementing this starter set may also harness some of the drivers of wrongful short-termism. The proposals made here are designed to make intertemporal policy choices more efficient, which will be beneficial to future people, and everyone interested in what happens after the next election. Importantly, this may also be in the interest of many political actors, in so far as they want to ensure their longer-term interests are realised. Specifically, once these institutions are in place, it will be more likely that self-interested politicians will take the longer term into account because the Governmental Manifesto and the Posterity Impact Statements require arguments to be framed so that they are fit for the long term. Through the accountability mechanisms of the Standing Committee for the Future and the Intertemporal Performance Indicators, this effect may be enhanced further. The set of institutions may also cater to the self-interested citizens in so far as it may highlight the loss

of potential gains beyond the parliamentary period and may allow them to raise their projected profits in the longer run.

Note also that the starter set makes use of a variety of intervention mechanisms such as strengthening the information base (Independent Research Council, Posterity Impact Statements), strengthening commitment through accountability (Future Committee, Intertemporal Performance Indicators), raising the quality of public deliberation (Vision for the Future Weeks, Governmental Manifesto). Installing a set of institutions like the one proposed here thus has the advantage of using multiple intervention mechanisms at various stages of the policy cycle. This may result in the ‘mainstreaming of long-term interests into day-to-day decision making’ (Boston, 2021, p. 11)

Nonetheless, the proposal has its short-comings. I would like to disclose two. One worry is, of course, that the incentives that the set of F-Institutions proposed here may still not be sufficient to outweigh the competing short-term incentives. Indeed, it is likely that this starter set will not suffice to overcome wrongful short-termism and that there will still be a significant pull towards the present in many political decisions. However, the claim here is limited in so far as I only claim that this set is likely to reduce wrongful short-termism to a significant extent, but that additionally, it will kick off a transformation of the political system by making it more likely that further F-Institutions can be installed.

A second concern is that the proposal I offer does not attend to all drivers of wrongful short-termism to the same extent. This is for three reasons. First, there are some drivers, that cannot be altered, such as the absence of future people or uncertainty regarding the future. There are, of course, ways to mitigate the problems that arise out of these drivers by institutional means, but the drivers themselves cannot be removed. Secondly, however, not all drivers are likely to be ameliorated by my proposal to the same extent and cannot be. As I will note in section 9.3, there are further proposals that I think are worth implementing and implementing them, too, would mitigate wrongful short-termism to a larger extent. However, one has to start somewhere and with the set proposed, I try to provide a reasonable balance. I have tried to design the proposal in such a way, that there are many ‘entry points’ for a consideration of the future in the policy cycle. Nonetheless, one may reasonably disagree with my suggestions, for example, because one believes specific drivers of be of smaller or greater influence. Thirdly, there are some drivers that may be mitigatable in some way, but where I have not been able to identify an appropriate institutional proposal. Among these is the identifiable victim effect. This effect may be reducible through affective or narrative interventions. However, I have not come across a procedure or institutional proposal that would ensure this.

To sum up. It is plausible that this set of institutions would mitigate wrongful short-termism to a significant extent, however, it is unlikely to overcome it. To strengthen the case for this set, I will consider its relative effectiveness compared to some other proposals.

### 9.3.2 Effectiveness (Relative)

As noted in chapter 7., it is not only important to assess how well a set of institutions may do if installed, but also to consider alternative institutions and assess their effectiveness comparatively. To this end, I make some suggestions on why the institutions proposed here may outperform other institutions that have been suggested.

A notable difference compared to many other proposals is that the set of institutions I propose does not have any hard power. The institutions cannot veto or suspend any decisions. This is often considered necessary to ensure that the political process gives due consideration to the future (e.g. Ekeli, 2005; Göpel, 2014; Stein, 1998; Thompson, 2010). Others argue that a new institution should have the capacity to propose draft bills to the parliament (Tremmel, 2018b). The set of institutions I propose would not have this capacity either.

There seems to be a fundamental split between those who propose some form of hard power, often combined with the claim for the representation of the future, and those who seek to mitigate wrongful short-termism by other means. I believe that the approach taken here is advantageous in terms of feasibility (discussed in the next section) and effectiveness. I have five reasons for this.

