

(Not) dealing with climate change: democracy, institutional design and the long-term

Paper prepared for Political Studies Association Annual Conference 2014

Draft paper - quote with caution!

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Short-termism is a significant dysfunctionality of democracy, leading to ineffective policy responses to climate change amongst other long-term issues. This essay explores the sources of democratic myopia and considers how institutions might be (re)designed to promote long-term thinking and thus deal more effectively with climate change. Particular attention is given to the democratic qualities of an independent Office for Future Generations, a politically topical institutional design.

It is a common refrain that democracies are myopic when it comes to climate change, privileging immediate concerns over the long term. Two examples reinforce the case against democracy. First the *Stern Review: The Economics of Climate Change* (2006), commissioned by the UK government, provides clear and unambiguous evidence of the benefits of strong, early mitigation action that would considerably outweigh the costs of not acting. The Review estimates that unabated climate change will cost 5 per cent of global GDP each year (with more dramatic predictions as high as 20 per cent). In comparison, the cost of reducing emissions would account for only one per cent of global GDP. But this report, even though written in the mainstream neo-classical economic vernacular and garnering significant political, media and public attention, has had little impact on national or international mitigation strategies.

The second example draws on experience from natural disaster policy: a useful comparator for how democracies might respond to the potential effects of climate change. Andrew Healey and Neil Malhotra (2009) provide a comprehensive analysis of actions taken by congressional incumbents in the US and the response of voters. Their evidence suggests that voters do not

reward politicians for investing in policies that prepare the community for natural disasters, but rather to act decisively once a natural disaster has struck. This is far from a cost effective strategy: they estimate that \$1 spent on preparedness is equivalent to about \$15 in terms of the future damage it mitigates. As they argue:

[voters] are myopic in the sense that they are unwilling to spend on natural disasters before the disasters have occurred. 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. (Healey and Malhotra 2009: 402)

What distinguishes climate change from the long list of policy areas where democracies have tended to privilege the short-term over long-term considerations (such as pensions, budget deficits, infrastructure investments, training and education and nuclear power) is that it alone has elicited strong anti-democratic sentiments from significant public figures. Lord Martin Rees, Astronomer Royal and former President of the Royal Society recently argued: 'Only an enlightened despot could push through the measures needed to navigate the 21st century safely' (Rees 2014). Similarly the influential author of the Gaia hypothesis, James Lovelock, has stated:

Even the best democracies agree that when a major war approaches, democracy must be put on hold for the time being. I have a feeling that climate change may be an issue as severe as a war. It may be necessary to put democracy on hold for a while. (Lovelock 2010)

Such public contributions (typically by scientists) resonate with a small but growing academic literature that not only questions the capacity of democracy to respond effectively to climate change (and other environmental problems), but explicitly calls for more authoritarian solutions (Shearman and Smith 2007; Ophuls 1992). How far such commentators have thought through these authoritarian proposals is unclear. Why should we assume that any authoritarian regime will be 'environmentally enlightened'? The environmental record of past authoritarian regimes is poor and scientists (who are often assumed to be the best placed to play the despotic role) are no less susceptible to the seduction and corruptions of power. Second, such proposals underestimate the weaknesses of information flows and system flexibility within authoritarian regimes that are critical for an effective

response to environmental (and other) crises (Dryzek 1987; Runciman 2013). Finally, it is not at all clear how we would move from here to there: what is the strategy for enlightened despots to take power?

But we should not underestimate the potential appeal of these anti-democratic sentiments and the way in which they may become tied up with populist movements as the effects of climate change begin to be felt more systematically. As such, the challenge is to better understand why democracies tend to be myopic in their decision-making and how democratic institutions might be re-designed to ameliorate these tendencies and refocus attention on the long-term.

To this end, the first part of this essay briefly sets out the particular problem structure of climate change and then reviews the different reasons that are proffered to explain democratic myopia: the tendency of democracies to focus on the short-term. The second section engages with democratic theory, noting that when compared to work on intergenerational justice, relatively little has been written on democracy and the long-term. As such, we lack guidance on thinking about institutional (re)design. The third section picks up this theme, reflecting on how concern for future generations challenges how we think about the goods associated with democratic institutions. The final sections of the essay turn to practical examples and suggestions for democratic design for the long-term. A brief review of the diversity of proposals and existing (but typically marginal) institutions is followed by a more sustained consideration of the idea of an independent Office for Future Generations (OFG), a design that has achieved some degree of political traction. To clarify, the paper is *not* about specific sets of policies that democracies should adopt to avert the worst of climate change or the principles of intergenerational justice that should inform action – two areas of study that have spawned vast literatures. Rather, it is avowedly institutional in its focus: can democratic institutions be (re)designed to embody a long-term perspective necessary for dealing more effectively with issues such as climate change?

The problem structure of climate change

Compared to other long-term issues that democratic societies face (e.g. pensions, budget deficits, training and education, environment), climate change arguably has the most challenging problem structure. Climate change is a highly complex issue, with significant uncertainties around its precise impacts and of potential tipping points (where one stable state

changes to another, often irreversibly). Its complexity means that potential solutions cut across traditional policy silos and levels of government.

