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ZORA URL: <https://doi.org/10.5167/uzh-129604>

Book Section

Accepted Version

Originally published at:

Wallimann-Helmer, Ivo; Meyer, Lukas; Burger, Paul (2016). Democracy for the Future: A Conceptual Framework to Assess Institutional Reform. In: Sturma, Dieter; Honnefelder, Ludger; Fuchs, Michael. *Jahrbuch für Wissenschaft und Ethik*. Berlin: Walter de Gruyter, 197-220.

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Democracy for the Future: A Conceptual Framework to Assess Institutional Reform*

Abstract: There seem to be good reasons that democratic institutions must be reformed in order to minimize the danger of unsustainable policy decisions infringing upon duties of intergenerational justice. This is why there exist a number of different proposals of how to reform democratic states in order to foster their duties towards the future. However, the debate lacks a systematic assessment of these suggested reforms within a coherent theoretical and normative framework. This paper aims at developing such a framework.

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Keywords: Democracy, Intergenerational Justice, Institutional Reform, Collective Responsibility, Sustainability, Climate Change

Skepticism about democracy has existed since antiquity and, in light of the recent environmental crises, has increased since the 1970s. Some claim that in a democracy there is a danger of not bringing about the necessary policy decisions towards its sustainable transformation. Similar to Plato, the so-called Survivalists claim that it is not the people, but a prudent intellectual elite of the state who should make policy decisions about sustainability issues.¹ Likewise, in the face of unsatisfactory climate negotiations, it has been argued that democratic decision-making must take a backseat in favor of effective climate politics.² But even if it does not come to the claim that a prudent intellectual elite should rule states, there seem to be good reasons that democratic institutions must be reformed in order to minimize the danger of unsustainable policy decisions. There is at least no clear evidence that democratic countries have sub-

* We thank two anonymous referees of a related research proposal for their helpful criticisms and suggestions. We also thank Michaela Kalcher for proof-reading the manuscript.

1 Hardin 1968; Heilbroner 1980; Ophuls 1992; Jonas 2003.

2 Kitcher 2010; Shearman, Smith, Joseph Wyne 2007; Vanderheiden 2009.

stantially better policies implemented than non-democratic countries regarding CO₂-emissions or greening the economy.³ Against this backdrop, scholarly research in political theory as well as in political philosophy produced a number of different proposals of how to reform institutions of democratic states in order to foster their duties towards the future. However, the debate lacks a systematic assessment of these suggested reforms within a coherent theoretical framework. Our paper wants to pave the way for a remedy by developing a first approach to a systematic conceptual framework that will allow assessing institutional reforms.

We first argue for institutional reforms as the best available strategy (1). We then suggest going at least along two conceptual dimensions⁴ defining the spectrum of different justifiable institutional reforms. On the one hand, such reforms depend on how the relation between democracy and justice is understood (2). On the other hand, the institutional reforms indicated depend on the conditions considered relevant for viewing democracies as responsible collective agents (3). Our framework assumes that depending on the answers to both these dimensions, it is possible to substantiate a set of types of institutional reforms in order for democracies to be able to better comply with their responsibilities towards the future (4).

1 Motivating the Framework

Generally speaking, there are three critical lines within the literature questioning the fitness of current democracies to cope with the prevailing global environmental and climate challenges. First, skepticism about democracy in general calls for priority of elite-decisions especially on the international level. Second, skepticism about the currently existing state-based democracies calls for something like a global democracy. While both these first two options limit state sovereignty in order to globally promote more sustainable policy decisions a third critical line does not. This third line of criticism concerns the current institutional settings in democracies, calling for institutional reforms.⁵ Without entering the minefields of pro and cons for options one and two given the limited

³ The US, Canada and Australia are prominent cases. Cf. section 3 for further reasons.

⁴ We do not claim to offer an all-encompassing framework already, only a starting point for it.

⁵ Lafferty 2004.

space of this paper, we will present our rationale for favoring line three in the following.

The following three *basic claims* substantiate the presumptions of our paper, namely its focus on single states as the relevant collective agents and the need for reforming democracies: *First*, in order to tackle the global and intergenerational challenges faced today, measures must be taken as promptly as possible. These measures, therefore, must happen within the already existing global governance structure; that is, within the framework of a global structure with individual sovereign states and weakly defined or even non-existent global institutions. In international negotiations, e.g. on climate change, global environmental problems, poverty alleviation and crisis management, states are viewed as the primary agents who must take on responsibility. According to the principle of common but differentiated responsibilities, states are seen as the responsible collective agents who should contribute to the prevention or mitigation of damages and losses in proportion to their contribution to the problem and their economic and technical capacities.⁶

Second, given the first claim, stable and functioning states are necessary for the most prompt and efficient implementation of the policy decisions required to tackle the global and intergenerational challenges of environmental and climate damages and losses. For coordinated state action, there must be institutions available that can relieve individuals from epistemically excessive demands and that can steer the necessary measures into collectively acceptable directions.⁷ These two elements may be viewed as an argument from feasibility to principles.