First, multiple F-Institutions I propose are designed to employ methods and processes that have been shown to reduce wrongful short-termism in political decision making in empirical studies. The visions of the Future Weeks, the Governmental Manifesto, and the Future Councils are designed to use the deliberation effect shown to reduce wrongful short-termism. The Vision of the Future Week, the Parliamentary Committee for the Future, and the Future Councils, I also suggest employing back-casting. As I show in section 8.1, there is some evidence that the methods I suggest being employed by these institutions produce coherent policy proposals that give due consideration to the future. Lastly, the members of the Parliamentary Committee may function as representatives of the future in parliamentary discourses, and some members of the Future Council may be assigned the role of representatives of the future, too. Assigning the role of representatives of future people to some members of the discourse has been shown to reduce wrongful short-termism, too. For more details on the design considerations, see section 8.1.

Second, the institutions introduced here are likely to support each other. For example, the reports of an Independent Research Council are likely to make the Visions for the Future Week more effective. And the Research Council may also support the Posterity

Impact Assessments. Similarly, installing Intertemporal Performance Indicators may make it easier for the Committee for the Future to hold the government accountable.

Third, with some F-Institutions, such as the representation of the future in parliament or ombudspersons, as suggested by Dobson (1998), Ekeli (2005), Wells (2014) and (Göpel, 2014), there is a justified fear of moral crowding out. Jensen (2015) suggests that non-future representatives and the public may feel that they do not have to consider the future anymore, as F-Representatives, guardians or similar would already fulfil this task. I think that this worry does not apply to the institutions suggested here and, more generally, that none of these institutions would undermine the effect of other F-Institutions if installed as a package or later. On the contrary: one of the advantages of this starter set is that it would make other F-Institutions that may be installed later more effective and also more feasible.

Fourth, my proposal is also not limited to any policy field. While some suggest focusing on certain policy fields, such as finance or ecology (e.g. Tremmel, 2015), my proposals are open content-wise and are thus more flexible and adaptive. They are also not limited to a specific temporal scope as they do not only represent the interest of a certain group, such as the young, future people, or the environment but instead ensure that long-term effects are considered appropriately.

Lastly, wrongful short-termism is a complex problem, and as I have shown in chapter 6., many different drivers contribute to it: Some of the drivers are related to the human condition, others are a product of the way the political process is currently organised, and some are a consequence of politics being situated in time. A single institution is unlikely to succeed in mitigating the effect of all these drivers of wrongful short-termism (Boston, 2021; González-Ricoy, 2020). An adaptive and reflexive approach is more likely to combat wrongful short-termism successfully. I do not consider this starter set a solution to wrongful short-termism, but I think it would allow entering a transformative process of the set of political institutions that may at some point overcome wrongful short-termism.

### 9.3.3 Feasibility

Concerning feasibility, I would like to submit that all proposals seem reasonably feasible, albeit this will vary with regard to political history and culture. This is, of course, a matter of context and one proposal will be more fitting and find more support in one place than another. Nonetheless, it does not seem to be the case that any of the proposals made here stand against any major obstacles per se. This is not to downplay the challenge of installing

any of these institutions in a short-termist political system, but given the evidence that installing F-Institutions is possible even when the general economic situation is rather bleak (Rose, 2018), I cannot find any reason not to try to.

However, compare this with the various proposals for F-Institutions with hard power. These proposals seem less feasible, for they would need the support of those whose power they would curtail. Why should political actors with short-term motives be interested in setting up an institution that would constrain their capacity to pursue these interests? In contrast, the set of institutions proposed here is not likely to be seen as a threat to one's political power in so far as it avoids picking out some as more suited to making long-term decisions and it also avoids constraining the decision power of any existing institution.

#### 9.3.4 Institutional Sustainability

How likely is it that any of these proposals, if installed, will last for an extended time? Again, this is hard to say, given the relevance of the political and institutional context. However, I would like to point out that my proposals have two advantages over many other proposals in this regard.