The temporal characteristics of climate change are particularly challenging. It is arguably much easier to deal with policy issues where there is a balance of costs and benefits across generations: the inter-temporal cost/benefit structure of climate change, however, means that any effective response will result in the most extensive costs being born by the current generation so that future generations benefit (MacKenzie 2012; 2014). First, there is time lag between cause and effect: while climate change has impacts on current generations, the most significant effects will be felt by generations yet unborn; and the strength of those effects will be magnified if inaction continues. Second, there is a time lag between action and its consequences: current generations will not witness the fruits of their actions.

Finally, climate change exacerbates social injustice: those who are most responsible for causing climate change and capable of avoiding its worst ravages (rich high consumers) are socially and economically distant from the most vulnerable (the poor). This is the case within and across current and future generations.

The sources of democratic myopia

Short-termism – democracy's 'appetite for the immediate' (Thompson 2010: 18) – is widely held up as a (if not *the*) key culprit for democracy's failure to respond effectively to the challenge of climate change. A variety of explanations of democratic myopia have been offered from across different areas of social science:

- *Non-presence of future generations.* Those who will be most affected by climate change are unable to make their voices heard and to hold current generations to account.
- *Psychological distance.* Psychologists and economists highlight how individuals' perceptions, judgements and decisions are affected by positive time preferences and discounting of the future (Frederick et al 2002). The lack of salience of climate change increases its psychological distance. These insights can cut two ways. First, decision makers have the same psychological orientation and hence tend to prioritize the short term. Second, political decision makers are well aware of this tendency within the population and as such develop policy that exploits such preferences.

- *Social practices*. The everyday social practices of modern capitalist societies prioritize immediate consumption over longer-term rhythms and time scales. Social practices are 'locked-in' to systems of provision such as energy, transport, food systems, making alternative approaches difficult and unattractive. The carbon-based nature of these practices means that the future is 'colonized' as a 'resource for the present' (Pahl et al 2014: 379).
- *Electoral cycles*. Public choice theorists highlight how four-to-five year electoral cycles incentivize more immediate and strategic party-political motivations amongst the political elite, running counter to issues that transcend a number of such cycles. Jean-Claude Juncker famously argued in relation to the development of the Eurozone: 'We all know what to do, we just don't know how to get re-elected after we've done it'. Short-term costs are avoided and burdens shifted beyond the current electoral cycle (Nordhaus 1975; Alt and Dreyer 2006). The temporal nature of democratic politics means that future legislatures cannot be bound to continue with the projects of the present – as such there is always the knowledge that future governments may renege on commitments. In light of the contemporary loss in confidence and trust in political representatives ('anti-politics'), the credibility of long-term promises is even lower (Stoker 2014).
- *Vested interests*. The structural advantage that powerful interests enjoy enables them to protect the status quo. Economic actors embedded in the carbon-based economy have a strong interest in resisting low carbon transitions; older generations tend to have their interests protected as they vote in higher numbers. Reflecting on the challenge of taking forward climate policy that clashes with extant interests (within and without government), James Ashton, one time UK Government's Special Representative on Climate Change, has stated: 'Where there is a contradiction, the forces of incumbency start with a massive advantage' (Klein 2014: 151)
- *Neo-liberal principles*. The discursive hegemony of neo-liberal forms of governance entails the retreat of government from public action and preference for market-based policy solutions where short-term interests tend to prevail.
- *Muddling through*. According to Runciman (2013), and with echoes of Lindblom, democracies have managed to deal with immediate political

crises because of their capacity to muddle through: it is their flexibility that has proved a virtue (and is the capacity that enables democracy to outperform autocracy). But muddling through in the face of crises is of less value when it comes to long-term challenges such as climate change that require more considered and planned responses.¹

These are multi-dimensional characteristics that are often mutually reinforcing in their impact on political practices. But they are not immutable conditions. Democracies do not necessarily make short-term decisions: they may tend towards such actions, but there is evidence that they can and indeed have considered the long-term (Jacobs 2011 Stoker 2014). Any account of institutional design will need to be alive to the particular combination of the myopic tendencies that it aims to ameliorate: it is doubtful that there will be an institutional 'silver bullet' that can respond adequately to all these different pressures on political decision-making.

Towards a constructive response: long-term thinking and democratic theory

The indictments of short-termism against democracy are growing. In response, democratic theory has had relatively little to say about how long-term thinking can be embedded within democratic institutions; how the interests of future generations might be brought into democratic decision-making. Work on future generations has generally been dominated by justice theorists; whether philosophers or legal scholars. While this literature has generated significant insights around issues such as the non-identity problem, theories of intergenerational justice (or justice per se) often generate discomfort from a democratic perspective because they are typically motivated by the desire to provide a single theory of just action or organization towards the future: one that is prior to democratic engagement and outcomes. Democratic theorists tend to recognize that politics is a more messy enterprise and are driven by a different question of how a long-term orientation can be embedded within the activities of a polity.

