



cogitatio

POLITICS AND GOVERNANCE

Considering Future Generations in Democratic Governance

Volume 12

2024

Open Access Journal

ISSN: 2183-2463

Edited by Yasuko Kameyama and Tomohiro Tasaki



Politics and Governance, 2024, Volume 12
Considering Future Generations in Democratic Governance

Published by Cogitatio Press
Rua Fialho de Almeida 14, 2º Esq.,
1070-129 Lisbon
Portugal

Design by Typografia®
<http://www.typografia.pt/en/>

Cover image: © Nuthawut Somsuk from iStock

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Available online at: www.cogitatiopress.com/politicsandgovernance

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Table of Contents

Considering Future Generations in Democratic Governance

Tomohiro Tasaki and Yasuko Kameyama

Futurability, Survivability, and the Non-Steady State in the Intergenerational Sustainability Dilemma

Tatsuyoshi Saijo

The Politics of Non-Existence

Maija Setälä

Facing the Future: Conceiving Legal Obligations Towards Future Generations

Svenja Behrendt

Institutional Proxy Representatives of Future Generations: A Comparative Analysis of Types and Design Features

Michael Rose

The Conditionality of Political Short-Termism: A Review of Empirical and Experimental Studies

Masakazu Ogami

The Role of Moral Principles in Resolving Intergenerational Conflicts of Interest

Toshiaki Hiromitsu

Is the Young Precariat a Problem of Modern Democracy? A Case Study of Poland

Michał Czuba and Rafał Muster

The Role of Future Generations in Place Branding: The Case of Huelva City

Xavier Ginesta, F. J. Cristòfol, Jordi de San Eugenio, and Javier Martínez-Navarro

Climate Guardians: Navigating the Future in the 2021 German Climate Verdict and Constitutional Landscape

Manuela G. Hartwig

Protecting Future Generations Through Minilateralism: Climate Clubs and Normative Legitimacy

Robert Huseby, Jon Hovi, and Tora Skodvin

Considering Future Generations in Democratic Governance

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Submitted: 3 April 2024 **Published:** 2 May 2024

Issue: This editorial is part of the issue “Considering Future Generations in Democratic Governance” edited by Yasuko Kameyama (University of Tokyo) and Tomohiro Tasaki (National Institute for Environmental Studies), fully open access at <https://doi.org/10.17645/pag.i379>

Abstract

Intergenerational issues encompass various future concerns ranging from climate change to government debt, which can potentially harm the well-being of future generations. Scholars have discussed intergenerational equity and justice, and efforts to incorporate future generations in decision-making in society have been growing, including establishing future-regarding institutions. Nevertheless, democratic governance often prioritizes short-term gains over long-term benefits. This thematic issue aims to present the current state of progress and academic discourse on incorporating considerations for future generations into current decision-making. The issue comprises 10 articles with a varied focus, including on young people and those who are yet to be born. Challenges such as misrepresentation and negligence in democratic deliberation are explored, along with legal obligations grounded in human rights. Proxies for future generations in political decision-making are examined, revealing limitations in enforcing their interests. The impact of political short-termism on government responses is discussed, and the role of narratives in moral philosophy is explored. Diverse cases, including climate litigation in the German Federal Constitutional Court, highlight the complexity of addressing future generations. These articles explore and identify challenges in incorporating consideration of future generations, which could be used to catalyze studies on actions that will be taken in the future.

Keywords

future generations; future-regarding institutions; governance; intergenerational equity; intergenerational justice; Pact for the Future; short-termism

1. Introduction

Intergenerational matters are relevant to many societal issues. For example, climate change requires current generations to invest in reducing greenhouse gas emissions (Finnegan, 2022; Intergovernmental Panel on Climate Change, 2023) to lessen the financial burden and minimize the adverse impacts of climate change on future generations. The level of debt financing to cover current government expenditure also affects the financial conditions of future generations. In addition, many intergenerational issues require consideration from the perspectives of equity and justice. For example, economists have discussed intergenerational equity issues related to the allocation of exhaustible natural resources and capital used by multiple generations (e.g., Arrow, 1999; Hartwick, 1977; Ramsey, 1928), and philosophers have discussed intergenerational ethics and justice (e.g., Jonas, 1979; Rawls, 1971; Scheffler, 2013; Tremmel, 2014).

Nevertheless, democratic governance, as seen in many countries today, suffers from political “short-termism” as a structural problem of electoral democracy (González-Ricoy & Gosseries, 2016; Jacobs, 2016; Smith, 2021) because governments, voters, and special interest groups can be reluctant to adopt or even oppose policies that entail short-term costs.

Moreover, human activities increasingly affect the entire planet (Crutzen & Stoermer, 2000; Steffen et al., 2015) on a multi-generational scale. This view is aligned with the perception of multiple large-scale environmental crises (Andersen, 2020) and a recent report on global risks (World Economic Forum, 2024) that indicated that four of the top five global risks are environmental risks. Thus, the UN plans to convene the Summit of the Future this year (2024) and endorse a declaration for future generations.

Past UN statements about obligations to future generations include the following: “To defend and improve the human environment for present and future generations has become an imperative goal for mankind” (UN, 1972, para. 6) and “We borrow environmental capital from future generations with no intention or prospect of repaying...But the results of the present profligacy are rapidly closing the options for future generations”(UN, 1987, p. 24, para. 25–26). Furthermore, in the Declaration on the Responsibilities of the Present Generations Towards Future Generations and in the Declaration on the Commemoration of the Seventy-Fifth Anniversary of the United Nations, the following statements were made:

The present generations have the responsibility of ensuring that the needs and interests of present and future generations are fully safeguarded.

The present generations have the responsibility to bequeath to future generations an Earth which will not one day be irreversibly damaged by human activity.

The present generations have the responsibility to identify, protect and safeguard the tangible and intangible cultural heritage and to transmit this common heritage to future generations.

(UN, 1997, Articles 1, 4, 7)

What we agree today, will affect the sustainability of our planet as well as the welfare of generations for decades to come...We will work together with partners to strengthen coordination and global governance for the common future of present and coming generations.

(UN, 2020, p. 4)

Efforts are being made in some countries and regions to reflect certain considerations for future generations in current decision-making, and the academic literature on this topic is growing, including discussions about establishing “future-regarding institutions” that can reduce political short-termism (Boston, 2016; González-Ricoy, 2020; MacKenzie, 2021; Smith, 2021). Also, a group of legal and human rights experts has endorsed the principles on the Human Rights of Future Generations (Rights of Future Generations, 2023). There are, however, relatively few assessments of which current attempts to secure inter-generational equity and justice have been successful or that attempt to explain actual successes.

Ethical issues at the individual level, the question of representation for future generations, deliberation processes, cultural differences, modes of governance, and the roles of experts all play important roles in the consideration of future generations, but how and to what extent they do so is unclear. It is also unclear if an institution focused on dealing with climate change would also be able to address government debt crises at the same time.

Thus, this thematic issue was proposed to monitor the progress and explore the efforts that are being made to incorporate considerations for future generations into current decision-making, as well as examine how the academic fields of political science and economics are adapting their theories toward this end. In this thematic issue, “future generations” basically refers to both current younger people and the unborn, but the focus varies in some contexts.

2. Overview of the Contributions

This thematic issue comprises 10 articles that contribute to a better understanding of issues related to considering future generations during decision-making.

Most governance systems today do not properly take into account the future consequences of current decisions, which is a failure of these systems (Saijo, 2024). We therefore need to design mechanisms to reinforce systems that constitute today’s governance systems, namely democracy, the market, and science-technology, in a holistic manner. Saijo (2024) calls this concept “futurability.”

But how can we incorporate “futurability” in the real world? To begin with, we need to identify exactly who we are trying to consider. Some articles assume we should consider those who are yet to be born (Hartwig, 2024; Hiromitsu, 2024; Rose, 2024; Saijo, 2024). In other articles, young people in their teens, twenties, and perhaps even early thirties, are considered (Czuba & Muster, 2024; Ginesta et al., 2024). One can argue that not only the current young people and those who will be born in the future but also non-humans and nature should be considered when we are discussing ecological aspects of sustainability.

In other cases, the focus is not “who” should be taken into account, but rather “how” they should be taken into account. For example, Setälä (2024) discusses two problems about the representation of future generations, namely misrepresentation and negligence. The article argues that inclusive democratic deliberation is a remedy for misrepresentation, although its capacity to address negligence may be limited.

The legal system is an important part of the social system, but legal obligations to future generations are often rejected from the outset if there is no explicit acknowledgement or established doctrine. Obligations towards

future people and generations may be grounded in the relational character of human rights, which means that their positivity would not be a challenge in a legal order if the rights of future generations may reasonably be interpreted as acknowledging human rights (Behrendt, 2024).

Proxies are public bodies with institutionalized access to a government and/or parliament that can introduce the construed interests of future generations into the political decision-making process (Rose, 2024). In a comparative study, Rose (2024) focused on how proxies have been utilized in existing institutions and concluded that, while they are usually equipped with the tools to voice the construed interests of future generations, they often do not have the capacities to act as true watchdogs and can be ignored.

Multiple factors in current democratic systems are said to drive political short-termism, leading to delays in government responses to long-term policy challenges, such as global climate change. Ogami (2024) indicates some areas where political systems could potentially minimize short-term thinking.

Hiromitsu (2024) examines the role of narratives in moral philosophy in resolving intergenerational conflicts of interests by conducting a questionnaire survey in Japan. Harm-principle, world-survival, and chain-novel are narratives that proved to have power, whereas egalitarianism and utilitarianism had less. The survey also found that willingness to act is subordinate to appropriateness, which supports externalism, and that there is little difference between narratives in terms of ease of translation into action.

Institutions that consider future generations and the criteria used to measure the level of success of such institutions may differ from one issue to another, as well as from one country to another. Czuba and Muster (2024) examine three scenarios showing the relationship between the young precariat and democratic decision-making in Poland. The status of the young precariat in Poland can be better accommodated to society when the occurrence of one of these scenarios can be controlled by policy intervention under Polish conditions. In another example, the city council of Huelva, Spain, promoted a territorial brand to seek a new position for the city in tourism markets. Based on a case study of the brand Huelva Original, Ginesta et al. (2024) reveal the importance of millennials and Gen Z, as well as the political class in the construction and deployment of place branding.

Among the various issues for which consideration of future generations is needed, climate change is one of the most representative. Hartwig (2024) takes up the case of climate litigation at the German Federal Constitutional Court in March 2021. The article examines how the 2021 German climate verdict and constitutional provisions address the representation and protection of the interests of future generations concerning climate change and also discusses the potential of protecting fundamental rights of as-yet unborn future generations.

Huseby et al. (2024) examine another case from Germany about a climate club, which is a system where a small number of “enthusiastic” countries embark on ambitious mitigation efforts while encouraging other more “reluctant” countries to join. There are concerns about normative legitimacy in climate clubs’ use of incentives, particularly negative incentives, to attract members. The authors argue that even negative incentives for participation can be legitimate, assuming they meet a set of relevant legitimacy criteria and protect future generations from climate change impacts.

3. After the Summit of the Future

The UN recognizes that “young people, today and in the future, will have to live with the consequences of our action and our inaction” (UN, 2024, para. 15) and will attempt to adopt an ambitious, action-oriented Pact for the Future at the Summit of the Future held in September 2024. What remains to be found are ways to make the Pact more than just wishful thinking. The articles in this thematic issue add depth to this discussion by incorporating consideration for future generations in a better way while also identifying the difficulties in doing so. Intergenerational issues cannot be resolved purely by academia, so cross-disciplinary dialogues between practitioners and members of academia are needed. The editors hope that this thematic issue will catalyze such dialogues in society and promote empirical studies on actions that will be taken after the Summit.

Acknowledgments

The authors would like to sincerely thank the journal staff for their kind support in compiling this issue.

Conflict of Interests

The authors declare no conflict of interests.

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Futurability, Survivability, and the Non-Steady State in the Intergenerational Sustainability Dilemma

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Submitted: 28 October 2023 **Accepted:** 26 December 2023 **Published:** 28 February 2024

Issue: This article is part of the issue “Considering Future Generations in Democratic Governance” edited by Yasuko Kameyama (University of Tokyo) and Tomohiro Tasaki (National Institute for Environmental Studies), fully open access at <https://doi.org/10.17645/pag.i379>

Abstract

The three pillars of society—democracy, the market, and science and technology—are not systems that guarantee survival. This is because they will cause “future failures” that will eventually impose heavy burdens on future generations. Therefore, we need to design mechanisms to reinforce these three systems. This is called future design. Its basic concept is “futurability,” which is the ability of the current generation to prioritize the interests of future generations. This study examines the necessity of futurability, its background, and its relationship with intergenerational equity. In particular, using a simple numerical model in which the investment of the current generation affects the resources of future generations, this article shows that if each generation looks only to its own interests, humanity will face extinction. To ensure the survivability of humanity, each generation must demonstrate futurability, especially the importance of demonstrating futurability in a non-steady state.

Keywords

futurability; future design; future failures; intergenerational equity; non-steady state; survivability

1. Introduction

The science and technology we have developed now pose a threat to our own survival (Crutzen & Stoermer, 2000; Rockström et al., 2009, 2023; Steffen et al., 2006, 2007, 2015, 2018). The carbon cycle, disrupted by anthropogenic disturbances, is on the verge of collapse, while the nitrogen cycle, the phosphorus cycle, and biodiversity have surpassed their critical tipping points. Let us consider the nitrogen cycle as an example. In 1913, the introduction of the Haber-Bosch process facilitated the cost-effective mass production of

ammonia (Erisman et al., 2008; Smil, 2004). Today, approximately 80% of ammonia is used as fertilizer and the rest is used for producing different materials, including explosives, chemicals, synthetic fibers, and ceramics. Over the years, supply and demand for these applications were effectively balanced through market mechanisms. However, in the past 60 years, the production of nitrogen fertilizers has increased almost tenfold. Thus, the amount of artificial nitrogen compounds produced, other than dinitrogen, is approximately four times that produced in nature, drastically affecting the nitrogen cycle (Galloway et al., 2021). For example, approximately 80% of the reactive nitrogen in fertilizers is released into the environment, contributing to climate change, ozone depletion, and eutrophication (Erisman, 2021).

Increased production of ammonia leads to increased production of nitrogen fertilizers, which, in turn, leads to increased production of grains and meat. The result has been an increase in population for generations (Erisman et al., 2008). This expanding population has significantly increased fossil fuel consumption, consequently exacerbating climate change. The interconnected nature of these issues and the complex web of causal relationships give rise to *future failure* when we place a substantial intergenerational burden on future generations. Therefore, we aim to create a society in which future failures do not occur. In envisioning a society for future generations, the limitations of conventional system designs, which have often fallen short and continue to burden future generations in various ways, must be considered (Saijo, 2020). To this end, a new approach was introduced in Japan in 2015, known as future design (FD; Saijo, 2019, 2020, 2022). The core principle of FD revolves around the concept of “futurability,” a distinctly human trait. In FD, the first step includes designing a new system to activate futurability, which is then tested through experiments involving participants. Subsequently, the successful experiments are extrapolated to real communities, municipalities, and private companies. Ultimately, the practices are extended to the national and international levels.

FD puts forth two proposals, both of which are radical and unambiguous (Saijo, 2020). One of these pertains to a critical issue—our decision-making process. We make decisions after discussion and deliberation. However, the fundamental challenge lies in the fact that future generations, who are most affected by these decisions, cannot actively participate in these discussions (MacKenzie, 2021; Smith, 2021; Timilsina et al., 2022). Therefore, FD proposes a paradigm shift in our approach. The key to this proposal is the concept of futurability, which refers to the possibility for the current generation to prioritize the interests of future generations. We argue that this possibility exists within us. An illustrative example of this inherent capacity is the universally observed phenomenon across cultures, eras, and locations where parents consistently prioritize the well-being of their children over their own, often at their own expense. Futurability extends this principle beyond one’s immediate family and descendants, emphasizing that the same can also be applied to future generations without direct blood ties.

Eek and Gärling (2006) found that when dividing resources among participants, prosocials prefer to divide equally rather than maximize the sum of gains, while Inoue et al. (2021) found that when current and future generations divide resources, they choose the option that maximizes the gain for both generations. In other words, if the sum is maximized, they will make choices that benefit future generations, even if they reduce the gain of the current generation. Therefore, FD’s proposal is not to adhere to conventional thinking, but to acknowledge that humans have futurability.

If we inherently possess the capacity to prioritize the interests of future generations, why, then, are we confronted with the pressing challenges we face today? Where did we go wrong? The answer lies in the

social systems that underpin our contemporary world, primarily grounded in democracy, market economies, and science and technology, which often act to stifle our inherent futurability. In this context, simply asking people to change their behavior is not sufficient. Therefore, the FD proposes designing and implementing social systems that activate citizens' futurability.

One such system is imaginary future generations. The starting point for examining this effect was an experimental study in Kamiyo et al. (2017). In this, three participants from one generation are considered and they discuss for up to 10 minutes. During this time, if they choose A, the experimenter gives them \$36 cash, and if they choose B, the experimenter gives them \$27 cash. The participants must decide how to divide the money among the three of them. However, if they choose A, the amounts of A and B are reduced by \$9 for each subsequent generation, making A (\$27), B (\$18), and so on. If they choose B, the amounts of A and B for the next generation will be the same as in the current generation. In other words, an investment of \$9 is required for the next generation to receive the same amount as the current generation. This goes on for several generations. In the experiment, 28% of the generations chose the more sustainable B. When an imaginary future person was randomly selected from three people and asked to negotiate with the remaining two on behalf of the future generation, the selection rate for B increased to 60%. Kamiyo et al. (2017) named this the intergenerational sustainability dilemma game. Various subsequent experimental studies have tested the effects of imaginary future persons and/or generations (Saijo, 2020, 2022).

In response to these studies, similar practices have also been initiated in Japan. In these practices, the participants are not instructed to represent the future generation, but rather to fly with a time machine to a future, say, 2050, without changing their age. They have to design the social situation and lifestyle there, draw a future history leading up to it, and give advice to the current generation. The current generation groups, however, tend to make policies for the present, substituting present problems for future ones (e.g., Hara et al., 2019). Mayor Shozo Takahashi of Yahaba town, who has observed this practice, declared in his 2018 policy speech that Yahaba is an FD town (Saijo, 2022). He also created a new Future Strategy Department to think about the town's policies from a future perspective and developed its top-level plan—a comprehensive plan that was formulated using the FD method. In addition, Yahaba has begun to legislate FD as a basic policy of the town. Various local governments in Japan have also begun to implement FD. In 2022, the Ministry of Finance formulated an FD team at the national level and began to build a platform that would serve as the foundation of Japan's policy. One notable example of FD is the proposal presented at T7 (Think 7), the preparatory meeting of the G7, which proposed the use of FD to activate the futurability of world leaders (Saijo et al., 2022). The United Nations Foundation (n.d.) has also recommended the use of FD in its initiative A Contract for Our Future.

Many people agree that parents willingly reduce their food intake and give it to their children during food shortages. Based on this, we say that a person exhibits *futurability* when he or she experiences an increase in happiness because of deciding to forego current benefits and acting toward enriching future generations (Saijo, 2019, 2020). Previous experiments and practices have begun to show that various FD mechanisms activate futurability beyond kinship.

The definition of futurability intentionally includes ambiguous and undefined terms such as “enriching” future generations and “happiness.” Because futurability is viewed as an inherent property of human beings, the terms that appear in the definition are intended to be naturally recognizable according to these situations.

Social science has not used such definitions in the past, traditionally omitting terms that were ambiguous and open to interpretation. For example, Asheim (2010, p. 201), one of the pioneers of the intergenerational equity theory, declared that “well-being does not include the welfare that people derive from their children’s well-being.” He does not say that there is no well-being derived from the well-being of children. He treats this well-being not as a major component of his analysis, but as an external given. He argues that “the altruism of parents toward their children leads to good outcomes for the long-term development of societies” (Asheim, 2010, p. 216). This is precisely the domain of FD, in which I understand that a certain division of labor has just begun.

Nevertheless, there is a basic question as to whether the “foregoing current benefits” mentioned in the definition of FD violate intergenerational equity. In discussions on intergenerational equity, we often assume a steady state, that is, a scenario where circumstances remain constant and repetitive. However, in a non-steady state, in which a transition is made from a conventional system to a sustainable or even survivable system, it is imperative to adapt our conceptual framework to align with this dynamic context. It is within this context that the concept of futurability assumes a pivotal role. Nonetheless, it is also important to illustrate the application of futurability within the confines of a steady state.

In the present study, we aim to highlight the background of the concept of futurability using various numerical examples in a drastically simplified system. We also examine the relationship between futurability and intergenerational equity and explore why futurability must be defined using such a relationship.

2. Foregoing Current Benefits: Numerical Examples

Within the definition of futurability, the phrase “foregoing current benefits” implies that the decisions of one generation have a lasting impact on the conditions and circumstances of subsequent ones. While this may appear intuitively obvious, we examine this concept further using the simplest possible numerical examples from Kamijo et al. (2017), who used an imaginary future person in the intergenerational sustainability dilemma game.

We assume that the initial resource available to the first generation is 36 units. The first generation must allocate a portion of this resource as investments to ensure that the next generation can maintain similar standards of living as the current one. In other words, the value of resources available to the next generation should be maintained at 36 units. We assume that the investment required for this purpose is 9 units. The remaining 27 units can be used for consumption in the first generation. If the first generation makes no investment and uses all 36 units for its own consumption, the resources available to the second generation would be degraded. Hence, we assume that the total value would be reduced by 9 units to 27 units. For example, suppose that the first generation invests 16 units. Then, the total value of the resources available to the second generation increases by 7 (16 – 9) units and 43 (36 + (16 – 9)) units. To summarize:

$$\text{Value of resources in the second generation} = 36 + (\text{investment in the first generation} - 9)$$

As generations progress, the relationship between the value of resources in generations i and $i + 1$ becomes:

$$\text{Value of resources in generation } i + 1 = \text{Value of resources in generation } i + (\text{investment in generation } i - 9)$$

If we write y_i as the value of the resource of generation i and f_i as the investment amount of generation i , the equation can be written as follows:

$$y_{i+1} = y_i + (f_i - 9) \quad (1)$$

Furthermore, each generation must possess a certain level of resources to sustain itself. This value is set to 15 units. Assuming a consistent population size in each generation, this minimum resource requirement is assumed to be fixed. To align with the terminology used in *Our Common Future, From One Earth to One World* (World Commission on Environment, 1987), this minimum amount includes resources required to meet the “needs” of a given generation. Let us assume that if the value of a generation’s resources falls below 15, then the human race will be doomed. In Figure 1, the horizontal axis represents the generation number, while the vertical axis represents consumption values. The first generation has 36 units of resources (indicated as A) and must allocate at least 15 units for consumption to satisfy its own needs. Hence, the potential investment range for Generation 1, directed toward the next generation (Generation 2), ranges from 0 to 21 units (calculated as $36 - 15$). The y-axis is assumed to be a measure of “happiness” for each generation and is considered directly proportional to their consumption level. Importantly, the decision is determined solely by how much each generation consumes. In this simple model, each generation makes two decisions: consumption and investment. However, once one decision is made, the other becomes automatically determined. Thus, when we consider the concept of futurability, it becomes essential to assess the extent of investment that each generation allocates both for the future generation and for their own consumption.

Suppose the first generation consumes 36 units of resources exclusively for itself, without investing in the next generation (as represented by A in Figure 1). In this scenario, $y_2 = 36 + (0 - 9) = 27$, and the maximum possible investment made by the second generation is 12 (calculated as $27 - 15$). Now, let us say that the second generation also refrains from investing, and utilizes all 27 resource units for its own generation (B). In this case, the resource value available to the third generation would be $y_3 = 27 + (0 - 9) = 18$. Even if the third generation utilizes 15 of the 18 units for consumption within its own generation and allocates 3 units for investment, the resource value for the fourth generation would be $y_4 = 18 + (3 - 9) = 12$, resulting in the extinction of the human race in the fourth generation. Recognizing this, the third generation will opt to use 18 units of resources exclusively for its own generation (as indicated by C). This specific consumption pattern is denoted as E1 in Figure 1.

Let us consider a situation where the initial resource value for the first generation is 36 units. In this case, for the subsequent generation, they “forego current benefits” by investigating 9 units for the second generation and allocate 27 units for their own consumption. This scenario is represented as point D in Figure 1. Consequently, $y_2 = 36 + (9 - 9) = 36$. The next generation has 36 units of resources. If the second and subsequent generations consistently invest 9 units, the consumption levels of all generations will remain at 27 units. Despite each generation “foregoing current benefits” by investing 9 units for the well-being of the next generation, all generations enjoy a consistent level of consumption, amounting to 27 units (as E2 in Figure 1). This level of consumption exceeds the minimum needs of each generation and aligns with the concept of sustainable development that “meets the needs of the present without compromising the ability of future generations to meet their own needs,” as mentioned in *Our Common Future, From One Earth to One World* (World Commission on Environment, 1987).

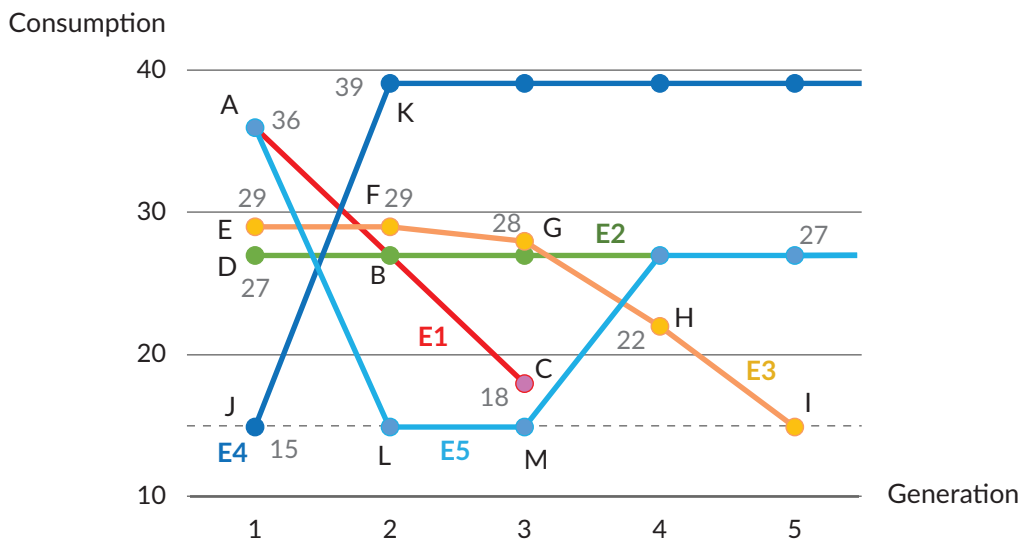


Figure 1. Consumption flows in five examples.

Let us again consider that the first generation has 36 units. In this case, while “foregoing current benefits,” 7 units are invested for the second generation, while 29 are consumed (denoted as E). The resource value for the second generation is calculated as $y_2 = 36 + (7 - 9) = 34$. Assuming that it is equitable for the second generation to consume the same amount as the previous generation (29 units), the investment would be 5 units (denoted as F). Consequently, the resource value for the third generation is calculated as $y_3 = 34 + (5 - 9) = 30$. Although the third generation could potentially consume 29 units, as seen in Generations 1 and 2, it consumes 28 units and invests 2 units (G). This results in $y_4 = 30 + (2 - 9) = 23$. We assume that the fourth generation consumes 22 units and invests 1 unit to ensure the survival of the fifth generation (H). Therefore, $y_5 = 23 + (1 - 9) = 15$. Subsequently, the fifth generation consumes 15 (I), and humans become extinct by the sixth generation (E3 in Figure 1). This is later compared to E3’.

Next, we consider a more extreme case. Suppose the first generation invests the maximum number of resources ($21 = 36 - 15$) and consumes the minimum of 15 units (J). Then, the second generation would have 48 units of resources: $y_2 = 36 + (21 - 9) = 48$. There are many possibilities; however, if each generation after the second invests 9 units, each subsequent generation consumes 39 units (K). In other words, owing to the maximum investment by the first generation, subsequent generations can maintain a high consumption level of 39 units (E4 in Figure 1).

Finally, we consider a more complex scenario. We assume that the first generation makes no investment and indulges in 36 units of consumption (as represented by A). In this case, $y_2 = 36 + (0 - 9) = 27$. Let us assume that after sensing a critical situation for the survival of the human race, the second generation decides to make the maximum possible investment, which amounts to 12 (calculated as $27 - 15$) units. This generation limits its consumption to a minimum of 15 units (denoted as L). Then, compared to the first generation, the “current consumption” is significantly reduced. However, the value of the resources of the third generation is 30: $y_3 = 27 + (12 - 9) = 30$. Suppose that the third generation, appreciative of the second generation’s wisdom, follows suit and invests 15 units while maintaining consumption at the minimum of 15 units (indicated as M). Consequently, $y_4 = 30 + (15 - 9) = 36$. Ultimately, the situation is the same as that in the first generation. If the fourth and subsequent generations continue to invest 9 units, each generation will consume 27 units (E5 in Figure 1).

This decision-making process, which takes into account past choices while making present decisions, is referred to as “past design.” The efficacy of this method was explored in detail by Nakagawa, Arai, et al. (2019) and Nakagawa, Kotani, et al. (2019). In E5, the second and third generations experience “less current consumption” than the first, fourth, and subsequent generations. If, as in E1, the second generation maximizes the satisfaction of its own generation and exhausts all 27 resource units, it would inadvertently lead to the extinction of humanity. The second generation in E5 cannot change its past by resenting the decisions of the first generation. Therefore, it would demonstrate its futurability by investing in 12 units. The third generation is grateful to the second generation and makes investments to realize its futurability and to secure a more promising future for the next generation. The combined actions of the second and third generations result in stable consumption patterns for the fourth and subsequent generations. These later generations also refrain from depleting all their resources in their own generation and make sufficient investments to benefit future generations. In essence, they too exhibit futurability by prioritizing the long-term well-being of humanity.

These examples show that intergenerational equity cannot be considered by simply examining the consumption pattern of each generation. This is due to the intricate linkages between past and future generations, that influence the consumption patterns of each generation. This underlying complexity is succinctly encapsulated in (1). In these examples, 15 units of consumption are defined as consumption that meets “minimum needs,” although it could also be viewed as a minimally sustainable consumption level below what is truly needed. In the above example, the second and third generations risked their lives for the survival of humanity as well as for the “happiness” of future generations. This concept is fundamentally encapsulated by “foregoing current benefits” in the definition of futurability.

3. Futurability and Intergenerational Equity

We can examine several examples to analyze consumption flows from various perspectives, all based on an initial resource of 36 units for the first generation, as shown in Figure 1. Notably, post-extinction consumption was excluded in some cases, such as E1 and E3. For this analysis, we assumed there was no post-extinction consumption. Our initial focus is to evaluate their respective efficiencies. We compare two distinct examples, denoted as X and Y. If the consumption stream in EX is greater than or equal to that in EY in each generation, and if the consumption in some generation of EX is greater (not the same) than that of the same generation of EY, then we deem EX as *Pareto superior* to EY. Notably, none of the examples 1–5 exhibit Pareto superiority over the others, indicating that none of them can be omitted on this basis. In other words, none of the examples is inefficient. When there is no example that is Pareto superior to another, we say that this example is *Pareto efficient*. If Pareto efficiency is a mandatory criterion, any example in Figure 1 could be seen as a viable choice. While we considered five examples here, innumerable examples can be created for the first generation using the initial resource of 36 units. However, not all these examples will meet the Pareto efficiency criteria. In E6, every generation consistently consumes 15 units of resources. In this case, E2, E4, and E5 are Pareto superior to E6, indicating that E6 is wasteful, not Pareto efficient, and should not be selected. In the case of E6, each generation accumulates huge resources but does not allocate their fruits to consumption.

Next, we consider intergenerational equity by introducing E3', a scenario similar to E3. In E3', the first generation invests 7 units and consumes 29 units. Consequently, $y_2 = 36 + (7 - 9) = 34$. If the second generation invests 6 units, we obtain $y_3 = 34 + (6 - 9) = 31$, and the second generation consumes 28. If the

third generation invests 2 units, $y_4 = 31 + (2 - 9) = 24$, and the third generation consumes 29. If the fourth generation invests 2 units, $y_5 = 24 + (2 - 9) = 17$, and the fourth generation consumes 22. If the fifth generation consumes 15 and invests in 2 units (although this is not rational), $y_6 = 17 + (2 - 9) = 10$; hence, the next generation faces extinction. In this way, we have created consumption sequences of 29, 28, 29, 22, and 15 for E3', whereas E3 exhibits a sequence of 29, 29, 28, 22, and 15. The only difference between these two consumption streams is that the consumption values of the second and third generations were swapped. Based on the "equity axiom" proposed by Diamond (1965), when only the consumption values of two generations are exchanged, there is "no difference" between the consumption sequences of E3 and E3'. Among the six examples (examples 1–5 and 3'), only E3 and E3' involve the interchange of consumption values for the two generations. In other words, since there are no other examples where the consumption-only figures for two generations have been swapped, it cannot be determined whether there is no difference between any two examples when viewed through the lens of the equity axiom. There is no difference between E3 and E3', but it is not possible to determine superiority or inferiority among the other examples. In addition, none of the examples can be narrowed down using the equity axiom, because they are Pareto efficient.

Therefore, we introduced a slightly different perspective. Let us consider two generations as examples. Generation 3 in E1 might feel envious of Generation 1. What would happen if we swapped the consumption figures of the two generations? Even if Generation 3 envies Generation 1, it technically cannot consume at the level of Generation 1 due to the resource constraint outlined in (1). If we consider two generations in the same example, based on whether they envy each other and without factoring in the technical constraints, we find that E2 and E6, where all generations exhibit the same consumption, satisfy the "no envy" condition. Moreover, swapping two generations in these examples adheres to the technical constraints. If intergenerational equity assumes that all generations consume the same amount, then E2, in which all generations consume 27, and E6, in which they consume 15, satisfy this condition.

While the above discussion started with whether or not to "envy" another generation, it is important to note that the same result can be obtained when the following principle is followed: "Leave the next generation in the same situation as the current generation." However, E6 is not Pareto efficient, and only E2 satisfies both Pareto efficiency and intergenerational equity. We can define the consumption pattern as "sustainable" when both these conditions are met. Recall that in E2, even if "current consumption is reduced," each generation invests only 9 units to ensure that the next generation inherits an environment comparable to their own.

If so, are E4 and E5 unsustainable? Did the first generation in E4 and the second and third generations in E5 not demonstrate futurability, preventing the extinction of humanity and contributing to its survival? Let us say that the consumption stream is *survivable* if later in the consumption stream the consumption of each generation is far enough from the "minimum needs" to be the same or monotonically increasing and satisfies Pareto efficiency. Therefore, E4 and E5 are survivable.

The consumption stream is *survivable* if some generations demonstrate futurability in a non-steady state before later generations reach a steady state in which the level of consumption remains the same so that they increase investment for the benefit of future generations. In other words, survivability is defined so that investment behavior, such as that of the first generation in E4 and the second and third generations in E5, is evaluated positively in the non-steady state. To the best of our knowledge, there has never been a

concept that describes human characteristics in a non-steady state and includes time and its influence on the way future generations should be.