First, Jörg Tremmel (2018a) argues that F-Institutions with a single person in the leadership role could be less stable, as these could draw more criticism on them, and their choice could be more controversial than if a group would take their place. The Israeli Commissioner for the Future and the Hungarian Ombudsman for Future Generations, the two most powerful F-Institutions according to Rose (2018), were both institutions headed by a single person and abolished after a few years illustrates this. Further, Graham Smith (2020) contends that single-headed institutions, such as commissioners and ombudspersons, are more fragile and vulnerable than other institutional designs and are also less able to represent the plurality of interests of the future. To ameliorate these weaknesses, Smith suggests that these F-Institutions should employ public participation preferably through deliberative mini-publics to raise their legitimacy. In any case, my proposals avoid these concerns, as the institutions I propose are not headed by single persons and many would foster participation. Moreover, if a new office is created, then there is no single person heading the office, but it is organised as a council, and the selection processes are either legitimised through elections, selection through professional associations, or stratified sortition.

Secondly, consider that many other proposals employ constraining mechanisms that can be considered 'destructive' (Tremmel, 2015, p. 224), such as suspensive vetoes. Such design features may cause an institution to sow the seeds of its own destruction. My



starter set avoids these potential pitfalls and is thus less likely to attract criticism through vetoing a political decision that has been taken by an elected government or by proposing bans on certain products, processes, or policies.

In any case, it should not be easier to get rid of these institutions than of any other institution, except for any additions to codified constitutions. The set of institutions I propose has no obvious weaknesses and is unlikely to fall prey to some politician's short-termist interests. At least not without expectable public criticism.

#### 9.2.5 Moral Legitimacy

I cannot see that any of the institutions included in the starter set infringe any relevant considerations of substantive or procedural justice. Let us take a closer look. Procedural justice concerns whether a decision is democratically legitimate. No institution within the starter set makes any changes to the core democratic procedures such as the rules for deciding who decides, nor do they change the franchise, the kinds of participation employed (e.g., direct or indirect participation), nor do they violate political equality.

Further, none of the proposals places too much power into too few hands. Indeed, none of the proposed institutions has any power to make law, veto it, or abolish it. There is thus no need to fear corruption or that establishing this set of institutions paves the way toward some form of autocracy. Neither would the proposals made here insulate political decision making from public debate and concern. Hence, the proposals made here would not change the foundations of democracy or curtail its procedures. Instead, these proposals are likely to enhance democracy by providing more relevant information, fostering public deliberation and justification, installing accountability mechanisms, and ensuring more inclusion.

Regarding substantive justice, I want to submit that I do not see any of these proposals having adverse distributive effects.

#### 9.3.6 Strategic Considerations

The proposed F-Institutions are unlikely to overcome wrongful short-termism. Overcoming wrongful short-termism is likely to demand many more changes to the political system, and it will thus be necessary to install further F-Institutions later on. This is not a comparative downside of the set of institutions I propose, as all proposals are similar in this regard.

In line with a non-reformist reform strategy proposed in chapter 8., the proposals made here all change the structure of the political institutions so that further changes to the given political institutions do not become any more difficult but indeed more feasible. As these institutions all work on the root causes of wrongful short-termism, this makes a transformation towards a less short-termist system more likely, as it reduces some of the drivers' effects that make changes to the political system so tricky in the first place. The institutions proposed here all have transformative potential – they make further changes to the political system more likely, and more particularly, they make it more likely that such changes will also reduce wrongful short-termism.

A last point is worth noticing. There may be windows of opportunity that may be used to install F-Institutions that would otherwise seem inaccessible. There is a range of further institutions that I consider desirable. For example, youth quotas in parliament (Bidadanure, 2016), including the young among the electorate (Gründinger, 2017; Hinze, 2019), installing a sortition assembly as a second chamber (Gastil & Wright, 2018; MacKenzie, 2016a, 2021) or constitutionalising the rights of future people (Gonzalez Ricoy, 2016) all seem worthwhile proposals.

While they all seem desirable, the effectiveness of these proposals seems more ambiguous than the institutions of the starter set, and I did not include them for this reason. Specifically, most of these proposals are likely to contrast with commonly held views on what democracy is and should be. While I do not agree with these views, this nonetheless is a factor when thinking about the chance of installing these institutions. However, there may be a chance to install some of these institutions at certain points in time, and, of course, this chance should be used. However, I would caution against the belief that a bigger reform will generally produce better results in the long run. Hard power institutions may seem more effective, but they are likely to be less sustainable, and their potential to kick off a transformation of the set of political institutions seems comparatively low.