Third, environmental concerns have become intrinsically related to concerns of intra- and intergenerational justice since the dawn of the sustainability debate. As there are well-known arguments linking justice-considerations with democracy-considerations, there are good reasons to follow the democracy and not the elitist line. For this reason, it makes sense to initially evaluate the existing democratic institutions centered on the state, as well as to make suggestions for reform if need be.⁸ We argue that the *onus probandi* is on the side of those who want, in the face of global and intergenerational challenges, to limit the right to democratic sovereignty to global institutions.⁹

⁶ United Nations 1992A, 1992B, 1998, 2015.

⁷ Höffe 2009; Leist 2012; Miller 2011; Roser, Seidel 2013.

⁸ Caney 2005; Thompson 1999.

⁹ Beckman 2008; Cheneval 2011; Miller 2008.

Our suggested framework for assessing the needed reform of democratic institutions contains two conceptual dimensions: (I) Duties of democracies towards the future are to be explicated by a theory of intergenerational justice, which can be derived by clarifying how the relation between democracy and justice is to be understood.¹⁰ (II) If democracies as collective agents can be seen as responsible for the future, then it must be clear under which institutional conditions democracies can be considered to be responsible collective agents.¹¹

Although these two conceptual dimensions might appear to be distinct, they heavily depend on each other if we want to know whether and under which conditions democracies can be deemed collective agents responsible towards the future. The first dimension defines the intergenerational duties of justice for democracies. However, this is not sufficient to determine the necessary conditions for democracies to be able to serve as relevant collective agents taking on responsibility for the future. Duties of justice can only state which burdens democracies should carry for the benefit of the future, but they do not define the institutional conditions under which democracies count as the relevant subjects of responsibility. Inversely, it appears to be obvious that the institutional conditions under which democracies can count as collective agents responsible towards the future should also advance democracies' duties of intergenerational justice. Assessing whether this is the case necessitates being clear about democracies' duties towards the future first. Hence, it appears that the two dimensions of (I) duties towards the future and (II) institutional conditions for responsibility heavily depend on each other. However, these two dimensions only span a vector space for legitimate institutional reforms given requirements for intergenerational justice. We do not include empirical claims on the efficiency and efficacy of the reform in question.

As we show in the following, both dimensions compose a framework to assess institutional reform in order for democracies to be better able to conform to their duties towards the future. The framework allows critically analyzing and categorizing the institutional reforms suggested in the literature in order for democracies to be able to better comply with their responsibilities towards the future. We suppose that institutional reforms are only justifiable if they challenge neither the relation between democracy and justice, nor the conditions necessary for democracies to be responsible collective agents. Consequently, the goal of our framework is to provide the basis for substantiating a set of institutional reforms justifiable against the backdrop of the framework established

¹⁰ Beckman 2012; Beckman, Page 2008; Buchanan 2002; Valentini 2012.

¹¹ Miller 2007, 2004; Meyer, Sanklecha 2014.

by our two conceptual dimensions. Before being able to show how our framework functions, we elaborate on the two conceptual dimensions of our framework in the next two sections in turn.

2 Democracy and Intergenerational Justice

Although environmental justice in all its facets is at the center of “Green Political Theory”, the debate rarely addresses the following question: Which intergenerational duties do democracies have?¹² This is not surprising, considering that the same is true for the more general question of how democracy and justice are related. However, in order to know how well democracies can and do perform regarding their responsibilities towards the future, it is necessary to be clear about what intergenerational duties of justice democracies do have. For our framework we assume that the relation between democracy and justice determines the duties of intergenerational justice of democracies. Therefore, the first conceptual dimension of our framework clarifies which intergenerational duties democracies have to live up to.

Scholarly research on the subject provides two perspectives on the relation between democracy and justice¹³: i) The implementation of a just social structure¹⁴ takes precedence over democracy;¹⁵ according to this view, democracy only serves the implementation and concretization of demands of justice. ii) Justice is constitutive for the possibility of democracy;¹⁶ for without the guarantee of minimal conditions of procedural and substantial justice, collective decision-making between free and equal citizens is not possible. We have a closer

12 Important exceptions include Eckersley 2004; Goodin 1992.

13 We abstract in the following from a number of internal differences regarding justice, e.g. what principle of justice (see, e.g., Barry 1991 and the contributions in Gosseries and Meyer 2009, part I) or what metric of justice (see, e.g., the contributions in Nussbaum and Sen 1993) is being presupposed. We also refrain from taking the ideal/non-ideal distinction into account (see, e.g., Swift 2008). Regarding our discussion of intergenerational justice in this paper, we assume that it is not undermined by assumptions provoking non-identity issues (see Meyer 2065, sects 3 and 4).