Let us consider the meaning of “non-steady state” more deeply, within the definition of survivability given above. Suppose that in the second generation in E4, for reasons such as a nuclear war or a pandemic, the next generation must have 40 units of investment instead of 9, to maintain the same environment as the current generation. Thus, the second generation invests 30 out of 48 units of resources. Thus, consumption would be 18, and $y_3 = 48 + (30 - 40) = 38$. The reason the human race did not become extinct is that the first generation invested as much as possible for future generations, as did the second generation. Let us assume that the next generation invests 20 units to maintain the same environment as the current generation. If the third generation invests 18 units and consumes 20, then $y_4 = 38 + (18 - 20) = 36$. If the subsequent investment in maintaining the environment is 10 units and each generation continues to invest 11 units, the consumption stream from the first generation will be 15, 18, 20, 25, 26, 27, 28, etc.

Survivability also allows for some form of large investment or growth. In the event of a pandemic, we will have to invest heavily in its prevention. We will have to prepare for huge earthquakes. If crop failures persist, we will have to focus on improving cultivation methods and artificial fertilizers. We will have to focus on new, less environmentally hazardous pesticides for crop diseases. Furthermore, the explosion of AI and genetic technologies will have a great impact on the happiness of both present and future generations. Of course, we must also pay attention to the negative aspects of these technologies and aim to design a social system that considers the “well-being” of people now and in the future, as part of our futurability.

Do these generations, that have demonstrated futurability in a non-steady state, feel unequal just because they consume less than other generations? Nakagawa and Saijo (2020) find that those who exhibit futurability gain some social perspective and have a bird’s eye view of the situation. In the context of this section, each generation may not measure happiness solely in terms of its own consumption. Therefore, we may be able to see a new horizon for the discussion of intergenerational equity.

The above understanding is based on the viewpoint that futurability is a human trait, and social system design is used to realize it. Some researchers, such as Agyeman (2012), have proposed several coordinate axes for designing social systems. She proposed four axes of sustainability: (a) addressing well-being and quality of life; (b) meeting the needs of present and future generations; (c) achieving justice and equity in terms of perceptions, processes, procedures, and outcomes; and (d) living within the limits of ecosystems. Only sustainability focuses on the positions of the designed mechanisms along each axis. In this sense, sustainability does not address the question of whether there has been a change in human nature, nor does it look at the relationship between the design of mechanisms that are highly evaluated in each axis and changes in human nature. Therefore, if we believe that these coordinate axes can be used to evaluate mechanisms that demonstrate futurability, these approaches can be seen as complementing each other.

4. Conclusion

Humans possess several unique traits, one of which is holding an innate optimism about their futures (Sharot, 2011). Paradoxically, this optimism has often contributed to a series of failures, burdening future generations. Over the past several centuries, the development of science and technology has played a major role in creating

future failures. In response to these challenges, the concept of futurability can likely be a potential solution to prevent or control future failures.

Futurability often contradicts the basic concepts of human behavior that are used in traditional social sciences. For example, futurability is inconsistent with the economic incentives to pursue immediate benefits. However, through various experimental studies, such as Inoue et al. (2021), Kamijo et al. (2017), Nakagawa, Arai, et al. (2019), Nakagawa, and Kotani, et al. (2019), we have gradually learned that people instinctively demonstrate futurability.

Accordingly, in this study, we introduce a simple dynamic that connects two time points and illustrates the role played by futurability. We also examined the relationship between intergenerational equity. We found that futurability plays an important role in ensuring the survival of humankind in a non-steady state. Furthermore, it plays an important role in maintaining a steady state and admits a growing stream of consumption. The issue here is not about growth or non-growth, but about future generations, including the current one, exhibiting futurability and maintaining well-being. Thus, FD does not aim for no-growth (degrowth). We do not consider Earth to be in a state of static equilibrium. We aim for our survival and the “well-being” of present and future generations during changes, large and small, that entail risk-taking (Paulson et al., 2020).

The intergenerational dynamics, as described in (1), are fundamentally straightforward. For example, the investment required for the next generation to sustain an environment similar to that of the current generation is often presumed to be a constant value. However, it could be envisioned as a monotonically increasing function influenced by the consumption or the resources accessible to the current generation. An alternate extension of this concept could involve considering not only the current generation but also the consumption patterns of preceding generations. Despite the potential for these and other conceivable extensions, I believe that the core implications conveyed by the definition of futurability are unlikely to undergo substantial changes.

Acknowledgments

The author thanks Kentaro Hayashi, Masako Ichihara, and Maija Setälä for their detailed comments in preparing this article. The author also thanks the support from the Canon Institute for Global Studies.

Conflict of Interests

The author declares no conflict of interests.

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The Politics of Non-Existence

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Submitted: 17 October 2023 **Accepted:** 8 January 2024 **Published:** 28 February 2024

Issue: This article is part of the issue “Considering Future Generations in Democratic Governance” edited by Yasuko Kameyama (University of Tokyo) and Tomohiro Tasaki (National Institute for Environmental Studies), fully open access at <https://doi.org/10.17645/pag.i379>

Abstract

This article argues that the representation of future generations is likely to remain inadequate because of the lack of accountability mechanisms characteristic of representative relations among contemporaries. Two problems pertaining to the representation of future generations and their interests are distinguished, namely misrepresentation and negligence. Misrepresentation refers to ill-informed, biased, and purposive interpretations regarding the interests of future generations, whereas negligence involves future interests not being properly considered in policymaking. While these two problems are often intertwined, misrepresentation is a problem of epistemic and normative judgments, whereas negligence is a motivational problem. The interests of future generations are especially likely to be neglected in cases of so-called intergenerational conflict, that is, situations of welfare tradeoffs between present and future generations. Inclusive democratic deliberation is a remedy for misrepresentation, but its capacity to address negligence may be more limited. Finally, the article remarks on the role of future-regarding deliberation in representative democratic systems.

Keywords

accountability; deliberation; future generations; institutional design; intergenerational conflicts; representation

1. Introduction

The aim of this article is to discuss the problems pertaining to the political representation of future generations. The underlying problem here is that some of those who are potentially significantly affected by decisions are not present in the processes where those decisions are made. As Phillips (1995, p. 13) has expressed in her *Politics of Presence*: “When policies are worked out *for* rather than *with* a politically excluded constituency, they are unlikely to engage with all relevant concerns.” Phillips argues that the (physical)

presence of individuals is an important factor in explaining how democratic processes can deal with the views and interests of those individuals.

Even in principle, the people of future generations cannot be directly included or heard in political processes. Future individuals do not have agency, a presence, or a voice, and yet they appear to have relevant interests that should be represented and considered in democratic decision-making. While there seem to be moral grounds for the representation of future generations, there is a lack of formal and informal accountability characteristic to representative relations between contemporaries. What is more, future generations are not monoliths but consist of various types of people with different and even potentially conflicting interests, which further complicates their representation.

This article distinguishes between two different types of problems pertaining to the representation and consideration of future generations and their interests in political decision-making. The first problem, misrepresentation, is primarily epistemic and normative in character, namely ill-informed perceptions and flawed judgments regarding the interests of future generations. The second problem, negligence, is motivational in character, which means that future interests are not sufficiently taken into account in democratic decision-making.

The main argument of this article is that, while these problems are often intertwined and both are caused because the people of future generations do not yet exist, distinguishing between the two helps when thinking about potential remedies to the issue of short-termism in representative democratic systems. I argue that inclusive deliberative processes can facilitate more future-regarding policymaking by correcting misrepresentations of future interests. At the same time, some specific measures may still be needed to ensure representation of the interests of future generations in these deliberative processes.

In the following sections, I explain why the non-existence of future generations causes misrepresentation and negligence. Thereafter, I discuss how the potential interests of future generations might be represented and taken into account in processes of inclusive deliberation. Finally, I make some suggestions on how to strengthen the role of such deliberation in democratic systems.

2. Future Generations in Democratic Theory and Practice

It is not at all self-evident that democratically made decisions are fair to everyone involved in making them, and the risks of injustices are even higher for affected individuals who do not belong to the demos. Consequently, it is important to explore how democratic procedures and institutions could be developed to avoid gross violations of the interests of those who are not included in decision-making. In democratic theory, the all-affected principle suggests that the interests of all those who are significantly affected by political decisions should be considered when making decisions (e.g., Näsström, 2011). While there are moral grounds for the consideration of these interests, the role of the all-affected principle in democratic theory and practice remains debatable. After all, democracy is about democratic self-government whereas the all-affected principle is a principle of justice.

The practical application of the all-affected principle in democratic decision-making seems complicated. The identification of affected groups is epistemically complex, especially because of the indirect and

unintended consequences of political decisions. Moreover, the all-affected principle seems to entail that the weight of different interests and concerns in political processes is dependent on substantive considerations, which is in conflict with more procedural understandings of democracy based on political equality. When it comes to the temporal extension of the all-affected principle to future generations, understood as people who do not exist yet, there are even deeper philosophical disagreements (e.g., Heyward, 2008).

At the same time, there are widely held concerns about intergenerational justice, which emphasize our moral obligations to future generations (e.g., Gosseries, 2008b). Unlike justice among contemporaries, the idea of intergenerational justice cannot be understood in terms of reciprocity (Gutmann & Thompson, 1996, pp. 52–55, 155–163). However, intergenerational justice may be conceptualized on the basis of the notions of impartial justice (Barry, 1997; Hubin, 1976). Abstract and counterfactual concepts of impartial justice, especially the Rawlsian veil of ignorance, can therefore be helpful in understanding the prescripts of intergenerational justice and in imagining and considering the interests of future generations (Reiman, 2007). From this perspective, while non-existent future generations do not yet have any actual interests, they may have potential interests that should be taken into account (cf. Heyward, 2008).

In the context of democratic decision-making, future generations should be understood in terms of those who are potentially significantly affected by policy decisions. In this respect, the identification of future generations seems to be tightly related to the all-affected principle. Because of the differences in time spans and scales of causal consequences of policy decisions, “future generations” to be affected by energy policies may be quite different from those to be affected by a social security reform, for example. From this perspective, it may be asked whether abstractions such as “future generations” are helpful in actual policymaking, or whether it would be more important to develop the capacities of democratic processes to anticipate and consider possible future consequences of various policy choices. In fact, there are already many institutional designs that account for the long-term consequences of policies and the potential interests of future generations. Expert bodies have been established to advise policymakers about the long-term consequences of policy choices, and foresight techniques have been developed to help policymakers make projections and scenarios regarding possible futures. Obviously, the further we look into the future, the levels of uncertainty and unpredictability increase.

From the perspective of intergenerational justice, however, it is not sufficient that policymakers can make good assessments regarding the future impacts of political decisions. In addition to making judgments about how policy choices might affect the potential interests of future generations, policymakers should also be able to weigh conflicting interests against each other, including those of current and future generations. In short, policymakers should make normative judgments about the weight of the potential future interests against other competing interests.

While any political regime faces difficulties in weighing future generations’ interests, this article focuses on how the institutions of representative democracy fare in this respect. The basic problem is that the potential interests of future generations are likely to be misrepresented and neglected in representative systems. Future generations do not have political rights, agency, or democratic representation. Therefore, the problems of intergenerational justice in representative systems seem to stem from a lack of inclusion and participation. In many ways, problems related to the representation of future generations and their interests are even more profound than those related to affected groups outside geographical boundaries.

Using Phillips's (1995) terms, there are no prospects for "politics of presence" when it comes to people who have not yet been born, and their interests can only be represented in terms of "politics of ideas." Non-existent future generations who will be affected by current decisions seem to pose the ultimate and, perhaps in some respects, an unsurmountable challenge for democratic inclusion. Because of the non-existence of future generations, their interests *need to be represented* by existing political actors. At the same time, the non-existence of future generations rules out the formal or informal accountability mechanisms that help ensure adequate representation of current interests.

In what follows, I distinguish between two different types of shortfalls in representation that are likely to arise in the case of future generations and their interests. First, there is a risk of misrepresentation. Second, the interests of future generations often remain neglected in public discourse and decision-making. In the context of representative democracies, both misrepresentation and negligence—together or separately—can lead to policy choices that may appear to be deficient from the perspective of intergenerational justice.

3. (Mis)Representing the Interests of Future Generations

Generally speaking, making judgments about the potential interests of future generations entails different types of cognitive processes. First, there is the need to process information about what the world might look like in the future and about the possible consequences of various policy alternatives. Certain techniques can help clarify the causal consequences of policy choices, such as environmental impact assessments and cost-benefit analyses. Foresight methods, including scenario techniques, can increase our understanding and aid in our imagination of how the world will be in the future (e.g., Hara et al., 2019). Second, there is also the need to anticipate future generations' interests and perspectives, keeping in mind that our knowledge about the future is always uncertain, tentative, and prone to various biases.

While such processes of forecasting and anticipating are complicated enough, they are not sufficient for democratic decision-making, which requires making normative judgments regarding the relative weight of claims made in support of competing current and future interests. Because of the non-existence of future generations, the ways in which future generations and their interests should be construed or represented in the context of democratic decision-making remains debatable. Since future generations are obviously not here to debate or negotiate with, current generations must imagine future situations and interests. However, such processes of "deliberation within" (Goodin, 2000) seem to work as a rather poor substitute for deliberation with real people.

The interests of future generations cannot be represented in the way we usually understand democratic representation, which means that policymakers cannot be responsive to the opinions or preferences of future generations, and future generations cannot authorize political decision-makers or hold them formally accountable in elections. However, future generations can and—from the intergenerational justice perspective—should be represented in politics in some other sense. According to the constructivist interpretations of representation, political actors can make "representative claims" (Saward, 2010). Making a representative claim is a performative act, which, unlike electoral representation, does not depend on formal authorization or accountability mechanisms. Therefore, making representative claims on behalf of future generations simply means a situation where an individual political actor or a collective publicly expresses what the concerns or interests of future generations might be. For example, the youth climate movement

often makes representative claims on behalf of future generations in public discourse. While these claims made by the young climate activists seem quite legitimate, there are relevant concerns about both the moral and the empirical legitimacy of representative claims appealing to future generations and their interests.

While the legitimacy of representative claims made on behalf of future generations cannot depend on formal mechanisms of authorization and accountability, the validity of such claims can be scrutinized in public discourse. However, specific complications arise in the public scrutiny of representative claims made in the name of future generations. First, representative claims made on behalf of future generations and their interests are based on some kind of foresight—good or bad—about the future, as well as reconstructions of the interests of the people in those circumstances. Future interests are more tangible when they pertain to the interests of current generations, for example, our own or perhaps our children's future, while the interests of the people living more than 100 years from now may be harder to imagine. Second, representative claims made on behalf of future generations are likely to be affected by various subjective factors such as self-interest, personal experiences, and world views. In this respect, the risk of misrepresenting future generations and their interests in political rhetoric seems immense, and there are plenty of examples of misinformed and flawed representative claims made on behalf of future generations.

Third, and most importantly, compared to representative claims made on behalf of contemporaries, mechanisms of informal or discursive accountability are deficient in the case of future generations. From the normative perspective of democratic theory, all representative claims should be subject to mechanisms of discursive accountability, especially reciprocal relations of public justification and scrutiny (e.g., Gutmann & Thompson, 1996). When representative claims are made on behalf of currently living people, mechanisms of discursive accountability help avoid misrepresentation. Obviously, these mechanisms are often inadequate, especially in the case of marginalized groups. However, in the case of representative claims made on behalf of future generations, mechanisms of discursive accountability are *necessarily* deficient. Because future generations cannot be present in the public discourse, they cannot play an active role in discursive accountability relations, for example, by assessing or criticizing claims made on their behalf.

However, there may be other conceptualizations of discursive accountability more applicable to the representation of future generations. Dryzek and Niemeyer (2008) define discursive accountability as representatives needing to justify their positions in terms of the discourse they represent. However, Dryzek and Niemeyer's conceptualization does not provide any straightforward guidance here. There is no specific discourse to capture the interests or viewpoints of future generations, but rather multiple and competing discourses. At the same time, there is no way to validate whether discursive representations authentically stand for the positions of future generations. This, in turn, leaves room for elusive, biased, and even opportunistic representations of the interests of future generations (e.g., Gosseries, 2008a).

Consequently, representative claims made in the name of future generations may appeal to universally acceptable goals (e.g., maintaining a living environment) or goals that are disputable (e.g., maintaining certain cultural values) or plain immoral (e.g., re-establishing imperial powers). Admittedly, it may be self-serving dictators rather than democratically elected representatives who are responsible for the most questionable representative claims made on behalf of future generations and their interests. In representative democracies, both discursive accountability among contemporaries and formal electoral accountability may help avoid the most distorted claims and correct obviously biased interpretations. However, even in

well-functioning democracies, there are risks of misinformed and self-serving rhetoric related to future generations.

4. Neglecting the Interests of Future Generations

In addition to misrepresentation, there is a risk of negligence regarding future generations and their interests. Overall, negligence in this context can be understood as the lack of appropriate consideration of the interests of future generations in policymaking. There are different types of negligence. First, negligence happens when issues or arguments that would be relevant from the perspectives of future generations are not present on the political agenda—Future generations and their interests are not represented at all. Second, policymakers can demonstrate negligence by not being sufficiently informed about the future consequences of certain policy choices, or by not performing “due diligence” with respect to policy consequences in the future. In these cases, negligence gives rise to ill-informed and poorly justified interpretations of the interests of future generations. In other words, what looks like misrepresentation may, in fact, be negligence in disguise, which confirms that these two problems are often intertwined.

Third, it is not sufficient that the potential interests of future generations are articulated and represented in the democratic process. These interests also need to be weighed and, if relevant, taken into account in policymaking. An obvious case of negligence is when the interests of future generations are well articulated and even found relevant in political discourse, and yet they are ignored or dismissed in actual policymaking. These interests may be ignored under pressure by, for example, powerful interest groups or even the majority of voters.

The risk of negligence is especially obvious in cases of intergenerational conflicts (e.g., Hara et al., 2019), that is, when the welfare of future generations may require sacrifices—or investments—by current generations. Intergenerational conflicts can thus be understood in terms of welfare trade-offs between contemporary and future generations. While one should not consider “generations” as monoliths, there are obvious examples of such situations. Pension systems, climate change, and other environmental policies are typical examples of policy areas involving intergenerational conflicts. Moreover, investments in public goods such as education systems and traffic infrastructure also require current investments (mostly) for the benefit of future generations.

The main issue is, again, that some of those potentially affected, especially future generations, are not present in political decision-making or the public discourse preceding it. Therefore, they cannot articulate or defend their own interests. Moreover, because future generations do not have identities, their interests can only be expressed in abstract and statistical terms, which is unlikely to give rise to emotional reactions such as empathic concern (Small et al., 2007; Weber, 2006). Because future generations consist of “token” individuals (Heyward, 2008) or “statistical victims” (Landwehr, 2023) without specific identities, attributes, or agency, their interests are easy to disregard.

Certain institutional features of representative democracies enhance short-termism (Caney, 2016, pp. 144–145; Smith, 2019). Jacobs (2016) identifies “drivers” of short-termism in representative systems, which are associated with the key institutions and practices of representative democracy, such as electoral competition, regular changes of governments, and organized interest groups. Consequently, macro-political

processes in representative systems, including elections and bargaining, seem to amplify the tendencies towards negligence in democratic decision-making. As with misrepresentation, negligence is also likely to be more severe when it comes to non-existing and distant future generations.

There are ways for representative governments to be held accountable for negligence. For example, in climate litigation, representative governments have been legally challenged to revise their climate policies to consider the rights and interests of future generations (Oroschakoff, 2021). More generally, the youth climate movement has shown that children and young people can successfully mobilize and make governments accountable for negligence in climate policies. There have also been attempts to address the problem of negligence by establishing specific officials for future generations (see, e.g., Smith, 2019). Officials for future generations are expected to enhance the representation of the interests of future generations in political processes. Their purpose is to monitor policy-making processes, to voice future interests, and to make current policymakers discursively accountable for representatives of future generations (cf. MacKenzie, 2016, p. 34).

The role of officials for future generations can be further strengthened by the power to delay policy; this was exemplified by the position of the commissioner for future generations in the Israeli Knesset (2001–2006; Smith, 2019). However, the Israeli institution turned out to be short-lived since it lasted for only one parliamentary term. Officially, the abolition of the institution was based on questions regarding the legitimacy of the commissioner to represent the interests of future generations. However, the actual reason might have been that some of the commissioner's views went against some strong presentist interests. This example demonstrates how misrepresentation and negligence are often intertwined. Yet, these two concepts help disentangle different aspects—epistemic/normative and motivational—that lead to failure to consider the interests of future generations.

5. Inclusive Deliberation as a Remedy to Misrepresentation and Negligence?

To sum up the argument so far, by disentangling the problems of misrepresentation and negligence, it is possible to develop and assess potential institutional remedies for these problems. When it comes to the epistemic aspects of misrepresentation, there are calls for the enhancement of the role of foresight and the role of expert information on the long-term consequences of policies (Koskimaa et al., 2021). There is also a need to make normative judgments about the potential interests of future generations and their weight in political decision-making. Considering the motivational problem of negligence, the concretization of future events could enhance consideration of the potential interests of future generations (e.g., Weber, 2006). Moreover, there are ways of making current decision-makers discursively and even formally accountable to the institutional representatives of future generations.

From the perspective of democratic systems, it seems that no single political process can address all of the cognitive, normative, and motivational problems of future-regarding policymaking. However, it is necessary to take a closer look at the processes of democratic or inclusive deliberation, which can be expected to help in fair consideration of affected interests (Gutmann & Thompson, 1996; Phillips, 1995). While inclusive deliberation may occur in various formal or informal political forums, it is doubtful whether current institutions of representative democracy and their incentive structures are necessarily optimal for this purpose (see Section 6).

However, there are forums particularly designed for inclusive deliberation. Most notably, the design features of deliberative mini-publics, especially the random selection of participants, interaction with experts, and deliberation in moderated small groups, are expected to facilitate the inclusion of different viewpoints as well as informed deliberative processes based on mutual respect (see, e.g., Setälä & Smith, 2018). Participation in mini-publics also enhances openness to different arguments and viewpoints related to policy consequences, and therefore also has potential in terms of future-regarding policymaking.

There are at least three different mechanisms through which such inclusive forums of democratic deliberation can address the problem of misrepresentation and—at least to some extent—negligence (MacKenzie, 2016, p. 287). First, deliberative forums entail the consideration of relevant factual information about policy consequences, and this is likely to improve foresight on policy consequences in the future. Inclusive deliberation encourages participants to form more realistic assessments of impacts on various groups at different points in time, and of the harms and benefits that could result from policies. Various scenario techniques can be used in conjunction with deliberative forums to enhance the anticipation of how policies might affect future generations.

Second, deliberative forums are based on weighing competing claims against each other. Claims evoking the interests of future generations are weighed against each other and against those appealing to current interests. In deliberative processes, claims made on behalf of different groups of people, including future generations, are weighed according to their merits (e.g., Habermas, 1996). More weight is given to arguments referring to generalizable principles of justice (Elster, 1998), including intergenerational justice. Third, policy consequences are considered from a number of perspectives in deliberative forums, which broadens the capacity of participants to take the perspectives of other affected groups. There is some evidence that deliberation can enhance articulations of other-regarding or ethical preferences, that is, considerations outside of one's own narrow self-interest (e.g., Goodin, 1986). This encourages appeals to the interests of affected groups that are not directly involved in a deliberative forum, such as future generations (MacKenzie, 2016).

Admittedly, there are limits to the capacity to which deliberative forums can deal with future consequences of policies and the extent to which they can make judgments regarding representative claims made on behalf of future generations. First, the interests and viewpoints of future generations need to be somehow articulated and represented in a deliberative forum. Although representative claims appealing to future-regarding viewpoints and arguments are likely to arise in a deliberative process, there are no guarantees of this, especially when it comes to temporally distant future generations. Second, there are questions of the extent to which deliberation can help facilitate proper consideration of the interests of future others. It may be hard for deliberators to deal with complexities and uncertainties related to the effects of policies on future individuals and groups.

Third, intergenerational conflicts (e.g., Hara et al., 2019) undermine the motivation to consider the interests of future generations. Measures proposed to address intergenerational conflicts may even give rise to resistance or backlash (Nyhan & Reifler, 2010) because they may involve sacrifices in the short term. Moreover, this kind of resistance may remain unchallenged because future generations are not there to demand that their interests are properly considered in deliberative processes or that collective decisions are reasonable from their perspectives. For example, if claims made on behalf of future generations are against

the interests of a large majority of deliberators, they are unlikely to have much weight in the process. In the worst-case scenario, deliberators with their biases towards shared, presentist interests develop a high level of “group-think” (e.g., Solomon, 2006), developing social bonds and reinforcing each other’s cognitive and motivational biases towards the present.

In sum, although deliberative forums are likely to expand time horizons and evoke consideration of future interests, they may have limits in this respect. The non-existence of future generations, high levels of abstraction, uncertainties related to future events, and intergenerational conflicts are likely to undermine the prospects of proper consideration of the potential interests of future generations in a deliberative process. Therefore, even the most inclusive and carefully designed deliberative forums are vulnerable to presentist biases. To counter this, various measures to safeguard representation and consideration of future interests have been suggested.

Relevant literature contains proposals on how to evoke orientation towards the future among deliberators. Some of the proposals pertain to individual decision-making. Hansson (2007), for example, has put forward hypothetical retrospection for the moral assessment of options available in long-term choice situations. While the idea of hypothetical retrospection was developed to help individuals make more future-regarding decisions, it can also be applied in public deliberation on issues involving intergenerational conflicts.

There are also ways of enhancing the “politics of presence” that can guide speculation on future generations’ potential interests and perspectives. Scholars of deliberative democracy have argued that actual physical presence may be an important factor in strengthening understanding among individuals representing different social groups (e.g., Machin, 2015). The physical presence of future generations could be enhanced by including children or young people as stakeholders in deliberative processes on long-term decisions that will affect their lives (e.g., Harris, 2021). As involving minors in deliberative processes may give rise to ethical issues as well as issues of competence, deliberation among like-minded peers or “enclave deliberation” (Karpowitz et al., 2009) could be allowed to help minors articulate their views before deliberating in more inclusive forums. However, there is a more fundamental problem related to the idea of children and young people as representatives of future generations; namely, there are no guarantees that they are more future-regarding than adults. So perhaps, more than anything else, the mere presence of children in a deliberative process can evoke empathy for future others among deliberators.

When it comes to non-existing future generations, studies suggest that visualization exercises can enhance emotional engagement with future generations and promote understanding of the path dependency between generations (Honey-Rosés et al., 2014). Moreover, specific mental time travel exercises have been developed to evoke long-term consideration (for a review, see Cuhls, 2016). Hara et al. (2019) have developed a future design method where participants “travel” in time, that is, imagine themselves in the future without ageing. Through scenario exercises, participants create perceptions of policy consequences in the future. Furthermore, participants are encouraged to identify themselves with the interests and perspectives of future generations and to make representative claims on their behalf. There may also be elements of discursive accountability, namely, the requirement to justify one’s position to future others.

Hara et al. (2019) have applied this type of exercise in the context of a participatory deliberative process, where half of the participants were asked to take the role of future generations—they were even dressed up

in a specific manner—and to actively represent future interests in a deliberative process. The authors showed that such exercises can change policy priorities as well as reveal and articulate interest trade-offs involved in intergenerational conflicts. In this way, future design can help avoid negligence by creating a venue for reciprocal discursive accountability relations between representatives of current and future generations.

It is notable that methods for representing future generations, such as future design, should take place in the context of an inclusive deliberative process. Deliberation is essential to avoid misrepresentation because it can correct biased perceptions regarding the future and help participants make better judgments about the potential interests of future generations. The diversity of people involved in the deliberative process reflects the diversity of interests of those who live now and in the future, which allows weighing competing interests against each other. Embedding mental time travel exercises or other ways of representing future generations in inclusive deliberation therefore seems to be a good, and probably the only, way to approximate discursive accountability and mutual justification between different generations.

Table 1 summarizes the previous discussion on the problems of misrepresentation and negligence of future generations and their interests, the key characteristics of these problems, underlying issues, and possible remedies to them. Inclusive deliberative forums seem to be a potential remedy in all respects. They seem indispensable when it comes to forming informed and reflected judgments regarding the relative weight of the claims made on behalf of current and future generations. However, inclusive deliberation may not, as such, be quite sufficient to remedy all the problems, especially motivational problems causing negligence.

6. The Role of Future-Regarding Deliberation in Representative Systems

Representative democracies have institutions, such as parliamentary committees, that are expected to enhance inclusive deliberation. However, factors like party discipline and electoral accountability limit the

Table 1. Problems of misrepresentation and negligence and their remedies.

The character of the problem	Underlying issues	Remedies	The promise of deliberative forums
Misrepresentation: Epistemic and normative judgments	Lack of knowledge of policy consequences	Foresight on policy consequences in the future	Consideration of expert and foresight information
	Biased and purposive interpretations of future interests	Anticipation of future interests	Inclusion of affected interests
	Lack of (discursive) accountability to those affected in the future	Public scrutiny of representative claims	Processes of mutual justification
Negligence: Motivations	Self-interest, welfare trade-offs	Other-regarding considerations towards those affected	Evoking other-regarding considerations
	Lack of (formal) accountability to those affected in the future	Accountability relations to future others or their representatives	Weighing of competing interests (including future interests)

capacity of representatives to consider issues from the perspectives of all those affected by the decisions, including future generations. The democratic myopia thesis is based on the view that electoral accountability incentivizes elected representatives to appeal to (short-term) interests of potential voters in order to secure re-election (e.g., Jacobs, 2016). In contrast, there are no institutional incentives for elected representatives to consider the potential interests of future generations.

For this reason, future interests could be better represented and considered in deliberative forums where deliberators are not formally accountable for specific groups of currently existing people. This kind of unconstrained and inclusive deliberation can take place in specific institutional settings such as randomly selected deliberative mini-publics. When it comes to the protection of the interests of future generations in policymaking, deliberative mini-publics seem to have many benefits compared to current institutions of representative democracy (e.g., Smith, 2019).

Randomly selected forums for citizen deliberation can therefore be regarded as a vital component of a democratic system that aims to account for the interests of future generations. However, it is not clear what the role of citizen deliberation should be in terms of existing representative institutions and how they could be made more consequential in policymaking. To address such questions, MacKenzie (2016) suggests that representation of future interests should be ensured by institutionalizing citizen deliberation as a part of the representative system. He proposes the establishment of a randomly selected, “general-purpose” second chamber, which would scrutinize and evaluate all legislative proposals on the basis of specific posteriority impact statements. With powers to scrutinize and delay legislation, the randomly selected second chamber would make elected representatives discursively and (weakly) formally accountable to those representing future interests. In addition to the model put forward by MacKenzie, there are other possible ways of empowering deliberative forums. For example, there are proposals as well as actual examples of using deliberative mini-publics as agenda-setting institutions (Dahl, 1989, pp. 340–341; Niessen & Reuchamps, 2022), combined with oversight—or discursive accountability—functions with respect to elected representative institutions.

However, as pointed out earlier, even the most informed and inclusive deliberative forums may have limitations when it comes to considering future generations and their interests. One way to address these shortcomings would be to establish interaction between officials for future generations and deliberative forums (Smith, 2019), or, better still, in line with the future design, include multiple representatives of future generations within a deliberative forum. The inclusion of representatives of future generations would increase diversity in the representation of interests and foster the assessment of claims made on behalf of current and future generations. In order to enhance the proper articulation of the interests of future generations in the deliberative process, future-regarding deliberation should provide opportunities for “enclave deliberation” among the representatives of future generations.

While the exact shape of future-regarding deliberative forums and their role in representative democratic systems need further elaboration, it is worth pointing out that the empowerment of randomly selected forums does not mean that they would replace electoral representation. Rather, the purpose would be to design institutions and their connections so that these forums would foster discursive accountability and more future-regarding deliberation among elected representatives and among the public at large.

Admittedly, there are concerns that the empowerment and the institutionalization of randomly selected deliberative forums might give rise to external pressures and tendencies towards partisan thinking, which could weaken the quality of deliberation within these forums. Another concern is that strengthening the role of such deliberative institutions could decrease the legitimacy of electoral representation by undermining the authority of elected representatives. However, elected representatives are already steered and constrained in many ways by different institutions, such as constitutions, expert bodies, and courts. From the perspective of democracy, deliberative forums would be an improvement in comparison to such institutions because they would increase rather than decrease the scope of citizens' involvement in policy-making processes.

From an empirical perspective, combining representation of future generations with forums for citizen deliberation such as deliberative mini-publics might enhance the legitimacy of future-regarding policies. While there is a need for further empirical studies on this topic, there is already some empirical evidence that mini-publics can enhance the perceived legitimacy of unfavorable decisions (e.g., Germann et al., 2022). Moreover, studies suggest that people have more trust in mini-publics than in elected representatives (e.g., Warren & Gastil, 2015). At the same time, it is important to ensure that trust in deliberative forums should not be "blind," but that their reasoning and arguments are accessible to public scrutiny.

7. Conclusion

The problem with democratic myopia is not that people do not care about the future, but rather that they may care about it in the wrong way or not quite enough. Consequently, the representation of the interests of future generations remains a challenge to the theory and practice of democracy. This article points out two problems in the representation of future generations and their interests: misrepresentation and negligence. Misrepresentation refers to the problem of epistemic and normative judgments about the interests of future generations, whereas negligence is a motivational problem.

These problems have the same root cause: Future generations cannot be physically present in the forums where political decisions affecting their lives are discussed and made. Consequently, there is a need for somebody to represent the interests of future generations, despite the lack of accountability mechanisms typical in representative relations among contemporaries. As a result, there is a heightened risk that claims made on behalf of future generations are misinformed, biased, or even opportunistic. Moreover, even well-justified claims made on behalf of future generations are likely to remain disregarded, especially when these claims are in conflict with strong presentist interests. While the problems of misrepresentation and negligence are often intertwined, this is not always the case. Therefore, disentangling them is useful, both analytically and in terms of institutional design.

There are various proposals to enhance the representation of the potential interests of future generations in policymaking and to compensate for the lack of physical presence. Randomly selected forums for citizen deliberation have been shown to correct biases in individual reasoning and to broaden horizons, and therefore, they are likely to be corrective also in terms of misrepresentation. From the perspective of future-regarding governance, strengthening the role of well-designed and deliberative forums seems to be an improvement over current institutions of representative democracy and their incentive structures.

However, deliberative forums as such may not be quite sufficient, particularly in addressing the problem of negligence. The capacity of deliberative forums to consider future interests could be boosted by certain elements of the politics of presence, such as time travel exercises, as part of the deliberative process. Such measures can further facilitate representations of future generations and their interests, as well as something that resembles processes of mutual justification between participants representing the present and the future. The political leverage of future-regarding deliberative forums could be enhanced by the institutionalization of discursive and formal accountability relations between elected representatives and deliberative forums.