## 9.4 Conclusion

I have suggested installing a set of seven F-Institutions to mitigate wrongful short-termism. The proposed institutions are likely to be effective, feasible, institutionally sustainable, and they are morally legitimate. Furthermore, they are likely to be more effective than many alternatives that have been proposed in the discourse while at the same time seem more feasible than most proposed alternatives. The starter set works at multiple stages of the policy cycle. It is likely to reduce the effect of many different drivers of wrongful short-termism

by ensuring a better information base, higher quality deliberations, more public justification, and more accountability measures.

Consequently, this set is likely to nudge many political actors towards considering policy choices as intertemporal investments rather than as re-distributive mechanisms. Furthermore, I have suggested that this set is also advantageous due to the synergies the set's individual components may develop. In line with the strategy to kick off a transformation of the political institutions, I suggest this as a starter set because installing these F-Institutions will make it more likely that further F-Institutions can be installed to overcome wrongful short-termism eventually.

## 10. Conclusion & Outlook

Democracy's short-sightedness has received increased attention over the past decades, and a large variety of proposals have been made to mitigate it. My aim in this work has been to develop a full account of a) why democracy should be reformed (if there are any reasons) and b) how to reform democracy given its neglect of the long term. To this end, the thesis engages in normative arguments, employing the method of reflective equilibrium (Daniels, 1996; Rawls, 1971). In the first part of the thesis, I develop three independent normative foundations for installing F-Institutions: democracy, sovereignty, and justice. I carefully consider the implications of various interpretations of these concepts and think through the alternatives, highlighting the advantages and challenges each brings with it. However, the thesis has, particularly in the second part, engaged with empirical arguments, such as design, implementation, and transformation questions. The arguments culminate in a novel proposal for a starter set of seven F-Institutions.

I now wish to pull the threads of the previous nine chapters together more thoroughly. I also wish to suggest some questions and themes for further discussion that I could not take up in this project. I offer some final words in section 10.3.

### 10.1 Conclusion

Let me begin by restating the contour of the argument for my hybrid approach to F-Institutions and democratic reform. The thesis begins by differentiating two distinctive routes for justifying institutions: A procedural and an instrumental route. The procedural approach is concerned with how decisions are made, while the instrumental approach is concerned with the outcomes of decisions. The first two chapters of this thesis examine the potential for a procedural route to the justification of F-Institutions and have encountered some severe challenges. The procedural argument for F-Institutions is commonly phrased the following way: if future generations are affected by a decision today (relationship claim), they should have a right to a say, for example, through representatives (procedural entitlement).

Chapter 2. discusses the first premise of the procedural argument and considers whether future people are part of the relevant relationship claim. The non-identity problem is sometimes considered a challenge to the inclusion of future people in the relationship claim, but I show that an identity independent account of persons avoids the challenge and thus allows to consider future people as part of the relationship claim. This chapter also discusses three principles for defining the relationship claim. I find that some principles can

be formulated that are reasonable and applicable and include future people within the relationship claim if an identity independent account is adopted. The first premise of the procedural argument thus holds.

In chapter 3, I discuss the second premise of the procedural argument, the procedural entitlements of future people. I submit that the claim for the representation of future people runs into serious theoretical and normative difficulties, undermining principles of political equality, proportionality, and autonomy. In light of these problems, I defend the following reformulation of the procedural argument:

#### D1: Duties of intertemporal procedural justice

When making decisions that significantly affect future people's interests, those currently alive have two duties:

- a) To take future people's interests into account and give them equal consideration.
- b) To give future people a reasonable justification for their decision.

This honours the autonomy of the present but ensures that future people do not go unnoticed. Furthermore, this version of the procedural argument can justify some of the most relevant F-Institutions, such as Posterity Impact Assessments and Intertemporal Performance Indicators, two F-Institutions that I include in my proposal for a set of F-Institutions in chapter 9.