14 By “just social structure” we mean to refer to a Rawlsian understanding of the importance of a set of institutions for realizing what social justice requires. For a critical discussion see Meyer 2015.

15 Arneson 2003, 2004; Harris 2010; Van Parijs 1996, 2011.

16 Christiano 2004, 2010; Gould 1990, 2004, 2013; Pettit 1997, 2012.

look at both these perspectives and the intergenerational duties of democracies they establish in what follows.

i) If democracy is only of importance for the implementation and concretization of a just social structure, then democratically legitimate policy decisions must also be conducive to this purpose. Hence, with regard to justice, it must not only be possible to question but also to abolish legitimate democratic policy decisions that run contrary to this goal. Such a view makes two assumptions: First, that there is something such as an objectively correct or most just societal order that can only be guaranteed through the institutions of the state. Second, citizens have good reasons to follow the state's regulations insofar as a just social structure better allows them to pursue their goals successfully.¹⁷ Accordingly, many proponents of this view believe that democratic participation is only warranted if such participation contributes to the implementation and concretization of the just social structure.¹⁸

ii) In contrast, if minimal conditions of justice are constitutive for the possibility of democracy, then the majority of decisions resulting from democratic decision-making should be respected as legitimate for that reason, regardless of how just they are in terms of a more demanding or different understanding of justice.¹⁹ Within the scope of such a relation between democracy and justice, claims of justice play a role either as political positions among others only, or as putting forward a necessary requirement for the assurance of fair opportunities for participation in political decision-making. Proponents of this view are often of the opinion that certain minimal procedural and substantial conditions of justice are needed for the assurance of equal participation for all citizens. As a result, the range of legitimate policy decisions is often understood as being limited by these minimal conditions of justice because they are constitutive for the possibility of democracy.²⁰

Depending on the relation between democracy and justice, other duties of intergenerational justice vis-à-vis democracy are warranted. i) If justice takes precedence over democracy, then democratic decisions can only be legitimate provided they do not undermine the project of establishing or maintaining a just social structure. ii) If minimal conditions of justice are constitutive for the possibility of democracy, then demands of intergenerational justice can be understood to be restricted to those claims which do not threaten to undermine these

¹⁷ Raz 1986, 2006.

¹⁸ E.g. van Parijs 2011.

¹⁹ Christiano 2004; Horton 2012; Pettit 2012.

²⁰ Christiano 2010.

constitutive conditions. Therefore, the duties of intergenerational justice of democracies can be located on a line between two poles making up the first conceptual dimension of our framework. In accordance with the first pole, democracy's duties of intergenerational justice consist in maintaining or bringing about the conditions of a just social structure. In accordance with the second pole, a democracy's duties of intergenerational justice are limited to those that help to preserve the conditions of justice constitutive for the possibility of democracy.

i) In terms of the first pole, democracy's intergenerational duties consist in establishing or maintaining the just social structure for the future. Deviating from a strict claim of precedence of intergenerational justice so understood in favor of democratic influence is, however, justified for a number of reasons: a) Predictions about future environmental and climate damages are afflicted with uncertainty. This often contributes to people reasonably disagreeing about what policies should be pursued. b) In all likelihood, measures addressing the demands of future generations limit the quality of life for at least some people living today. Therefore, in order to increase the legitimacy of decisions, all those affected should be included in the decision-making process about the measures to be taken.²¹ c) In many instances, there is reasonable disagreement about how to distribute the burdens of policies to be pursued or of the damages expected. In these cases, it seems minimally fair to involve all those potentially facing burdens in the decision-making.²²

ii) According to the second pole, democracies are obligated to maintain the constitutive conditions of justice for the possibility of democracy. However, there are several reasons to deviate from these rather minimal demands: a) From the perspective of an egalitarian understanding of intergenerational justice, future generations should live under qualitatively similar conditions of justice as citizens of democracies living today and not just under minimally necessary conditions. b) Not only are central political institutions relevant for the survival of a particular political entity, but also, for instance, certain basic cultural conditions or the preservation of a determined landscape. The protection of both of these is not necessarily ensured by the preservation of the minimal conditions of justice necessary for the possibility of democracy.²³ c) Citizens justifiably develop projects that reach far into the future. The possibility of such

²¹ Goodin 2007; Schuppert, Wallimann-Helmer 2014.

²² Krütli u.a. 2015; Meyer, Sanklecha 2014.