Acknowledgments

I would like to thank the participants of the panel The Future of Participatory and Deliberative Democracy at the PSA Annual International Conference (Liverpool, April 3–5, 2023) for their useful comments.

Funding

This research has been funded by projects Participation in Long-Term Decision-Making (PALO; Decision No. 312671) and Facing Systemic Change Together (FACTOR; Decision No. 341373).

Conflict of Interests

The author declares no conflict of interests.

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Facing the Future: Conceiving Legal Obligations Towards Future Generations

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Submitted: 12 November 2023 **Accepted:** 20 February 2024 **Published:** 17 April 2024

Issue: This article is part of the issue “Considering Future Generations in Democratic Governance” edited by Yasuko Kameyama (University of Tokyo) and Tomohiro Tasaki (National Institute for Environmental Studies), fully open access at <https://doi.org/10.17645/pag.i379>

Abstract

Conceiving legal obligations towards future generations is challenging—especially from a positivist stance and if obligations and claims are understood as being correlative in nature. Legal obligations towards future generations are often rejected from the outset if (and insofar as) there is no explicit acknowledgement or established doctrine. This neglects the power of sound legal interpretation. I argue that obligations towards future people and generations are grounded in the relational character of human rights and that their positivity is not a problem in a legal order containing norm texts that can reasonably be interpreted as acknowledging human rights; no additional enactment is necessary for these obligations to be part of the positive law. This claim is based on a (novel) concept of fundamental rights which is compatible with legal positivism.

Keywords

constitutional law; future generations; human rights; intergenerational justice; legal positivism; legal theory

1. Introduction

The debate on obligations towards future generations is multi-faceted and complex. It is deeply intertwined with fundamental debates and controversies, for example, about justice, the relationship between law and morality, the impact of epistemic limitations on normative claims (or how normative systems deal with uncertainty), and—insofar as the question of such obligations pertains to constitutional law—interpretation. The entanglement fuels the rejection of legal obligations towards future generations, sometimes even by those who acknowledge the responsibility of those alive today for “the profound destruction wrought by anthropogenic climate change” and our duty to address this destruction (Humphreys, 2022). In this article, I address the question of whether obligations towards future generations are conceivable as legal obligations from a positivist stance and some of the challenges that this question faces (Section 2). Legal

obligations towards future generations are often rejected from the outset if (and insofar as) no explicit acknowledgement or established doctrine exists. Thus far, any legal obligation towards future generations is primarily understood to be self-imposed: Obligations towards future generations are framed as a guiding principle or as a state task which comes with enormous discretion (and very little orientation). A rights-based approach would remedy that. The German Federal Constitutional Court tried to do just that (Bundesverfassungsgericht, 2021). However, even though the decision is a remarkable step forward (U. Becker, 2023; Jahn, 2023; Kersten, 2022; Kotzé, 2021; Krämer-Hoppe, 2021; Lawrence, 2023; Theil, 2023), the doctrinal approach is not altogether convincing—inter alia because it was not fully developed and glosses over questions that it cannot leave unanswered.

In this article, I argue that legal obligations towards future generations are grounded in the relational character of human rights (Section 3), which is acknowledged by many scholars and can be explained from different conceptual angles, such as (egalitarian) liberal accounts (e.g., John Rawls), or by drawing on concepts of the relational self (e.g., Held, 2006; Herring, 2020; Nedelsky, 2011; Wallace, 2019), and/or relational autonomy (Lee, 2023). I do not refer to any such account but to the meta-theoretical relational account and model of fundamental rights that I developed (Behrendt, 2023b). Even though it shows some similarities to the concepts of relational autonomy and relational self, the conceptual angle is very different. The approach I am taking only draws on the claim of an interpreter according to which the posited legal order acknowledges fundamental rights and does not rely on concepts of relational autonomy (or the relational self), nor does it draw on theses about the human nature, e.g., caring for others as part of human nature (Groves, 2014; Randall, 2019), just parenting as a fundamental interest of human beings (Gheaus, 2016), or the interest of being part of a project bigger than ourselves—one that continues even without us (Scheffler, 2018).

This article does not aim to develop arguments on why we should acknowledge legal obligations towards future people and future generations (in the sense that we should opt for their acknowledgement). Instead, I argue that legal obligations towards future people arise due to the acknowledgement of fundamental rights—there is no (additional) decision to be made. However, state and non-state agents should be aware of those obligations because that promotes sound judgements. Conceiving obligations towards future people and future generations is primarily about understanding the complexity of the interconnectedness of the past, present, and future (e.g., Shue, 2021, pp. 3–4, 14); seeing the bigger picture; and enabling a more rational discourse. We need to correct our conceptual (societal, ethical, and legal) design because it is at least partially blind to matters of the future (Gardiner, 2022; Lawrence, 2023; Shue, 2021). Activities and the manifestation of costs and benefits have a temporal dimension. Some costs and benefits might manifest almost imminently, others may take time. Insofar as the decisions of state and non-state agents suffer from a presentist bias (e.g., Boston, 2016, pp. 4–6; Jacobs, 2016; MacKenzie, 2016) there is a need to address it. By conceiving obligations towards future generations, we can address this flaw and enable ourselves to develop sound models of governance on a global, international, and national level (e.g., Boston, 2016; Caney, 2022). In addition, the presentist bias should be addressed because it is at least partially incompatible with fundamental rights. This can be read as a moral claim by arguing that we are morally obliged to positively acknowledge fundamental rights in our legal order(s) and to acknowledge legal obligations towards future generations. I am not denying this. However, from a positivist perspective, it is more important that addressing the presentist bias is something that the positive law calls for, once fundamental rights are acknowledged (inter alia because it can impact climate litigation and the legal obligations of state and non-state agents without any additional legislation)—this argument is the point of this article.

2. Background: Complications in the Debate on Legal Obligations Towards Future Generations

2.1. Law and Morality

Those who argue in favour of conceiving obligations towards future generations seem to be motivated by the thesis that short-termism and the focus on the present are ill-advised regarding the future of our own offspring and humankind in general (e.g., Caney, 2022; Gheaus, 2016; Groves, 2014; Jonas, 1984, p. 22; Randall, 2019), maybe even ourselves. This is dramatically obvious when it comes to climate change (see, e.g., Brooks, 2020; Caney, 2022; Shue, 2021, pp. 2–10, 22–27). Some go as far as saying that the focus on the present is inherently morally unjust (Gardiner, 2022; Kumar, 2018) or in conflict with intergenerational equity (Weiss, 1989, pp. 23–26). If the presently living are engaging in enterprises that benefit them but will cause (substantial) harm to future generations that is only avoidable at great expenses—if at all—it is certainly plausible that such behaviour violates moral obligations (Gardiner, 2022; Shue, 2021, pp. 22–23). Even though it seems plausible that moral obligations towards future generations are justifiable, conceiving a viable conceptual basis proves challenging—but not impossible (Heath, 2013; Kumar, 2018; Mulgan, 2006).

It cannot come as a surprise that the conceptual challenges of moral obligations do not advance the argument for legal obligations: Even if there is a moral obligation to do X, it does not mean that there is a legal obligation to do X. If it is doubtful whether there is even a moral obligation to do X, it seems even harder to argue that there is a legal obligation if such an obligation is not expressly articulated in norm texts.

The ethical charge of the debate obfuscates the conceivability of obligations towards future generations as legal obligations from a positivist stance. The field of (moral) philosophy is very present in the debate, which provokes (or might provoke) scepticism on the part of legal scholars who endorse legal positivism. From a positivist point of view, it does not matter whether or not it is possible to justify moral obligations towards future generations, whether philosophers argue for relationships between generations and whether, for example, there are good reasons for why we need to achieve climate neutrality as soon as possible—an obligation towards future generations would need to be positively acknowledged in the legal order. Otherwise, it would only be a moral paradigm that has no bearing in the realm of the law. From a positivist legal stance, obligations towards future generations only impact the legal system if and insofar as the posited law gives rise to them. As a result, whether and to what extent obligations towards future generations are a matter of the law depends on the legal order in question.

2.2. Law and Justice

The question of whether legal obligations towards future generations are conceivable based on human rights should be separated conceptually from questions of justice. However, the question of justice can pertain to two different issues: (a) we can differentiate between moral obligations to acknowledge legal obligations towards an agent and (b) moral obligations to balance that agent's interests fairly with those of other agents. This article concerns the question of whether legal obligations towards members of future generations are conceivable as such—i.e., it focuses on issue (a). This equals the matter of whether future people can be fathomed as bearers of human rights. Issue (b) is beyond the scope of this article because it

involves weight attribution and decisional elements: Whether concrete decisions and measurements (legislative acts, governmental measurements, or relevant court decisions) reflect a “just” balance of the interests at stake, depends on whether all relevant rightholders and their interests were taken into account and whether the attribution of weight is considered correct. Different agents might have different notions about what needs to be taken into consideration, for example, due to different levels of insight into factual circumstances and the development of a situation. Evaluating the fairness of a decision or a measurement involves a decisional element concerning selection and weight attribution. Claiming that a result is “just” does not mean much if it is unclear whose interests and what interests have been taken into account. This problem is intensified in light of the necessary weight attribution and the problem of whether it is even possible to ascribe the “right” weight to an interest.

2.3. Law and Interpretation

Unavoidable subjectivity is not only a problem for the previously presented issue (b). Accounts of legal positivism tend to facilitate an understanding of the law that neglects the unavoidable subjectivity of legal interpretation. For example, the aesthetic allure of a pure theory of law might indulge the assumption that the law would not be sullied by the shortcomings of an individual interpreter. The idea is that in easy cases an interpreter only applies the law—but they are not creating the law unless they are empowered to do so and engage in the authoritative setting of concrete norms. However, both Kelsen (1967, pp. 349–356) and Hart (2012, pp. 124–136) acknowledge that the (existing) positive law runs out and needs to be set authoritatively whenever the concrete application of the law is indeterminate. This suggests that normative construction only takes place within the boundaries established by law, which would mean that determining the framework would only be an issue of uncovering normative content. It is certainly true that legal interpretation is experienced as an attempt to recreate a meaning or to find out what the law is telling us regarding the concrete question (and/or to determine the boundaries set by the positive law for engaging in normative construction). Nevertheless, it is a misleading description of what is actually happening. Due to the unavoidable hermeneutical character of interpretation (e.g., Feldmann, 1996, pp. 168, 174–177; Fish, 1982, p. 700; Gadamer, 1960, pp. 291–292; Poscher, 2015), normative content is only created by the interpreter themselves—even in easy cases (e.g., Fish, 1982, p. 700 about the creation of meaning in general; Behrendt, 2020). This does not mean that this creation would not be highly influenced *inter alia* by socialization (or history/tradition; see Gadamer, 1960, p. 289–295) and discourse about these norm texts (C. Becker, 2014, p. 67, 103; Christensen & Kudlich, 2001, pp. 183–184), but it remains a creation of the interpreter. This means that the classic democratic narrative of setting and applying norms is wrong—an ought cannot be substantially set by one agent and simply be applied by a different agent. It follows from this account that an interpretation cannot be measured against an objective ought but instead only against the creation of one’s own interpretation or against those of others—even though this is, once more, a hermeneutical endeavour (e.g., Behrendt, 2020). As a result, the law is a complex social endeavour that works because an interpretation of an agent is compared to those of other agents—especially those of professional interpreters of the law—which pressures agents to approach their interpretations of the legal texts by engaging with what others (e.g., judges) say about the relevant issues of the law and perceiving this activity as uncovering/tracing what the law tells you to do.

The classic approach constitutes a problem concerning matters of the law that have not yet been established and, thus, affecting legal obligations towards future generations, should they be conceivable as a matter of

foundational rights. Established interpretations are not perceived as needing justification, even though no interpretation is better than another by default. No interpretation, and, therefore, no application and no concretisation, can truly be justified by referring to the process of enactment. What is enacted is only the norm text, not the (substantiated) norm (i.e., the normative content) itself. This means that the social event constituting positive acknowledgement cannot solely be attributed to the legislative act. Meaning and, therefore, normative content, is only created by the interpreter. It can neither be set by an authoritative act nor by an intersubjective consensus. It means that interpreters cannot be bound by concrete normative content (even though the legal system employs this claim in a partly legitimate way for reasons of pragmatic necessity and recipient-oriented complexity reduction). Thus, the positivity of law—i.e., the answer to the question under what circumstances an ought is part of the realm of positive law (see, e.g., Shapiro, 2011, pp. 269–273, 279–280)—needs to be explainable in a way that is compatible with this constructivist discourse-theoretical account of law (Behrendt, 2020).

The reconceptualization of what is meant by a positive acknowledgement requires a certain dynamic, openness, and complexity because an interpretation cannot be measured against the “real” legal ought. The fact that a legal order usually determines some sort of conflict-solving mechanism that involves someone having the “final say” does not challenge this view. Non-contestability does not imply that the respective authoritative decision is grounded on the “right” or “best” interpretation (Hart, 2012, pp. 141–147). The unavoidable subjectivity of legal interpretation creates the necessity to end conflicts somehow, and this problem is solved by deciding whose interpretation needs to be accepted to establish some sort of peace and stability. That does not mean the authoritative agent who has “the last say” would be a spokesperson for the “right” interpretation. Just because someone has the power to ultimately decide and people will abide by their decision, does not mean that the decision is anything more than a decision. The legal context does not change this. The decision does not implore normative truth which would then mean that a case that equals the referenced case in all relevant criteria would have to be decided similarly. Even though a certain degree of foreseeability (i.e., legal certainty) is not only useful but necessary for a functioning stable legal system, the law is not set in stone. For hermeneutical reasons, law cannot fossilize and that is not necessarily a bad thing either.

Roughly stated, the notion of legal positivity is used to distinguish legal content from non-legal content. This suggests that the line would not be drawn by the interpreter but by the social facts that determine legal content. According to Hart (2012, pp. 94–95), recognising legal content (i.e., primary rules of obligation) requires a secondary rule: the rule of recognition. Even if such a rule of recognition were to exist (I am not in agreement, but this is not the place to argue this issue), it would not provide an escape for interpreter-relativism; what the law dictates remains a matter of perspective and interpretation. Interpreters with different preconceptions about what the enacted legal texts entail draw the lines differently—even if they are conceiving the law on the same notion of legal positivism, e.g., the notion that the validity of legal content does not depend on its compatibility with moral standards and that the content is not influenced by those standards. Therefore, distinguishing legal content from non-legal content is interpreter-relative. The understanding of the “positive law” needs to take the interpreter-relativism into account. So, the notion of legal positivity is compatible with the constructivist discourse-theoretical account of law after all as the term can be understood to refer descriptively to what can be soundly reasoned in light of the valid norm texts of a specific legal community and professional legal methodology.

What does this mean for the conceivability of legal obligations towards future generations concerning a positivist stance? If we use the notion of the positivity of law in the descriptive sense as portrayed above, then there needs to be enacted norm texts and it needs to be possible to argue soundly for the conceivability of legal obligations towards future generations in light of these norm texts. The remainder of this article is largely used to argue that legal obligations towards future people and future generations are grounded in human rights, conveying that a legal order that positively acknowledges human rights also acknowledges legal obligations towards future generations.

3. Relational Concept of Fundamental Rights

The concept of fundamental rights that I am arguing for here, and elsewhere (Behrendt, 2022, 2023b, pp. 259–365), anchors on the question of what is implicitly asserted when the thesis is put forth that a fundamental right is guaranteed in relation to positive law. The answer to this question is simple, at least at the outset: Such an assertion states that every bearer is entitled to this right. This is the essence of a fundamental right. The whole concept anchors in this and develops from here. It follows that the concept is not founded on some kind of moral reasoning; neither the content of fundamental rights nor their acknowledgement hinges on moral reasoning.

The concept of fundamental rights can be understood as a purely theoretical model because it hinges on this essence of a fundamental right; its relevance for positive law is contingent on the aforementioned claim of an interpreter. Thus, the relational concept of fundamental rights is connected to the constructivist discourse-theoretical account of law. If an interpreter claims that the positive law acknowledges a fundamental right (as described in the previous section), then the model can be used to understand and unfold fundamental rights.

If the law acknowledges human rights, meaning fundamental rights that are bestowed on human beings, every human being is a bearer of human rights (e.g., Besson, 2020; Tasioulas, 2012). Since there is more than one, horizontal legal relationships arise because every bearer of human rights can claim that another bearer of human rights is obligated to respect their right and vice versa. The criterion of rightholdership is dually coded. For example, an agent either qualifies as a human being or does not, but no agent can be more human than the other. Thus, the legal relationship is characterized by equality in rank; there is no hierarchical structure. This leads to the conceivability of the most abstract claim: to be respected as an equal (Behrendt, 2023b, pp. 263–265).

Even though the model does not relieve the interpreter from the burden of arguing which interests are protected by positively acknowledged fundamental rights, there are certain limitations to what an interpreter can argue. For example, according to the relational concept of fundamental rights, there can be no fundamental right of one rightholder to the death of another rightholder because such a right would amount to an inherent violation of equality in rank (see Behrendt, 2023b, pp. 313–315). The question of whether there are legal obligations towards future generations at all is also not up to the interpreter because it is part of the relational structure itself. Once a fundamental right is acknowledged and there is more than one rightholder, legal obligations to future rightholders are conceivable. The only question that needs to be argued is what interests are protected by fundamental rights and, thus, which interests give rise to such legal obligations. If an interpreter claims that positively acknowledged fundamental rights protect bodily integrity and health, for example, then those interests of future people give rise to legal obligations.

To address the question of how and why legal obligations towards future people are conceivable based on this account, the concept needs to be explained regarding claims and obligations and the relevance of interests. Let us begin with the simple observation that agents have interests (e.g., playing tennis or staying alive). The realisation or upkeep of these interests hinges on the factual circumstances of the status quo, including its dynamic developments and the behaviour of other agents. Because the upkeep or realization of an interest is inherently connected to reality, it matters how reality is shaped and how agents behave. If an action or the omission of an action is detrimental to the interest of a rightholder, this is conceivable as an infringement on the claim to be respected as an equal because the other member of the legal relationship puts their interests above those of the rightholder. However, since the “perpetrator” is also a member of the legal relationship and enjoys the same status of equality in rank, they can, in turn, demand that the other party accept that they are acting in pursuit of their own interests. No rightholder’s interests are more important than those of another because of the claim to be respected as an equal.

It follows that the described situation poses a normative conflict. No one’s interests are axiomatically superior to those of another party; both parties have conflicting claims against one another. If we were to try to solve this by measuring whose interests are more important or by arguing that the other party has no claim at all, we would introduce foreign elements into the concept. We would immerse matters of contingent interpretation into a concept that is supposed to be free of colouring by interpretation, decisional elements, and subjective weight attribution. The discourse on foundational rights and the principle of proportionality has shown that there are usually no clear answers and, for legal-theoretical reasons, it is inadvisable to introduce a (de facto decisional) element into the concept, even if consensus were to be reached on how best to solve the problem.

This means that the relational model distinguishes between two levels: the prima facie level and the definite level. Alexy (2002) introduced these terms in his theory of constitutional rights. Even though I am not endorsing Alexy’s account (Behrendt, 2023b, p. 179), I believe that the distinction as such is helpful and viable if it is perceived from a different conceptual stance. Based on this relational account of fundamental rights, a rightholder has prima facie claims against other members to undertake the action necessary to facilitate the realization/upkeep of an interest and to omit an action that would be detrimental. In either case, non-compliance would constitute an infringement on the claim to be respected as an equal. Whether prima facie claims ultimately prevail depends on whether they conflict with other prima facie claims and, if they do, how this conflict is solved. Insofar as it pertains to the positive law, this is not answerable within the meta-concept because it involves answering the question of what interests and what claims are positively acknowledged as part of the law. That requires interpretation which is why the concept of fundamental rights connects to the constructivist discourse theory of law.

The protection of interests does not differ regarding the question of whether or not it requires an action or an omission on the part of the obligated party—there is no structural asymmetry in the level of protection. To exemplify this, let us assume that, in one case, surviving moment X depends on omitting a harmful act and, in another, it requires a beneficial act (such as receiving a vaccination or a respirator). Being in breach of the behavioural obligation is equally detrimental to the interest of surviving moment X. This means that being in breach of an obligation to omit something is not axiomatically more wrong/more harmful than being in breach of an obligation to perform a certain action. The concept of freedom that is connected to this model needs to reflect this symmetric level of protection. This cannot be a libertarian concept because a libertarian concept builds on (or is at least strongly connected to) the concept of negative liberty, which focuses on protecting

against the detrimental behaviour of the addressee (e.g., Berlin, 2002; Carter, 2022). Such a concept neglects the fact that the realization and upkeep of an interest is not always about protecting against harmful behaviour; it can also require others to behave in a certain way or to provide a certain setting in which the interest can be realized. The libertarian view is blind towards the presuppositions required to even get to a situation in which it only needs to be about protecting interests against outside intrusion (see e.g., Berlin, 2002, pp. 172–173; Carter, 2022). Insofar as human rights are read through the lens of libertarianism, human rights protect the status quo and the power asymmetries that go along with it.

The concept of human rights I am arguing for focuses on interests and does not endorse a structural asymmetry in the level of protection (Behrendt, 2023b, pp. 124–125, 265, 306). Rather, the concept facilitates perceiving the complexity of a status quo and the injustice that might have produced it. This is particularly relevant regarding the international dimension of combatting climate change and the discourse on intergenerational justice. It seems to be a reliable assumption that the goal of (human-friendly) climate stability requires a global perspective and, thus, international cooperation. We will not be able to solve this problem on a national level, which does not mean that we do not need to do as much as we can on a domestic level.

If we wish to address the necessity of international cooperation (and of integration of agents beyond states; Weiss, 2020, p. 121), we need to have an answer to the question of allocating costs, and this discussion will have to involve matters of justice (Caney, 2018; Shue, 2021, pp. 28–57), insofar as some nations have contributed far more to anthropogenic climate change than others. Cooperation on the issue of climate stability is (and will remain) influenced by development on the issue of global justice. However, this should be separated from the question of what needs to be done to achieve (human-friendly) climate stability. Both problems are massive and complex and need to be addressed. They are connected but they should also be separated on an operative level to deal with them efficiently. If they are only addressed jointly, we will never get anywhere.

The relational concept of human rights can understand any interest of a human being to be protected by human rights as long as it does not imply a hierarchical element. Therefore, it is not restricted to interests that are fundamental for human beings despite misleading terminology (basic rights or fundamental rights). A right is materially connected to (concrete) claims against obligated parties. Based on the relational concept of human rights, the conceivability of rights hinges on the conceivability of claims that give rise to a right as a form of abstraction (Behrendt, 2023b, p. 303–305). In doctrinal practice, it is the other way around. A claim can only be acknowledged if there is a subjective right that gives rise to it.

Claims and obligations are correlative in nature, meaning that every claim has a corresponding obligation (e.g., Kelsen, 1967, pp. 125–130). Claims and obligations are also inherently connected to reality. The relational concept is a theoretical layer that references the real interests and decisions of agents and provides conceptual frameworks for the complex mechanisms of the system of law (insofar as the law is supposed to be based on fundamental rights). Due to this connection to reality, claims (and therefore obligations) only manifest if there is an interest of an agent who fulfils the criterion of rightholdership and if there is a behavioural option that contributes to or obstructs the realization (or upkeep) of said interest (Behrendt, 2023b, p. 306).

This correlative nature is problematic with regard to conceiving obligations concerning future generations. If there is no agent, they can have no claim and, thus, there can be no obligation. The problem goes even

deeper because it also pertains to what it means to actually have an interest. If you are not playing tennis, for example, then it does not affect your interests if legislation bans tennis as a sport (apart from the anxiety that might arise if this legislative act were to be perceived as erratic). If there is no interest, there is no claim, and, therefore, no obligation. This is conceptually challenging concerning the future interests of those presently living. We do not know what interests we will have in the future because our interests are largely influenced by living circumstances—future interests are not necessarily present interests.

4. Bridging the Gap: Present Legal Obligations in Light of Future Interests

With regard to conceiving present obligations in light of future interests based on a correlative understanding of claims and obligations, two scenarios need to be addressed separately: (a) the rightholder is living and we are asking about present obligations concerning their future interests; (b) there is not even an agent yet and, therefore, no rightholder (Behrendt, 2022).

4.1. *Present Obligations Without Present Concrete Interests*

An obligation to undertake or omit action X is contingent on a corresponding claim, and that claim is contingent on action X having an impact on the interest of the rightholder. Therefore, everything hinges upon there being an interest. But what exactly does it mean to have an interest? What is the ontological phenomenon the term is referring to? Human rights protect several interests, some of which we never really decide on, they simply “exist” (e.g., staying alive and healthy), while others are only brought about by decisions (e.g., eating that apple or playing tennis). At least in some cases, a decision is necessary for a claim to arise—without a choice and a decision that concretizes interests, there would be conflicting interests and, thus, claims and obligations to undertake as well as to omit action X. This points to the need to have a model of all perceivable interests and a way to determine under which circumstances an agent holds which interest. If we combine this model with the relational concept, we can distinguish between different modes of claims: claims that are activated because of a (legally relevant) decision and claims that are only “palely sketched.”

Some interests, like the interest to stay alive, usually do not require a decision; it is simply there and we expect others to omit any action that would end our life (or put our survival at risk) and to undertake actions that facilitate our survival (especially in the face of a threat). These interests do not require a decision, be it a conscious or an unconscious one, to ground an activated claim and, thus, corresponding obligations.

Protecting interests can also be about “keeping your options open” (i.e., about the interest in concretizing the interest later): If people have already created a situation in which a certain option is no longer truly present (because circumstances have changed substantially), concretizing one’s interests becomes meaningless. For example, if someone has offered you an item and gives it away because you were unable to make up your mind, it is somewhat futile if you now decide that you want to have it after all. They are no longer in a position to give you the item without tremendous trouble and effort on their part, which might be too much to ask. This suggests that there can be (activated) claims and corresponding obligations to keep and/or establish circumstances that allow for these future decisions. In my opinion, the notion of intertemporal protection of freedom, which the German Federal Constitutional Court argued for in its 2021 decision on climate change, aimed at exactly this issue. Human rights protect not only against “current” infringements on protected interests but also protect against a “lack of options.” Contrary to the reasoning in

the decision, this is not a harbinger of future violations of human rights. Infringements on human rights that would currently be considered disproportionate and, thus, unconstitutional, can be considered proportional if the relevant circumstances are substantially different. For logical reasons, the notion that human rights protect against the erosion of freedom cannot be thought of as a pre-effect of otherwise necessary future violations of human rights (Behrendt, 2023c).

As a result, some claims and obligations are conceivable even though the rightholder has not made a decision by which they concretize their interests. This means that present claims and obligations exist even though the impact of the behaviour will only occur in the distant future. Whether or not it will be avoided due to some intervening action on the part of a third party (for example) is another matter. As long as it occurs within the lifespan of a rightholder, human rights protect against this. If you undertake an action that can lead to an event that should not occur, you are in breach of an obligation. Legislation that shapes society as well as the behaviour of state and non-state agents in a way that neglects this violates human rights.

4.2. Present Obligations Towards Future People or Obligations Towards Non-Existent Agents

The (meta-conceptual) legal relationship between human beings can be conceived to exist between every (living) human being at any respective point in time. To qualify as a member of the human-rights-relationship model, it suffices that the agent meets the criteria of “being human” in the biological sense. This means that, even at this moment in time, people at the end of their lives are in a legal relationship with a newborn, even if they never meet. Because the concrete present moment is ever-fleeting, already belonging to the past once it has occurred (Shue, 2021), the relationships between human beings are constantly dynamically evolving (insofar similar, Barry, 1977; Gheaus, 2016, p. 499). One person dies and another is born, circumstances change, decisions are made, interests are formed or abandoned, and all of these events affect the legal relationships, the member stock of the social group, and the claims and obligations members have against (or towards) each other. Someone who is now 30 years old will constantly be faced with obligations towards “new” rightholders up until the day they die. This means that a pre-effect of future obligations becomes conceivable simply because people continue to procreate (see Figure 1). This chain of overlapping generations also generates prima facie duties on the part of the presently living agent X that benefit (future) rightholders with whom agent X will never be in a legal relationship. They arise as a pre-effect of the obligations of a future person—agent Y (with whom agent X will enter into a legal relationship at some point throughout his life span)—towards a future person from a generation even further down the chain of generations.

Whether people will be born in the future remains an epistemic issue. Humankind could cease to exist. If we cause this by our behaviour, the behaviour would not constitute a violation of an obligation towards those who never get to be conceived if we evaluate the issue solely based on the relational concept of human rights. They simply never come into existence, so there is never going to be a rightholder. Based on a determinist worldview (that includes a determinist understanding of human decision-making processes), the non-identity problem brought forward by Parfit (1984, pp. 351–378) does not challenge the concept. If you decide against conceiving a child at a certain point in time, you do not violate any obligation against the child which would have been conceived if you had chosen differently. It is simply never being conceived and it was never going to be. There is no rightholder—not presently and not in the future. If a person will not be born in the future, then there is no obligation towards that person in the future. It follows that there is no present obligation as a pre-effect.

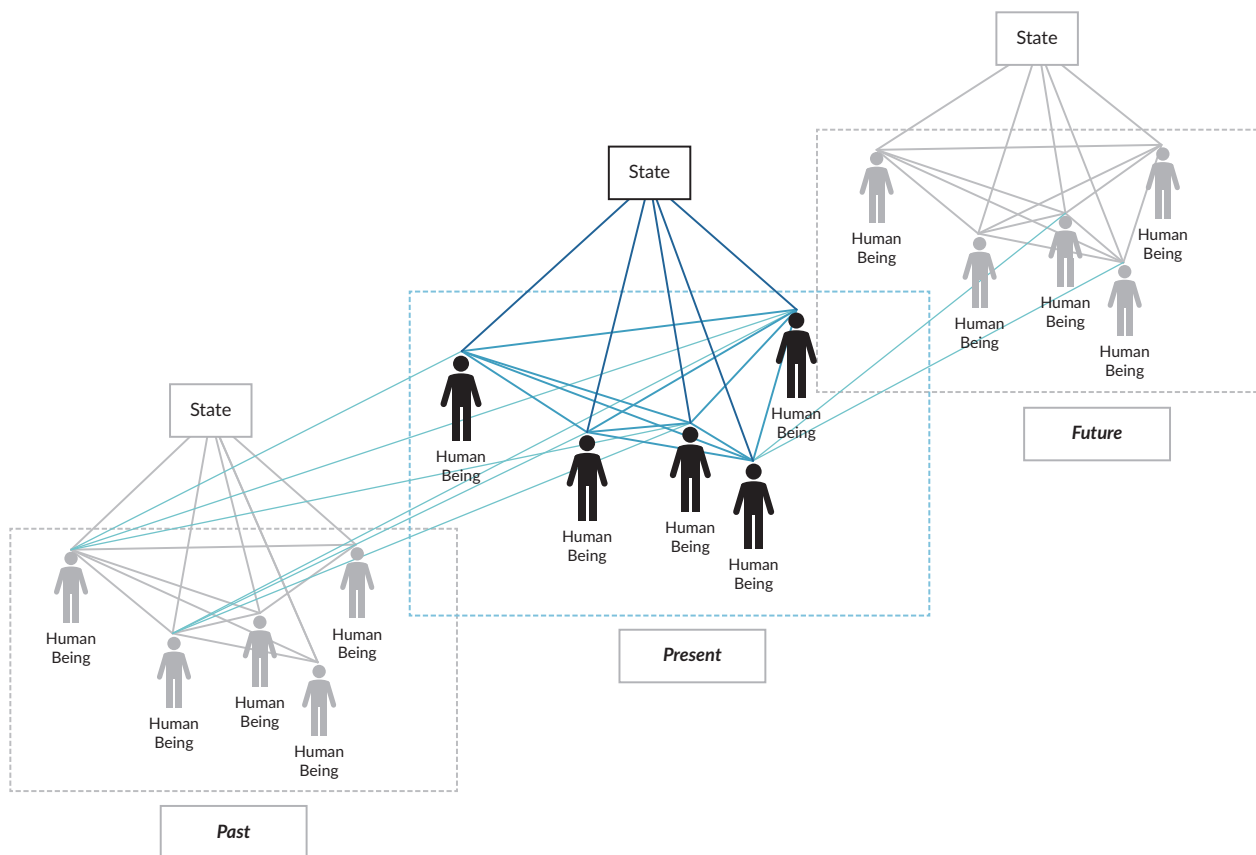


Figure 1. Dynamic model of the relational concept of human rights.

This does not solve the epistemic issue. No normative concept can do that. However, uncertainty cannot be used to refute the thesis that obligations are conceivable as a pre-effect on a normative level or else obligations could not be grounded on consequentialism (consequentialism, however, is a more convincing approach than the deontic model). A consequentialist approach to conduct norms grounds the thesis that the obligation to undertake or omit an action is justifiable only because the action will have certain harmful effects. An action or the omission of an action is required to avoid the occurrence of an event. The event that has that certain harmful effect (event X) always takes place in the future, otherwise, the event would not justify the (consequentialist) conduct norm. In most cases, the question of whether event X will take place raises epistemic issues. Even if we know that event Y has taken place and this will lead to event X (because we know the relevant laws of causality), there might be other chains of events in motion that will disrupt the chain of events leading up to event X and we might not know about all of those other chains of events. Obligations cannot only be conceivable if we have absolute knowledge about every issue that impacts a situation because then we would rarely be able to postulate an obligation.

Nevertheless, epistemic limitations play a role in establishing legal obligations (this dimension of the law needs to be distinguished from the normative dimension I have laid out so far, even though they are connected). One of the central functions of the law is to establish and stabilize behavioural expectations to protect certain interests of members of the legal community. Law has a prescriptive nature; it aims at influencing people's behaviour, telling them how they should behave. Any agent's behaviour can thus be mirrored against the law if and insofar as it is based on a legally relevant decision which enables the members of the legal community

to ascribe a claim to correctness to that behaviour. If and insofar as that behaviour would not be following the law according to an observer or another agent, this might call for a reply. However, any agent can only decide on their knowledge base. This means that legal claims and obligations are established despite epistemic limitations. An agent can only be culpable for an event if they had known or should have known about the relevant factors that qualify their behaviour as setting a chain of events in motion that will lead to the harmful event. If superior insight can be gained later (by the same agent or by other interpreters) and it shows that the behaviour did not create a risk at all, undertaking the action could still constitute an infringement on a legal obligation—because an agent can only decide on their knowledge base. If they thought they would cause a harmful event, it boils down to the question of whether the interests pursued with that action outweigh the interests they thought they would harm. Therefore, epistemic issues do not hinder the conceivability of obligations. With regard to this dimension of law, obligations are conceivable in cases in which reality does not give rise to them (Behrendt, 2023a).