¹ Runciman's *The Confidence Trap* is a sobering account of how democracies have muddled through a variety of crises in the 20th century. In the conclusion he highlights how the structural characteristics of climate change differ markedly from earlier crises, thus challenging commentators such as Al Gore who appeal to the capacity that democracies have exhibited to deal with earlier challenges such as war and disease. While he does not make this distinction, Runciman's analysis suggests that democracies will be better placed (than other political systems) to adapt to the ravages of climate change, but poor at responding to the demands of mitigation.

Unsurprisingly (given its dominance within democratic theory per se) theorists of deliberative democracy have had most (although not a lot) to say about future generations. Green political theorists such as Dryzek (1997) and Smith (2003) have offered arguments as to why deliberative democracy may be particularly well suited for dealing with environmental sustainability. Deliberation is perceived as being particularly sensitive to 'other-regarding' or 'public-spirited' preferences and perspectives and as such is taken to be more likely to orientate attention to long-term impacts of policy choices: 'any short-sighted claims that are self-serving at the expense of future publics are weaker claims for that very reason, and can thus be challenged or rejected on those grounds in robust deliberative environments' (Mackenzie 2012: 165). For Mackenzie, more long-term commitments are likely to arise from deliberative practices because they encourage a sharing of responsibility for the positive and negative outcomes of collective actions:

The role of democracy is to make it possible for individuals to view collective commitments to the future as obligations that they have, in some meaningful sense, imposed upon themselves. This, in turn, makes it possible for individuals to take ownership of collective commitments to the future, and to take some share of the responsibility for what their collectivities are (or are not) doing. (Mackenzie 2012: 143)

Thus the more a political system embodies the deliberative ideal – so the argument goes – the more likely it will embed long-term thinking. For Fuji-Johnson (2007), a deliberative democracy that embeds consideration of the decisional agency of both existing and future persons will be one that realizes precautionary public reasoning.

Future-orientated democratic theorists generally appeal to some variation of the 'all affected principle'. Future generations will be affected by decisions made by currently existing polities; therefore their interests ought to be taken into account (hence the importance of how these interests are represented and voiced). But it is not always clear how far proponents wish to push 'taken into account'. Owen (2012) offers a useful distinction here between those *affected* by a decision and those *subject* to a decision. The distinction between arguments that suggest (1) (representatives of) future generations ought to be included within ongoing discussions and deliberations about policy and (2) they should have decision-making powers is not always clearly drawn. Most accounts within democratic theory tend towards inclusion in the former sense, with those who will be directly subject to the decision (the currently existing demos) holding decision-making power.

While the deliberative perspective is in many ways compelling, practical and theoretical limitations emerge. Where authors have drawn on empirical evidence to support their conceptual contentions, it often comes from a small number of exercises in citizen engagement where the issue under consideration has been one with explicit long-term implications. Participants are orientated towards the future by the very agenda of the initiative. Here evidence suggests that participatory forms of governance, in particular randomly selected mini-publics that promote deliberation, outperform more traditional democratic institutions (Smith 2003; Hobson and Neimeyer 2011; Parkhill et al 2013). Context and institutional design is significant for ameliorating positive time preferences. But what of circumstances where the issue at stake is not framed explicitly as future-orientated; or where current discourse is failing to attend to long-term considerations? How then are the interests of future generations to be articulated and defended?

Here feminist work on presence has some purchase on our thinking about democracy and the long-term in at least two ways. First, against those who argue that we can imaginatively include the interests of those not present in our internal and collective deliberations (Goodin 2008), feminist theorists have highlighted the important difference between the politics of ideas and the politics of presence: if the politically excluded are not present, decisions are unlikely to fully respond to their concerns (Phillips 1995). Presence (and voice) is critical for political attention. Second, feminist theorists remind us that future generations will not speak with one voice: they will be plural in their interests. Not only will there will be social, political and economic inequalities *within* any generation, but we should not expect to find the same interests *across* future generations: near and far generations (and those in between) will be differentially affected by climate change and the costs/benefits of investing in mitigation and adaptation strategies.

Even if we have good reason to believe that a more deliberative style of politics would be more sensitive to the long-term, we cannot rely on the institutionalization of deliberation as the solution to long-term thinking. Accounts of deliberative systems may well be one way to incorporate institutions that represent and promote posterity within a broader deliberative frame (Mansbridge and Parkinson 2012), but it is reasonable to question whether such overriding priority should be given to the ideal of deliberative democracy (Owen and Smith 2015). Deliberation is only ever going to be one aspect of our politics. The focus on deliberative solutions may be practically (and conceptually) limited since our existing democratic practices and institutions are typically not deliberative: not even close. It is

not good enough to simply wish they realized the deliberative ideal. Thus our reflections must also turn to second-best solutions for ensuring presence and voice for future generations; ones that will not necessarily be obviously deliberative in character. How are future generations to be included when we know that interactions within polities and demoi are often far from deliberative; and hence the conditions for incorporating their interests are less than ideal?

Institutional design for future generations

One potentially productive strategy for thinking about institutional design is to take a goods-based approach to analyzing democratic institutions. In earlier work (Smith 2009), I have suggested that the democratic qualities of a single, combination or system of institutions can be judged by the extent to which they realize (through design or otherwise) a range of democratic goods – inclusiveness, publicity, considered judgment and publicity – as well as institutional goods such as feasibility. As such we can diagnose the limitations of a particular institution or set of institutions on the grounds that one or more of these goods is poorly enacted – and on this basis be in a strong position to suggest potential institutional reform and/or restructuring.