²³ Meyer, Roser 2012.

long-lasting projects being realized cannot be secured by minimal standards of justice constitutive for the possibility of democracy.²⁴

Besides reasons to deviate from both poles of the relation between intergenerational justice and democracy, both understandings have their problems. i) If justice has unqualified precedence over democracy, then experts of justice should judge what policy decisions contribute best to the maintenance or establishment of a just social structure.²⁵ Such a perspective seems to align with the assessments of the Platonists and the Survivalists and appears to be problematic because it is hardly compatible with the right of all citizens to equal political participation. ii) If, however, minimal conditions of justice are constitutive for the possibility of democracy, then legitimate policy decisions could entail infringements on duties of justice, including intergenerational duties. According to this view, the conditions of justice that are constitutive for the possibility of democracy are only those that enable equal political participation of all citizens. In consequence, many policy decisions must satisfy demands of legitimacy but only minimal standards of justice.²⁶

Is one of these two perspectives superior to the other? What is clear is that the standards of intergenerational justice to be satisfied by democratic policy decisions are likely to be more demanding if we understand democracy as a mere instrument for the implementation and concretization of a just social structure. What speaks in favor of social justice having unqualified precedence over democracy is that such precedence could minimize the danger that the demands of future generations are violated due to inadequate policy decisions. However, the spectrum of legitimate policy decisions in democracies could be too restricted by such a claim of precedence. If, on the other hand, the conditions of justice that are constitutive for democracy define the intergenerational duties of democracies, then there is the risk of violating the rights of future generations that cannot clearly be shown to be constitutive for the possibility of democracy.

We expect that normative and conceptual research reveals where on the line between the two poles a defensible understanding of the relation between democracy and justice must lie. Other theorists might reach different conclusions than the ones we envisage. However, we believe that researchers exploring institutional reform regarding democracies' responsibilities towards the future will have to position themselves on the line making up the first dimen-

²⁴ Meyer, Sanklecha 2014.

²⁵ Arneson 2004; Wall 2007.

²⁶ Buchanan 2002; Valentini 2012.

sion of our framework. Similarly, comparative research will reveal where on the line between the two poles citizens of different democratic states place these duties of intergenerational justice. The line between the two poles of the relation between intergenerational justice and democracy, however, only defines one dimension of our framework. We now turn to the second dimension.

3 Democratic Responsibility for the Future

The ascription of responsibilities for the just distribution of the burdens for adequate environmental protection, for climate measures or other goals of sustainable development plays a central role in international politics. Granted that according to our premise above, this leads to the question of whether and how democracies can be considered as responsible collective agents. This question brings us to the second part of our endeavor. We are looking for a conceptual vector space that frames in what respect democracies can be considered bearers of responsibility for fulfilling duties towards future generations.

According to many exponents of climate ethics, the classic understanding of individual responsibility is no longer compatible with the global and, in particular, intergenerational scope of climate change.²⁷ If one assumes a similar scope for the basic sustainability challenges, then this concern is also valid for those, and mainly for two reasons. First, even though establishing causal responsibility for damage to the environment or to the climate is a sufficient reason for attributing liability to the agent having caused the damage, this by itself does not necessarily establish that the agent accrues moral duties. Particular problems arise on an aggregated level.²⁸ Second, besides the fact of having caused the harm being central for ascribing responsibility, contributions to maintaining and promoting social practices that increase the risk of damage to the environment and climate can become relevant for assessing responsibility for expected harm in the future. However, for norms regarding the moral assessment of aggregated effects of behavior to be effective they need to be widely shared and accepted among the members of a society and many members of the society need to support changing the relevant social practices.

This is why regarding intergenerational demands of justice in light of environmental challenges and climate change, considerations of collective respon-

²⁷ Attfield 2009; Gardiner 2004, 2006; Jamieson 1992, 2010.

²⁸ Burger, Christen 2011; Christen, Schmidt 2012.

sibility play a central role.²⁹ For instance, even though something such as the cumulative greenhouse gas emissions of all individuals leads to damaging consequences, it is not possible to determine which individual emitted the greenhouse gases that will lead to a specific damage in the distant future.³⁰ In contrast, it is much more likely for the collective of the state to be ascribed such responsibility for the future. It is the collective and its legal regulation that allows for environmentally damaging behavior. Similarly, one can also claim that democracy's responsibility for the future does not extend to single individuals, but rather to the collective of future citizens.³¹ How to conceptually understand democracies as collective agents, however, is a rather underexplored issue in normative political theory.