In chapter 4, I discuss whether the present has duties regarding the capacity of future people for self-government, sometimes called 'generational sovereignty' (Gosseries, 2016). In the chapter, I discuss the views of Jefferson ([1813] 1999), Paine ([1791] 2001) and others and derive a taxonomy of plausible patterns and metrics for the distribution of sovereignty in time. I suggest a version of intertemporal sovereignty that ensures that future people can enjoy democracy. The chapter suggests two principles of intertemporal sovereignty:

#### D2: Duties of intertemporal sovereignty

The minimal principle: Those alive at one time should leave people in the future with '(reasonably) just basic institutions for a free constitutional democratic society' (Rawls, 1999, p. 107).

The maximal principle: Those alive at one time should leave future people with at least as much democratic control as they enjoy themselves.

In chapter 5., I explore a further conception of intertemporal ethics. This holds that we have duties of distributive justice to future people. The chapter develops an account of intertemporal justice that is individualist (instead of collectivist/aggregative) but identity independent. It argues for a fair distribution of benefits and burdens across time and suggests that it would be discriminatory to attach a lower value to the interests of future people due to their position in time. I defend two principles of intertemporal distributive justice – one minimal and the other maximal:

D3: Duties of intertemporal distributive justice

The minimal principle: Those alive at one time should ensure that people in the future can enjoy their rights to life, health, and subsistence.

The maximal principle: Those alive at one time should leave people in the future at least as well-off as themselves.

After establishing three types of duties towards the future, the thesis turns towards the means to ensure that the present complies with them. Chapter 6. thus connects the intertemporal duties defended in chapters 2.-5. with the concept of wrongful short-termism. This approach is novel to the discourse on F-Institutions in so far as previous arguments for installing F-Institutions either use a procedural or an instrumental justification. By building my approach on three duties towards the future – some of which result in procedural, other in instrumental justifications–, the argument for installing F-Institutions is strengthened considerably. Further, I show that all three duties converge on supporting the novel set of F-Institutions I suggest in chapter 9.

Chapter 6. shows that it is due to wrongful short-termism that the present fails to comply with its duties towards the future. I differentiate three categories of drivers of wrongful short-termism: Drivers that arise out of a) politics being set in time, b) the human condition, and c) political institutions. I argue that an instrumental approach can justify the installation of F-Institutions on the basis of the intertemporal duties discussed in chapters 2.-5. and by demonstrating that the proposed institutions can mitigate wrongful short-termism through altering the effects of at least some of the drivers.

This allows us to conclude in chapter 6. that principles of democracy, justice and sovereignty all ground the justification of F-Institutions. These principles result in three duties toward the future that the present ought to comply with. One way to ensure that the present complies with its duties to the future is, as I have argued in chapter 6., to install F-Institutions. This answers the first research question.

To identify the institutions and reforms that are best for mitigating wrongful short-termism, a set of criteria is required. I review the criteria proposed in the discourse before proposing four criteria in chapter 7: a) effectiveness, b) feasibility, c) institutional sustainability, and d) moral legitimacy:

- a) Roughly, the extent to which an F-Institution reduces wrongful short-termism.
- b) Roughly, the difficulty and probability of getting an F-Institution installed.
- c) Roughly, the probability that an installed F-Institution remains in place.
- d) Roughly, further moral cost and benefit, such as political legitimacy, intragenerational justice, and the intrinsic value of nature.

Together, these four criteria can be used to assess (proposals for) F-Institutions and choose the most likely to succeed. I argue that only such proposals that do relatively well concerning all four criteria are worth installing.

Following this, I highlight some design considerations that have been shown to reduce short-termism in decision processes in chapter 8. These are deliberation, back-casting, c) the inclusion of representatives of the future. Employing these considerations when designing F-Institutions will often be beneficial in terms of effectiveness. Given the relevance of context and local knowledge, I suggest that F-Institutions are ideally chosen by a citizens' assembly with the designated purpose of defining such a set for a given institutional context. However, given that wrongful short-termism may have disastrous consequences, I suggest that other roads towards the implementation, including civil disobedience, are morally accessible, too. Lastly, I argue that establishing F-Institutions should not be thought of as a one-off event, as it is unlikely that a single F-Institution will overcome wrongful short-termism. Hence, I maintain, in line with the proposed 'non-reformist reform' (Gorz, 1967) strategy, that it is advantageous to install those F-Institutions first, which make it most likely that more F-Institutions can be installed later on.