A similar strategy can be undertaken when considering future generations. In other words, how is the well-being of future generations to be considered in relation to such democratic goods? This also gives us the opportunity to think about how we might design democratic institutions to respond to the causes of democratic myopia highlighted earlier in this essay.

Inclusiveness

Inclusiveness requires us to respond to at least three central questions for democracy: Who constitutes the polity? Who is present in decision-making processes? Who has voice? While we may be able to imaginatively project a trans-generational polity, the impact of this orientation is likely to come under pressure at moments of decision. Achieving presence and voice for future generations will require active representation. But this opens up a can of worms. Who can be said to legitimately speak for future generations? Many vested interests will make this claim. How do we conceive of representation where the principal cannot authorize (Saward 2010)? How do we ensure that any representation respects the plurality and diversity within and across future generations?

Popular control

While there may be good democratic reasons for making future generations present within the decision making process, how much influence should the future exert on decisions? Should those representing future generations be extended formal powers at the decisional moment? Those proposing constitutional constraints would limit the range of action available to the current demos; representatives of future generations could be given powers of veto (as Young (1990) suggests for politically marginalized social groups) or the power of delay where there are potentially significant long-term effects.

Considered judgement

There are two significant epistemic barriers to the capacity for reflective judgement in relation to future generations. The first is our capacity to predict future conditions, especially given the uncertainties associated with climate change. The second epistemic barrier relates to what we can know about the interests and well being of future generations. While we could get lost in Parfit's infamous non-identity problem (any action we take will change the composition of future generations), we can say with some certainty that future generations would prefer us to act so that they are not inundated by rising sea levels, subject to climatic distortions and other deleterious effects of climate change. Relatedly, Thompson (2010) argues that our judgements should be guided by the desire to protect the democratic autonomy of future generations.

Beyond these epistemic questions, we are also faced with countering the psychological and sociological characteristics that generate short-termism. Expressed and revealed preferences for the short-term are typically raw and unreflective. Here the challenge is to craft institutions that make climate change more salient to citizens and their political representatives and provide a context in which time horizons are expanded. Emerging deliberative experiments give us some indications of how this might be possible. To make future generations present – and thus more likely to be considered in collective judgements – we may need to create various forms of representative architecture. Given the manner in which electoral institutions incentivize political actors away from long-term considerations, we may need to consider how *non-electoral* democratic institutions and practices (for example the use of sortition as a selection mechanism for political authority; the role of independent agencies) can play a role in changing political dynamics.

Transparency/publicity

We can think of transparency in two dimensions. First ensuring transparency for the current generation such that citizens are well informed about future consequences of action and understand the way in which decisions have been made – particularly if they are to bear costs of mitigation and adaptation. Second, justification to future generations of current action is necessary. It may well be that decisions are made that privilege the current generation to the cost of future generations – and there may be good reasons for such decision. But these reasons need to be transparent.

Feasibility

Democratic institutions involve participants bearing costs that are often overlooked by radical democrats (Warren 1996). One of the arguments that is proffered for representative forms of government is that only a selected group of citizens needs to bear the full burden of participation (although as Beetham has argued, this is a pragmatic, not a good democratic argument). We need to recognize the costs and benefits for citizens and political elites of participatory and deliberative designs that are often proffered as a potential solution. Of course weighing such costs needs to be sensitive to the long-term – not applying an unwarranted social discount rate for example!

We already know that no single institution can fully realize all of these goods when our considerations are limited to those of the current generation; expanding our considerations to include future generations will only increase tensions and the need for trade-offs. But that is the reality of democratic design. Applying such a goods-based analytical framework will make the nature of these trade-offs more explicit.

A quick overview of suggested reforms

There are a range of suggestions for reforming and restructuring the institutions of democratic systems: some based on already established practices; others purely speculative proposals. No doubt a polity that is to more effectively embed long-term thinking would incorporate a range of such institutional designs and a more sophisticated analysis than can be offered here would analyze the interactions between such institutions and how that effects the realization of democratic goods.

At the level of political systems, we find a range of explanations as to why some democratic polities are better placed at responding to long-term policy

challenges. While Christoff and Eckersley (2011) found it difficult to isolate a particular set of factors that correlated with action on climate change, Jacobs (2011) in his comparison of how states have dealt with pensions policy highlights how the dispersal of power within a political system can be a break on vested interests. Stoker (2014) is supportive of this analysis, adding political culture (in particular the tradition of social democracy) as another causal factor along with devolution. Klein's (2014) brief analysis of the development of renewable energy transitions in Denmark and Germany points to similar factors.

While such systems-level comparative analysis is important, here it is supplemented with a review of different institutional designs that aim to incorporate consideration of posterity. These are not the only areas of the polity where institutional reform and restructuring could progress and the analysis is limited by its state-centric focus: further work needs to be undertaken to consider the role that democratic design might play at the trans-national and global level (Stevenson and Dryzek 2014).