5. No Easy Way Out: Problems of the Established Approach to Human Rights

The concept presented in the previous section does not mirror the established doctrine and approach to fundamental rights when it comes to legal obligations towards future generations. This is partly because the established doctrine does not offer the analytical tools to ask the right questions. At least in German constitutional law, it currently operates under the assumption that fundamental rights will remain the same over time (as long as a relevant constitutional reform does not take place), but this view neglects the link to the interests that give rise to fundamental rights (including human rights) in the first place. In a way, the established perspective is due to the abstraction and deductive reasoning that accompany an enactment-oriented concept of legal positivism and the codification of fundamental rights that are bestowed on human beings. As a result of the historic development of human rights and fundamental rights by liberalism, they are “classically” envisioned to bind only the state; a binding effect on non-state agents is only a collateral effect. Bhatia (2023, p. 4) calls this “default verticality.” Fundamental rights can still be called relational because their application requires acknowledging vertical relations (between the rightholder and the state)—however, it should be noted that this is not the *horizontal* relationality described previously (the horizontal relationality applies only to the relationships among rightholders). Furthermore, as norms, they are also perceivable in the abstract, without being tied to a concrete rightholder. This approach facilitates a different grasp on fundamental rights (one that regards fundamental rights primarily as abstract norms) than the one I am arguing for, especially, if it is combined with the above-mentioned classical approach that holds on to the narrative of legislation setting out not only the norm texts but also the norm. Fundamental rights would be whatever is thus enacted. The concretisation and application, and hence the connection to rightholders and reality, is only the second step. This does not mean that doctrinal work does not refer to reality (scholars are generally determining the contents of the abstract norm with regard to reality) but the connection remains in the abstract and is somewhat non-tangible. The relational character presents itself only with this second step.

If fundamental rights are understood based on the relational concept I have argued for, their codification would merely be a textual anchor; what their acknowledgement would substantially refer to are the real interests, chances, and risks for those interests of the rightholders that are (or would be) generated by the respective behaviour of the state or non-state agent. Thus, the connection between fundamental rights and reality presents itself clearly. The epistemic problem is easily discernible as such; it is not veiled by normative

abstraction and cannot be mistaken as a normative problem. The relational meta-theoretical model of fundamental rights pertains to the purely normative realm; claims and obligations do not suffer from the epistemic problem, as they pertain to a different dimension or level of the law—the one in which obligations and claims need to be established in the application of the law. This level is connected to the purely normative realm, but it also needs to process epistemic limitations.

The established doctrinal approach is unable to differentiate the epistemic problem from the question of whether obligations are conceivable on a “purely” normative level. This seems to make things easier, but simplicity comes at the cost of accuracy and conceptual clarity because the intertemporal dimension of the legal relationships brought about by fundamental rights cannot even be conceived as such. This dimension is beyond the scope of the established doctrinal approach because, as abstract norms, fundamental rights are somewhat “timeless.” As a result, the conceptual approach to protecting future interests needs to be argued differently. A currently living rightholder enjoys the right to life and a general right of personality and, if these interests continue to be positively acknowledged, then the state will be bound in the future. This seems to allow the established doctrinal approach to assume intertemporal protection of freedom by anticipating that rightholders have an interest in enjoying the same or a somewhat similar “amount of freedom” in the future. This is, of course, reasonable. If a person has their hands full with staying alive, circumstances will not allow them to develop their personality in the way we take for granted as members of the upper/middle-class today (especially in comparatively rich nations). This would then lead to the notion of an intertemporally equal “distribution of freedom” (or an intertemporally equal distribution of opportunities for self-determination). The German Federal Constitutional Court expressed something akin to this in its decision of 24 March 2021 on the 2019 Climate Change Act, but it remains unclear whether it actually aimed at this notion. It held that, under certain conditions, the basic law would impose “an obligation to safeguard fundamental freedom over time and to spread the opportunities associated with freedom proportionately across generations” (Bundesverfassungsgericht, 2021). The decision suggests that these certain conditions refer to the constitutional acknowledgement of finite resources, but the rationale was not articulated in detail. It is clear, however, that the principle of proportionality was used to state that the German Climate Change Act of 2019 is partly incompatible with constitutional law because it allows for too much in emissions short-term, leaving future decision-makers to take drastic measures to reduce emissions. These future drastic measures will certainly curtail behavioural options and impact the upkeep and realization of protected interests. It is therefore convincing that human rights process this issue somehow. However, the reasoning of the court does not offer a sound doctrinal explanation (e.g., Callies, 2021; Grosche, 2022; Kersten, 2022; Lenz, 2022; Theil, 2023). Its reasoning can be read in several ways but none of them are viable conceptually. In the end, every road leads towards the necessity of forging legal obligations in light of the future interests of rightholders—those who are already alive or who will still be born (Behrendt, 2023c). The abstract-level approach only clouds the core problem of conceiving these obligations; in my opinion, it is therefore preferable to turn to the conceptual approach laid out in this article.

6. Conclusion

Legal obligations towards future generations are conceivable based on human rights, even from a positivist stance, insofar as the interests concern a person who is born during the lifespan of a person alive today. A legal order that entails norm texts on fundamental rights and that proclaims human beings to be rightholders already contains the necessary feature by which to argue that such a legal obligation exists.

Acknowledgments

This article was funded by the Max Planck Society and supported by resources of the Max Planck Institute for the Study of Crime, Security and Law. I would like to thank the editors and anonymous reviewers for their helpful feedback, comments, and suggestions. Additionally, I would like to thank Indira Tie for proofreading the manuscript.

Conflict of Interests

The author declares no conflict of interests.

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Institutional Proxy Representatives of Future Generations: A Comparative Analysis of Types and Design Features

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Submitted: 27 October 2023 **Accepted:** 12 January 2024 **Published:** 8 March 2024

Issue: This article is part of the issue “Considering Future Generations in Democratic Governance” edited by Yasuko Kameyama (University of Tokyo) and Tomohiro Tasaki (National Institute for Environmental Studies), fully open access at <https://doi.org/10.17645/pag.i379>

Abstract

Future generations will be strongly affected by political decisions made today (e.g., by the long-term consequences of climate change). According to the democratic all-affected principle, the interests of everyone affected by political decisions should be considered in the political decision-making process. Future generations cannot influence democratic decision-making, since they do not yet exist. Election-based democratic incentive systems are said to make it difficult to consider the needs of future generations today. Surprisingly, however, since the early 1990s, an increasing number of democracies have established what could be called institutional proxy representatives of future generations (proxies), i.e., public bodies with institutionalized access to government and/or parliament that introduce the construed interests of future generations into the political decision-making process. Proxies help to consider future generations' interests alongside the interests of current constituencies. After concept building, this comparative study searches all liberal democracies and identifies 25 proxies, with heterogeneous institutional designs. By employing membership criteria, three types are distinguished: (a) expertise-driven independent guardians (type I), (b) political or administrative advisory and coordination bodies (type II), and (c) sustainability stakeholder councils or committees (type III). They vary considerably in their formal capacity to influence political decision-making (i.e., on what legal basis they were provided with what instruments to address which phases of the policy process and which branches of government). Overall, they should not be overburdened with expectations. While they are usually equipped with the tools to voice the (construed) interests of future generations, they often lack the capacity to act as watchdogs with teeth when ignored.

Keywords

all-affected principle; democracy; future generations; institutions; intergenerational justice; political representation; sustainability governance; sustainable development

1. Introduction

As early as 1983, political philosophers Gregory S. Kavka and Virginia Warren criticized that, in modern democracies, “[N]o special institutional mechanisms exist to secure representation of future people’s interests, and representatives naturally focus their attention on promoting the interests of those who have the power to vote them into, or out of, office; that is, present citizens” (Kavka & Warren, 1983, p. 21). This lack of representation is commonly regarded as problematic because future (i.e., yet unborn) generations are affected by the political decisions of today but have no voice in their making. The democratic all-affected principle calls for the voices—or at least interests—of all those affected to be considered in democratic decision-making (Goodin, 2007; Warren, 2023). The normative justification for establishing such institutional mechanisms for the representation of future generations is therefore often democratic (see, e.g., Dobson, 1996; Gonzalez-Ricoy & Rey, 2019; Rose, 2019; Zwarthoed, 2018).

Four decades after Kavka and Warren’s (1983) call for the political representation of future generations, the situation has changed. Since the early 1990s, an increasing number of national and subnational democracies have established institutions for future generations, such as the Ombudsman for Future Generations in Hungary and the Future Generations Commissioner for Wales. These bodies or offices are meant to help consider the needs of future generations alongside those of current constituencies. In doing so, they arguably make democracies more inclusive and amenable to more sustainable decision-making, strengthening the political long-term orientation and mitigating short-termism biases (Boston, 2021; Caney, 2016; Krishnakumar, 2009; Linehan, 2021; MacKenzie, 2016; Thompson, 2010).

Since future generations, by definition, do not yet exist and thus cannot authorize or engage with their potential representatives, there is no consensus in the literature as to whether and how they can be represented at all, and, by extension, whether institutional innovations such as the ombudsman in Hungary or the commissioner in Wales should be normatively motivated, framed, conceptualized, and analyzed in terms of political representation (Beckman, 2023; Campos, 2021; Ekeli, 2005; Gonzalez-Ricoy & Rey, 2019; Heyward, 2008; Jensen, 2015; Jones et al., 2018; Karnein, 2016; Kinski & Whiteside, 2023; Rose, 2019; Smith, 2020; Thompson, 2010; Warren, 2023; Zwarthoed, 2018).

While future generations do not fit the standard (i.e., electoral) account of political representation, several scholars—particularly those from the constructivist turn in the theory of representation, allowing for non-electoral forms of representation—acknowledge future generations as constituents in need of political representation (Näsström, 2011, p. 506; Saward, 2009, p. 1, 2010, pp. 112–119; Urbinati & Warren, 2008, p. 404). Moreover, empirical cases exist wherein specific institutions were clearly established to represent (the interests of) future generations, embracing vocabulary linked to political representation. In the case of Israel, a Knesset (2004, p. 21) document states:

[T]he need arises to appoint an Ombudsman to represent the as yet unborn generations before the legislative authorities, a “Commissioner of Future Generations.” He would be given the opportunity to examine any legislative act and to appear before the relevant Knesset Committee whenever there arises any suspicion of prejudice against future generations. This might be through ground or air pollution, harm to pension funds, the implications of genetic engineering or the consequences of a technological development.

In an official report, the Hungarian Ombudsman for Future Generations refers to its “duty of representing future generations’ interests” (Office of the Parliamentary Commissioners of Hungary, 2010, p. 8). In another document, an officer states that the ombudsman must represent future generations in long-term decision-making (Ambrusné, 2011, p. 22). The Maltese Guardian of Future Generations is described in a media article as being tasked with “representing the interests of future generations at the national level” (Balzan, 2013).

In this article, I do not further engage with the political philosophy literature on the merits and difficulties of the political representation of future generations, but I have done this elsewhere (see Rose, 2018, 2019). Instead, I employ a representation lens to briefly propose the rather descriptive concept of the formal institutional proxy representation of future generations, which allows us to identify institutions that can be understood as real-world instances of this concept. I call these real-world instances *institutional proxy representatives of future generations*, or *proxies* for short. To structure this field, I use the membership characteristics of these proxies to identify three different proxy types: (a) expertise-driven independent guardians (type I); (b) political or administrative advisory and coordination bodies (type II); and (c) sustainability stakeholder councils or committees (type III). To illustrate what the members of these proxy types do, I provide selected examples of their specific tasks and activities. Moreover, I characterize each proxy and proxy type by their further design features. Taken together, these design features allow me to assess the formal capacities of proxies to influence political decision-making.

2. Conceptualizing Institutional Proxy Representation of Future Generations

To differentiate the representation of future generations from the standard account of political representation, I speak of the institutional proxy representation of future generations. Since the actual referents of this representation (future generations) are per se inaccessible, only the objects—i.e., selective and construed portrayals of constituency interests, in Saward’s (2010) terms—can be represented. *Proxy* indicates this very fact. The term refers to surrogates of persons who are not there and, in our case, cannot be approached or consulted since they do not yet exist. In statistical analysis, the term is used for measurable variables aiming to represent something that is not measurable. The term has already been used occasionally regarding the (parliamentary or otherwise) political representation of nature or future generations (Beckman, 2023; Cooke, 2017; Dobson, 1996; Lawrence, 2022; Rose, 2018, 2019). *Institutional* refers to the focus of this article on formally institutionalized forms of (proxy) representation (Rose, 2021). In light of the all-affected principle, future generations are potentially affected by all political decisions made today, so they would require an institutionalized form of representation to give them sufficient access to the democratic decision-making process. I therefore disregard representative claims as individual speech acts.

Drawing on Rehfeld’s (2006) formal account of political representation and Rose’s (2018) work on the representation of future generations, we need the following elements to formally identify (institutional proxy) representation:

1. A specific *function* that determines both the activity of the representative and the audience, which must recognize the representative as standing for a specific group. Following Pitkin (1967, p. 153), being represented, in general, means “being made present in some sense, while not really being present literally or fully in fact.” Considering both the democratic all-affected principle and the above

examples of representation-related statements of proxies, we can adopt Rose's (2018) postulation that the function of institutional proxy representation is to make future generations present in today's political decision-making process (i.e., to introduce their interests into this process). This function implies that the institutional proxy representative (i.e., proxy) needs *access* to the political decision-making process on a regular (i.e., institutionalized) basis, usually via the parliament and/or government. Therefore, institutions that are not concerned with parliamentary or governmental processes or that are severely restricted in their access (e.g., only contributing to a national sustainability strategy or yearly meetings) are not considered. Moreover, access should not be restricted to a single problem or policy area, such as climate change policy, fiscal policy, or environmental policy in a narrower sense, since the all-affected principle requires a broader scope, providing proxies with a certain leeway to identify the affected interests of future generations;

2. An *actor* who accepts the charge to perform the function and who is recognized and enabled by the relevant audience to do this. An institution that exists on paper but lacks people in office to perform its given function would not qualify as a proxy. For example, both the Knesset Commissioner for Future Generations in Israel and the Council for the Rights of Future Generations in France existed much longer on paper than in practice, as the respective positions were not refilled while the documents formally institutionalizing these proxies were still valid. Moreover, while a proxy need not care for future generations exclusively, it must represent their construed interest at least to the same extent as the sum of possible other *constituents' interests*, such as current generations, so that in cases of internal conflicts between interests, the (construed) interests of future generations would not be disregarded (Rose, 2018). Sustainability institutions represent a borderline case (Mathis et al., 2023). If they are oriented toward an understanding of sustainable development that explicitly claims to consider the needs of future generations (at least) equally to those of the current generation, as it is defined, for example, in the famous Brundtland definition of sustainable development, they can be regarded as proxies. It is thus crucial that a proxy's main documents show a strong link to future generations;

3. According to Rehfeld (2006, p. 1), "Political representation....results from an audience's judgment that some individual, rather than some other, stands in for a group in order to perform a specific function." The *audience's* recognition is key to performing the function. For institutional proxy representation, the function can only be performed when the actors who control the political decision-making process grant formal institutionalized access to this very process. While proxies, in general, may have multiple and broad audiences, only their recognition by the parliament and/or government is necessary and sufficient for the function to be performed. The audience uses a set of *rules of recognition*. As long as the relevant audience regards these rules as valid and they can be used to identify a representative, the nature of these rules is not relevant for identifying cases of formal representation (Rehfeld, 2006). However, I use parts of these rules to construct proxy types in Sub-section 5.1. These rules can be differentiated into three parts: The (a) *selection agent* uses certain (b) *decision rules* to select the representative from a (c) *qualified set* (Rehfeld, 2006, p. 5). This can be quite formalized. In the Israeli case, the former Knesset Law (Paragraphs 36–39 of Section 8; English translation available at Knesset, 2004) determined the rules of recognition as follows: The *qualified set* consists of resident Israeli citizens with an academic degree in a relevant field who have worked in that field for at least five years, were not politically active up to two years prior to the candidacy, and

were not convicted of a charge inappropriate for the position. The final *selection agent* is the speaker of the Knesset, who appoints the Knesset Commissioner for Future Generations in agreement with the Knesset House Committee according to the decision rules. The *decision rules* determine that the speaker appoints, according to specified rules, a public committee that examines the qualifications of the candidates and nominates at least two candidates with a majority of at least four committee members each.

If conditions 1 to 3 are met, we can speak of institutional proxy representation of future generations. Proxies, therefore, are staffed public offices or bodies with institutionalized access to government and/or parliament and the function of introducing the construed interests of future generations into the political decision-making process across policy areas.

3. How Are Proxies Designed to Influence Political Decision-Making?

As a minimum, performing this function means stating future generations' (construed) interests in cases where the proxy deems this suitable, but this can still mean that these voiced interests are ignored by the government or parliament in the subsequent process. The degree to which proxies have the formal capacity to influence the political decision-making process depends on how they are designed by their creators.

In the following sub-sections, I briefly explain which different design features might increase a proxy's formal capacity to influence political decision-making. By focusing on their formal capacity, I do not systematically analyze how this formal capacity actualizes in real-world influence but provide a rough measure that allows for comparisons across proxies and their design features. Design features that cannot be assessed comparatively due to a lack of comparative data, such as organizational structures and resources, as well as those lacking any clear causal direction toward increased capacity for impact, such as the degree of independence from parliament and government, are not considered.

The design features of a proxy are interdependent and work together in their formal capacity to influence political decision-making. In particular, the political instruments a proxy is endowed with are related to all other features, in that they grant access to certain stages of the public policy process or certain branches of government and may require a certain legal basis. Details, variants, and anchor examples of each design feature are presented in the analytical framework in the Supplementary File (see SM Table 1). While the selection of design features is partly informed by literature (Mathis et al., 2023; Rose, 2018; Rose & Hoffmann, 2020), I include only design features that have at least one expression in real-world proxies to avoid unrealistic expectations of proxy designs.

3.1. Political Instruments

On the political level, proxies can use political instruments to influence political decision-making by accessing one or multiple stages of the policy process and branches of government. These include outreach, advice and consultancy, independent policy recommendations, monitoring and review, legislative proposals, suspensive vetoes, ombudsperson functions, and auditing. All else being equal, the greater the variety of political instruments, the higher their capacity to influence political decision-making. Political instruments can also be designed as "hard-power" instruments that can force the addressees to visibly deal with the

interests of future generations as put forward by the proxy in a way that precludes addressees from ignoring them (Rose, 2018, p. 143). This includes legal rights of action, suspensive vetoes, and forms of recommendations wherein addressees are obliged to answer in writing, justifying any deviations from the recommendations.

3.2. Access to the Stages of the Public Policy Process

On a process level, policy-making is often depicted with the heuristic of the policy cycle and is differentiated in the ideal-typical phases of agenda setting, policy formulation, policy adoption, implementation, and evaluation (see, e.g., Knill & Tosun, 2017). In their entirety, proxies indeed address all of these stages, but usually, individual proxies have access only to specific stages (Rose & Hoffmann, 2020). Every proxy needs access to at least one stage. All else being equal, proxies' capacity to influence policy-making increases along with the number of stages of the policy process they can access.

3.3. Access to the Branches of Government

On the polity level, decision-making is shaped by the different branches of government. A proxy may be institutionalized by the same or a different branch of government than it has access to, and it may have access to a single or multiple branches of government. While every proxy needs regular access to the legislative or executive branch (the most important ones in political decision-making), optional access to the judicial branch provides additional means of influence, since passed laws can be legally challenged, which feeds back into the political decision-making process. All else being equal, the more branches of government a proxy has access to, the greater its capacity to influence political decision-making.

3.4. Legal Entrenchment

The stronger the legal basis of a proxy, the higher its political legitimacy and the more difficult it is to amend or revoke this legal basis and, with it, the proxy and its design features. This way, a strong legal basis makes proxies more resilient against external pressures and indicates a high and rather credible commitment to considering the interests of future generations, both of which should increase the capacity of a proxy to influence political decision-making (Rose, 2018, pp. 178–179). I distinguish between four levels of legal entrenchment from *weak* to *strong*: (a) no legal basis, (b) secondary law or by-law, (c) primary law, and (d) constitutional entrenchment.

4. Data and Methods

I employ the definition and criteria presented in Section 2 to identify proxies in liberal democracies across the world. I draw on Freedom House to operationalize democracy and, for every proxy, check whether its host country had the status of “free” in the proxy's foundation year (Freedom House, 2022). The universe of cases therefore consists of proxies at the national level in liberal democracies. The subnational level is considered only in exceptional cases when a subnational proxy has highly relevant characteristics (e.g., when it refers to future generations in its name), is a forerunner institution, or has otherwise unique features that distinguish it from all other proxies known thus far. This applies to the Future Generations Commissioner for Wales. There is a pragmatic limitation that affects case selection: sufficient information must be available in English, French, or German via desk research to allow an assessment of the definitional criteria and relevant design features.

Against this background, I aim for a full survey of proxies. For this, I desk-researched proxies in all countries assessed as “free” by Freedom House in 2022 (currently, 84 countries and territories).

To identify and assess proxies, I prioritized primary sources such as legal documents, written outputs of proxies (e.g., webpages and reports), and academic literature authored by proxy members or staff. Secondary sources, such as academic literature, media articles, and webpages by third parties, are only used supplementarily, if at all. The sources the following assessment is based on are listed in the Supplementary File (see SM List 1).

I analyzed the sources according to the criteria and design features presented in Sections 2 and 3. The definition-related criteria (see Section 2) must be maintained throughout the lifespan of a proxy. I mark a proxy as discontinued if the respective institution was either abolished entirely or altered fundamentally so that it either no longer qualifies as a proxy or does not qualify as the same proxy. SM Table 1 (in the Supplementary File) is used as a coding scheme for the design features. Based on the reading of the relevant sources, I coded every design feature binarily for its *absence* (0) or *presence* (1) to allow for easy visualization. The design features are broad enough so that minor within-proxy developments over time do not typically affect the attributed codes. In cases of very significant changes, I split up an institution into separate consecutive proxies, which I did with the Hungarian Ombudsman (later Deputy Commissioner) for Future Generations. To measure the formal capacity of proxies to influence political decision-making, the codes are aggregated into sub-indices (one per dimension), which are then added to a total index of formal capacity. The data sheet with coding results and calculations is available in SM Table 2 (in the Supplementary File).

5. Results

Twenty-five proxies were identified and coded, 16 of which still exist. The proxies were hosted by 17 countries; today, 11 countries still host at least one proxy. There is a strong bias toward European proxies when compared to other continents. To my knowledge, large democracies such as the US, Australia, Italy, Spain, or Poland have never hosted a proxy at the national level, while some countries have hosted multiple, such as Germany, Finland, Hungary, and Belgium (see Table 1).

The first four proxies were established in 1993, one year after the World Summit on Sustainable Development in Rio de Janeiro. The number of existing proxies continually rose until 2004. Since then, the number has varied between 15 and 18 proxies. Apart from that, there is no clear pattern in the dynamics of founding and dissolving proxies. Since 2017, the remaining proxies have been mostly stable (Figure 1). As of 2022, proxies have lasted between three years (France) and 30 years (Finland), with the average proxy lasting for just under 16 years. Continued proxies have an average age of 19 years (and counting), while discontinued proxies have an average lifespan of nine years (see SM Table 3 in the Supplementary File).

In the following sub-section, I present three types of proxies and illustrative activities of selected proxies of each type. The subsequent sub-sections show the design features of each proxy and the respective average of the number of the design features for each proxy type, as well as the proxies' additive formal capacity to influence political decision-making. Details on the distribution of proxies across the design features are presented in the Supplementary File (see SM Figures 1 to 4).

Table 1. List of institutional proxy representatives of future generations (proxies), sorted according to type.

Proxy name and ISO 3166 country code	Host country	Founding year	Dissolution year	Freedom House score	Government level
Type I: The independent guardian					
(HU) Ombudsman for Future Generations	Hungary	2008	2011	1.0	national
(HU) Deputy Commissioner for Future Generations	Hungary	2012		1.5	national
(IL) Knesset Commissioner for Future Generations	Israel	2001	2005	2.0	national
(CA) Commissioner for Environment and Sustainable Development	Canada	1995		1.0	national
(GB-WLS) Future Generations Commissioner for Wales	Wales	2016		1.0	subnational
(GB-WLS) Commissioner for Sustainable Futures	Wales	2011	2015	1.0	subnational
(GB) Sustainable Development Commission	United Kingdom	2000	2011	1.5	national
(MT) Guardian of Future Generations	Malta	2012		1.0	national
(FR) Council for the Rights of Future Generations	France	1993	1995	1.5	national
Type II: The political or administrative advisory or coordination body					
(FI) Committee for the Future	Finland	1993		1.0	national
(CH) Interdepartmental Committee Sustainable Development	Switzerland	1993	2018	1.0	national
(DE) State Secretary Committee for Sustainable Development	Germany	2000		1.5	national
(DE) Parliamentary Advisory Council on Sustainable Development	Germany	2004		1.0	national
(BE) Federal Institute for Sustainable Development	Belgium	2014		1.0	national
(LI) Future Office	Liechtenstein	2004	2010	1.0	national
Type III: The sustainability stakeholder council or commission					
(FI) Finnish National Commission on Sustainable Development	Finland	1993		1.0	national
(EE) Commission for Sustainable Development	Estonia	1996		1.5	national
(BE) Federal Council for Sustainable Development	Belgium	1997		1.5	national
(IE) Comhar: Sustainable Development Council	Ireland	1999	2011	1.0	national
(DE) German Council for Sustainable Development	Germany	2001		1.5	national
(MT) National Commission for Sustainable Development	Malta	2002	2011	1.0	national
(CZ) Government Council for Sustainable Development	Czech Republic	2003		1.5	national
(LU) High Council for Sustainable Development	Luxembourg	2006		1.0	national
(HU) National Council for Sustainable Development	Hungary	2008		1.0	national
(KR) Commission on Sustainable Development	South Korea	2010		1.5	national

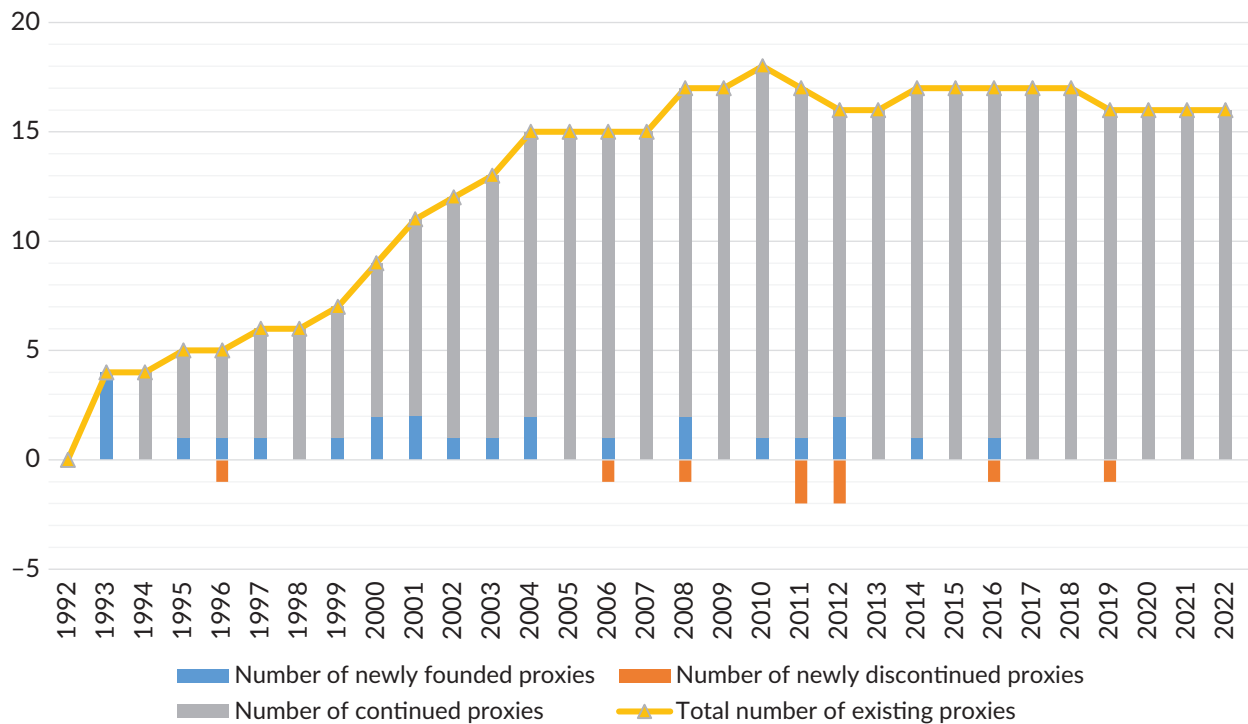


Figure 1. Number of institutional proxy representatives of future generations (proxies) over time.

5.1. Types and Exemplary Activities of Proxies

To structure this heterogeneous field, I examine the qualified set of each proxy (i.e., the rules for the individuals selected as members of a proxy; see Section 2). This reveals three different member selection rationales that result in three different proxy types. The proxies belonging to each type are shown in Table 1. In addition, for each type, I provide selected examples of the tasks and activities of individual proxies to illustrate what they do when fulfilling the function of introducing the interests of future generations into the political decision-making process.

5.1.1. Type I: The Independent Guardian

Often named “commissioners,” members of type I (the independent guardian) are primarily selected according to their expertise to fulfill the function. These may include scientists, lawyers, former politicians, elder statesmen, and other experts. To sustain the proxy’s independence, the members are usually not allowed to have any parallel political function in government or parliament, and the government or parliament is usually not authorized to steer the activities of the proxy. An example is the Knesset Commissioner for Future Generations, whose rules of recognition have been briefly described in Section 2. Of the nine identified proxies belonging to this type, only four still exist. Two of the discontinued proxies, however, were replaced by new proxies that are also part of this set (in Hungary and Wales). On average, type I proxies are four years younger than type II or type III proxies (see SM Table 2 in the Supplementary File).

For the Knesset Commissioner for Future Generations, the Knesset Law provided a non-exclusive list of areas where the lawmakers expected significant consequences for future generations: “environment, natural

resources, science, development, education, health, the economy, demography, planning and construction, quality of life, technology, justice” (Section 8, § 30 of the Knesset Law available at Knesset, 2004). The commissioner began his work by investigating the pension system and the concept of sustainable development and employing the backcasting method to search for ways toward a desirable future (Shoham & Lamay, 2006). Rather than determining the specific interests of future generations, he claimed to have worked toward safeguarding the broadest spectrum of future choices possible (Shoham, 2010). This included initiatives on the long-term provision of drinking water, high air quality, adequate food, and reduced hatred and division within Israeli society (Shoham, 2010). The commissioner reviewed and initiated dozens of bills in the areas of education, sustainable budgeting, the facilitation of preventive healthcare, and the environmental conditions of the Israeli coastline, among others (Shoham, 2010).

To provide a more recent example, the Future Generations Commissioner for Wales makes explicit claims on behalf of future generations. In her *Future Generations Report 2020*, Commissioner Sophie Howe—appointed by the Welsh Ministers in 2015 for a single term of seven years—sets out target states for areas such as public procurement, natural resources, mental health, equality, climate change, and housing under the reoccurring subheading “What Future Generations Need.” As established in the Well-Being of Future Generations Wales Act, the commissioner advises and monitors public bodies on their long-term impacts, well-being goals, and measures, aiming to safeguard the ability of future generations to meet their needs (Future Generations Commissioner for Wales, 2020).

5.1.2. Type II: The Political or Administrative Advisory or Coordination Body

In contrast to type I, type II proxies are internal bodies of the political-administrative system, as either parliamentary advisory councils or interdepartmental parts of the government’s administration, built to advise and coordinate on sustainability and long-term-oriented policies. As a consequence, the members of these proxies usually have parallel roles in regular administrative or political positions (such as MPs), which often are the very reason why they are appointed as members of the proxy. The German State Secretary Committee for Sustainable Development is a self-explanatory example of this type. Four out of the six proxies of this type do still exist.

In addition to the State Secretary Committee, another example of a type II proxy from Germany is the Parliamentary Advisory Council on Sustainable Development. First established in 2004 in the German Bundestag, this council consists of Members of Parliament delegated by the parliament’s political groups. It is a member of the Network of Institutions for Future Generations. The council advises parliament on matters of sustainable development, engages with the National Strategy for Sustainable Development, and formally checks the implementation of the government’s sustainability impact assessments of draft legislation. In an empirical study, Kinski and Whiteside (2023, p. 28, original emphasis) report that the members of the council indeed “view *themselves* as representatives of future generations and their interests.” In addition to sustainability strategy, the council also deals with the policy fields of environment and natural resources, economy, European affairs, trade, farming, agriculture, and nutrition, as well as transport and infrastructure, among others (Kinski & Whiteside, 2023).

The Finnish Committee for the Future is similar in its membership rules but was created by parliament as early as 1993. According to the long-standing secretary to the committee, Paula Tiihonen, it was established

“to deliberate problems of our common future, and thus also the rights and responsibilities of future generations” (Tiihonen, 2009, p. 239). In addition to technological impact assessments, it discusses the government’s Report on the Future, issues statements to other committees, analyzes future research, and sets its own policy priorities on relevant long-term issues across policy areas. Through developing and discussing alternative futures in a timeframe of 20 to 50 years, according to Tiihonen, “[I]t is working for the best of coming generations” (Tiihonen, 2021, p. 401).

5.1.3. Type III: The Sustainability Stakeholder Council or Commission

Type III, the sustainability stakeholder council or commission, follows the logic of functional representation and participation (i.e., members are selected from a variety of sectors to represent business associations, labor unions, religious associations, environmental non-governmental associations, academia, and, in most cases, also governmental institutions, represented by high-ranking members such as presidents and/or prime ministers). For example, the Belgian Federal Council for Sustainable Development consists of 24 members with voting rights, including three representatives from each environmental NGOs and development NGOs, six representatives each from employer associations and unions, and two representatives of youth organizations, as well as 50 members without voting rights, including the King and representatives from science, all ministries, the regions, the language communities, and other sustainable-related bodies (Federal Council for Sustainable Development, 2023). Only two of the 10 proxies of this type have been discontinued.

The Belgian Federal Council for Sustainable Development follows the Brundtland definition of sustainable development, which invokes both present and future generations’ capacities to meet their respective needs. The council’s main task is to issue recommendations and statements on measures that relate to sustainability policies, which it issues on its own initiative or upon request by the government or parliament. If the government decides not to follow a recommendation, it must state its reasons (Article 11, Moniteur Belge, 1997). In 2022, the council issued 15 recommendations on diverse topics such as the reduction of plant protection products and biocides, the European Fit for 55 legislative package, and a reparability index (Federal Council for Sustainable Development, 2023).

The High Council for Sustainable Development of Luxembourg is a similar proxy as regards its concept of sustainability, membership rules, and tasks. However, it lacks the Belgian council’s authority to require justification from the government if its recommendations are not followed. In 2021, recommendations were issued on topics such as waste prevention and the circular economy, as well as the certification of agricultural products.