In business ethics by contrast, the question of how companies and corporations can be considered as collective agents capable of responsibility has been intensively discussed.³² Assuming that states rule similarly to companies, ideas about corporate responsibility are often transferred to states. The following two perspectives on the concept of collective and corporate responsibility are most common in the debate about the responsibility of states: i) The first perspective assumes that states can be considered responsible collective agents only if their institutions adequately involve their citizens in political decision-making.³³ ii) Conversely, the second perspective assumes that states are agents capable of responsibility not because they have a specific institutional structure, but rather because their political conduct brings about inward and outward consequences, for which states are to be held responsible.³⁴ According to the first perspective of collective responsibility, collective agents are to be considered as non-natural persons that can develop intentions, generate knowledge and make as well as implement decisions through their decision-making procedures. Therefore, they can take on responsibility like natural persons. According to the second perspective, collective agents are only persons in a derived sense because their status as agents is ascribed to them either externally or through their members.³⁵

²⁹ Nolt 2011; Sinnott-Armstrong 2005; Vanderheiden 2007, 2011.

³⁰ Braham, Van Hees 2012; Kutz 2000; Lawson 2013; Nefsky 2011.

³¹ Meyer 2005; Thompson 2009.

³² E.g. French 1979, 1984; Neuhäuser 2011; Smith 2013; Werhane 1985.

³³ Erskine 2001; Pasternak 2013; Stilz 2011.

³⁴ Jubb 2014; Miller 2004.

³⁵ This contrasting of two perspectives of collective responsibility is certainly simplified and schematic. In particular, conceptions of states as collective agents based on social contract theory justifications or on authorization arguments would be worthy of mention. As we see it,

However, there are at least two significant differences between companies and states that must be taken into account.³⁶ First, employees can normally freely leave and join a company. Conversely, citizens are usually involuntary members of a state and can only leave or join a state at high costs, if at all. Second, for most companies, it is clear what objectives they strive for beyond profit. They produce a certain product or offer certain services. In contrast, democratic states should be rather neutral in terms of objectives, beyond securing social stability and minimum welfare, and should allow for a wide-ranging plurality of ideas of the good life. Due to these two differences between companies and states, it is of central importance to clarify under which conditions citizens of democracies share the responsibilities of their states.

Depending on which of the two perspectives of collective responsibility informs the understanding of states as responsible agents, other conditions for the joint responsibility of citizens of democracies can be considered valid. i) In the case of the first perspective, citizens are jointly responsible for the actions of their state only if they have an equal say in policy-making. ii) In the case of the second perspective, it is instead relevant that the global community of states recognizes a sovereign state as a responsible agent and that its citizens endorse it as such. Accordingly, the guarantee of equal participation in democratic decision-making is only a central condition in the first perspective. In the case of the second perspective, joint responsibility is legitimate if citizens identify sufficiently with their state, which is recognized as a responsible agent by the global community of states.³⁷

i) Therefore, according to the first perspective of collective responsibility, democracies are collective agents because they can be treated like persons due to the ways in which they involve citizens in decision-making structures. This leads to the question of the extent to which the institutional decision-making structure of a democracy can generate knowledge, as well as make and implement decisions that are sufficient for democracies taking appropriate responsibility for the future. The examples of defense policies or investments in nuclear

however, these views, each in its own way, represent a combination of the two above mentioned perspectives of collective responsibility. For further illumination in this context see e.g. Parrish 2009; Stiliz 2011.

³⁶ Pasternak 2013; Wall 2001.

³⁷ This contrast of the involvement of citizens from individual states for the possibility of collective state responsibility is also very simplified in light of the extremely diversified debate about the rights and obligations of citizens (e.g. Klosko 2004). For the purposes of our framework, however, we believe that the conditions for involving citizens directly resulting from the two named perspectives of collective responsibility are the two key distinctions.

power demonstrate that this can be the case.³⁸ However, empirical studies show that, especially concerning environmental and climate damage, democracies do not perform significantly better than non-democracies in the sustainability of their policy decisions.³⁹

Furthermore, there are a number of skeptical arguments in the literature regarding the ability of democracies to be sufficiently concerned with the future, such as:⁴⁰ a) Since human beings tend to favor short-term advantages over long-term ones, it is probable that democracies tend to prefer policy decisions yielding timely, directly verifiable results. b) In democracies, policy decisions should reflect the (potentially short-term) judgments of their currently living citizens regarding how policies affect their interests. c) Appropriate decisions regarding the future, especially when concerned with environmental destruction or climate change, presuppose complex scientific knowledge, which only few citizens can acquire in a sufficient manner. d) Democracies tend to neglect the interests of future generations because they are usually not represented in the decision-making procedures.

ii) However, these arguments are only valid given a specific expected conduct of citizens. As soon as citizens, as well as political agents, identify with long-term goals in support of future generations and develop and use the appropriate knowledge, the skeptical objections lose their validity. Regardless of the institutional structure of democratic decision-making, democracies seem to be able to take on adequate responsibility for the future when their citizens demand the appropriate political action.⁴¹ Hence, if democracies can be considered responsible collective agents according to the second perspective of collective responsibility, then it is possible to explain why democracies, in spite of institutional deficiencies, can take on appropriate responsibility for the future.