Given that discourses of intergenerational justice have dominated the field, it should be no surprise that constitutional proposals have often been a site of much discussion. Constitutional clauses that embody considerations of future generations (including those focused on environmental sustainability) proliferated in the development of new constitutions for emerging democracies over recent decades (Hayward 2005; Tremmel 2006). Proposals for embedding procedural environmental participatory rights (such as promoted in the Aarhus Convention) and long-term principles such as the precautionary principle (Eckersley 2004) followed in their wake. But a quick look at the evidence of the environmental records of polities that have embedded such constitutional clauses indicates the challenge of working at this level: while constitutions embed various principles and values, this does not guarantee or ensure their considerations in day-to-day politics and policy-making. There is some distance from constitutional principle to political practice. Tremmel (2006: 203-212) offers one way out of this conundrum: a much more detailed set of constitutional clauses that place a check on the activities of government by explicitly guaranteeing ecological protection and constraining public debt. The challenge here is whether any polity could generate the political will necessary to constrain itself in this way. Arguably the most we can expect from constitutions is to set the basic principles that are intended to guide the activities and decisions of a polity and to provide the justification for specific institutional arrangements. Clauses that promote the interests of future generations provide an

indication of the importance placed on principles of intergenerational equity; but will not guarantee their voice in day-to-day political processes.

A second set of institutional design considerations focus on the structure and practices of the legislature. There has been some enthusiasm for the idea of guaranteed legislative representation for future generations (Kavka and Warren 1983; Dobson 1996; Mills 1996; Ekeli 2005), but there are a number of grounds to be wary of such a proposal. For example, practical questions quickly emerge as to how such representatives would be selected; what aspects of the future and non-human nature are to be represented; and whether political will could be mustered for such a dramatic change to the representative principle (Smith 2003: 114-118). It is one example where the design implies crossing the conceptual threshold of including representatives of future generations in the decisional moment (the subjected and not just affected).

An idea that has gained particular traction within deliberative politics has been that of a randomly selected second (or even third) chamber (Thompson 2010: 31, MacKenzie 2013). This is not a purely future-orientated design proposal but one that has broader pedigree amongst democratic reformers (Barnett and Carty 2008). The case for a randomly selected chamber extrapolates from the evidence from experiments with mini-publics (see earlier) that indicates that in such deliberative contexts, citizens orientate themselves towards long-term considerations, taking seriously the long-term impact of climate change in their recommendations. Whether such a chamber were explicitly charged with promoting future generations in their considerations of policy and legislation or not, it is argued that long-term considerations would come to the fore. There are opportunities to promote such an idea in places where the constitution of the second chamber is under debate (e.g. UK House of Lords²) or where we find unicameral systems (again devolved regions of the UK being one set of examples). Such a proposal deserves attention, but the differences between its constitution and the experience of deliberative mini-publics must be recognized. Reasonable questions can be raised about how such an assembly would operate on a day-to-day basis: would it remain deliberative in character if it were so central to the organs of power? Lessons drawn from one-off experiments (even the impressive British Columbia Citizens Assembly on Electoral Reform) cannot

² Parkinson (2007) has made the case that the existing House of Lords may play an important deliberative role because the principle of appointment means that members are not disciplined by the electoral cycle. This argument extends to being more sensitive to the long-term – a potentially uncomfortable insight from a democratic perspective.

necessarily be generalized to a permanent body that has such extensive political powers.

Not all proposals focus on changing the composition of the legislature. Ekili (2009) has offered an interesting proposal for how parliamentary procedures might be reformed to better protect long-term interests: sub-majority rules to delay and/or require a referendum on a bill that threatens serious harm upon posterity. Since such a suggestion does not undermine the status and decision making power of existing representative institutions and thus would be arguably more politically feasible. Less politically acceptable given the current lack of confidence in political elites, is the proposal for longer terms for representatives: Järvensivu (2012) suggests 15 years as a way of counteracting the structural dysfunctions associated with short electoral cycles. Even more controversially, van Parijs (1998) proposes methods for reducing the electoral power of older generations, either by removing their voting rights or giving greater weight to the votes of young people.

Finally, in relation to legislative reform, we can point to the actual practice of the permanent Finnish Parliamentary Committee for the Future that has a specific remit to consider the long-term within the work of the assembly.³ The Committee consists of 17 parliamentarians from all political parties. It deliberates on parliamentary documentation, makes submissions to other committees and engages in scenario modeling. It has developed innovative engagement techniques such as crowdsourcing and hearings to engage the broader public. The virtue of such a design is that it is embedded in the day-to-day work of parliament and the political parties and it certainly deserves further research and reflection – particularly in comparison to the independent Office for Future Generations discussed in more detail below.