5.2. Political Instruments

With what political instruments are proxies endowed? As shown in Figure 2 and Figure SM 1 (in the Supplementary File), almost all proxies have the rather soft political instruments of outreach, advice, and consultancy, as well as independent policy recommendations, at their disposal. Proxies usually engage in public relations and they are not fully dependent on their sponsor when it comes to advice and recommendations. However, most do not seem well-equipped to perform a guardian or watchdog function, as instruments such as the suspensive veto (Knesset commissioner) or legal right of action (Hungarian

ombudsman) are very rare, which is, to a slightly lesser extent, also true for the ombudsman functions (petitions and investigation), legislative proposals, and auditing (right to access undisclosed information). For only four of these proxies, at least one of their instruments has a hard-power character (i.e., can force addressees to actually deal with the needs of future generations). The Hungarian ombudsman and Knesset commissioner stand out with their high-above-average number of political instruments. Although these two are probably the most studied proxies, both have been disbanded in the context of political quarrels and changes in government.

The proxy type of the independent guardian (type I) has by far the highest variance of political instruments. It includes the proxy with the fewest instruments as well as the three proxies with the most. Auditing, ombudsman functions, suspensive vetoes, and the legal right of action can only be found in this type, and the average number of political instruments per proxy is highest for this type as well. Types II and III are endowed with mostly similar sets of political instruments (Figure 2).

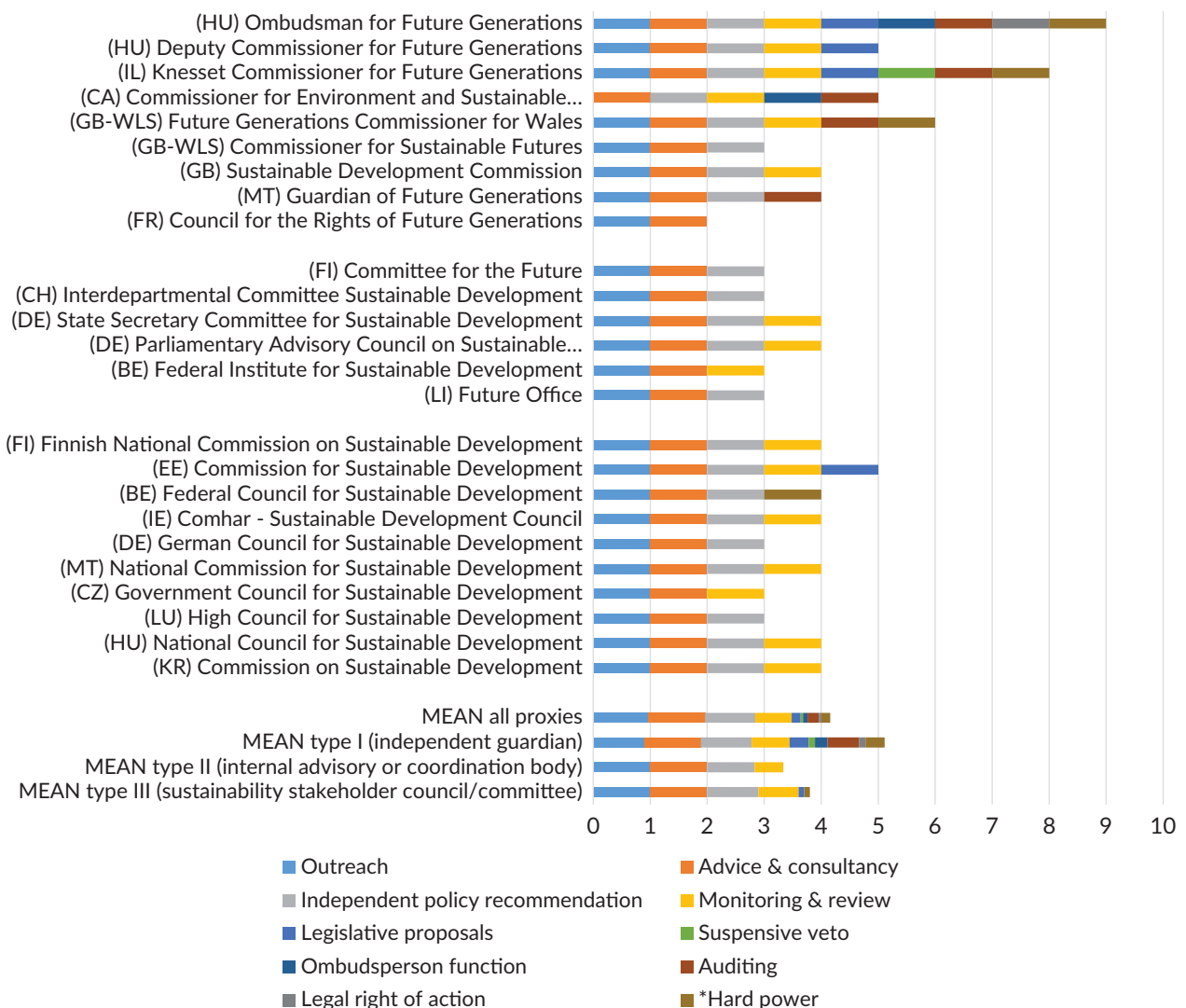


Figure 2. Political instruments.

5.3. Access to the Stages of the Public Policy Process

While all proxies have access to agenda setting and most to policy implementation, less than half are involved in policy formulation and evaluation. Only the Kneset commissioner had access to policy adoption. As such, proxies seem involved primarily at the beginning and end of the policy process, but they participate less at the heart of policy-making, where the actual decisions are made (Figure 3 and SM Figure 2 in the Supplementary File).

The stage of policy evaluation is most pronounced in type I proxies, the independent guardians, in contrast to type II proxies. Type II also has the lowest average number of stages addressed (Figure 3).

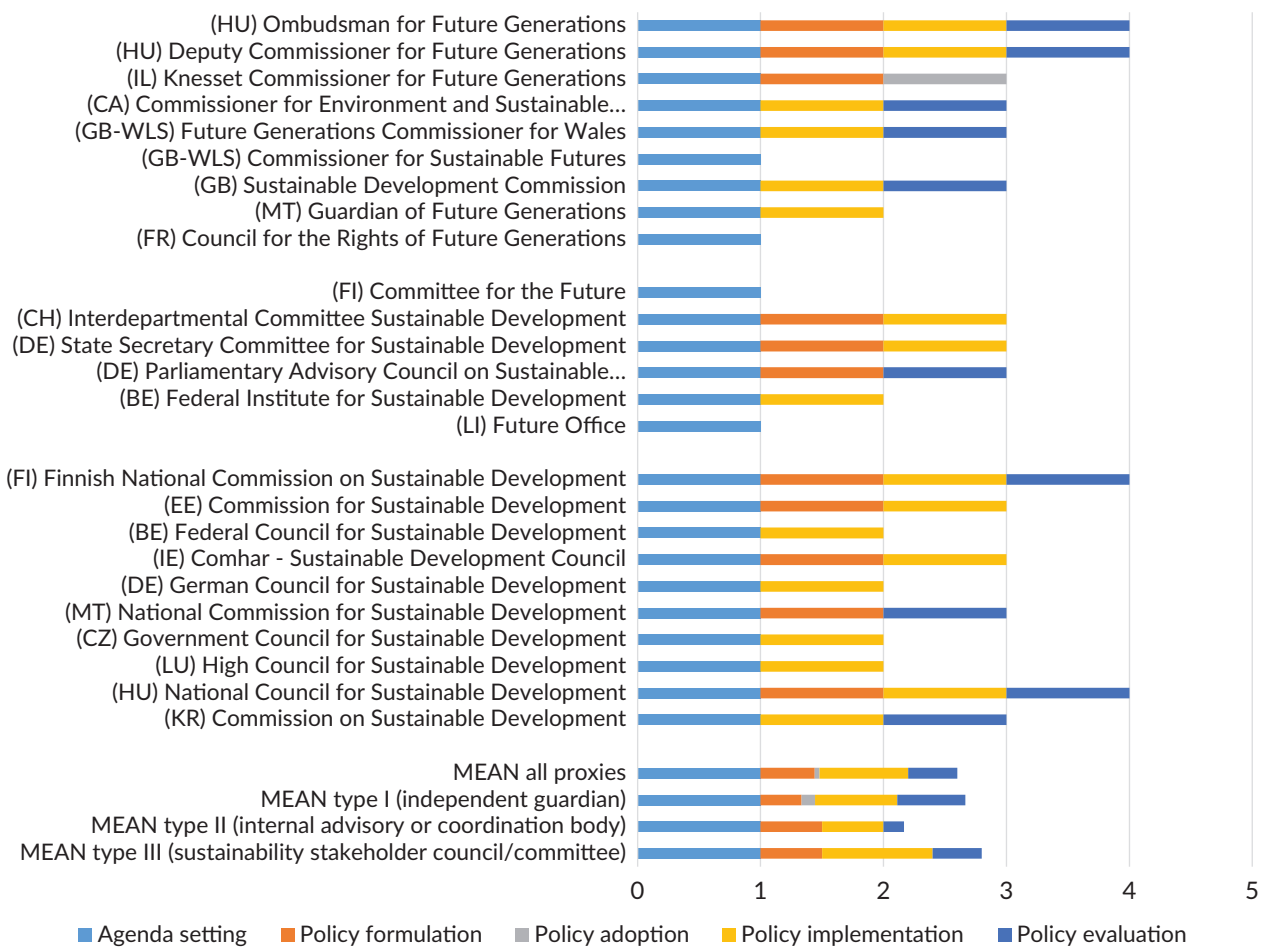


Figure 3. Access to the stages of the public policy process.

5.4. Access to the Branches of Government

Proxies' access to the branches of government is strongly dominated by access to the executive branch. This is especially true for type III proxies. Only Hungary's deputy commissioner (type I) lacks this access, as he needs his supervisor, the Commissioner for Fundamental Rights, to access the government. Hungary also accounts for the only access to the judiciary, which is accounted for by its predecessor, the Ombudsman for Future Generations. Compared to governments, parliaments allow far fewer proxies to access the political

decision-making process through them. On average, a proxy has access to 1.3 branches, with rather small differences between the three proxy types (Figure 4 and SM Figure 3 in the Supplementary File).

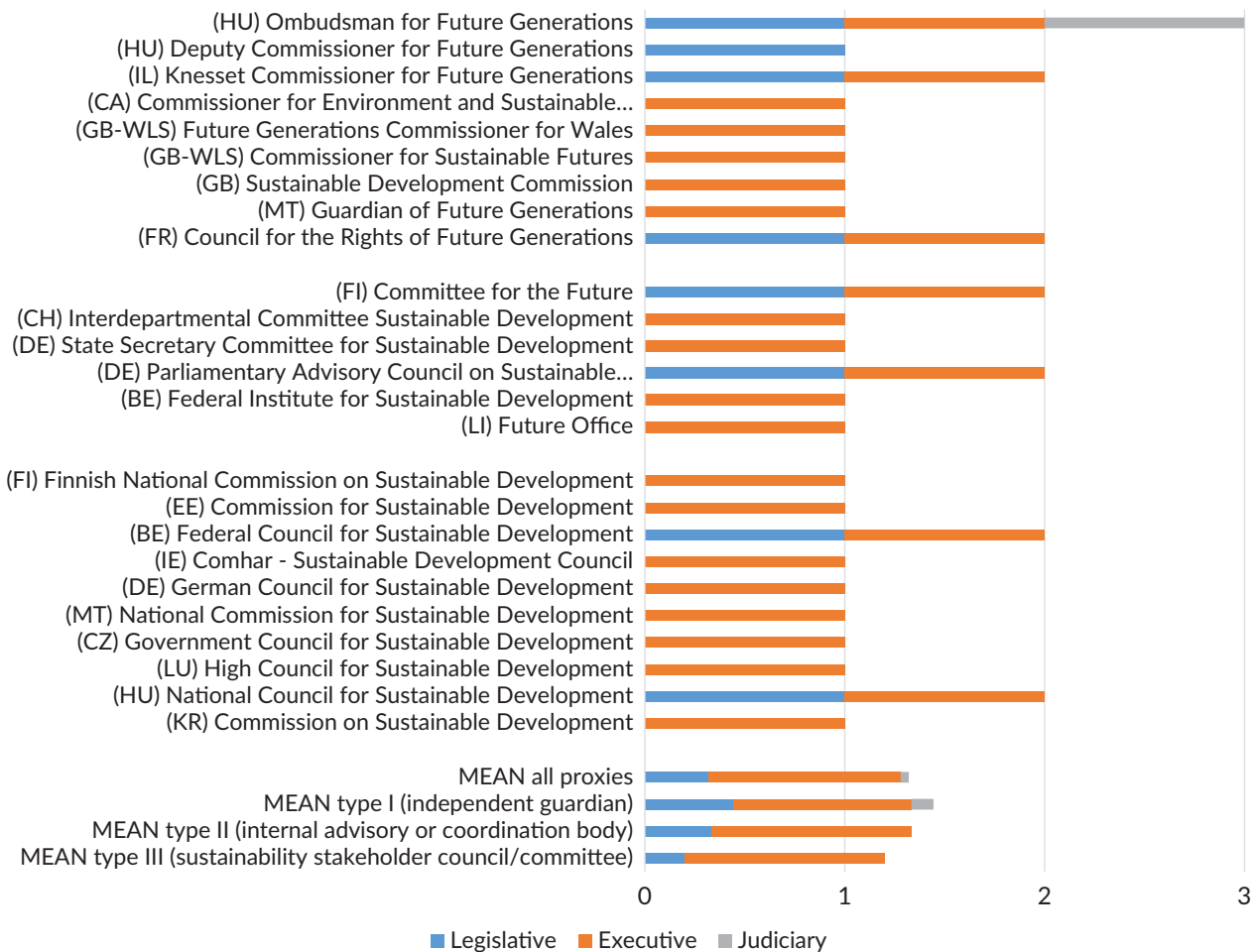


Figure 4. Access to the branches of government.

5.5. Legal Entrenchment

The two Hungarian type I proxies are the only ones constitutionally entrenched. Eight additional proxies are entrenched in primary law. The majority of proxies, however, are entrenched only in secondary law, or have no legal basis. Again, we observe the strongest variance of legal entrenchment within type I. Still, on average, type I proxies have by far the strongest legal basis. Half of the type II proxies, conversely, have no legal basis, and the other half are based on secondary law (Figure 5 and SM Figure 4 in the Supplementary File).

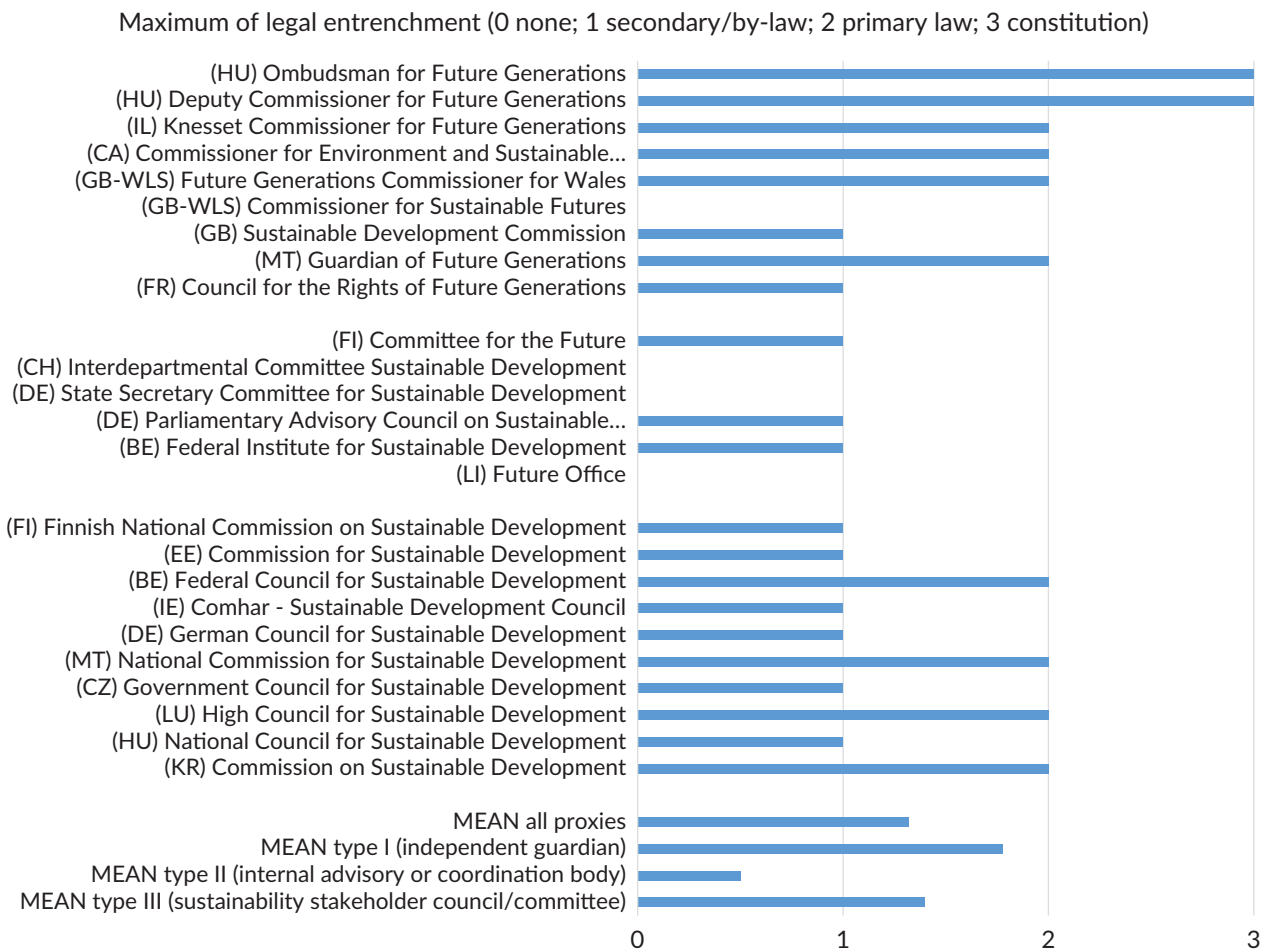


Figure 5. Strongest legal entrenchment per institutional proxy representative of future generations (proxy) and type.

5.6. Total Formal Capacity of Proxies to Influence Political Decision-Making

If we add up all design characteristics contributing to the formal capacity of proxies to influence political decision-making, we would reach a theoretical maximum of 21. The no longer-existent Hungarian ombudsman and Knesset commissioner had the highest formal capacities. On the lower end of the spectrum, the four proxies with the lowest formal capacities have also been disbanded. Moreover, on average, type I proxies have the highest formal capacity, whereas type II proxies have the lowest. These differences are largely driven by the average lead of type I in the number of political instruments and the strength of legal entrenchment (Figure 6).

The total count of design features is only a rough measure of a proxy's formal capacity to influence political decision-making, even if the design features are not independent but potentially reinforcing (see Section 3). Calculating this index with equal weighting of all four dimensions provides a similar picture (SM Figure 5 in the Supplementary File). Small differences between proxies shown in Figure 6 or Figure SM 5 (in the Supplementary File) should not be overinterpreted.

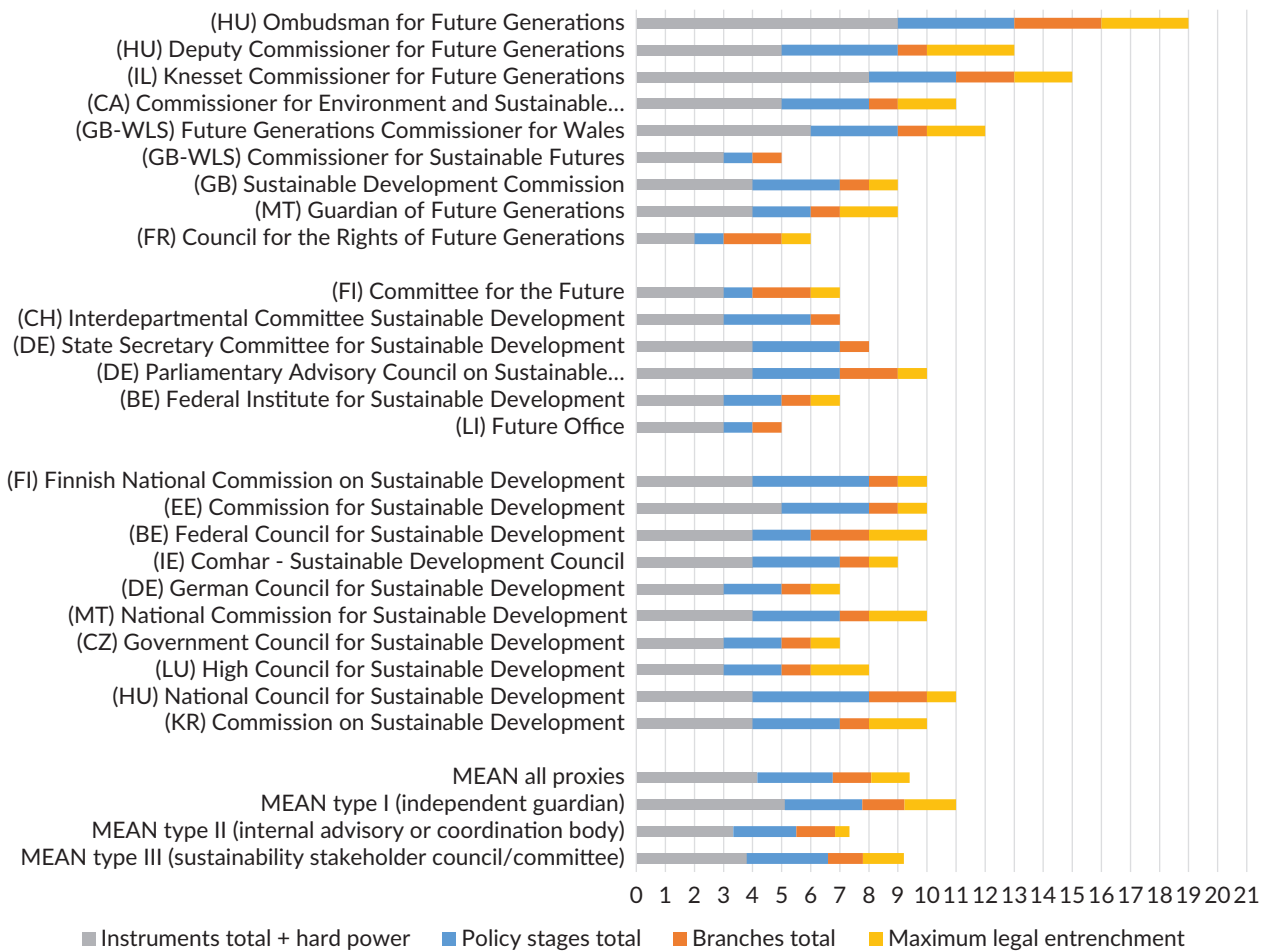


Figure 6. Total unweighted count of the formal capacity to influence political decision-making.

6. Discussion and Conclusion

Moving beyond normative claims, single case studies, and loose collections of institutions for future generations, this study has employed conceptual work and systematic comparative analysis to show that future generations indeed have been formally represented at an institutional level in various nations, even if this is not always done explicitly. Globally, 25 proxies were identified, 16 of which still exist, mostly in European democracies. In fact, a considerable variety of proxies exists, while proxies with comprehensive roles in the public policy process and many (and strong) instruments, as well as strong legal bases, are rare. Three types of proxies were found: (a) the independent guardian (type I), (b) the political or administrative advisory or coordination body (type II), and (c) the sustainability stakeholder council or commission (type III).

The three proxy types vary most in terms of political instruments and legal entrenchment, both of which are most pronounced for type I proxies, the independent guardians. They need a strong legal basis to secure their independence and justify their above-average share of hard-power political instruments. While all proxies provide advice to government and/or parliament, the political instruments of suspensive veto, ombudsperson function, auditing, and legal right of action are exclusive to individual type I proxies, which is also true for access to the policy process stage of policy adoption (Knesset commissioner) and to the

judiciary (Hungarian ombudsman), as well as for entrenchment in the constitution (Hungarian ombudsman and deputy commissioner). Type II proxies are appointed by the government or parliament without a known specified legal basis in half of the cases, which might also explain why they have, on average, only a few and rather weak political instruments at their disposal. Type III proxies are rather unobtrusive in their design features when it comes to their formal capacity to influence political decision-making. Their anchoring in different societal and political sectors might contribute to their stability: 80% of the proxies of this type were built to stay, which is the highest share among the three proxy types. This reflects the understanding of Jones et al. (2018) that proxies require public and cross-party political support for survival.

Extreme cases (i.e., proxies with a very low or very strong formal capacity to influence political decision-making) seem to live dangerously—all have been dismantled. This affects type I proxies in particular. As is expected in the relevant literature (see, e.g., Jones et al., 2018), strong independent guardians may be seen as political rivals, and their strong competences might lack legitimacy and acceptance, leading to their demise (see Lavi, 2014, for the example of Israel). Guardian proxies with very low formal capacities to influence political decision-making, conversely, might be too weak to exert significant influence, which might lead to protest by its members (as was the case in France, see Sénat, 1999), or they might be regarded as irrelevant and superfluous. This is a finding new to the literature. In the Welsh case, however, the rather ill-capacitated Commissioner for Sustainable Futures was only a temporary solution between the dismantling of the UK Sustainable Development Commission and the creation of the rather strong Future Generations Commissioner for Wales (Davidson, 2011). Type I also accommodates all proxies with the term “future generations” in their names. As this type has both the strongest proxies and the lowest survival rate, we may conclude that invoking future generations might help to justify a strong institutional design but does not guarantee long-term support.

The fact that many proxies are not entrenched in primary law, let alone constitutions, indicates that there is often no strong legal commitment by political actors to institutionally represent the interests of future generations effectively. Moreover, being entrenched in a constitution does not necessarily save a proxy from backsliding, as the Hungarian case shows. The observation that most proxies must rely on the rather soft phases of the policy cycle and political instruments when they want to influence the political decision-making process adds to this tentative assessment.

Overall, proxies should not be overburdened with expectations, as they sometimes seem to represent more cosmetic than far-reaching reforms of the democratic decision-making process. While proxies are usually equipped with the tools to voice the interests of future generations at some point, they often cannot act as watchdogs with teeth when ignored. However, the small but heterogeneous and vibrant landscape of proxies also provides examples of proxies that can do more than just voice interests, especially within type I, the independent guardian.

Still, the proxies’ formal design features can only tell parts of their stories. Future empirical research should gather reliable comparable data on their resources, their institutionalization and interactions, and the substantive dimension of the proxy representation of future generations. Interviewing proxy members and staff, as well as their creators and addressees, and analyzing additional documents such as speeches and policies would not only allow for more nuanced measures of their capacities to influence political decision-making; it would also provide an empirical basis for an analysis of how the interests and needs of

future generations are construed, how they are perceived by third parties, and what real-world impact proxies have on politics and society.

Acknowledgments

Former versions of this article were presented at the ECPR General Conferences in Innsbruck (2022) and Prague (2023). I thank all panel chairs and participants, as well as the editors of this thematic issue and three anonymous reviewers, for their valuable feedback.

Funding

I acknowledge support from the German Research Foundation (DFG).

Conflict of Interests

The author declares no current conflicts of interest.

Supplementary Material

Supplementary material for this article is available online in the format provided by the author (unedited).

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The Conditionality of Political Short-Termism: A Review of Empirical and Experimental Studies

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Submitted: 30 October 2023 **Accepted:** 25 March 2024 **Published:** 2 May 2024

Issue: This review is part of the issue “Considering Future Generations in Democratic Governance” edited by Yasuko Kameyama (University of Tokyo) and Tomohiro Tasaki (National Institute for Environmental Studies), fully open access at <https://doi.org/10.17645/pag.i379>

Abstract

Political short-termism prioritizes short-term net policy benefits over long-term benefits and thus can hinder policy investments that impose short-term costs to society to address long-term policy challenges. This literature review explores when political short-termism can be driven and mitigated in a democratic system by reviewing empirical and experimental studies and identifying the various factors that can influence policy investments: elections, economic conditions, power-sharing arrangements, partisanship, the presence of compensation schemes, and media coverage among politicians; discounts of future policy benefits, policy trade-offs, political ideology, and socioeconomic and demographic factors among voters; and compliance costs, power-sharing arrangements, compensations, and long-term political signaling from governments among special interest groups. Finally, I discuss the findings and provide suggestions for future research.

Keywords

democracy; electoral cycles; interest groups; long-term policymaking; political short-termism

1. Introduction

Societies face a variety of long-term policy challenges ranging from climate change, infrastructure management, and technological development to pension sustainability, healthcare provision, and education. To address these issues, governments often need to adopt policies requiring costly actions in the present (Finnegan, 2022; Jacobs, 2011, 2016) while delivering greater long-term social benefits, called “policy investments” (Jacobs, 2011, 2016). Recently, many scholars have argued that a combination of factors in democratic systems promotes the prioritization of short-term net policy benefits at the cost of longer-term benefits, thereby causing delays in government responses to long-term policy challenges (e.g., Boston, 2017;

Caney, 2016; MacKenzie, 2016; Smith, 2021; Thompson, 2010). This practice in policymaking is often known as “political short-termism” (Boston, 2021; Garri, 2010; González-Ricoy & Gosseries, 2016).

This literature review explores the drivers and mitigators of political short-termism in democratic systems. Many scholars have identified electoral cycles, policy preferences of voters, and the political influence of interest groups as key drivers of political short-termism in democratic systems (as shown later) and have stressed the necessity of (re)designing democratic systems to enhance future policymaking. However, according to Boston (2017, p. 66), governments do not always reject policy investments within relatively short electoral cycles, and voters do not always punish future-regarding governments in the next election. Current democratic systems make policy investments to address long-term policy challenges under certain circumstances. Hence, identifying the drivers of political short-termism alone seems inadequate to grasp the entire picture of political short-termism in democratic systems.

Against this backdrop, I review empirical and experimental studies of the factors influencing policy investments to explore when political short-termism is driven or mitigated in democratic systems. Factors influencing policy investments are elections, economic conditions, power-sharing arrangements, partisanship, the presence of compensation schemes, and media coverage among politicians; discounts of future policy benefits, policy trade-offs, political ideology, and socioeconomic and demographic factors among voters; and compliance costs, power-sharing arrangements, compensations, and long-term political signaling from governments among special interest groups.

The remainder of this article is organized as follows. In Section 2, I unpack existing accounts of political short-termism, according to which electoral cycles, voter preferences, and the political influence of interest groups can drive political short-termism in democratic systems. In Sections 3–5, the factors influencing policy investments are identified. Section 6 discusses the main findings, draws conclusions, and offers suggestions for future research.

2. Existing Accounts of Political Short-Termism

Politicians, voters, and organized interest groups are crucial actors in the politics of investment (Jacobs, 2011, 2016). In the case of climate policymaking, for example, policies to mitigate climate change can be understood as investments to increase future consumption possibilities that avoid future damage from climate change through reductions in greenhouse gas emissions that entail abstaining from current consumption (Nordhaus, 2008; Stern, 2007). Politicians confront at least two kinds of policy trade-offs when making policy investments: intertemporal and cross-sectional (Finnegan, 2022; Jacobs, 2016). First, politicians must decide whether and how much present wealth should be invested in reducing future climate change impacts. Subsequently, governments and politicians must decide which social actors are to bear the short-term costs of climate policy investments. Thus, intertemporal policy trade-offs emerge as policymakers determine the sum of the short-term costs imposed on society. Cross-sectional policy trade-offs arise when policymakers decide which social actors incur these short-term costs. Two primary actors can incur short-term costs: consumers and producers (Finnegan, 2022). Consumers include voters in democracies, and producers include industrial actors that produce carbon-intensive goods or services.

Many explanations have been proposed for the mechanisms of political short-termism in democratic systems. The relatively frequently mentioned drivers of political short-termism can be grouped as follows: electoral cycles, voters' policy preferences, the political influence of special interest groups, and the absence of future generations in the current political decision-making process (MacKenzie, 2016, 2021).

Several scholars have identified the electoral cycle as a driver of political short-termism on the grounds that politicians seeking re-election would prefer policies expected to deliver clear benefits to voters in the next election to policy investments whose expected benefits will be slow to arrive (Caney, 2016, p. 146, 2019, p. 8; Krznaric, 2020, p. 165; Oxford Martin School, 2013, p. 45; Smith, 2021, pp. 10–11; Thompson, 2010, p. 19). Some scholars, such as Caney (2019), Krznaric (2020), and Smith (2021), suggested that this type of argument can be traced back to the study of “political business cycles” by Nordhaus (1975), who argued that incumbent governments implement monetary policies to reduce unemployment in pre-election periods to improve their prospects for re-election. Conversely, after elections, they implement austerity measures to address high inflation. Those who apply the argument of political business cycles to political short-termism seem to hold that temporal proximity to an election makes elected politicians reluctant to make policy investments that impose costs on voters. However, whether election proximity drives political short-termism should not be left unexplored. In addition, it is unclear whether policy investments are resilient to austerity.

MacKenzie (2021) provided another account of the adverse effects of electoral cycles on policy investments. In his view, there is no guarantee that the policy investments adopted by one government will be supported by the next, as politicians do not always share the same policy objectives. Incumbent governments and politicians can be voted out of office in the next election, making them increasingly reluctant to invest their present resources for uncertain long-term benefits. Therefore, according to MacKenzie (2021), electoral cycles can drive the political short-term. This argument is intuitively plausible; however, MacKenzie (2021) did not provide substantive evidence to support it.

Scholars argue that voters can drive political short-termism by discounting the expected benefits of temporally distant outcomes when evaluating policies. However, the sources of discounted long-term policy benefits are debated. Based on some empirical evidence, Thompson (2010, p. 18) claimed that “there is the natural human tendency to prefer the immediate to the distant, both in what one fears and what one desires,” implying that the source of time discounting is voters' positive time preference, namely the “preference for immediate utility over delayed utility” (Frederick et al., 2002, p. 352). In contrast, drawing on other empirical evidence, Boston (2017) and Smith (2021) argued that uncertainty, deriving from the complexity of a policy's causal complexity or doubts about the credibility of a government's commitments or its capacity to deliver on its promises, is a more powerful driver of voters' unwillingness to support policy investments than their positive time preferences.

The opposition of special interest groups has been proposed as a driver of political short-termism. Scholars argue that special interest groups put pressure on politicians and oppose policies when they are expected to incur short-term costs in the pursuit of long-term social benefits (Boston, 2017, p. 88; Caney, 2016, p. 143; Krznaric, 2020, pp. 165–166; Smith, 2021, pp. 17–18). An oft-mentioned example is carbon-intensive industries' opposition to climate legislation. For instance, Smith (2021, p. 17) remarks that the “prime example [of interest groups-related disruption of policy investments] is how those who profit from a carbon-based economy—especially fossil fuel companies—have resisted moves towards a more sustainable,

low-carbon economy.” Still, given the existence of special interest groups in democracies, there is room to ask whether and how their influence can be addressed in the context of policy investment.

Finally, some scholars argue that the fact that future generations, particularly future people, are not present in the current political decision-making process drives political short-termism (Caney, 2019; Krznaric, 2020; Smith, 2021). Caney (2019, p. 9) pointed out that future people are “powerless” because they “cannot vote or campaign or protest against decisions (ones that will determine their standard of living).” Smith (2021) argued that establishing mechanisms for representing the potential interests of future people by current people is the second-best solution to safeguard their potential interests in democratic systems.