Which perspective of collective responsibility is more suitable for understanding democracies as collective agents responsible towards the future? From the view point of democratic theory, the first perspective of collective responsibility is preferred because it allows for the joint responsibility of citizens to depend on whether citizens had fair opportunities to influence policy decisions. However, taking environmental challenges and climate change into consideration, the second perspective seems to be more reasonable, insofar as states should be deemed responsible for whatever damage they cause irrespective of

38 Birnbacher 1995.

39 Burnell 2012.

40 MacKenzie im Erscheinen; Thompson 2010.

41 Wallimann-Helmer 2013.

how well their citizens have been involved in policy-making. As there are good arguments for both perspectives of collective responsibility, we again suggest taking them as the two poles of the axis that frames the institutional conditions for attributing collective responsibility to democracies rather than as alternatives.

How the two perspectives of collective responsibility can be reconciled is a question for normative, conceptual and empirical research. Comparative research might reveal that in different states with given governance structures the two perspectives on collective state responsibility play a different role. Different research results will define different points on the line between the two perspectives, determining what role they could play in the understanding of democracies as responsible collective agents. Our contribution, however, is that any understanding of democracies as responsible collective agents must take a stance regarding both perspectives of collective responsibility.

4 Assessing Institutions and Institutional Reforms in Democracies

Given the considerations on the two conceptual dimensions of our framework, we are now in a position to illustrate how our framework works. It allows assessing which institutional reforms are indicated and justifiable in order to minimize the risk that democracies do not live up to their responsibilities towards the future.⁴² The focus is on assessing the conceptual and normative weaknesses and virtues of traditional democratic institutions with regard to their responsibility towards the future. How well the traditional democratic institutions in fact perform regarding their responsibilities towards the future, and to what extent the reforms suggested can foster living up to these responsibilities are matters for empirical research. However, in our understanding, we look upon our framework as a conceptual basis for guiding meaningful empirical research of this sort. Both dimensions define the scale against which to assess democracies' performance and from which to indicate promising institutional reforms.

Accordingly, suggestions for reforms in the traditional legislative, executive and judicial institutions must be evaluated along the two conceptual dimen-

⁴² We remind the reader that we abstract from any considerations on efficacy and efficiency. Our concern is primarily normative.

sions whose extreme manifestations make up either one of the two poles of the relation between democracy and justice or one of the two perspectives of collective responsibility. The following diagram visualizes the framework and suggests different ideal types of institutional reform depending on where on the two axes the answers to the two basic questions are placed.

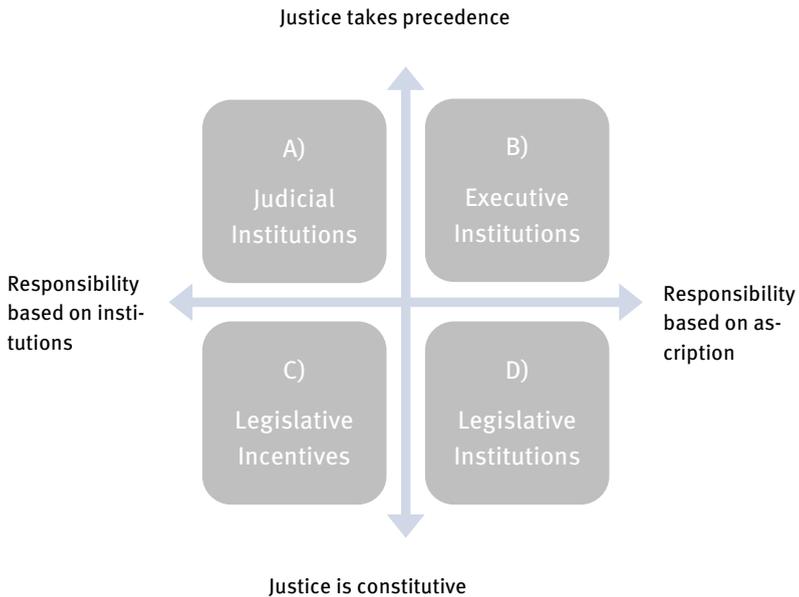


Fig. 1: Ideal types of institutional reforms. Own elaboration.

The vertical axis of the diagram represents the possible relations between democracy and justice. The horizontal axis shows the two most common understandings of democracies as responsible collective agents.

Depending on where on the line between intergenerational justice having unqualified precedence over democracy, and justice being constitutive for the possibility of democracy the relation between democracy and justice lies, it is either judicial and executive institutions or legislative institutions which are considered as primarily justified in indicating reforms. Similarly, the answer to the second basic question – whether institutions are more essential for considering democracies as responsible collective agents or whether it is the ascription of responsibility – will determine the direction of reforms towards either incentive structures or institutional design. We expect that any conceptual, norma-

tive or comparative investigation on the two conceptual dimensions of our framework will identify answers somewhere on the two lines between the strict answers. The framework allows also to assess the performance of all three traditional branches of democratic decision-making and will potentially indicate more or less modest reforms in each of them. For illustration, we provide the different rationales behind the different kinds of reform potentially indicated depending on the normative, conceptual or comparative research findings backing one or several of the four possible answers to the two basic questions we identify.