Beyond constitutions and legislatures that have proved to be the favored sites for design attention, a series of suggestions for new policy appraisal methods and techniques have emerged that range from tinkering with the discount rate applied in economic techniques through to alternative methods such as posterity impact statements (Thompson 2010: 32-33) and the use of narrative scenarios (Pahl et al 2014; Parkhill et al 2013). Relatedly, we find calls for increased use of deliberative forums and other participatory techniques in the decision making process, ranging from technocratic specialist bodies such as the Royal Commission on Environment and Pollution and the innovative Climate Change Committee in the UK⁴, through

³ <http://web.eduskunta.fi/Resource.phx/parliament/committees/future.htx>

⁴ The CCC has a formal role in assessing the government's progress under the Climate Change Act (Benson and Lorenzoni 2014).

to more participatory institutions such as mini-publics and direct legislation (Smith 2003; MacKenzie and Warren 2012; MacKenzie 2012). Practical questions of how such future-orientated participatory forums and initiatives are to be embedded and championed within a political system has had less attention, an issue we pick up below.

A topical institutional design: the democratic case for an Office for Future Generations

From amongst this array of possibilities for institutional reform, we will give more extensive treatment to the idea of an independent oversight body, an Office for Future Generations (OFG). Why focus on this particular institution? One set of reasons relates to timeliness and practicality. OFGs are currently the focus of political interest at different levels of governance: we have examples of such offices in Hungary and Israel (the former now part of a broader Office for the Commissioner for Fundamental Rights; the latter decommissioned) and a Commissioner for Future Generations is the subject of legislation over the coming months in Wales.⁵ There is also ongoing debate about an Ombudsman for Future Generations within the UN architecture, taking our analysis beyond the tendency to focus solely on institutions of the state.

The World Futures Council, having reviewed the practices of similar institutions across the world, argues that the key characteristics of such an Office should be: independence; transparency; legitimacy; access to information; accessibility; authority (World Future Council 2014: 10; Göpel 2012: 13-14). Independence, in particular, potentially places an OFG outside the myopic electoral cycle effect. While not using the same language, the characteristics highlighted by the Council resonate with goods we associate with democratic institutions, with particular attention to its role in decision-making (popular control), considered judgement and transparency. As the argument below progresses, we will add in considerations related to inclusiveness: current analysis tends to pay more attention to the scientific legitimacy of such institutions, rather than their democratic characteristics.

⁵ A recent conference 'Model Institutions for a Sustainable Future' held in Budapest in April 2014 paid particular attention to these and other institutions that share a family resemblance: Committee for the Future, Finland; Parliamentary Advisory Council on Sustainable Development, Germany; Office of the Auditor General of Canada; Welsh Commissioner for Sustainable Futures; Parliamentary Commissioner for the Environment, New Zealand; former Commissioner for Future Generations, Israel; Norwegian Ombudsman for Children, Norway; and Ombudsman for Future Generations, Hungary.

There is something pleasingly counter-intuitive in investigating this particular institutional design. For many, the idea of such independent oversight bodies has the ring of an anti-democratic reform: further advancing the regulatory state and in so doing taking power away from traditional democratic institutions such as parliament. Without assuming that the establishment of such an Office is *the* single institutional solution for realizing long-term thinking, there are good *democratic* reasons for giving this institutional design serious consideration. An OFG could well represent a significant *democratic* innovation, where that term is understood as an innovation to democratic architecture.⁶ That said, as I will make clear in the argument, it may also have an important role in promoting democratic innovations in the participatory sense; its legitimacy and institutional sustainability may rest on such a strategy. The democratic credentials of an OFG depend very much on how its role and functions are conceived.

A quick note on nomenclature: I have chosen to use the term Office for Future Generations (OFG) as a catch all term to include institutions referred to as Ombudsman or Guardian. Ombudsman, a popular term in the policy literature has not been used, first because of its awkward gendered pedigree; second, it tends to be understood as referring to institutions that are charged with investigating and addressing complaints of maladministration and violation of rights on behalf of the public. Ombudsmen typically have retrospective/reactive functions where we may wish such an Office to also be more pre-emptive and strategic in its activities, reviewing areas of potential government action to better realize the well being of future generations. The term Guardian(s) is not used because of its highly paternalistic and often authoritarian overtones. In the hands of some green commentators (Shearman and Smith 2007), Guardians would have direct effect above the democratic process (for a parallel, think the Office of the Supreme Leader in Iran): they are typically part of an argument for curtailing democracy because of its failure to realize environmental sustainability, whereas here the argument is that an OFG can play a critical democratic function in encouraging a trans-generational polity and long-term thinking.

At a recent conference that focused on model institutions for a sustainable future (see footnote 5 for details), there was some disagreement as to the desirability of an independent body. Critics contend that such institutions should be formally embedded and connected to power: in other words part

⁶ Rather than the more limited usage of the term 'democratic innovation' that is typically applied to participatory institutions – mea culpa (Smith 2009)

of the parliamentary (and/or executive) infrastructure. This also ensures explicit democratic legitimacy for the body.