In chapter nine, I propose seven institutions as a starter set for overcoming wrongful short-termism.

1. Posterity Impact Assessments
2. Intertemporal Performance Indicators
3. A Select Committee for the Future
4. A Future Manifesto
5. Vision for the Future Weeks
6. Independent Research Council
7. Future Councils

I assess this set based on the criteria developed in chapter 7. and find that it scores well concerning the four relevant criteria and that it is also likely to outperform many alternatives, such as ombudspersons for future generations or future councils with veto rights. It is designed to introduce several steps of pause and reflection in the policy process that require, in one way or another, to take the future into account. It would also provide multiple opportunities for the public and designated bodies to hold the government accountable if it does not take the future into account. This should make it more likely for policies to be understood as long-term investments instead of short-term distributive measures.

The second part of the thesis highlights that it requires a deep understanding of wrongful short-termism and its various drivers to propose appropriate strategies. Installing a single body tasked with standing for future generations is unlikely to do the trick. The starter set proposed here builds on the assumption that it will require a deep transformative process of the set of political institutions to overcome wrongful short-termism and that this change will rather be a step-by-step process. Accordingly, the set of institutions proposed is by no means the solution to the problem, but it may allow the interests of the future to gain a foothold in present political decision processes and may make further amendments to the political system to the benefit of the future more feasible. In so far, the proposed set and the transformative approach that is suggested are novel contributions to the discourse. They go beyond the proposals that have been offered elsewhere.

This allows us to answer the second research question: considering these intertemporal responsibilities (if any), which F-Institutions should be installed – and how? To sum up the response. I have outlined a set of F-Institutions to be installed, to be selected on the basis of four criteria, taking into account three design considerations, and ideally chosen by a citizens' assembly. Furthermore, I have shown that ideally, F-Institutions are chosen, which can set a transformation of the political system in motion, paving the way for further F-Institutions to overcome wrongful short-termism.



## 10.2 Suggestions for Further Research

Inevitably, this thesis could not answer all relevant questions, and some conclusions would be more robust if more supporting evidence were available. Given this, I would like to make some suggestions for further research.

First, this thesis has focused on institutions at the national and sub-national levels. This limitation was necessary to make the project feasible but is also warranted as the state level is still very important to intertemporal issues, even if there is a growing relevance of international and global institutions. Some proposals have been made for the international and global sphere specifically (e.g. Birnbacher, 2014; Caney, forthcoming; S. M. Gardiner, 2014; Göpel & Arhelger, 2010; Guterres, 2021; Ki-Moon, 2013; Nesbit & Illés, 2015; Van Dijk, 2021), and there is more to be done in order to design institutions that deliver in this specific context. However, this does regard not only the proposals but also the relevant analysis of the context and the drivers of wrongful short-termism. There could be reasons to think that some of the relevant drivers on the national level are less forceful on the international or global level and vice versa.

Second, this work has focused on what may be called mature democracies and ways to mitigate wrongful short-termism within this context. The challenges and opportunities in the global south or autocratic systems may be different, and it would be unwise to copy-paste the proposals made here to these contexts. Again, it requires a specific analysis of the relevant drivers of wrongful short-termism and of the institutional context to design appropriate institutions for the future. Other institutional measures may be more powerful in those contexts.

In the thesis, digital transformation is mainly discussed as an external factor that can potentially cause great wrongs (Bostrom, 2014). However, there is also potential in the digital revolution in terms of new forms of participation and deliberation that could enhance democracy and mitigate wrongful short-termism. For example, laws can be crowdsourced (Landemore, 2015), and open government initiatives can foster civic engagement and deliberation (Aitamurto & Landemore, 2016). In many ways, the digital transformation may contribute to wrongful short-termism and undermine democracy, but it may also serve to mitigate it (Susskind, 2018). In part, this depends on whether and how digital tools will be used for democratic decision making (Bernholz, Landemore, & Reich, 2021).

Third, more work needs to be done to connect the discourse on F-Institutions with other research programmes that aim to make societies more sustainable. For example, how are attempts to de-growth or post-growth (Görg et al., 2017; T. Jackson, 2021; Kallis et al.,

2018; Loske, 2013; Paech, 2012) connected to attempts to mitigate wrongful short-termism? Is there a potential for symbiosis between the social-ecological transformation and the reform of democratic institutions?