A) If justice takes unqualified precedence over democracy and if democracies are capable of responsibility as collective agents due to their institutional structure, then the main question is whether the traditional institutions of democratic decision-making can guarantee that democracies satisfy the demands of intergenerational justice. The *judicial institutions* thereby seem to represent the ideal type of reform, because these institutions allow for directing political decision-making towards sustainable policy without significantly changing the institutional structure of democratic decision-making. This is a central condition regarding the first framework of assessment because otherwise there is the danger that democracies lose their status as responsible collective agents.

Judicial institutions are traditionally dedicated to protecting the fundamental rights of citizens or the constitution of democracies. Understood this way, it makes sense to view judicial institutions as guarantors of the demands of future generations because they traditionally secure the fundamental rights of citizens regardless of when they live.⁴³ Concerning potential environmental challenges or climate damage, however, the difficulty arises that judicial institutions have traditionally been seen as a supervisory authority only that checks the consistency of policy decisions made by the legislative or executive authorities with existing rights and the constitution.⁴⁴ Such an examination of policy decisions is not sufficient for effective environmental and climate measures in favor of the demands of future generations.⁴⁵ For evaluating the consequences of policy decisions regarding demands of intergenerational justice, specific competence with respect to science and the humanities is necessary. If the expertise of the judicial institution is to be accordingly supplemented, then such suggestions for reform are close to the introduction of the institution of ombudsmen, like those

⁴³ Bessette, Murray S. Y. 2011; Grosseries 2008.

⁴⁴ Lever 2009; Waldron 2006.

⁴⁵ Hayward 2005; Stein 1998; Wallimann-Helmer 2015b.

that were established in Israel and Hungary. These ombudsmen assess the sustainability of policy decisions in cooperation with an interdisciplinary team.⁴⁶

B) If justice takes unqualified precedence over democracy, but if democracies are capable of taking responsibility for the future due to the ascription of such responsibility, then the preservation of the institutional structures of democratic decision-making holds less importance. If democracies are to be considered collective agents based on ascription, then it is first and foremost relevant for the preservation of democracies as responsible collective agents that citizens or (ideally) all other states maintain the ascription of responsibility. This suggests that the *executive institutions* are the ideal type for reform in regard to the most efficient and effective way to ensure the just claims of future generations. That is because executive institutions can implement the necessary policy decisions according to the best scholarly knowledge most efficiently and effectively. As long as citizens can sufficiently identify with their executive bodies, then the possibility for all citizens to participate in policy decisions as equals becomes less important.

Executive institutions traditionally execute and enforce policy decisions. To foster democracy's responsibilities towards the future through reform of executive institutions, a similar expansion of expertise as the one suggested regarding judicial institutions is necessary. One option consists in creating special executive arms like the environment and sustainability ministries already in place in many democracies. However, concerning such ministries, the question arises which role scientific influence should legitimately have on the government.⁴⁷ A second option consists in creating institutional settings for policy integration, which imply issues of meta-governance.⁴⁸ Both options, however, face challenges regarding their democratic legitimacy since they put in power scientific or other experts not being elected by citizens.

C)/D) If, in contrast to the previous two frameworks for normative assessment, justice is constitutive for the possibility of democracy, then the legislative institutions seem to represent the ideal type of institutions for securing the demands of future generations. If justice is constitutive of democracy, then ensuring equal participation of all citizens is the central requirement.

Traditionally, *legislative institutions* enact, amend and repeal policy. Suggested reforms with regard to the interests of future generations most often concern the legislature and respond to one or more of the skeptical objections

⁴⁶ E.g. Göpel 2012.

⁴⁷ Holden 2002; Shrader-Frechette 2002; Sunstein 2002.

⁴⁸ Bornemann 2014.

(a-d) mentioned in section 3. Suggestions for reforming legislative institutions are concerned with advancing the long-term nature of legislative decisions. However, depending on whether democracies can take collective responsibility for the future due to their institutional structure or due to the internal or external ascription of responsibility, these suggestions must be differentiated in accordance with the two perspectives of collective responsibility. Either institutional reforms as such are at the core, or these suggestions focus on changing the incentive structures within legislative decision-making procedures.