Without discounting the importance of designs such as the Finnish Parliamentary Committee, this is to misunderstand the democratic case for independent oversight. It is to overlook the fact that such agencies are in practice quasi-independent: they are typically creatures of parliamentary legislation; and thus parliament can revoke their constitution. Such bodies have long been a critical part of democratic architecture – think of the overseers, auditors, supervisors and public ombudsman chosen by lot or elected in classical Athens (Rosanvallon 2008: 25). In *Counter-Democracy*, Rosanvallon offers a persuasive argument that the ‘organization of distrust’ within democratic settings has been a much-ignored topic within contemporary democratic thought; one that is particularly pertinent in tackling the lack of confidence in the political class that affects our contemporary democratic condition. He argues that throughout the history of democracy:

a complex assortment of practical measures, checks and balances, and informal as well as institutional social counter-powers has evolved in order to *compensate for the erosion of confidence, and to do so by organized distrust*. It is impossible to theorize about democracy or to recount its history without discussing these organized forms of distrust. (Rosanvallon 2008: 4)

Contemporary democratic theory and practice has developed an unhealthy obsession with electoral mechanisms and elected representatives (and potential supplements and replacements) and in so doing overlooked the importance of oversight as a complementary aspect of democratic experience and practice. Rosanvallon continues:

democracy is defined not so much by popular election of leaders as by citizen oversight. In the modern era, however, elections became such a ‘total democratic institution’ that this duality eventually disappeared. By ‘total democratic institution’ I mean that elections were taken to be not just a technical device for choosing leaders but also a means of establishing trust in government and a system for regulating public action. (ibid: 87)

This is to place too many expectations on a single institution. Our democratic imagination needs to extend beyond electoral politics to consideration of institutions that can oversee and regulate the activities of government,

parliament and other centers of power – and in so doing potentially (indirectly) generating confidence in their practices.

As such, the call for internal monitoring of long-term considerations by parliamentarians, as in the Finish example, risks the danger of perceptions of self-serving bias (think of the expenses scandal in the UK) and further eroding confidence.⁷ It misunderstands the necessity of independent oversight where there are structural tendencies towards dysfunctions that generate short-termism. We may wish away such dysfunctionality and yearn for institutions of representative government that worked ‘perfectly’, but this is to overlook the negative impact on long-term thinking – and politics more generally – of electoral party-political motives and the covert influence of vested interests, amongst other structural dynamics. For Pettit, the ‘only hope of guarding against such influence requires setting up unelected agencies that are appointed by elected representatives but do not serve at their pleasure’ (Pettit 2012: 306). As Thompson argues, ‘the appointment procedures would have to be designed to prevent the commission’s capture by partisans of presentism’ (Thompson 2010: 31). Similarly, following Rosanvallon we can recognize that ‘democracy can flourish *only if it acknowledges the risks of dysfunctionality and equips itself with institutions capable of subjecting its own inner workings to constructive evaluation*’ (Rosanvallon 2008: 74-5). An OFG is one such institutional remedy (although not the only one) for responding to aspects of the dysfunctions that constitute democratic myopia.

The extent and scope of the particular powers of an OFG and the relevant duties it is empowered to place on public (and other) bodies will effect the strength and impact of a long-term orientation on policy making. A more considered comparative analysis of the powers and impact of existing institutions with a family resemblance will have to wait for a future iteration of this paper, but for now we can sketch some of the possibilities. Ombudsman-like powers allow an OFG to review legislation and policy in its own right and provide a vehicle for vigilant citizens (and groups) to make official representations, especially where there are relevant constitutional clauses that explicitly aim to protect future generations. The scope of responsibility can be extended beyond the core state institutions (parliament, executive and administration) to public sector activity more broadly and even to the practices of private bodies. Typically such powers extend only to moral

⁷ Arguably one of the reasons why this institutional device may work relatively well in Finland is because this is a society with comparatively high levels of confidence in its political institutions and representatives. That experience is not generalizable across most democratic systems.

pressure – the presentation of official reports and an expectation that relevant bodies will comply and respond publicly within a given time period – but there is no reason that an expectation to respond cannot be legally enshrined. Taking the idea further, we can imagine an OFG having delaying powers (akin to Ekili’s proposal for parliamentary procedures), or more controversially powers of veto, under certain defined circumstances.⁸ Evidence from practice indicates that at times such institutions have had informal veto powers where they wield the threat of critical public judgment. Existing OFG-like institutions have also typically incorporated a prospective role, engaging in reviews of areas where it perceives policy or legislative developments may be necessary: the capacity to launch inquiries or investigations into areas that the government or parliament has not deemed to be worthy of consideration.

The legitimacy of oversight bodies tends to rest on their scientific expertise; their capacity to marshal technical knowledge. There is a real danger that independent agencies become highly technocratic institutions with relatively little resonance with the broader public. This is a particular challenge for an OFG that will deal with complex scientific and technical issues that are characteristic of long-term issues such as the Climate Change Committee in the UK. While existing OFG-like institutions generally provide for petitioning from citizens, democratic arguments can be brought to bear for making citizen participation even more constitutive of the work of an OFG. There are a number of reasons for embedding participation in the development and assessment of future scenarios and coming to judgments on petitions from fellow citizens. First, such activities are not purely scientific or technical in nature; they involve normative judgments, often in areas of policy where public opinion is not well structured (Mackenzie and Warren 2012). Second, future generations will have a plurality of interests: ensuring the widest participation of social groups will provide a diversity of perspectives on what those interests entail. Third, involving citizens in the work of an OFG provides evidence that citizens are willing and able to deal with complex issues, to consider broad time horizons and further enhances the democratic legitimacy of its activities and actions. Participation – and the broader public support this can engender – is one way for an OFG is to build a strong political profile. If the ‘default’ position of citizens is a positive time preference, then providing evidence that time horizons shift when citizens consider long-term issues collectively is critical: to ensure resonance with the public, counter