In summary, not all accounts of political short-termism have adduced substantive empirical evidence, and some accounts leave major questions open. Against this backdrop, I shall conduct a literature review to assess what is known about the conditions under which political short-termism is driven or mitigated. For this article, I searched Web of Science using combinations of “policy(-)making,” “public investment,” “social investment,” or “legislation” with the following keywords: “long-term,” “climate change,” “election,” “electoral cycle(s),” “electoral effect(s),” “public support,” “policy attitudes,” “public acceptance,” “public acceptability,” “policy preferences,” “public preferences,” “interest group(s),” and “lobby.” This literature review does not exclusively focus on climate policy investments. Nevertheless, I added the term “climate change” when retrieving papers because scholars have frequently pointed to climate change as a policy area vulnerable to political short-termism, particularly with the political influence of special interest groups in their minds (e.g., Boston, 2017; Caney, 2019; Krznaric, 2020; MacKenzie, 2021; Smith, 2021).

I retrieved 341 papers, to which the following criteria for inclusion or exclusion were applied: Empirical and experimental studies that examined the factors influencing policy investments were included; non-empirical research and studies on topics unrelated to policy investments in democracies were excluded. Furthermore, to limit the scope of the investigation, this review excluded studies that focused solely on public support for climate change policies (e.g., the deployment of renewables, cap-and-trade systems, and carbon taxes) without identifying explicit intertemporal trade-offs between spending present wealth on present consumption and investing in future consumption possibilities (for reviews or meta-analyses of the determinants of public support for climate change policies, see, e.g., Bergquist et al., 2022; Drews & van den Bergh, 2016; Fairbrother, 2022). Using the search criteria outlined above, 28 studies were selected. These were then checked for relevant backward and forward citations, and I obtained 29 more papers.

3. Politicians

This section highlights factors influencing politicians’ incentives to make policy investments.

3.1. Temporal Proximity to Elections

There is mixed evidence regarding the effect of temporal proximity to elections on policy investments. Some empirical studies suggest that temporal proximity to elections makes politicians reluctant to implement climate policy investments. Aklin and Urpelainen (2013) found that the election year has a negative effect on the growth of renewable energy share in OECD countries, suggesting a negative electoral effect on clean energy policy, while Fankhauser et al. (2015) found that although democracies pass more climate laws on average than

non-democratic countries, the number of climate laws passed by democracies declines significantly during election years. Stef and Ashta (2023) showed that ruling parties tend to generate fewer new environmental laws and regulations in the year preceding legislative elections in 125 countries.

In contrast, Garmann (2014) observed no significant influence of election years on carbon dioxide emissions in OECD member countries. McAlexander and Urpelainen (2020) found that both House Democrats and Republicans are more likely to vote for environmental policies (including climate policies) before an election. In particular, while candidates who receive substantial campaign contributions from the oil and gas industry are more likely to vote against pro-environmental legislation outside of election time, they are more likely to cater to the public by voting in favor of pro-environmental legislation before an election (McAlexander & Urpelainen, 2020). Additionally, Sheffer et al. (2024) found no evidence that temporal proximity to elections makes local politicians reluctant to adopt infrastructure policy investments in Canada. Thus, the empirical evidence suggests that temporal proximity to elections per se does not necessarily discourage elected politicians from investing in policies.

3.2. Electoral Competition and Electoral Safety

For politicians who desire to achieve the social outcomes they value, winning elections is an intermediate goal in reaching their preferred outcomes. The intensity of electoral competition is expected to influence politicians' policy-seeking incentives (Abou-Chadi & Immergut, 2019; Jacobs, 2011). That is, when incumbent politicians are at a lower risk of losing office in the next election, they can afford a small vote loss to pursue policies that help achieve their preferred social conditions. By contrast, as electoral competition becomes more intense, incumbent politicians will be more strongly incentivized to implement sufficiently voter-pleasing policies to win the next election. Based on this reasoning, Jacobs (2011) finds that electoral safety is a condition for policy investments, drawing on case studies of pension program reforms in Canada, Germany, the UK, and the US.

Several other studies have reported similar results. Drawing on case studies from the EU, Australia, California, Tokyo, and the US Northeast states, Tvinnereim (2013) found that electoral safety is a reason for strengthening climate change policies. A Swedish study showed that local politicians who perceive higher electoral safety are less likely to perceive a trade-off between policy investments and policies that help them win elections (Cronert et al., 2023). Additionally, cross-national studies find that lower electoral competition is associated with higher gasoline tax rates (Finnegan, 2023) and climate policy investments (Finnegan, 2022) in high-income democracies.

In contrast, McAlexander and Urpelainen (2020) found that House Republicans are more likely to adopt pro-environmental voting at election times to attract voters when they won their previous election by a narrow margin of victory. An experimental study shows that while Swedish local government politicians tend to be less supportive of policy investments entailing actual costs (e.g., increasing taxes and spending cuts) than those financed by imposing opportunity costs (i.e., taking funds out of budget surplus), many display more favorable attitudes toward increasing policy investment share than toward reducing investments or climate policy efforts in competitive electoral settings (Cronert & Nyman, 2023). Jacques (2022) reported more nuanced results from an analysis of party manifestoes in OECD countries, according to which there is a positive linear relationship between parties' probability of entering office and the proportion

of statements about technology and infrastructure policy investments in their manifestoes; statements about education policy investments are highest when electoral competition is the most intense. Thus, empirical evidence suggests that electoral safety can moderate politicians' incentives to prioritize short-term gains at the expense of long-term gains. However, politicians do not always reject policy investments at high levels of electoral competition, and there seem to be certain types of policy investments that are relatively resilient to intense electoral competition.

3.3. Austerity

Research shows that austerity, defined as episodes of fiscal consolidation, is associated with a decrease in the proportion of policy investments in physical capital, including infrastructure and R&D, in OECD countries, whereas policy investments in human capital, including education, childcare, and active labor market policies (ALMPs), are resilient to austerity (Jacques, 2021). According to Jacques (2021), this is because governments focus more on policies delivering short-term benefits to constituencies when engaging in fiscal consolidation; hence, policy investments tend to be susceptible to austerity. However, as human capital investments can deliver benefits in the relatively short term, the respective policy investments are more resilient to austerity than those in physical capital. Seidl (2023) found that adverse economic conditions make it harder for governments to invest in knowledge-based capital, including education, R&D, and ALMPs, in advanced capitalist democracies, implying a negative effect of austerity on policy investments. These empirical studies suggest that some, but not all, are susceptible to austerity.

3.4. Power-Sharing Arrangements

Several studies have found links between policy investments and power-sharing institutions. One form of a power-sharing institution can be characterized as power-sharing between the government and opposition parties (Cronert et al., 2023). This power-sharing institution leads to more frequent minority or coalition governments, and a party in power today is more likely to maintain a role in the government in the future or to act as a veto player; hence, the institution can incentivize the parties in power today to propose costly investments in the short term by reassuring them that future governments will not make policy changes that turn them into net losers (Lindvall, 2017). Indeed, a Swedish study shows that local politicians are less likely to perceive a trade-off between policy investments and policies that help them win elections when they perceive a low risk of policy reversal (Cronert et al., 2023). Additionally, Jacques (2022) found that power-sharing institutions prioritize policy investments in their manifestos in OECD countries.

Another form of power-sharing institution can be characterized by corporatist concertation, such as the routine involvement of organized interest groups (Cronert et al., 2023). The involvement of organized interest groups in the policymaking process facilitates political bargaining between the winners and losers of reforms, which helps ensure compensation to the losers and nurtures the cooperative attitudes of those actors who sit at the bargaining table (Seidl, 2023). Indeed, Finnegan (2022) showed that the concertation between special interest groups and the state is positively associated with climate policy investments in OECD countries. Seidl (2023) found that the corporatist inclusion of employers and labor unions is positively related to policy investments in knowledge-based capital in advanced capitalist democracies. Additionally, Cronert et al. (2023) found that Swedish local politicians are less likely to perceive a trade-off between policy investments and vote-winning policies when they perceive that employers and labor unions are

involved in the policymaking process. These findings suggest that corporatist concentration moderates politicians' incentives to prioritize short-term gains at the cost of long-term gains.

3.5. Partisanship

Empirical studies provide mixed evidence on the effect of partisanship on policy investments. Some studies have found that left-wing governments produce ambitious climate change policies in developed countries (Tobin, 2017) and show better performance in emissions reduction than right-wing governments in OECD countries (Garmann, 2014). There is further evidence that left parties tend to propose more statements about the environment in their manifestos in OECD countries (Jacques, 2022) and that American and Canadian liberal parties committed to decarbonization can leverage economic crises to align economic stimulus and climate policy investments even in the face of substantial opposition from fossil fuel lobbies (Tørstad et al., 2023).

In contrast, Fankhauser et al. (2015) found no statistically significant difference between left-wing and right-wing governments in terms of overall climate change legislation. Another study shows that left, center, and right governments all passed climate change laws that were roughly proportional to their time in office (Eskander et al., 2021). Although one study finds that, as an election approaches, left governments in democracies are more likely to introduce "hard climate policies" (e.g., carbon taxes and command-and-control regulations) whose associated costs are visible to consumers or producers (Schulze, 2021, p. 50), another study finds no significant independent association between partisanship and gasoline tax rates across high-income democracies (Finnegan, 2023). At the subnational level, Lee and Stecula (2021) found widespread bipartisan support among Republican and Democratic policymakers in the US for renewable energy mandates to mitigate climate change.

There is also mixed evidence on the effect of partisanship on non-climate-policy investments. An experimental study of Canadian local politicians finds no evidence to support the view that elected politicians' ideological self-placement is associated with their choice of infrastructure policy investments (Sheffer et al., 2024), but rather reports that voters' policy choices are associated with the short-term costs of policy investments and their perceptions of voters' long-term orientations. However, a Finnish study finds that future-regarding political candidates, willing to adopt policy investments for the well-being of future generations, tend to be younger, more leftist, and green-alternative-liberal (Lindholm et al., 2023). Abou-Chadi and Immergut (2019) also showed that at higher levels of electoral competition, left-wing parties in OECD countries focus more on policy investments in human capital, including daycare and ALMPs, catering to their growing constituency of progressive socio-cultural professionals, and less on defending pension rights favored by blue-collar voters.

The effect of partisanship on policy investments may not be well captured by the general left-right ideology, which focuses on the state-market dimension. Indeed, Kraft's (2018) cross-national study on party manifestos found that parties' social-value positions (i.e., positions about, for example, political authority, the national way of life, and multiculturalism) rather than state-market positions (i.e., positions about, for example, free enterprise, welfare state limitation or expansion, and market regulation) are associated with their policy investment priorities in Western democracies. Socially liberal parties tend to prioritize policy investments in education, R&D, and infrastructure more than socially conservative parties do.

3.6. Other Potential Drivers and Mitigators of Political Short-Termism

Kono (2020) found that legislators are less likely to vote for hard climate policies such as carbon taxes and cap-and-trade systems when carbon-intensive employment is high in their districts in the US. However, this study also shows that generous unemployment benefits make legislators whose districts have high carbon-intensive employment more likely to vote for hard climate policies.

Moreover, an experimental survey of local politicians in the US shows that informing politicians about local news coverage of infrastructure failures increased their support for a fee increase for infrastructure policy investments if they faced an opponent in their previous election (Mullin & Hansen, 2023), and further that local news coverage helps increase local politicians' confidence that voters will receive information justifying higher spending on long-term social benefits, thereby incentivizing them to make policy investments.

These findings suggest that the lack of compensation systems for policy investment cost bearers and information asymmetry between politicians and voters can make elected politicians reluctant to make policy investments. By contrast, compensatory policies and media coverage may shape elected politicians' incentives to make policy investments.

4. Voters

This section highlights factors influencing voters' support for policy investments.

4.1. Discounts of Future Policy Benefits

An experimental study in the US finds that while people modestly discount future policy benefits (such as job gains), they prefer accepting losses (such as job losses) immediately rather than deferring them into the future (Prior et al., 2023). Furthermore, this study found that people tend to value future benefits more than in the past for policy consequences at an equal distance from the present. Thus, Prior et al. (2023) concluded that people are less myopic in prospective policy evaluations than in retrospective ones.

While Prior et al. (2023) investigated people's patterns of discounting in an intra-generational context, some studies focus on intergenerational contexts. A British experimental survey found that most people gave equal or greater weight to the welfare of future generations than to that of their own generation in policy evaluation settings, implying that people did not exhibit positive time preferences in evaluating policies (Graham et al., 2017). By contrast, a survey experiment in Germany shows that the majority of people think that their government should put more weight on the acute present-day concerns and needs of people than on the needs of future generations (Busemeyer, 2023).

An experimental study in the US by Jacobs and Matthews (2012) found that uncertainties derived from policy complexity and distrust in government were more powerful drivers of voters' unwillingness to support policy investments in pension reforms than their time preferences. Drawing on this experimental study, Boston (2017) and Smith (2021) argued against the view that voters' positive time preference is a powerful driver of political short-termism.

Several experimental studies have also demonstrated a positive association between high political trust and support for policy investment. A survey experiment in the US shows that people are more supportive of infrastructure policy investments when institutions are perceived as more trustworthy in implementing that policy. It also shows that people support policy investments that raise taxes more strongly when these policies are implemented under rules that make it difficult for politicians to divert taxes collected for a particular policy investment for other purposes (Jacobs & Matthews, 2017). Other studies show that people with higher levels of trust in political institutions are more supportive of the needs of future generations (Busemeyer, 2023), have more confidence in the effectiveness of policy investments, are more willing to sacrifice their standards of living for future generations (Fairbrother et al., 2021), and are more supportive of policy investments in education, renewables, and infrastructure (Busemeyer & Beiser-McGrath, 2024). Further evidence indicates that government satisfaction, which is associated with trust in the government, increases support for education policy investment, even if it requires cutbacks in redistributive public spending, such as old age pensions and unemployment benefits (Garritzmann et al., 2023).

However, a conjoint experiment in Finland found that people are willing to accept policies bringing benefits beyond the period of the general electoral cycle (5–10 years later), but their support for policies bringing benefits in the more distant future (20–30 years later) drops significantly, where the level of trust in the parliament, politicians, and parties did not affect support for policy investments over longer time horizons (Christensen & Rapeli, 2021).

Contrary to the economists' logic of discounting, one cross-national experimental survey showed that those who expect standards of living to rise continuously in the future were more willing to sacrifice their standards of living for future generations (Fairbrother et al., 2021).

4.2. Policy Trade-Offs

Several studies have examined public support for policy investments in situations involving trade-offs between different policy areas. A survey experiment in European countries shows that while education policy investment is generally popular among people, support for more education spending drops significantly when spending increases require cutbacks in redistributive public expenditure, such as old-age pensions and unemployment benefits (Busemeyer & Garritzmann, 2017). Similarly, other survey experiments in European countries find that when confronted with the need to cut back redistributive public spending, public support for policy investments like investments in education, childcare, and ALMPs declines considerably (Bremer & Bürgisser, 2023; Neimanns et al., 2018). Experimental studies suggest that while policy investments are generally popular, voters are likely to oppose policy investments at the expense of redistributive public spending.

4.3. Political Ideology

Research shows a link between an individual's left-right orientation and support for policy investments. Experimental studies found that individuals who identified themselves as left-wing engaged in more future-oriented political thinking (Rapeli et al., 2021) and were more likely to support policy investment in education, even if they required higher taxes or public debt increases (Busemeyer & Garritzmann, 2017). However, a survey experiment in Western European countries shows that left-leaning individuals are hostile

to increasing spending on education by cutting old-age pensions or unemployment benefits (Neimanns et al., 2018). Garritzmann et al. (2023) show that government satisfaction moderates opposition from left-wing individuals to policy investments at the expense of redistributive public spending.

Some studies split the one-dimensional conception of political ideology into the economic left/right and social value dimensions (Busemeyer, 2023; Busemeyer & Beiser-McGrath, 2024). On the economic left-right dimension, one pole is defined as support for statism and the other as support for market-based policy approaches. The other dimension centers on social-value-related issues such as globalization, liberalism, multiculturalism, and environmentalism. A survey experiment in Germany found that economically right-wing individuals were more supportive of increasing investments in education than economically left-wing individuals and found no strong ideological effects regarding support for investments in renewable energy; however, socially liberal individuals supported increasing policy investments in education and renewables more than social conservatives (Busemeyer & Beiser-McGrath, 2024). Further evidence indicates that supportive attitudes toward the needs of future generations are more associated with socio-liberal values than left-wing economic ideology (Busemeyer, 2023).

4.4. Socioeconomic and Demographic Factors

Many studies have examined the effects of socioeconomic and demographic factors on voters' support for policy investments; however, the evidence is mixed. For instance, an experimental survey in Germany found that women are less supportive of the needs of future generations than men (Busemeyer, 2023). According to Busemeyer (2023), the socioeconomic conditions surrounding women, such as their care duties and weaker labor market positions, make them more supportive of policies addressing present-day concerns. However, other experimental studies show that, compared to men, women engage in more future-oriented political thinking (Rapeli et al., 2021) and are more willing to sacrifice their standards of living for future generations (Fairbrother et al., 2021).

Busemeyer (2023) also found that high-income individuals are more supportive of the needs of future generations. However, other studies have found no evidence to support the idea that income levels affect individuals' future-oriented political thinking (Rapeli et al., 2021) or their willingness to sacrifice for future generations (Fairbrother et al., 2021).

Some studies have shown a positive association between younger age and attitudes toward the needs of future generations (Busemeyer, 2023) and future-oriented political thinking (Rapeli et al., 2021). In contrast, Fairbrother et al. (2021) showed that older adults are more willing to make sacrifices for future generations.

Some studies have found that highly educated individuals are more supportive of the needs of future generations (Busemeyer, 2023) and more likely to choose policies that bring benefits in the distant future (Christensen & Rapeli, 2021). However, Fairbrother et al. (2021) found only partial evidence of the effects of education on support for policy investment. According to this study, the statistically significant coefficient between education level and support for policy investments becomes insignificant when individuals' concerns for future generations and their political trust are considered (Fairbrother et al., 2021).

Evidence indicates a positive association between the presence of children and the willingness to sacrifice for future generations (Fairbrother et al., 2021) or between strong local economies and support for the needs of future generations (Busemeyer, 2023).

5. Special Interest Groups

This section highlights the relationship between special interest groups and policy investments.

5.1. Strategic Choice of Special Interest Groups

Many studies have examined the roles of special interest groups in climate policymaking. There is evidence that firms and industries such as utilities, power generators, and fossil fuel industries have attempted to delay or block climate action, for example, by lobbying policymakers (Culhane et al., 2021; Meng & Rode, 2019), engaging in committee testimony (Culhane et al., 2021; Struthers & Ritzler, 2023), creating or joining the opposing coalitions (Cheon & Urpelainen, 2013; Cory et al., 2021), and undermining climate science (Supran & Oreskes, 2020; Williams et al., 2022).

Recent findings show that businesses do not always oppose climate change legislation or regulations. Firms that expect to benefit economically from climate policies are likely to lobby in favor of them, whereas those expected to suffer from new climate legislation are likely to lobby against them (Brulle, 2018; Culhane et al., 2021; Delmas et al., 2016; Kim et al., 2016; Meng & Rode, 2019). For example, while the electric utility industry has historically been a major sector involved in lobbying against climate policies in the US (Brulle, 2018; Mildemberger, 2020; Stokes, 2020), utilities with large amounts of renewable energy or natural gas power generation capacity lobbied in favor of climate legislation between 2009 and 2010 (Kim et al., 2016).

Additionally, evidence indicates that even businesses that are expected to incur short-term costs if new climate legislation is passed do not necessarily oppose them directly. Meckling (2015) showed that in the EU, businesses sometimes adopt “hedging strategies” to shape climate policies in favor of least-cost instruments. For example, associations in the European power sector support emissions trading because they regard it as having a lower cost than carbon taxes (Meckling, 2015). Similar phenomena have been observed in the US. For example, industry interest groups are increasingly supporting carbon pricing as a lower-cost alternative to regulatory policies at the federal level (Narassimhan et al., 2022). Further evidence shows that while nearly all the testimony submitted by utilities to Congress opposed climate and clean energy initiatives, they lobbied in support of legislation to promote large-scale hydropower and wind energy as lower-cost alternatives to solar power (Culhane et al., 2021). Another goal of hedging strategies is to promote the leveling of compliance costs (Meckling, 2015). In the EU, some regulated firms lobbied their home governments to internationalize climate policy to include rival firms in other countries with the aim of maintaining international competitiveness (Meckling, 2015).

In addition to absolute compliance costs, relative compliance costs can affect business strategies (Meckling, 2015). Indeed, a European airline association was more supportive of regulatory policies than other airline associations in the EU because of the fuel-efficient fleets of its member companies (Meckling, 2015). Evidence also indicates that firms in the US are likely to lobby in favor of climate and energy initiatives when their competitors are expected to bear higher costs than their own (Kennard, 2020).

A small amount of literature focuses on the influence of special interest groups over non-climate-policy investments. Jacobs (2008, 2011) emphasizes the link between policy investments and the balance of power among special interest groups. Concerning long-term pension reform, Jacobs (2008, 2011) shows that a special interest group is likely to accept costly policy investments (reforming a pension scheme) when these policy investments can deliver net benefits to its members over the long run and when solving the long-term issue (financial deficit) is infeasible by shifting the (financing) burden to other competing interest groups due to their veto power. By contrast, the special interest group is likely to oppose policy investments when cross-sectional burden-shifting is easy because of the lack of strong competing interest groups.

5.2. Strategies to Deal With the Influence of Special Interest Groups

Several studies have emphasized the importance of collaborative governance in climate policymaking. A Finnish study found that policymakers regard stakeholder involvement as an enabler of sustaining climate policy investments in Finland and characterize businesses as “facilitators of long-term policy” that can enhance policy processes (Koskimaa et al., 2021, p. 9). Other studies have pointed out that collaborative governance enables governments to compensate special interest groups that are expected to suffer from climate policy investments. As mentioned earlier, cross-national research shows that higher levels of concentration between the government and other economic actors (e.g., the involvement of employers and labor unions in policymaking) are associated with the adoption of more stringent climate policy investments in high-income democracies (Finnegan, 2022). This finding suggests that concertation can facilitate bargaining between the government and carbon-intensive industrial sectors, particularly to discuss compensation for the losers of policy change, thereby helping the government overcome organized opposition to the introduction of climate policies (Finnegan, 2022). A case study in Germany also indicated that a stakeholder commission process motivated interest groups to agree to a coal phase-out by 2038 by granting high financial compensation to affected regions and companies (Hauenstein et al., 2023).

In addition to compensation, political signaling is a means of changing the preferences of interest groups (Meckling & Nahm, 2022). In 2017, the French government announced a ban on gasoline and diesel cars by 2040, incentivizing automakers to invest in electric vehicle technology (Meckling & Nahm, 2022). Whether states can shift the preferences of interest groups in alignment with their long-term policy goals by political signaling largely depends on the credibility of the signal; this strategy has the potential to reduce future opposition by interest groups (Meckling & Nahm, 2022).

6. Overall Synthesis and Conclusions

6.1. Factors Influencing Political Short-Termism

This literature review has attempted to identify the factors influencing policy investments to clarify when political short-termism is driven or mitigated. Table 1 summarizes the major factors influencing policy investments identified in the literature review in terms of politicians, voters, and special interest groups, which I have synthesized in the main findings of this study.

First, elections affect politicians’ incentives to pursue policy investments. Politicians can become reluctant to advocate policy investments before an election, particularly when electoral competition is expected to

intensify and the effects of politicians' incentives to prioritize the short term can be moderated by electoral safety. Hence, this review does not deny that the electoral cycle can drive political short-termism. However, the argument about the political business cycle made in some accounts of political short-termism seems incomplete in explaining how the electoral cycle influences politicians' incentives to prioritize the short term. Indeed, temporal proximity to an election does not necessarily make politicians reluctant to advocate policy investments, and some types of policy investments are vulnerable to austerity. Power-sharing arrangements have a positive effect on politicians' support for policy investment. The presence of compensation schemes and media coverage raising awareness of the need for policy investments may incentivize politicians to make such investments. There is mixed evidence regarding the effects of partisanship on policy investments, although social-liberal parties may promote policy investments.

Table 1. A summary of the main factors in past research affecting policy investments.

Actors	Factors	Main findings and effects on policy investments	References
Politicians	Election	Temporal proximity to the next election (\pm)	Aklin and Urpelainen (2013), Fankhauser et al., (2015), Garmann (2014), McAlexander and Urpelainen (2020), Sheffer et al. (2024), Stef and Ashta (2023)
		Competitive election ($-$), though the effect may depend on the types of policy investments; electoral safety ($+$)	Cronert et al. (2023), Cronert and Nyman (2023), Finnegan (2022, 2023), Jacobs (2011), Jacques (2022), McAlexander and Urpelainen (2020)
	Economic conditions	Austerity ($-$), though the effect may depend on the types of policy investments	Jacques (2021), Seidl (2023)
	Power-sharing arrangements	Power-sharing between the government and opposition parties ($+$)	Cronert et al. (2023), Jacques (2022), Lindvall (2017)
		Corporatist concertation ($+$)	Cronert et al. (2023), Finnegan (2022), Seidl (2023)
	Partisanship	Left and right partisanship (\pm)	Abou-Chadi and Immergut (2019), Eskander et al. (2021), Fankhauser et al. (2015), Finnegan (2023), Jacques (2022), Lee and Stecula (2021), Lindholm et al. (2023), Schulze (2021), Sheffer et al. (2024), Tobin (2017), Tørstad et al. (2023)
		Socially liberal party ($+$), socially conservative party ($-$)	Kraft (2018)
	Compensation scheme	Generous unemployment benefits in regions with high carbon-intensive employment ($+$)	Kono (2020)
	Media coverage	Local news coverage of infrastructure failures ($+$)	Mullin and Hansen (2023)

Table 1. (Cont.) A summary of the main factors in past research affecting policy investments.

Actors	Factors	Main findings and effects on policy investments	References
Voters	Discounts of future policy benefits	Time preference (\pm)	Graham et al. (2017), Jacobs and Matthews (2012), Prior et al. (2023)
		Policy complexity (–)	Jacobs and Matthews (2012)
		Political trust (+), political distrust (–)	Busemeyer (2023), Busemeyer and Beiser-McGrath (2024), Fairbrother et al. (2021), Garritzmann et al. (2023), Jacobs and Matthews (2012, 2017)
	Policy trade-offs	Beliefs about future generations' higher standard of living (+)	Fairbrother et al. (2021)
		Policy investment at the cost of redistributive public expenditure (–)	Bremer and Bürgisser (2023), Busemeyer and Garritzmann (2017), Neimanns et al. (2018)
	Political ideology	Left self-identification (+), right self-identification (–)	Busemeyer and Garritzmann (2017), Neimanns et al. (2018), Rapeli et al. (2021)
		Social-liberal values (+), social-conservative values (–)	Busemeyer (2023), Busemeyer and Beiser-McGrath (2024)
	Socioeconomic and demographic factors	Being female (\pm), income (\pm), age (\pm), education level (\pm)	Busemeyer (2023), Christensen and Rapeli (2021), Fairbrother et al. (2021), Rapeli et al. (2021)
		Having a child(ren) (+)	Fairbrother et al. (2021)
		Strong local economies (+)	Busemeyer (2023)
Special interest groups	Compliance costs	Higher compliance costs (–), lower compliance costs (+)	Brulle (2018), Culhane et al. (2021), Delmas et al. (2016), Kim et al. (2016), Meckling (2015), Meng and Rode (2019), Narassimhan et al. (2022)
		Lower compliance costs relative to competitors (+)	Meckling (2015), Kennard (2020)
	Power-sharing arrangements	Dispersion of veto power (+)	Jacobs (2008, 2011)
		Corporatist concertation (+)	Finnegan (2022), Hauenstein et al. (2023), Koskimaa et al. (2021)
	Compensations	Financial compensation to firms and regions affected by climate policies (+)	Hauenstein et al. (2023), Meckling and Nahm (2022)
	Long-term political signaling	Credible signals from governments for long-term climate policy goals (+)	Meckling and Nahm (2022)

Notes: (+) indicates a positive effect on policy investments, (–) indicates a negative effect, and (\pm) indicates mixed evidence.

Second, while voters' time preference may not be a powerful driver of their unwillingness to support policy investments, they moderately discount future policy benefits. Support for policy investments can be

influenced by the extent to which voters trust governments and political institutions. People who believe that future generations will be wealthier may be more supportive of policy investments. Support for policy investments drops considerably when they require pension or unemployment benefit cutbacks. A left-wing political orientation or green-alternative-liberal values can be considered to have a positive influence on support for policy investments. Some socioeconomic and demographic factors, such as the presence of children and strong local economies, may strengthen support for policy investment. In contrast, evidence on the effects of other socioeconomic and demographic factors, such as sex, income, age, and education level, on policy investments is mixed.

Finally, although firms and industries generally oppose policy investments that entail high compliance costs, power-sharing arrangements, compensations, and credible signaling by governments can shift their preferences to align with long-term policy goals, helping reduce organized opposition.

6.2. Suggestions for Future Research

I end with a few suggestions for future research. A key question unanswered in this article is whether voters reward politicians, parties, or governments that pursue policy investments. As mentioned earlier, winning elections can be an intermediate goal for policy-seeking politicians to achieve their preferred social outcomes. As electoral competition intensifies, politicians are more strongly incentivized to pursue voter-pleasing policies to win the next election. Given that politicians sometimes pursue policy investments when electoral competition is high, voters might reward politicians for such investments. Most of the studies of voters covered here employ survey experiments. Future work could attempt to elucidate voting behavior concerning policy investments in the real world. Next, most studies about special interest groups that were retrieved focused on climate policy investments, although Jacobs (2011) is an exception to this standard focus. As a result, this literature review has mainly addressed when special interest groups oppose climate policy investments and how their opposition can be reduced. Future research could explore the effects of special interest groups on non-climate-policy investments. The final remark concerns the effectiveness of the recent institutional innovations in policy investment. Some jurisdictions have established “future-regarding institutions” (MacKenzie, 2021, Chapter 7), such as the Committee for the Future in Finland, the Ombudsman for Future Generations in Hungary, and the Future Generations Commissioner for Wales. These institutions are expected to reduce political short-termism (Boston, 2021; MacKenzie, 2021; Smith, 2021). However, to the best of my knowledge, little is known about how effectively these institutions, in fact, do so.

Acknowledgments

The author is grateful to Francis Cheneval and Peter Schaber, as well as three anonymous reviewers and editors of *Politics and Governance*, for their valuable comments and suggestions in revising the original draft.

Conflict of Interests

The author declares no conflict of interests.

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The Role of Moral Principles in Resolving Intergenerational Conflicts of Interest

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Submitted: 25 October 2023 **Accepted:** 29 January 2024 **Published:** 27 March 2024

Issue: This article is part of the issue “Considering Future Generations in Democratic Governance” edited by Yasuko Kameyama (University of Tokyo) and Tomohiro Tasaki (National Institute for Environmental Studies), fully open access at <https://doi.org/10.17645/pag.i379>

Abstract

With the increase of human power, intergenerational conflicts of interest have emerged as new problems, particularly in terms of environmental and financial sustainability. This study examined the role of moral principles in inducing people to act, taking into account the interests of future generations. A survey was conducted among a representative sample of Japanese citizens to investigate the function of eight moral principles in resolving conflicts in terms of participants' assessment of the appropriateness of the principles and their willingness to follow them. With respect to the absolute level of the function of moral principles, the results offer some, albeit cautious, promise of a strategy to resolve conflicts through moral principles. Overall, participants responded positively to these principles. Furthermore, the survey revealed that older and more educated individuals responded better. Given their leading roles in society, this finding supports the use of the principles. However, it also suggests that reaching out to those who did not respond to the strategy is challenging. The study revealed that a non-negligible proportion of respondents had only weak responses to any of the principles and that they either needed to be exposed to different principles or provided with different resources to develop sensitivity to moral ideas. The survey also revealed the relative order of principles. Egalitarianism and utilitarianism scored lower, but some principles, including Mill's harm principle and Scheffler's argument that the survival of humanity and the world itself has value, scored higher.

Keywords

climate change; experimental philosophy; fiscal policy; intergenerational conflicts; intergenerational ethics; moral principle

1. Introduction

With the increase of human power, intergenerational conflicts of interest have emerged as a new problem, being particularly manifested in environmental and financial sustainability (Tremmel, 2014, p. 9). In a democracy, voters are limited to currently living adults, and future generations cannot participate in decision-making. Contract theory allows people to respect each other's vital interests based on an agreement; however, future generations cannot be parties to the agreement (Gardiner, 2009). Reforms to political institutions have been proposed to ensure that decision-making considers the interests of future generations (Gonzalez-Ricoy & Gosseries, 2016; Hiromitsu, 2024; Kinski & Whiteside, 2023; Saijo, 2022; Smith, 2021). Saijo (2022) conducted experiments in which imaginary future generations, representing the interests of the future, were introduced into current decision-making and showed that decisions were more aligned with such interests. In addition to reforming political institutions, research has explored the conditions under which policies aligned with the interests of future generations can win the support of current generations. Using environmental policy as an example, Huber et al. (2020) showed that policy instruments that were perceived as effective, fair, and unobtrusive received more public support.

This study examines the conditions that induce people to act in the interests of future generations. The study is not about reforming the government structure nor about changing the appearance of policies to make them more acceptable; it is about overcoming the divergence of interests between generations to induce voluntary action in the interests of future generations. Specifically, this study examined the role of moral principles in encouraging people living today to act in ways that consider the interests of future generations. Through moral persuasion, moral principles free people from narrow personal interests and encourage them to act based on broader considerations. People do not necessarily act solely on narrow personal interests; they may also act on morality. However, individuals do not always act in accordance with moral expectations. The discrepancy between morality and action was termed *akrasia* by Aristotle (n.d.) and *moral weakness* by Hare (1965). Thus, it is necessary to understand what motivates people to consider future generations.

This study considers the eight moral principles. Moral philosophy is a set of arguments that urges people to act for justifiable reasons. Six of the eight principles were taken from the conventional theory; that is, morality usually applied within the same generation. The conventional arguments examined include egalitarianism, utilitarianism, communitarianism, altruism, the harm principle, and sufficientarianism. These arguments have been translated into the intergenerational context. Two of the eight were derived from arguments developed specifically in intergenerational ethics. These principles include indirect reciprocity and world survival. Reciprocity implies a mutually beneficial relationship; however, because time flows only one way between generations, normal reciprocity does not work. Indirect reciprocity is a relationship in which benefits are passed on in a chain from one generation to the next. Finally, the principle of world survival is based on Scheffler's (2013) argument that people are interested in the survival of the world and humanity even after their individual deaths.