C) If democracies are capable of taking on responsibility as collective agents based on their institutional structure of decision-making, then the traditional decision-making structure of legislative institutions should be preserved at a minimum. Accordingly, suggestions for reform for furthering responsibility towards the future that can be justified seem to be the ones that leave the legislative structures more or less intact. Therefore, assuming that changing incentive structures demands less radical institutional reform, this framework will probably foster reforms that change incentive structures.

The following two suggestions can be understood as *legislative measures for changing the incentive structures* that do not primarily attempt to reform legislative institutions but to influence the stance of citizens with regard to the interests of future generations. Vanhuysse and also van Parijs, for example, pronounce that the time for parents' proxy votes for their children might have come.⁴⁹ Such a system would call for the power of the electorate to shift from the older to the younger citizens and could produce the result that political parties orient their programs more towards the interests of families and probably towards the interests of future generations. A similar tendency could result if the legislature were obligated to debate and decide on results of regularly conducted opinion polls or deliberative polls.⁵⁰ In both examples, institutional changes are not the main focus of reform but rather raising the awareness for the concerns of citizens or, given commensurate configurations (e.g. only including young citizens, parents or environmental activists in polls) for the claims of future generations.

D) If democracies are collective agents responsible towards the future mainly because this responsibility is ascribed to them, then even suggestions for reform that radically change the traditional institutions of the legislature could be justified. For that after institutional reform citizens or the community of (ide-

⁴⁹ Vanhuysse 2013; Van Parijs 1998.

⁵⁰ Fishkin 2013; Fishkin, Luskin 2005.

ally) all other states still need to be ready to ascribe responsibility for the future to a democratic state.

Suggestions aimed at *institutional changes in the legislature* include the representation of future generations and the increase of the political influence of young citizens. First, institutions for the representation of future generations could be implemented.⁵¹ Thompson, for example, suggests introducing trustees whose role would be to articulate the interests of future generations in the legislative assembly and to question those policy decisions that appear to endanger the possibility of democracy in the future.⁵² Furthermore, the introduction of a fourth branch of power for ensuring the interests of future generations has recently been suggested.⁵³ Second, quotas for young citizens in the legislative institutions of democracy could be implemented. This would ensure that those who will experience the environmental and climate consequences the most will also be represented appropriately in political decision-making.⁵⁴ Similar reasoning supports proposals for lowering the voting age.⁵⁵

We do not take party for one of these suggested ideal types of reforms. We give a generic vector space for looking at such reforms. Against its backdrop, we can claim that institutional reform is indicated if given their capacities as responsible collective agents democracies perform badly or there is a potential risk that they cannot not fully live up to their duties of intergenerational justice. In addition, institutional reforms are justifiable only if they do not undermine the conditions of the framework in question, i.e., that democracies do not lose their capacity to take on responsibility towards the future as collective agents. What reforms should concretely be suggested, however, goes beyond the scope of this paper and needs empirical research including aspects of efficacy and efficiency.

5 Conclusion

In this paper we suggest a conceptual framework to assess in what respect reforms of democratic institutions are indicated, and what reforms are justifiable in order for democracies to be better able to live up to their responsibilities to-

⁵¹ Dobson 1997; Eckersley 2004, 2011; Ekeli 2005, 2007.

⁵² Thompson 2005, 2010.

⁵³ Tremmel 2015; Wallimann-Helmer 2015a.

⁵⁴ Tremmel u.a. 2015.

⁵⁵ Tremmel, Wilhelm 2015.

wards the future. Our framework consists of two conceptual dimensions. The first dimension concerns the relation between democracy and justice. The second dimension concerns the conceptualization of democracies as responsible collective agents. Our framework claims that if reforms of democratic institutions shall foster that democracies better live up to their duties towards the future, and if democracies are to remain responsible collective agents, they must satisfy the following requirements: i) Reforms should increase the ability of democracies to live up to their duties of intergenerational justice. ii) Reforms should not undermine the ability of democracies to take on responsibility as collective agents. Hence, investigation of the two conceptual dimensions of our framework not only displays which reforms of democratic decision-making processes are indicated. They also provide the theoretical framework to evaluate which reforms can normatively be justified.

Overall, our framework helps grounding the preponderantly scattered and insufficiently justified suggestions on how the institutional structures of democracies should be changed so that democracies can better fulfill their duties towards the future. Against that backdrop, we see two lines for further research, a conceptual one and an empirical one. Conceptual research will contribute to two rather neglected but for the topic in question decisive conceptual questions of normative political theory: the question of how to understand the relation between democracy and justice; and identifying the conditions for democracies to be responsible collective agents. Empirical research will have to scrutinize the fertility of the framework by demonstrating that it allows guiding empirical research as well as by enriching it with additional criteria such as efficiency and efficacy. We expect that assessing democratic institutions on the basis of our framework will help to identify a set of reforms as normatively justifiable and, in doing so, the assessment will go well beyond the mere description of ideal types of reform as introduced above.

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