⁸ See Thompson (2010: 31-34) for a discussion of the potential powers and activities of a such an institution – e.g. suspensive intervention, posterity impact statements, democratic balance sheets, age-differentiated political rights, contingency trust fund, constitutional conventions, international collaboration.

sectional interests and build pressure on political decision-makers. Fourth, such a participatory approach provides an avenue for what Scott (2000) terms 'downward accountability' – from the agency to citizens – again potentially strengthening the legitimacy of the OFG and its interventions.

Thus OFGs could embed different modes of democratic engagement (Thompson 2010: 31). Thinking creatively about the design of such engagement is critical. We have already noted that citizens are *not* future-orientated per se: their attitudes and practices are implicated in the very dysfunctionalities of democratic myopia. But we have also introduced evidence that under certain institutional conditions long-term thinking is more readily embedded. An OFG could enable citizens who hold a concern for future generations – those with 'life transcending interests' (Thompson 2009) – to take up a contestatory stance towards existing policy and practice that they believe undermine the interests of future generations through petitioning the OFG. This is a role that mirrors the practices of many currently existing Ombudsmen. But rather than the OFG itself taking on the role of 'contestatory court' (Pettit 2012), a second form of democratization could be specifically constituted mini-publics that allow citizens to play a more deliberative role in investigating and judging the veracity of such civic complaints. Contestatory courts do not have to be the sole preserve of legal or technical specialists and we already have evidence that citizens are capable and willing to deal with complex issues within deliberative forums. This is an institutional format that orientates citizens towards the long-term. Third, broader modes of citizen engagement, including the use of new technologies such as crowdsourcing, could be central to the policy reviews and assessments (whether retrospective or prospective) undertaken by OFGs, although again these are likely to be the preserve of those citizens predisposed to considering the interests of future generations. Finally, and arguably more radically, we might consider how citizens could play a role in the governance of an OFG. The Citizen Council (a standing mini-public) that provides recommendations on the values that guide the activities of the independent National Institute for Health and Care Excellence (NICE) is one rare strategic body;⁹ the potential for more extensive and deeper deliberative engagement in organizational governance is yet to be fully exploited by independent oversight bodies.

Taking on these kinds of engagement activities would see an OFG acting in line with the small, but growing number of what Bherer and colleagues (2014) term 'autonomous public organizations dedicated to public

⁹ <http://www.nice.org.uk/Get-Involved/Citizens-Council>

participation' (APOPPs) that have the right to define and implement participation exercises around controversial developments (Bherer et al 2014). Examples include the Tuscany Participatory Authority (TPA), the French National commission on public debate (CNDP) and the Danish Board of Technology – the latter being particularly well known for its engagement of citizens (typically through consensus conferences) in the public assessment of highly complex scientific and technical developments, many of which have had a strong element of potential future risk. The idea here is that an OFG acts as a champion for systematic public engagement on future-orientated policy assessment, in so doing increasing its legitimacy in the eyes of the public and political decision makers. Enhancing such an agency's standing is critical for its capacity to effectively challenge the myopic dysfunctionalities of democratic systems.

Arguably one of the failings of the Israeli Office was that its legitimacy rested too heavily on the charismatic and politically controversial leadership of the Commissioner: a change in administration meant that the individual, and thus the Office, fell out of favor. In Hungary by contrast, the legitimacy of the Office rests on its scientific competence, but it is unclear how far its work and activities resonate with the wider public.¹⁰ As such its political impact is limited. The proposed focus on a participatory approach suggests a way of enhancing the legitimacy of an OFG based on its democratic practices: an alternative approach to building and sustaining political standing for the Office.

Conclusion

This essay covers a lot of ground (perhaps too much!). While there is a great deal of commentary on why democracies tend towards the myopic and a worryingly authoritarian strand of thinking emerging in response, less energy has gone into thinking about how the impact of democratic myopia can be mitigated in order to deal more effectively with climate change, and other policy issues with long-term characteristics. Such myopia is, after all, context sensitive.

The essay offers some indications of how democratic theory might be marshaled to the task of institutional design for the long term. A great deal more work is needed in thinking through specific design proposals and understanding how they interact with other parts of the democratic system. The final part of the essay offers a more sustained analysis of the role that an

¹⁰ The same could be said for the Climate Change Committee in the UK

OFG might play. The argument is not that an OFG is the single institution that will fix democracy's ills; rather that with an extensive set of powers, an OFG could respond to different dimensions of democratic myopia. And while the constitution of such an unelected body might not be the immediate choice of democrats, good democratic reasons can be offered to support such a design.

Much more systematic work is needed to compare the different design options of OFGs, as well as other potential institutional remedies. This must be a theoretically informed exercise, but also one with a political/pragmatic tone that has an eye to the potential intervention points for system reform.

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