To understand the power of these moral principles in motivating people, a survey was conducted among a representative sample of Japanese citizens to examine the role of the eight principles in resolving intergenerational conflicts, in terms of participants' assessment of the appropriateness of the principles and their willingness to act on them. Disconnects between appropriateness and the willingness to act could include weaknesses of will and there could also be a difference between principles that are easier or more

difficult to translate into action. Japan was chosen as a society facing difficulties in resolving intergenerational conflicts. Among the seven industrialized countries, Japan has the highest ratio of government debt to gross domestic product. The survey was designed to determine how the public perceived moral principles in intergenerational contexts. The value of moral principles depends on whether the public perceives them as persuasive and acts toward the realization of the social state they demand. In terms of the absolute power of moral principles, the survey offered some, albeit cautious, promise for a strategy of resolving conflicts through moral principles. Overall, participants responded positively to these principles. The survey revealed that older and more educated individuals responded better. Given their leading roles in society, this finding supports the use of these principles. However, this also suggests the challenge of reaching out to those who do not respond to the strategy. The study revealed that a non-negligible proportion of respondents had only weak affinities for any of the principles and that they either needed to be exposed to different principles or provided with different resources to help them develop sensitivity to moral ideas. The survey also revealed the relative order of principles. Egalitarianism and utilitarianism scored lower; however, some principles, including the harm principle and world survival, scored higher. The survey also presented situations in which moral principles were applied to two major sustainability issues—climate change and fiscal policy (accumulated debt)—and asked participants whether they found each principle persuasive. It was revealed that moral principles worked for fiscal policy, although not as well as climate change, which is a more typical intergenerational issue.

In the literature, this study can be placed within the experimental and behavioral traditions of norms research. It is an exploration of intergenerational ethics using the behavior of the general public that emerged as a survey response. Studies on norms through surveys and experiments have been conducted in the fields of experimental philosophy (e.g., Knobe, 2003), psychology (e.g., Kameda et al., 2016), and economics (e.g., Hiromitsu, 2019). However, research on the function of morality in intergenerational issues is limited. Hurlstone et al. (2020) and Kameda (2023) are among the few exceptions; however, the number of moral arguments examined in these studies was small (three in the former and one in the latter). To the best of the author's knowledge, this is the first study to assess a broad range of intergenerational moral principles through a survey.

The remainder of this article is organized as follows: Section 2 describes the survey design. Section 3 presents the survey results. Section 4 discusses the study's findings. Finally, Section 5 concludes the article.

2. Survey Setup

2.1. Conceptual Framework and Expectation

This study uses the results of a survey of the general public in Japan to elucidate the power of moral principles in motivating people. The validity of moral principles was considered in terms of how people perceived these principles and whether they acted in accordance with them. Knowledge of public feelings is helpful in understanding how to use moral principles to overcome interest divergence among generations and spur voluntary action in the interests of future generations.

Eight principles were selected for this study, and Table 1 summarizes them. Each principle was presented as a statement, which is shown in the "statements of principle" column. The "names" column represents the

names given to the statements; however, they were for use in this article only and were not shared with the participants. Six principles, from egalitarianism to sufficientarianism, were taken from the conventional theory, and indirect reciprocity and world survival were taken from intergenerational ethics.

Table 1. List of moral principles.

Statements of principle	Names
We, the people living today, need to ensure that the degree of well-being of those who will live in the future is the same as that of ourselves.	Egalitarianism (EG)
We, the people living today, need to maximize the sum of the well-being of ourselves and those who will live in the future.	Utilitarianism (UT)
We, the people of today and those of the future, are members of the same community, and we need to increase the well-being of those in the future as well as our own.	Communitarianism (COM)
We, the people living today, need to love people who will live in the future and promote their well-being.	Altruism (ALT)
We, the people living today, need to avoid causing harm to people who will live in the future.	Harm principle (HP)
We, the people living today, need to ensure that people who will live in the future will enjoy at least a satisfactory degree of well-being.	Sufficientarianism (SUF)
We, the people living today, have inherited the civilization and society of our ancestors. We need to further develop civilization and society and pass it on to the people who will live in the future.	Indirect reciprocity (INR)
We, the people living today, need to ensure that humanity and civilization do not cease to exist due to our actions.	World survival (SUV)

First, egalitarianism has been found in various documents, including the United States Declaration of Independence (1776) and the Universal Declaration of Human Rights (United Nations, 1948, Art. 7). In translating egalitarianism into an intergenerational context, the author considered Wolf's (2021, p. 2) presentation that "generations, or individual people who are members of different generations, should be equal in some way." Wolf noted that intergenerational contexts typically assume that later generations are better off, suggesting a need for correction. However, the survey adopted a version of intergenerational egalitarianism closer to Wolf's original presentation because of recent concerns that future generations would be worse off (Tremmel, 2014, p. 1). The survey asked respondents to assume that "our actions could have a positive or negative impact on people in the future, separated by time," suggesting that there could be both improvements and deteriorations. Second, utilitarianism originated with Bentham (1823/2017) and has remained an important theory for more than two centuries. In translating utilitarianism into intergenerational terms, this study draws on economics, where it is common to formulate the utility function of present and future generations so that the sum of their functions is maximized (e.g., Arrow, 1999). Third, communitarianism is a long-standing idea among people who form and live in societies, and it continues to be one of the most important moral principles (e.g., Kymlicka, 2002, Chapter 6). In translating communitarianism into an intergenerational context, the author considered Marshall (1993, p. 109), who argued that in communitarianism, there is a sense in which present and future generations share the same *identity*; accordingly, what is in the interest of one generation is in the interest of the other. Fourth, regarding altruism, Kraut (2020) pointed out that behavior is usually described as altruistic when it is motivated by a desire to benefit someone other than oneself for the sake of that person and that the term is used as the opposite of "self-interested" or "selfish" or "egoistic." In this study, it is rephrased as "love," which was easier for

respondents to understand. Fifth, Mill (2008) proposed the harm principle, which argues that people should be free to act as they wish unless their actions harm others. For its translation into an intergenerational context, Howarth (2012, p. 338) offered the example of “future generations are entitled to protection from harm.” Sixth, sufficientarianism was proposed by Frankfurt (1987) as an alternative to egalitarianism, in which the moral significance is that everyone has sufficient rather than strictly equal resources. It is translated into an intergenerational argument by Meyer and Pözlner (2022) and Page (2007). Seventh, indirect reciprocity refers to the idea that it is desirable to pass on the good things inherited from previous generations to succeeding generations, which Gosseries (2009, p. 130) calls descending reciprocity. This differs from reciprocity within the same generation. Finally, the principle of world survival is based on Scheffler’s (2013) argument that people are interested in the survival of the world and humanity even after death. Scheffler pointed out that much of the value of one’s life depends on the continuation of the human race. Indirect reciprocity and world survival are arguments that have been proposed as intergenerational ethics.

The survey asked respondents about the appropriateness of each principle and their willingness to act on it. The survey helped determine how the public felt about the moral principles used in an intergenerational context. The survey also examined the respondents’ personal attributes: gender, age (in one-year increments), education, political affiliation, place of residence, marital status, and occupation. Additionally, the survey assessed whether governments could effectively use these principles to persuade respondents to accept their proposed climate change or fiscal consolidation measures.

The hypotheses of this study were as follows: First, the author expected the moral principles developed by the experts to be well accepted by the respondents. If experts share a sense of morality with their ultimate audience, the general public, then the principles would be well accepted by the people. Second, the author expected the participants’ responses to be higher for principles that evoke emotions. Slovic (2010) noted that emotional components are important factors in motivating individuals to help others. Some studies have shown that providing specific examples of people in need motivates them to act more than providing statistical data (Kawata et al., 2023; Winterbottom et al., 2008). Of the eight principles, the one that was more likely to evoke emotion was the harm principle, which consisted of a strong imperative for prohibiting harm. Egalitarianism, at least in the version presented in this study, appears to have limited emotional appeal. Third, the author hypothesized that scores for willingness to act would be lower than those for appropriateness because people would not always act according to the principles they considered appropriate. An interesting question was whether there were principles that lowered the action scores. Fourth, in terms of relationships with personal characteristics, the author expected these principles to be stronger among young and educated people. The author believed that young people were closer to future generations and that the more educated they were, the more they would be informed about moral principles. Regarding party affiliation, the author hypothesized that scores would be lower among supporters of ruling parties because the author considered them pragmatists rather than idealists. Finally, regarding the application to climate change and fiscal consolidation, if climate change is a more typical intergenerational problem than fiscal sustainability, the principles are expected to have a greater influence on the issue of climate change.

2.2. Procedures

The survey was conducted online in Japan on August 17, 2023. The survey questionnaire is available in the Supplementary File. To help respondents understand the framework of intergenerational issues, the survey

began with the following explanation:

We who live today and those who will live in the future are separated by time and cannot speak directly to each other or make social decisions around the same table. However, we and people in the future do not live on separate planets and our actions can have a positive or negative impact on people in the future who are separated by time.

The survey was conducted on commission by Intage, Inc. Responses were received from 415 individuals (response rate: 13.0%), which is considered a sufficiently large sample size given that the sampling error for the population was less than 5%. Respondents to the survey were recruited to be representative of the Japanese population aged 20 and older and their demographics are shown in Table 2. The proportions of respondents by demographics were largely consistent with those of the population derived from official statistics (e.g., Ministry of Internal Affairs and Communications, 2022a, 2022b, 2023a, 2023b). Support for the ruling parties differed from the survey conducted by the public broadcaster (NHK, Japan Broadcasting

Table 2. Respondent demographics ($N = 415$).

	Numbers of respondents (percentage in the total respondents) ³	Population in Japan (in percentage) ⁴
Male/female	211/204 (50.8%)	49.7% ⁵
Age	55 (13.3%) in their 20s, 63 (15.2%) in their 30s, 77 (18.6%) in their 40s, 81 (19.5%) in their 50s, 70 (16.8%) in their 60s, and 69 (16.6%) in their 70s	13.8% in their 20s, 14.6% in their 30s, 18.5% in their 40s, 19.3% in their 50s, 16.1% in their 60s, and 17.7% in their 70s ⁵
Less than university/ university or higher	248/167 (59.8%)	76.2% ⁶
Ruling parties supporters/others ¹	59/356 (16.8%)	37.5% ⁷
Metropolitan areas residents/non-residents ²	234/184 (56.4%)	55.1% ⁸
Married/unmarried	220/195 (53.0%)	59.5% ⁹
Occupations	157 (37.8%) in regular employment, 26 (6.3%) in self-employment/free employment, 78 (18.8%) in non-regular employment, 12 (3.9%) in student, and 142 (34.2%) in no job (including homemakers)	35.7% in regular employment (including executives), 6.2% in self-employment/free employment, 19.1% in non-regular employment, and 39.1% in no job (including student, and homemakers) ¹⁰

Notes: ¹ The ruling parties were the Liberal Democratic Party and Komei; others included nonparty support and do-no-want-to-answer. ² The metropolitan areas were Kanto (Tokyo, Saitama, Chiba, and Kanagawa), Kansai (Osaka, Kyoto, Hyogo, and Nara), and Tokai (Aichi, Gifu, and Mie). ³ The percentages shown are the number of respondents on the left (e.g., males) divided by the total number of respondents (415). ⁴ The percentages shown are the percentage of those who fall to the left (e.g., males) divided by the total population in question. ⁵ Ministry of Internal Affairs and Communications' (2023a) population estimates, July 1, 2023. ⁶ Ministry of Internal Affairs and Communications' (2022b) 2020 census. ⁷ NHK (2023), a survey conducted in August 2023. ⁸ Ministry of Internal Affairs and Communications' (2022a) population estimates, October 1, 2022, age 15–64. ⁹ Cabinet Office (2022). ¹⁰ Ministry of Internal Affairs and Communications' (2023b) labor force survey (average of 2022, age 15 and above).

Corporation, 2023) during the same period, but this may be partly due to the difference in the questionnaires. This study allowed respondents who did not want to answer (14.2%), but the broadcaster did not. Finally, to reduce social desirability bias, the survey was conducted online and anonymously (responses could not be traced back to specific respondents).

2.3. Survey 1

Survey 1 asked the participants to rate the appropriateness of the principles on a seven-point Likert scale (6 = *very appropriate*, 5 = *appropriate*, 4 = *somewhat appropriate*, 3 = *cannot say either way*, 2 = *somewhat inappropriate*, 1 = *it is inappropriate*, 0 = *it is highly inappropriate*; in the actual survey, 6 was numbered 1, in ascending order, and 0 was numbered 7). Additionally, respondents were asked to indicate their willingness to act following these principles (6 = *I am strongly willing to act*, 5 = *I am willing to act*, 4 = *I am willing to act a little*, 3 = *cannot say either way*, 2 = *I am not willing to act as much*, 1 = *I am not willing to act*, and 0 = *I am not willing to act at all*; in the actual survey, 6 was numbered 1, in ascending order, and 0 was numbered 7). The principles were presented as short views and supplemental explanations were provided to facilitate respondents' understanding. The names of the principles (e.g., "egalitarianism") were not shared with participants. The order of the presentation of the principles was randomized for each respondent.

2.4. Survey 2

Survey 2 included case examples of the government proposing tax increases to address climate change and accumulated government debt that is expected to harm future generations. Assuming that the government used the eight principles in Survey 1 to persuade respondents, they were asked to identify any persuasive principles. If they found no persuasive principles, they were asked to indicate so. The order in which the issues of climate change and fiscal policy were presented was randomized for each respondent. Eight principles were also randomized for each respondent. Survey 2 followed Survey 1 because it involved applying the principles to specific policy issues. Through Survey 1, respondents gained a deeper understanding of the principles, which enabled them to provide thoughtful responses in policy application situations.

3. Results

3.1. Appropriateness (Survey 1)

Figure 1 shows a histogram (in percentages) of the participants' responses to Survey 1 regarding the appropriateness of each principle. The common distribution across principles was biased toward values greater than 3 (*cannot say either way*), with 3 being the most frequent value. There were also differences in the distribution among principles. Compared to egalitarianism and utilitarianism, the distributions of 5 and 6 are more in the harm principle, indirect reciprocity, and world survival.

Two ranking methods were used: majority judgment (Balinski & Laraki, 2011) and ranking on means. Majority judgment is the ranking based on the median of the samples, which, when used in conjunction with ranking by means, increases the objectivity of the rankings. Table 3 shows the majority judgment ranking, where the principles were ranked first according to their median scores. If the medians were the same, the higher the number of respondents scoring at or above the median, the higher the ranking. The ranking for appropriateness

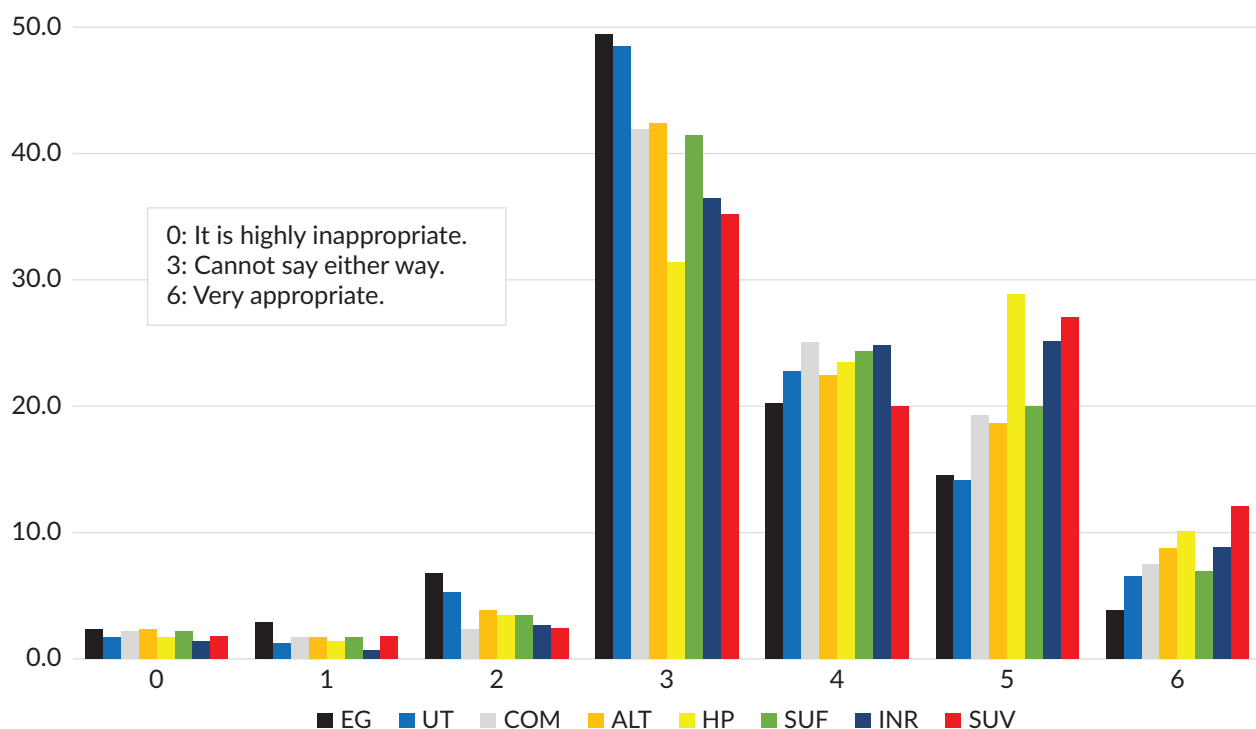


Figure 1. Histogram of scoring for responses in appropriateness (in %, $N = 415$).

on the left shows that five principles (harm principle, world survival, indirect reciprocity, communitarianism, and sufficientarianism) had median scores of 4 (*somewhat appropriate*). The harm principle ranked highest and egalitarianism ranked lowest. Figure 2 illustrates the ranking by means. The appropriateness in the left vertical line shows that the means of all principles were greater than 3. The ranking by means is similar to the ranking by majority judgment, suggesting that the rankings are robust regardless of the ranking method. A test of the difference in means with the lowest rank for egalitarianism showed that all other seven principles were significant.

Table 3. Rankings by majority judgment.

	Appropriateness		Willingness to act		
	Median	Number of median and above	Median	Number of median and above	
HP	4	258	HP	4	231
SUV	4	245	SUV	4	221
INR	4	244	INR	4	211
COM	4	215	SUF	3	375
SUF	4	213	COM	3	368
ALT	3	382	ALT	3	364
UT	3	381	UT	3	364
EG	3	365	EG	3	362

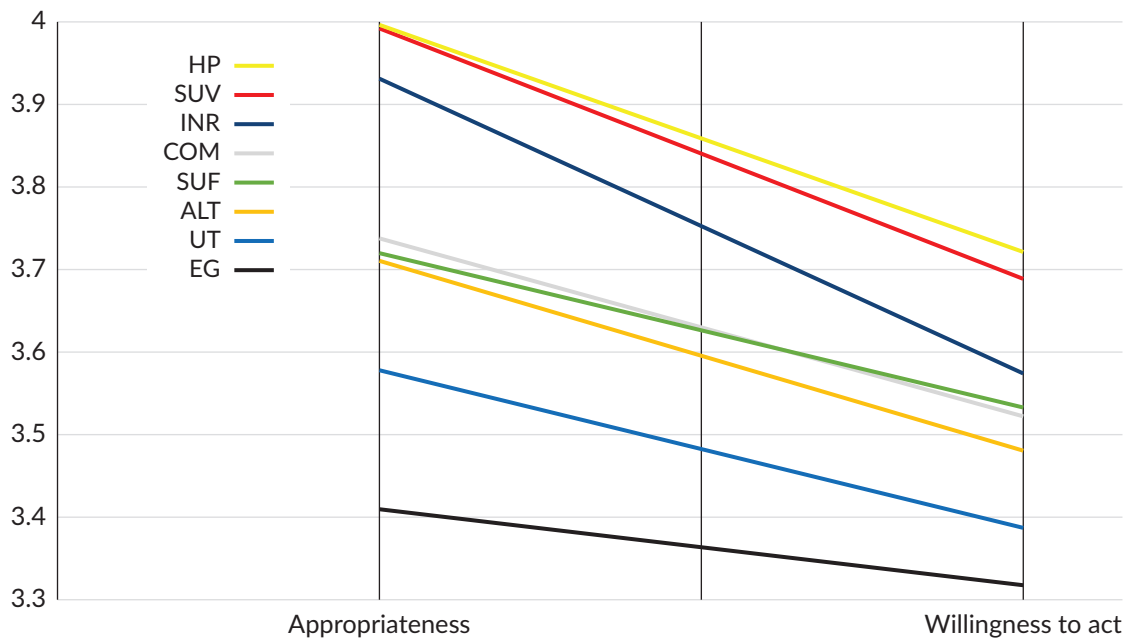


Figure 2. Ranking by means (appropriateness vs. willingness to act).

3.2. Willingness to Act (Survey 1)

We now examine the participants' responses regarding their willingness to act. As shown in Figure 3, the distribution was skewed toward values greater than 3 (*cannot say either way*), with 3 being the most common value. Nevertheless, there was a tendency across principles for responses of 5 and 6 to decrease and responses of 3 and 4 to increase. Table 3 and Figure 2 show the rankings by majority judgment and the mean, respectively. First, the scores generally remained higher than 3, but the levels decreased. There were fewer but still three principles (harm principle, world survival, and indirect reciprocity) with a median score of 4 (*I am willing to act a little*). The means of all principles remained above 3. Second, from appropriateness to action, while scores for the lowest-ranked egalitarianism did not decrease significantly, scores for higher-ranked principles decreased significantly. In other words, the gap between the principles narrowed—When testing the difference between the means of the scores for appropriateness and action, the difference was not significant for egalitarianism ($p = 0.389$); however, it was significant for the other principles. Finally, there were no significant changes in the rankings for majority judgment or mean scores.

3.3. Responses and Personal Attributes (Survey 1)

Table 4 presents the results of the ordered logit regression of the relationship between responses to appropriateness and personal attributes. For all principles, the higher the age and education, the more likely the participants were to respond that the principles were appropriate. The results for age differed from the author's expectations, whereas those for education were consistent with my hypothesis. The ruling party's affiliation showed no significance, which was also contrary to the author's expectations. Metropolitan residence was associated positively with utilitarianism, altruism, and the harm principle, whereas married status was positively associated with the harm principle, indirect reciprocity, and world survival. The marginal effects of the significant variables are shown in Table 1 of the Supplementary File. A one-year increase in age increased the probability of scoring a 5 in appropriateness by 0.0018 for egalitarianism

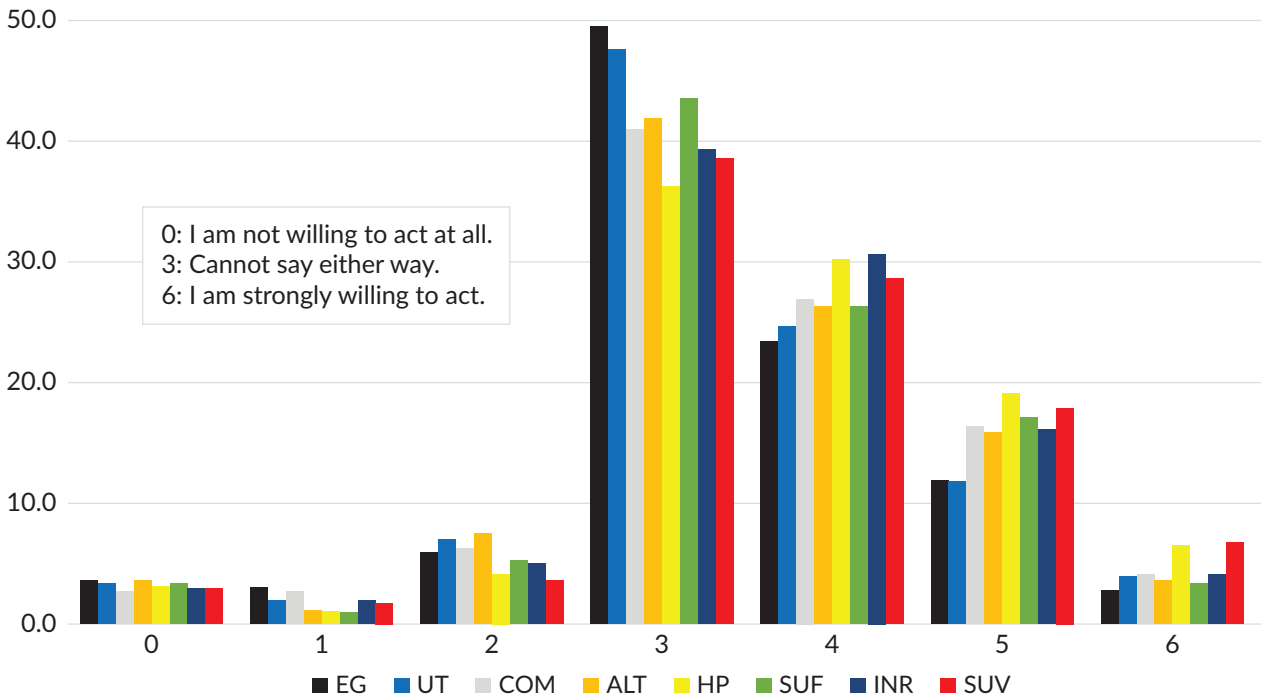


Figure 3. Histogram of scoring for responses in willingness to act (in %, $N = 415$).

Table 4. Responses on appropriateness and personal attributes (ordered logit).

	EG	UT	COM	ALT	HP	SUF	INR	SUV
	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)	Coef. (Std. Err.)
Female (=1)	0.124 (0.209)	0.023 (0.208)	0.192 (0.200)	0.238 (0.205)	0.095 (0.205)	0.104 (0.212)	0.109 (0.211)	0.083 (0.206)
Age	0.016** (0.007)	0.021*** (0.007)	0.032*** (0.006)	0.023*** (0.006)	0.021*** (0.006)	0.017** (0.007)	0.020*** (0.007)	0.031*** (0.007)
University (=1)	0.415* (0.218)	0.472** (0.218)	0.787*** (0.212)	0.619*** (0.203)	0.827*** (0.201)	0.565*** (0.215)	0.703*** (0.205)	0.884*** (0.206)
Ruling parties (=1)	0.067 (0.266)	-0.242 (0.251)	-0.011 (0.272)	-0.009 (0.262)	-0.433 (0.278)	0.007 (0.266)	-0.259 (0.267)	-0.298 (0.258)
Metropolitan areas (=1)	0.202 (0.186)	0.425** (0.194)	0.254 (0.182)	0.429** (0.183)	0.441** (0.182)	0.192 (0.185)	0.271 (0.180)	0.277 (0.178)
Marriage (=1)	0.135 (0.201)	0.293 (0.213)	0.139 (0.195)	0.289 (0.190)	0.406** (0.201)	0.260 (0.200)	0.556*** (0.205)	0.394* (0.216)
Self-employed (=1)	0.134 (0.406)	0.492 (0.364)	-0.093 (0.418)	0.014 (0.443)	0.573 (0.456)	0.049 (0.349)	-0.099 (0.394)	0.418 (0.393)
Nonregular (=1)	0.114 (0.114)	0.023 (0.290)	-0.092 (0.270)	0.100 (0.270)	0.279 (0.273)	-0.160 (0.294)	0.053 (0.278)	0.088 (0.277)
Student (=1)	0.163 (0.979)	1.283** (0.610)	0.511 (0.600)	-0.063 (0.937)	1.268* (0.722)	0.493 (0.794)	-0.416 (0.697)	1.156 (0.763)
No job (=1)	0.178 (0.254)	0.313 (0.268)	-0.074 (0.249)	-0.086 (0.248)	0.488* (0.251)	0.120 (0.260)	0.130 (0.254)	0.009 (0.260)
Pseudo R^2	0.015	0.033	0.042	0.031	0.047	0.022	0.040	0.051

Notes: The dependent variable is "responses to individual principles"; $N = 415$; *** 1% significance, ** 5% significance, * 10% significance.

(lowest ranking) and 0.0026 for the harm principle (highest ranking), and a university degree increased the probability by 0.0455 for egalitarianism and 0.1037 for the harm principle. Table 2a in the Supplementary File shows the regression of the scores for each principle, minus the scores for egalitarianism (lowest ranking), with the respondents' attributes. Communitarianism and world survival showed positive relationships with age, suggesting that older respondents preferred them. Education positively affected indirect reciprocity and world survival. The marginal effects of the significant variables are reported in Table 2b in the Supplementary File. A one-year increase in age increased the probability of adding a score of 0.0023 for communitarianism and 0.0015 for world survival, and a university degree increased it by 0.0587 for the harm principle, 0.0474 for indirect reciprocity, and 0.0359 for world survival.

Table 3a in the Supplementary File shows the results of an ordered logit regression between willingness to act and respondent attributes. These results are similar to those obtained for appropriateness. Age was positively significant for all principles, and having a university degree was also positively significant, except for utilitarianism. Metropolitan residence was positively significant for the harm principle and world survival, whereas marriage was positively significant for the harm principle. The marginal effects of the significant variables are reported in Table 3b in the Supplementary File. Increasing age by one year also increased the probability of scoring 5 for egalitarianism (lowest ranking) by 0.0013 and for the harm principle (highest ranking) by 0.0029; having a university degree increased the probability of scoring 5 for egalitarianism by 0.0430 and for the harm principle by 0.0908.

3.4. Cluster Analysis (Survey 1)

Figure 4 shows the results of the cluster analysis. The k-means method was used, and the number of clusters was set to three so that a sufficient number of respondents could be classified in each cluster. The sample means represent the averages of 415 respondents for appropriateness and willingness to act. Regarding appropriateness, there were 109 respondents in Cluster 1, 147 in Cluster 2, and 159 in Cluster 3. As for willingness to act, there were 85 respondents in Cluster 1, 101 in Cluster 2, and 174 in Cluster 3. Figure 4a shows the mean of the responses for appropriateness in each cluster. Cluster 1 had the highest score, Cluster 2 was in the middle, and Cluster 3 had the lowest score. Clusters 1 and 2 scored lower for egalitarianism, similar to the overall trend of the respondents. Cluster 2 scored higher on the harm principle and world survival. Cluster 3 gave a muted response to all principles. Figure 4b shows an analysis of willingness to act. The general trend was similar to that for appropriateness, but compared to appropriateness, the gaps between the principles were narrowing even in Clusters 1 and 2, and higher scores for the harm principle and world survival were less salient. In Cluster 3, the results were the same as those for appropriateness, with all principles scoring low across the boards.

Table 4 in the Supplementary File shows the proportions of respondent attributes for each cluster and the results of the tests for the difference in proportions (i.e., means) between them. The clusters for appropriateness are presented in Table 4a. Compared to Clusters 1 and 2, respondents in Cluster 3 had salient characteristics. Those in Cluster 3 appeared to be younger (45.8 vs. 56.0 years old; Cluster 3 vs. Cluster 1; same below in Section 3.4), less educated (27.0% university degree vs. 51.4%), less metropolitan (49.1% metropolitan vs. 61.5%), less married (42.1% married vs. 67.0%), and less likely to have no job (27.0% vs. 42.2%, including homemakers and those not wanting to work). In Table 4b in the Supplementary File, the clusters of willingness to act show similar results.

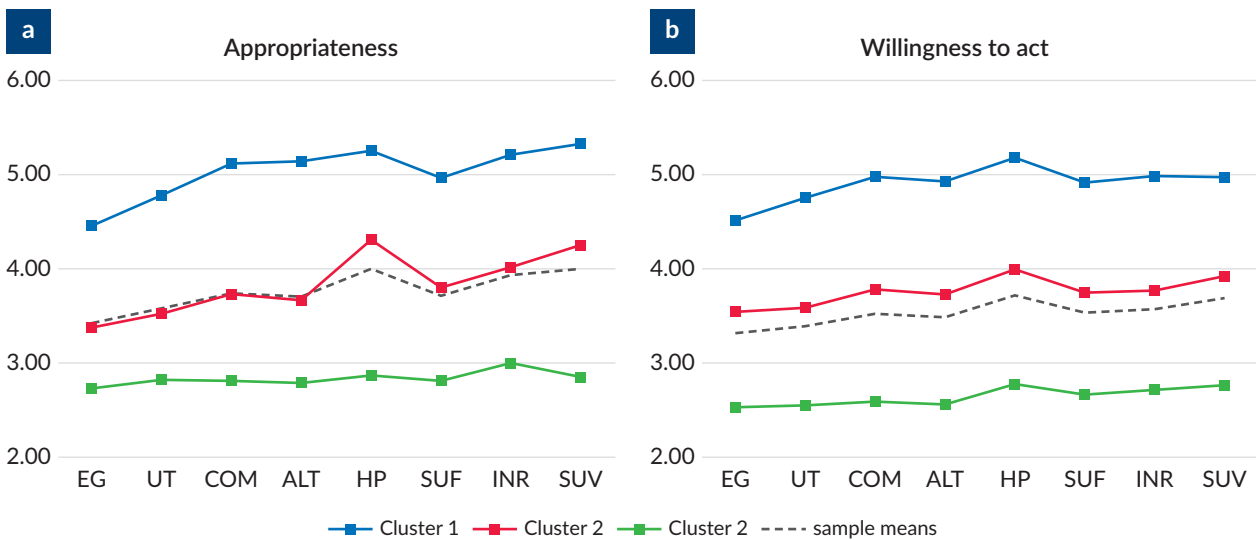


Figure 4. Means of responses in each cluster.

3.5. Survey 2

Table 5 shows the percentage of respondents who found each principle persuasive when issues related to climate change and fiscal policy were presented. *p*-values were obtained from tests of the differences between climate change and fiscal policy. With respect to climate change, world survival, the harm principle, and indirect reciprocity were found to be more persuasive (32.8%, 31.8%, and 25.1%, respectively), similar to the results of Survey 1. Approximately one-third (33.7%) of the respondents found no persuasive principles. The same is true for fiscal policy. However, fewer respondents found the harm principle and world survival to be more persuasive in fiscal policy than climate change.

Table 5. Responses in climate change and fiscal policy: Choices of persuasive principles (in %; multiple answers allowed).

	EG	UT	COM	ALT	HP	SUF	INR	SUV	No principles
Climate	11.1	10.4	16.6	14.9	31.8	18.3	25.1	32.8	33.7
Fiscal policy	12.8	10.4	17.6	13.5	26.0*	20.5	28.7	27.0*	38.3
<i>p</i> -value	0.454	1.000	0.713	0.550	0.066	0.430	0.241	0.069	0.170

Notes: *N* = 415; * 10% significance; the *p*-values were obtained from tests of the differences between climate change and fiscal policy.

Table 5a in the Supplementary File shows the regression (ordered logit) of respondents who said they found none of the principles persuasive; they were less likely to be female, older, or married. According to the marginal effects, being female reduced the probability of responding that they did not find any of the principles persuasive by 14.6% for climate change and 14.3% for fiscal policy. While gender was not a significant variable in Survey 1, it played a different role in Survey 2. The same was true for the ruling parties' supporters in fiscal policy. In Survey 1, the support of ruling parties was not significant, but in Survey 2, for the fiscal policy, the support reduced the probability of responding that no principle was persuasive by 12.7%. Finally, the correlation coefficient of the responses between climate change and fiscal policy is presented in Table 5b, with the principles ranked in descending order. The correlation was high (0.843) for

those who reported finding no persuasive principles. The correlations per principle were moderate (highest for the harm principle at 0.562 and lowest for communitarianism at 0.440), suggesting that people treat these two issues roughly equally when applying moral principles.