Fourth, another theme that would deserve further investigation is the appropriate role and responsibility of civil society, NGOs, activists, citizens, the arts, and the academy in overcoming wrongful short-termism. Given that the various drivers of wrongful short-termism do not make hold at the doorstep, what can be expected of individual citizens? Which roles can NGOs and activists play apart from demanding F-Institutions, that may make democracy less wrongfully short-termist?

Fifth, this thesis has focused exclusively on political institutions. Nonetheless, the concept of wrongful short-termism may also be employed concerning other kinds of institutions or organisations. Both for-profit and non-profit organisations, NGOs and corporations can all be more or less focused on the long term. At least some of the proposals and methods suggested here may also be applicable in those spheres. For example, why should companies not be required to publish manifestos on how they want to contribute to society one, two, or three generations down the road? Also, they may find handy some of the design considerations presented in chapter 8. Why not imagine a dialogue with their stakeholder 30 years from now?

Furthermore, three specific themes regarding F-Institutions require more empirical research. First, while there is literature on biases, heuristics, and the reasons why people discount the future, more research is required to understand the relative force of each of these biases. In chapter 6., I have identified a wide range of drivers of wrongful short-termism that arise out of the human condition, while other drivers specifically arise in political institutions. It is paramount to know which drivers are most powerful and whether there are context specificities, both on an individual and collective level.

Second, a small but growing field of research focuses on the circumstances of a decision and which effects these have concerning consideration of the future. There is growing research on how decision contexts affect considerations and specifically concerning future people. Notably, the future design initiative in Japan has begun to experiment with deliberative settings that require some participants to take on the role of ‘imaginary future persons’ and scenario techniques such as back-casting (Saijo, 2020a). Ideally, various methods should be tested in various contexts concerning their effectiveness in ensuring that the future is taken into account. This research could inform the way decision processes are designed.

Thirdly, there is hardly any empirical study on institutions for the future. Boston (2017) and Rose (2018) have made important contributions to the field and have provided sophisticated and detailed overviews of F-Institutions. There is also some intel offered by some members of F-Institutions who have later written on their experiences (e.g. Fülöp, 2014; Shoham, 2010), but there is very little independent analysis of the success F-Institutions have or have had. The exception is the Finnish Committee for the Future, which has recently been studied by Koskimaa and Raunio (2020) as well as by Heikkinen (2020) and the German Advisory Council on Sustainable Development, studied by Kinski and Whiteside (2022). However, these are only two out of many institutions that have been established in the last 30 years or so. Specifically, comparative studies, analysing a variety of institutions and modes of function, would be fruitful for the discourse.

Having suggested some routes for further research, I turn to some final words.

### 10.3 Where Do We Go from Here?<sup>32</sup>

Installing F-Institutions to overcome wrongful short-termism may seem like a detour instead of lobbying for more sustainable policies in the first place. However, we are likely to need both, and there are particular advantages to installing F-Institutions. First, these institutions are supposed to work long-term. Even if a majority today favours sustainable policies, this must not be so tomorrow. F-Institutions make it easier to think of policies as an intertemporal investment instead of intratemporal redistribution, not just with regard to any specific policy choice but all. Secondly, F-Institutions can make it more likely that sustainable policies are chosen in all policy fields, not just those that receive much attention from NGOs, activists, or the media.

This thesis did not provide an easy answer to a complex problem, and the suggestions made only provide the directions and the first steps toward sustainable democracies. Facing the great challenges ahead of us may leave a bitter aftertaste. It should not, however, leave you pessimistic. I have shown here that there are things to be done, even if this will not be the final word and is not even close to the solution. While this should also not leave you optimistic, it should perhaps provide hope. It is possible, plausible, and morally desirable to install F-Institutions and make wrongful short-termism a myth of past days.

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<sup>32</sup> This is the title of a song by Charles Bradley and the Menahan Street Band from the album *Victim of Love* (2013). It includes the lines ‘We gotta all make that change / My brothers and sisters / It’s time to make this world a brighter place / For the generation to come / Can find love and peace.’

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