4. Discussion

First, it should be noted that people generally consider the moral principles of philosophical experts to be appropriate and have the power to motivate them to act. On a seven-point Likert scale ranging from 0 to 6, the median of 3 is *cannot say either way* for both appropriateness and willingness to act, so those who selected 3 would not be led to consider the interests of future generations in response to moral principles. Figure 2 shows that the means of the principle scores were above 3 for both appropriateness and willingness to act, suggesting that moral principles would be effective in resolving intergenerational conflict. When assuming a simple majority decision, it is necessary to consider that the median voter has a deciding vote in a collective decision (Black, 1948). According to the majority judgment in Table 3, there were five principles (harm principle, world survival, indirect reciprocity, communitarianism, and sufficientarianism) with a median of 4 (*somewhat appropriate*) in appropriateness. Even in willingness to act, there were reduced but still three principles (harm principle, world survival, and indirect reciprocity) with a median of 4 (*I am willing to act a little*). Cluster analysis (Figure 4) suggests that a significant number of people responded well to moral principles. However, this study also identified challenges in using moral principles to resolve conflicts of interest. The cluster analysis in Figure 4 shows that a non-negligible proportion of respondents (Cluster 3, 38.3% in appropriateness and 41.9% in willingness to act) provided weak responses to any principle. These respondents were insensitive to the approach of solving intergenerational problems using moral principles. Similarly, in Survey 2, while a significant number of respondents found many of the principles to be persuasive for both climate change and fiscal consolidation, more than one-third responded that none of them were persuasive. Overall, this study offers a promising strategy for resolving intergenerational conflicts through moral principles, also suggesting that there is a challenge in how to approach those who do not respond to the strategy.

Second, knowing which people responded to moral principles and which did not is of great practical importance. The common implication of Surveys 1 and 2 was that older and more educated people responded better to these principles. It also suggests that living in a metropolitan area and being married are positively correlated with moral principles. The positive relationship between moral principles and education is understandable. However, the better response of older adults is not a natural consequence. Studies have shown that older adults with shorter life expectancies lack long-term interest. Blekesaune and Quadagno (2003) found that, in developed countries, support for helping the sick and older people increased among older adults. Such support would increase debt and postpone the burdens to the future. However, it is important to note that responses to moral principles differ from the support for policies, which is influenced by a wide range of considerations, including attitudes toward the gains and losses of policies. Age reflects two factors: life experiences and the cultural norms that prevail during periods of personality formation. First, it is possible that life experiences facilitate the understanding of moral principles. In particular, it is difficult to fully understand intergenerational ethics without life experiences. Those who are older are likely to have a better understanding that there were many generations before us, that we have inherited their legacy, and that future generations will come after us. Scheffler (2013) argued that humans have concerns beyond death, and empirical research supports this argument (Hiromitsu, 2024, Chapter 4). Developmental psychologist Erik Erikson (1950) called this task “midlife generativity,” noting that the act of teaching and

passing on evidence of one's life to the next generation led to the acceptance of one's impending death. In this study, older people were particularly supportive of communitarianism and world survival, suggesting that they were more concerned with something beyond the individual. Second, the positive responses of older adults may be due to the cultural norms that were dominant during their personality development. Japan's older adults are educated by those who lived during the Second World War and may have a strong sense of value beyond the individual. Ogihara et al. (2015) noted that Japanese culture has changed over time, becoming more individualistic. The positive responses from older and more educated people confirmed the promise of using moral principles, given the leading role they play in society. However, it remains a challenge to reach those who are younger and less educated, who must either be exposed to different moral principles or provided with different resources to help them develop sensitivity to moral ideas. The moral principles tested here were limited to only eight, and it would be useful to explore broader moral dimensions, such as reverence for a clean environment (e.g., Haidt, 2012). Regarding the use of resources, Bicchieri (2017, Chapter 4) pointed out that the use of media and small-scale deliberation can change people's norms. The last interesting point regarding personal attributes is that women and supporters of the ruling parties showed significant responses only in Survey 2. This may be due to its setting, in which the government persuaded respondents to accept the necessary measures through principles, which would make women and ruling party supporters reluctant to answer that no principle was persuasive.

Finally, an interesting point concerns the relative evaluation of moral principles. The survey revealed that the harm principle, world survival, and indirect reciprocity are influential, whereas egalitarianism and utilitarianism are less influential. Communitarianism, sufficientarianism, and altruism are ranked between these two groups. This study found that willingness to act was subordinate to appropriateness; however, there was no real change in ranking from appropriateness to willingness to act. Therefore, barriers to action would not be intrinsic to each principle but would be external costs associated with action. Egalitarianism and utilitarianism are important moral theories that address issues within the same generation. Their underperformance in an intergenerational context could be due to the distinctive relationships between generations. Although others within the same generation can be imagined and observed, it is difficult to imagine future generations. Empathy toward others is an important channel (Slovic, 2010). However, the intergenerational context does not allow people to feel the presence of others who should be equal to them or whose happiness should be added to maximize the sum of the happiness of all generations. The other principles evoke more emotions than egalitarianism or utilitarianism. The harm principle, one of the highest principles, prohibits harming future generations and such a negative imperative is evocative. World survival also leads to negative perceptions of world destruction. Indirect reciprocity draws attention to our dependence on our ancestors' legacy and raises our awareness of our responsibility to carry that legacy into the future. There are also aspects of intermediate principles that are more emotionally evocative than egalitarianism or utilitarianism. Communitarianism also evokes a sense of commonality. Sufficientarianism activates a sense that a minimum level of care must be provided by presenting a bottom line. Altruism mobilizes other-regarding feelings. These principles share the motif of "helping others." The principles are ranked according to the degree of emotional arousal, forming a structure in which the group that includes the harm principle, world survival, and indirect reciprocity is at the top, and egalitarianism is at the bottom. The ranking of moral principles obtained in this study could have been affected by changes in the statements in Table 1. However, it would be valuable to emphasize that the moral principles were presented based on previous studies (e.g., Arrow, 1999; Wolf, 2021) and that the principles were presented to the readers in a transparent manner so that follow-up studies could verify their appropriateness, if necessary. The survey

conducted in this study provides a baseline for future research that explores more compelling moral principles. Modifications to these principles may provide clues for improving moral principles and making them more persuasive. For example, sufficientarianism has emerged as an improvement over egalitarianism (Frankfurt, 1987).

5. Conclusion

In this study, a survey was conducted among a representative sample of Japanese citizens to examine the role of eight moral principles in resolving intergenerational conflicts, assessing the appropriateness of the principles and participants' willingness to act in accordance with them. In terms of the absolute level of the principles' function in resolving conflicts, this study offers some promise, albeit cautiously, as a strategy for resolving conflict. Overall, participants responded positively to moral principles. Older and more educated individuals responded better to these principles. Given their leading roles in society, this finding was positive regarding the use of moral principles. However, it also suggests a challenge in approaching those who do not respond to the strategy. The study revealed that a non-negligible proportion of respondents gave only weak support for any of the principles and that these people appeared to be younger and less educated. It was suggested that they either need to be exposed to different moral principles or provided with different resources, such as small group deliberation, to develop their sensitivity to moral ideas. Among the eight tested principles, the harm principle, world survival, and indirect reciprocity were influential, whereas egalitarianism and utilitarianism were not. The author argues that the degree of emotional component in the principles may underlie their ranking. Moral principles have also been shown to work in fiscal policy, although not as well as climate change, which is a more typical intergenerational issue.

Despite these distinct findings, the study has several limitations. First, it examined eight principles derived from moral philosophy. However, moral principles are not limited to these eight. It would be useful to explore broader moral dimensions in the future. Second, although the author took necessary steps to reduce social desirability bias, it is advisable to conduct an experiment with rewards, as required by experimental economics, in order to get respondents to answer the questions fully and honestly. Finally, this study was based on a survey conducted in Japan, and the strength of moral principles may be influenced by culture. Further research in different cultural contexts promises richer insights.

Acknowledgments

The author appreciates Cristina Bicchieri (University of Pennsylvania), Stephen Gardiner (the University of Washington), Jonathan Haidt (New York University), Tatsuya Kameda (the University of Tokyo), Joshua Knobe (Yale University), Keiichiro Kobayashi (Keio University), Tatsuyoshi Saijo (Kyoto University of Advanced Science), and Samuel Scheffler (New York University) for their discussions with the author in the preparation of this study.

Conflict of Interests

The author declares no conflict of interests.

Supplementary Material

Supplementary material for this article is available online in the format provided by the author (unedited).

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Is the Young Precariat a Problem of Modern Democracy? A Case Study of Poland

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Submitted: 20 October 2023 **Accepted:** 16 January 2024 **Published:** 27 March 2024

Issue: This article is part of the issue “Considering Future Generations in Democratic Governance” edited by Yasuko Kameyama (University of Tokyo) and Tomohiro Tasaki (National Institute for Environmental Studies), fully open access at <https://doi.org/10.17645/pag.i379>

Abstract

This article addresses the issue of the role and importance of the young precariat for the functioning of the democratic system. Based on scenario planning, it presents three possible directions for the development of democracy in the context of meeting the needs of the young precariat. The first scenario assumes a continuation of the measures applied so far by democratic governments towards young precarious people related to social policy and the low representation of the young generation in politics. The second involves a move away from democracy towards non-democratic systems, where the needs of precarious people are irrelevant. The third assumes a new approach among democratic governments to the needs of young precarious workers and the shaping of new social policies, as well as the creation of incentives for young precarious workers to be more widely involved in these policies. The empirical context for these considerations is an attempt to determine the possibility of the occurrence of each of these scenarios in Polish conditions, based on the results of qualitative studies conducted via asynchronous interviews with representatives of the young Polish precariat. The research relates to Poland and takes into account the characteristics of the Polish precariat. The article uses a mixed research methodology, combining different methods for solving research problems, including collecting, analyzing, interpreting, and presenting quantitative and qualitative data.

Keywords

democracy; Poland; precariat; scenario planning; social policy; young workers

1. Introduction

This article aims to identify the weaknesses of democracy that directly and indirectly contribute to the phenomenon of precariousness, which largely affects young people entering the labor market. It also aims to identify potential directions of action for governments (politicians) to contribute to greater political and social involvement among young, precarious people. These considerations take into account their social context. The practical objective is to identify possible courses of action in this area based on scenarios for governance with regard to young, precarious people. This article also has a theoretical goal related to the application of scenario planning methodology, mainly used in business, to another sphere of functioning: politics. The added value of the article is an attempt to determine which of the indicated scenarios in this area has a chance of being realized in Poland.

The precariat can be understood as those holding “employment that is uncertain, unpredictable and risky from the employee’s point of view” (Kalleberg, 2009, p. 17). It consists of people hired for individual jobs or commissions; after completing these, they become unemployed, at least temporarily. They constitute a separate social and working group (Standing, 1999). This understanding of the precariat was used in the direct research involving asynchronous interviews with young Polish precarious people, presented in the final part of this article.

Due to the conditions in which they operate, members of the precariat are generally aware of their relative deprivation; they feel a combination of anxiety, anomie, alienation, and anger (Standing, 2014). Their existence is largely the result of a neoliberal economic and political structure that has allowed employers to demand flexibility from workers through unfair remuneration practices, attacks on trade union membership, and the dismantling of an already underdeveloped social safety net. This has led to an inevitable increase in precarity over the last four decades (Greenstein, 2020). Those in the precariat have no professional identity or positive narrative to bring to their lives. This causes existential uncertainty. For the first time in history, many university graduates are overeducated for the work they do or compared to people employed on permanent contracts. Another unique feature is that the precariat does jobs or work that is neither socially recognized nor well rewarded (Standing, 2016).

Due to the size of the precariat, which in many countries constitutes 20% of working people, it has aroused the interest of politicians, and its problems are becoming relevant for the continuing endurance and development of democracy. One of the consequences of the precariat phenomenon is low political involvement among this group. Research conducted by Kiersztyn (2018) with regard to Polish precarious people confirmed their low interest in politics and their skepticism towards the principles and mechanisms of democracy.

The presented analysis of phenomena related to the precariat focuses on Poland; this was due to the possibility of conducting direct research and the availability of respondents. Moreover, in Poland, there is a noticeable deficit of research on the phenomenon of the precariat, especially the political consequences of labor market instability for the young generation. Therefore, the research was innovative and is worth continuing, especially considering the growing importance of neo-populist movements or extreme political groups. Taking into account similar indicators of the quality of democracy and society’s wealth, it seems

justified to hypothesize that similar results would be obtained in other parts of Central and Eastern Europe. However, this is an assumption that should be verified by comparative research, preferably not only covering the countries of this region.

This article deals with the precariat in the context of its impact on the shape of democracy due to the underestimation of this group by politicians. As a result, precarious people do not have representatives who will try to solve their problems and better meet their needs. If this situation persists, precarious voters may support populists or anti-democratic parties. It can also be assumed that the number of young, precarious people will continue to grow: Job losses due to increasing automation and robotization contribute to the increasing insecurity of the younger generation in the labor market. This uncertainty is exacerbated by the young generation's challenges in gaining independence; here, one may point to high real estate prices and problems with obtaining creditworthiness. Deficits in stabilizing the young generation in a world of dynamic change may result in them supporting neo-populistic groups or voting for extreme (left or right) political groups that challenge the current economic and political order.

2. Problems of Democracy

In the ancient understanding of the word, democracy meant rule by the people. Referring this idea to present times, it should be stated that the effectiveness of democracy depends on its five basic pillars: free and fair elections, a multi-party system, power sharing, the rule of law, and protection of human rights (Barr, 2020). According to Diamond (2004), there are four basic elements of democracy: (a) a political system that allows the election and replacement of governments through free and fair elections, (b) active participation of people as citizens in politics and civic life, (c) protection of the rights of all citizens, and (d) the rule of law, where rules and procedures apply equally to all citizens. From this standpoint, it can be seen that modern democracy includes institutions as well as procedural solutions—elements (a) and (b)—along with the protection of human rights and the observance of the law (Diamond, 2004).

Modern democracy is experiencing problems. Opinions about its future are skeptical (Bartels et al., 2023). There is resignation and doubt regarding the democratic resources of the present day and civic readiness to participate in political decisions (Frühbauer, 2013). These beliefs are expressed in many scientific publications that describe the so-called “fragility of democracy” or “deranged democracy” (Braun & Geisler, 2012). Also, young people belonging to Generation Z trust democracy and politics less and less and are more susceptible to populist voting than previous generations (Lewsey, 2020).

The marginalization of work is not divorced from the state of modern democracy. In circumstances of globalization, the disproportion between labor and capital widens, to the detriment of labor (Dybus, 2016). Work per se is more immobile than capital, especially financial capital. As a consequence of this state of affairs, phenomena such as unemployment and underemployment arise, along with difficulties in finding potential employees in the labor market, especially young people. Nowadays, the phenomenon of the “working poor” is becoming increasingly palpable (Kalugina, 2013).

Eurostat (2023) statistical data reveal particularly significant increases in the number of young people (aged 15–34) classified as NEET (not in employment, education, and training) in 2006–2015 in the following countries: Greece (a 57.6% increase), Cyprus (55.8%), Denmark (55.5%), Spain (48.2%), the UK (44.6%),

Ireland (39.7%), Italy (32.5%), and Slovenia (35.9%; Muster, 2020). Looking at Eurostat data for 2009–2022, a downward trend can be observed in the total number of persons in temporary employment in the EU, both absolutely and as a percentage of all those employed. However, the situation is much worse for young people, that is, those in the 15–29 age group. For the EU as a whole, in 2022, the fixed-term employment rate for this age group was 25.1%. In Poland, this figure was in the range of 20%–25%; for comparison, in Spain and Italy, it was more than 30% (Eurostat, 2023).

The stable employment relations of the industrial era, regulated by permanent employment contracts and supervised by social partners, are becoming a thing of the past. A feature of modern economies is servitization, accompanied by the employment of workers on a mobile basis on so-called “junk contracts” that do not offer any social security. The coronavirus pandemic has also brought changes to the labor market and made it more flexible (Adamowicz, 2022). A hybrid work model, whereby employees commute to the office two or three days a week and work remotely the rest of the time, is a commonly implemented solution in companies today (Kelly, 2021). The proportion of people forced into short-term precarious jobs is growing rapidly in some sectors and is a threat to working conditions. It is widely expected that non-standard jobs will multiply and new forms will emerge as a result of digitization and robotic technology (“The gig economy and the precariat,” 2019).

3. Methodology

3.1. Initial Considerations

In researching the question of whether the young precariat is a problem of modern democracy, a mixed research methodology was used, whereby the researcher, bearing in mind the research goal, may use different approaches to discover the truth and/or expand knowledge. Mixed-method research is a research methodology that includes multiple methods for solving research questions in an appropriate and principled way, including the collection, analysis, interpretation, and presentation of both quantitative and qualitative data (Bryman, 2012; Creswell, 2015; Creswell & Clark, 2011). This approach includes the method of triangulation, based on the assumption that no single method can grasp, explain, or facilitate the understanding of human experience and the phenomena of life in its various dimensions. The triangulation strategy expresses the search for solutions that help to obtain the most comprehensive, thorough, and critical understanding of the studied phenomena. This is achieved by combining various methods, empirical materials, perspectives, and observers (Carter et al., 2014; Furmanek, 2016).

For the purposes of this study, the sources were triangulated. This involved using and comparing data from various representatives of the Polish precariat, who participated in the research conducted by the author of this study via asynchronous interviews, and research by other Polish authors related to the political involvement and expectations of young members of the precariat. On the basis of the available scientific publications, the essential characteristics of the young Polish precariat were established. Both direct research and desk research were used in this study.

Section 4.1 presents data on the characteristics of the Polish precariat from direct research conducted by the corresponding author of this article in 2021 on a sample of 1,000 precarious workers. This study used a quantitative sample that reflected the percentages in Poland of people performing work on the basis of

commission agreements or a work contract, those employed informally, and trainees employed for a maximum period of one year with no guarantee of further employment. The survey was thus representative. Respondents were over 18 years of age.

Section 4.3 presents the results of direct research conducted by the author of this article on the basis of the aforementioned asynchronous interviews. The invitation to participate was sent electronically to 2,000 potential respondents, all of whom were former and current students at the University of Silesia, with whom the corresponding author of this article had had classes. Invitations were sent using ready-made lists of students with e-mails assigned to their names and surnames. When sending e-mails, the mailing list was classified.

This study used a deliberate selection of respondents: It was assumed that the students to whom invitations to participate in asynchronous interviews were sent would belong to a group of young, precarious people. The aim was to obtain at least 30 complete interviews; this was achieved. Taking into account the number of invitations sent, the surveys revealed some obstacles to conducting them in this form. These include the general reluctance of young people and students in Poland to participate in social or market research. The current situation of the labor market in Poland, which is associated with a surplus supply of full-time employment in relation to the number of people willing to take up such employment for an indefinite period, also had an impact on the relatively low rate of return for the invitations sent for such surveys.

Based on the conditions related to the challenges and weaknesses of contemporary democracy, which were presented in Section 2 of this article and the results of asynchronous interviews, taking into account the methodology of scenario planning contained in Section 3.2, hypothetical scenarios of government actions were presented, taking into account to various extents the needs of young precarious people in terms of social and political activity. An attempt was then made to determine which of them had the best chance to be realized in Poland.

3.2. Scenario Planning: An Overview of the Method

Scenario planning is a method of examining situations that might affect the implementation of a specific strategy. It forces decision-makers to look at possible future states that may occur beyond conventional extrapolations of current trends. This method enables the exploitation of unexpected opportunities as well as protection against unfavorable situations and exogenous shocks. Scenario planning is therefore seen as a method of corporate planning, or as a policy tool to be used in conjunction with decision impact simulations (Barma et al., 2015). Scenario planning is the art of juxtaposing current trends in unexpected and anticipated combinations to formulate a surprising yet plausible future (Asal, 2005; Barma, 2016; Tetlock, 2005). The scenario planning process begins with the divergence phase, which serves to develop thoughts about how a given institution functions, with the aim of inspiring and identifying new opportunities (Ramen, 2020). The individual phases of scenario planning are detailed in Figure 1.

The planning process includes leadership and specific lines of action that may be implemented. The knowledge gained in the divergence phase is used to inform practical action. The convergence phase involves selecting a specific scenario to implement and then monitoring.

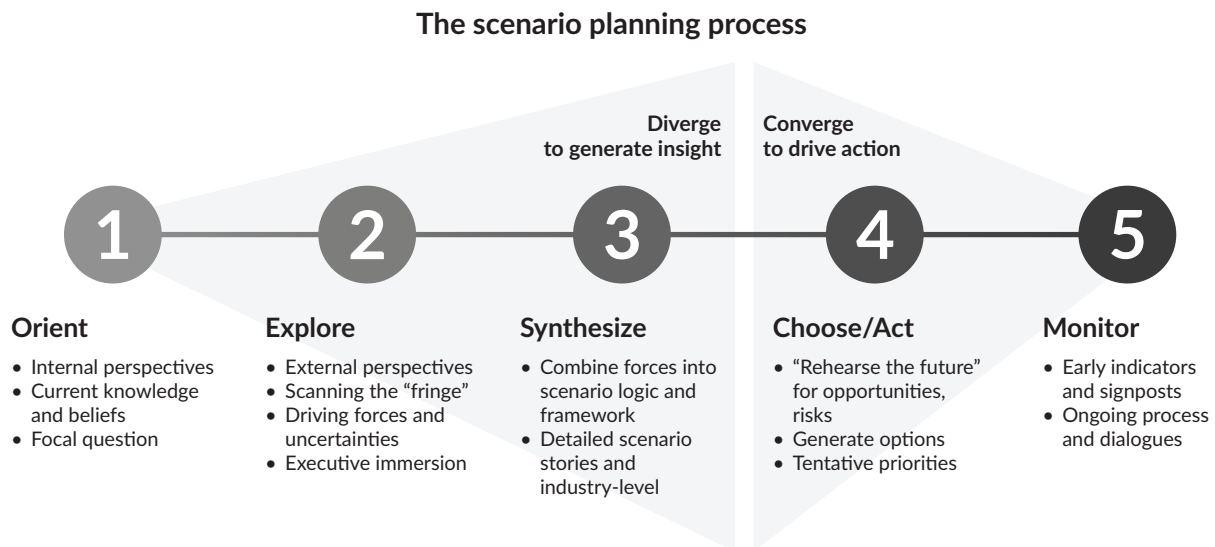


Figure 1. The scenario planning process. Source: Ramen (2020, p. 3).

4. Research Results

4.1. A Portrait of the Young Precariat in Poland

The concept of the precariat combines several co-occurring themes: young age, low income, temporary employment or lack of it, lack of life prospects and financial plans for the future, lack of housing, and often lack of a family and reluctance to start one due to lack of life stability (Knapińska, 2014). These attributes, most of which relate to young people aged 18–30, are confirmed in Polish conditions. In this study, it is assumed that the Polish precariat consists of people living in Poland who have precarious employment, perform individual jobs or assignments based on commission agreements or work contracts, work in an informal (undeclared) way, or are volunteers or trainees employed for a limited period, usually less than a year, with no guarantee of further employment.

Topics related to the Polish precariat have been analyzed by Polish researchers. Their analyses have focused on how the situation of being precarious affects the sense of security of the individual. People in precarious situations feel less secure than those in permanent employment (Kiersztyn, 2017). Interesting research on the Polish precariat was carried out by Mrozowicki (2017). It delved on the extent of acceptance of this phenomenon by Polish, young precarious people. Taking into account the profiles of Polish precursors presented in this research, young people who are just entering the labor market are at greater risk of this phenomenon; some of them are not satisfied with this situation and have doubts about how their lives will turn out, including their further professional careers. Other young people with part-time jobs feel comfortable in this situation, treating it as their life choice. They are convinced that they have the potential to get a job under an employment contract. For now, however, they want to gain professional experience and enjoy life. In Poland, there is also a third group of people forming the precariat. They treat the need to earn extra money or work under civil law contracts as a bad phenomenon that negatively affects their lives and self-esteem. They believe that a large role in strengthening this phenomenon is played by employers who have high expectations of new, young employees and expect high motivation from them, but this does

not translate into their subsequent employment on contracts for indefinite periods. This causes an increase in the number of people dissatisfied with this type of employment practice (Mrozowicki, 2017).

Members of the Polish precariat have their own specific expectations of politicians and the government. The scope of assistance received by this social group is assessed to be insufficient and is perceived negatively. Of the precariat, 17–21% positively evaluate government aid. From the point of view of the precariat's level of social security, the scope of the assistance they expect from the Polish government is relevant. Their main expectation is state support to help them open their own businesses and a permanent basic living allowance. Another expected form of assistance is education and training to become an entrepreneur: 26% of the precariat would like to receive this type of state aid. The final form of expected support is an education voucher to be used for self-development in line with their interests: 21% of the Polish precariat would like to receive this form of help from the government. Of the Polish precariat, 18.9% expect nothing from the state. Women express a greater need for support: They are potentially more willing to use material assistance from the state to start up their own businesses, as well as a permanent basic living allowance and an education voucher. Men, to an even greater extent than women, expect financial support from the state to set up their own businesses, but are more likely to declare that they do not need any state aid to improve their living conditions or change their professional situation (Czuba & Muster, 2023).

Limited prospects for living independently, lack of professional development, low wages, and problems achieving professional stability frustrate the young generation. Such people are particularly susceptible to the arguments of populist groups that contest the existing democratic order (Kryńska, 2017). A thesis may, therefore, be formulated that the more precarious workers there are in the labor market, the greater the likelihood of strong populist movements striving for revolutionary changes in the economic and political order.

4.2. Possible Scenarios of Government Action for the Young Precariat

Considering the overview presented earlier, it is possible to speculate on the courses of action that politicians might potentially take to limit the harm caused by the precariat phenomenon and to better include its younger representatives in political life. Possible scenarios in this regard are presented below.

4.2.1. Scenario 1

This scenario assumes no new measures are taken by states and governments to reduce the size of the precariat. This might result from the belief that the free market will deal with this phenomenon on its own, giving the precariat better job opportunities and social advancement over time. This scenario also assumes that social policies counteracting poverty and social stratification will be pursued at current levels, without introducing new solutions in these areas. This might be due to a lack of ideas about how to solve the problem of the precariat sensibly, as well as a lack of sufficient financial resources. Governments may also choose this option due to the passivity of the precariat and their inability to organize associations or political movements. Older representatives of the precariat are often embittered yet reconciled to their lot; they are offended by politics, or their lives revolve around existential problems. In this scenario, the government may face a problem with Millennials and Generation Z precariat members with their own specific expectations of

employers and governments, who have grown up in an educational model that grants them more and more rights over teachers, and who are also knowledgeable about the concept of human resource management, which grants significant rights to employees and emphasizes their empowerment. The young precariat may be disappointed by the gap between their expectations regarding the job they would like to do or their prospects of starting a family and their current life situation in which the pursuit of basic needs takes center stage. This situation may lead to a rebellion by this group, who may then be joined by other social groups—for example, public sector employees or the so-called working poor. In the current reality, the factor preventing the occurrence of the analyzed scenario and the possible social rebellion of the young precariat is their lack of social commitment and leadership. History, however, teaches us that in circumstances of poverty and lack of life prospects, young precariat leaders may emerge, wanting to act on the political scene and influence politics. They will be particularly active in election years.

4.2.2. Scenario 2

The second scenario assumes governments may gradually drift away from democratic principles, in favor of transforming democracy into an authoritarian system. Various “emergency situations” similar to the Covid-19 pandemic, when citizens were temporarily deprived of their rights in the name of the general health and safety of the public, may be conducive to this state of affairs. Restrictions were introduced with the intention of being temporary, but some are still in place, even though the pandemic has now slowed down. An example of this in Poland is that many offices still have plexiglass shields separating officials from clients, even though formally they do not need to be maintained. These emergency situations may deprive citizens of their existing democratic rights in the name of the so-called greater social good. Over time, these rights may become so eroded that existing democracies may be closer to non-democratic states that function well in economic terms, even though democracy has vanished. One example might be China, where the economy is largely based on the capitalist philosophy, although the political system is far from a democracy as understood by Western or EU countries. In this scenario, the precariat is not a problem for those in power, because, in the event of a rebellion, they can be easily pacified: treated as rebels or as enemies of society.

4.2.3. Scenario 3

In the context of democracy, a scenario whereby states and governments play a more active role in limiting the precariat phenomenon is also possible. This is associated with the reconstruction and strengthening of existing social policies and possibly with greater direct involvement of states/governments in the economy, perhaps by renationalizing private enterprises or making wider use of public–private partnerships. Private companies involved in such projects could be obliged to create permanent jobs; there could also be state investment in certain branches of the economy to generate opportunities to create new state-owned enterprises offering permanent employment. This type of action may create opportunities for sustainable, non-precarious jobs and allow states to provide a minimum level of products or services for society. This is relevant for the abovementioned emergency situations related to pandemics, wars, and disruptions to supply chains.

In this scenario, governments should also encourage the precariat to participate in elections. This is, after all, a way to elect representatives who care to some extent for their interests. These representatives should have a real impact, in terms of social policy, on the level of social assistance offered to the precariat. This type of aid,

addressed to all or some of the precariat, seems to be a better solution than the unconditional basic income introduced as a pilot in some countries. At least, the former option would appear to be less expensive. It could potentially take the form of vouchers, which members of the precariat who meet certain criteria could use to buy products and various types of services to meet their needs. Potentially, vouchers from Sodexo, or other institutions issuing them could be used for this purpose. Further forms of state support for the precariat could include state-funded health insurance, financial assistance for holiday leave, or possibly subsidized utility bills. Measures of this kind, using an income criterion, would contribute to equalizing the standard of living between the precariat and employees with permanent jobs.

4.3. How Realistic Are These Scenarios, Taking Into Account the Role of the Young Precariat in Public and Political Life in Poland?

To discover the feasibility of the scenarios presented in the previous section related to the role of the young precariat in political and social life in Poland, in May–June 2023, the corresponding author of this article conducted qualitative research based on asynchronous interviews. An asynchronous e-mail interview is a qualitative research method whereby information is collected and exchanged online between the researcher and the participant within a specific time frame. These data are not shared with other participants, as is often the case with virtual focus groups (Hawkins, 2018; Ratislavová & Ratislav, 2014). The research included an asynchronous dialogue based on the idea of time flexibility from the perspective of the participant (Hamza-Lup & Goldbach, 2019). Respondents were sent an invitation to participate in an asynchronous interview, specifying a two-week deadline for responses. Participants had to enter the link provided in the e-mail, directing them to the interview in Google Forms. In case of doubt, those participating in the interviews could contact the researcher by e-mail. In practice, none of the participants in this research asked for clarification on specific issues.

The use of this research method was justified by the fact that the young Polish precariat, as representatives of Generation Z, are well acquainted with the internet and digital means of communication. In addition, the research method used was conducive to reaching young people not permanently employed at the time of the research. Current and former students at the University of Silesia in Katowice aged 20–29 were invited to participate. The university's e-mail system was used to distribute the interviews. The researcher used lists of the e-mail addresses of current and former student groups with whom he had had classes in 2017–2023. The participants were professionally active students working flexibly and without a permanent job at the time of the study. The interview questionnaires were sent electronically to 2,000 potential respondents; the goal was to obtain at least 30 completely filled-in questionnaires. This was achieved: 34 such responses were received. The interview questionnaire consisted of a record containing data on the respondent's gender, age, place of residence, and current form of part-time work. The main part of the interview consisted of eight groups of open-ended questions. The answers to these questions would provide data on the possibility of one of the scenarios proposed above occurring in reality.

The participants consisted of 35% men and 65% women. The largest proportion of respondents, 32%, were aged 21–23. Those aged 23–25 and 25–27 each made up 26% of respondents, while 9% were aged 27–29. The smallest group (6%) were aged 18–20. With regard to forms of employment, the majority of respondents (71%) declared they were employed on a contract of mandate, 15% were working illegally, 9% were currently employed on a fixed-term internship, and 6% were formally employed as volunteers. The participants were

also asked about their place of residence. The largest group (38%) stated they lived in a town, 35% lived in a city, 15% in small towns, and 12% in villages.

The first group of questions asked whether democracy mattered to the young Polish precariat or whether they were indifferent. Most responded that this was a fairly important issue for them; however, there were a fairly substantial number who felt indifferent. This indifference resulted from the feeling of having no influence on politics and political life in Poland. This is well illustrated by one of the responses:

It doesn't matter much to me because I don't feel this democracy. There are elections every few years and that's that. What kind of democracy is this, where we can only choose the government that will govern us? It would mean much more to me if important decisions were made by popular vote, or if someone at least took into account the results of such a vote.

The second point raised in the research was the weakening of democracy and governments slowly moving towards economically efficient systems in which experts play an important role, while citizens have fewer and fewer rights. Most of the respondents agreed that democracy is weakening and citizens have fewer and fewer rights, while, at the same time, experts are beginning to play a significant role in political life.

Some young Polish precariat appeared indifferent to the weakening of democracy. This approach is illustrated by the following response:

It seems to me, judging from conversations with my peers and guys younger than me, that all issues related to democracy are losing some relevance among young people (and not only). More and more people are putting their own good financial situation ahead of who rules and how, which is sad because these things are inextricably linked, in my opinion.

Participants were also asked whether they thought future Polish governments would pursue similar policies towards the young precariat—approaches that do not fully meet their needs. They could also comment on whether they saw any chance of these policies changing, and assess their current direction. In principle, all the respondents believed that whatever kind of government rules Poland, its policy towards the young precariat will remain the same—not taking into account their needs and expectations:

I think that politics will continue in the direction in which it is currently going. The powers that be, regardless of the options, will focus on “handing out” more than the competition and trying to buy votes through various types of programs like apartment+, highway+, XYZ+. And this is not what young people expect. In my circle, there is a belief that the only thing the government should give us is the chance to work honestly for decent wages, so all those social allowances won't be needed.

The research also referred to the young Polish precariat's lack of self-organization, the lack of leaders among them, and their lack of appropriate social and communication skills to convey their expectations to politicians. The responses to these questions fell into three categories. Some emphasized how the young precariat felt discouraged from active political involvement; others pointed to the marginalization of such activities or attempts to do so by the current government. The third group of answers indicated problems with the young precariat's self-organization in Poland.

Next, the respondents were asked to indicate any factors that might make politicians in Poland listen to the voice of the young precariat and meet their needs. Their answers, as with the previous question, could be divided into three groups. The first group saw no chance of changing the approach of Polish politicians. The second group mentioned the need for a new political group to emerge that would listen to the needs of young people or indicated that generational changes in Polish politics would mean the needs of young Poles were taken more seriously. The third group stated that there was a chance for change in this regard if the young precariat put pressure on the authorities in the form of protests. The answers revealed a group of people who are disappointed with the political situation in Poland and believe that only emigration can make local politicians take more account of the needs of the young precariat.

The young respondents were asked whether they would like the Polish government to appoint appropriate bodies composed of representatives of the young precariat and how feasible it would be to meet this expectation. The answers obtained can be classified into several groups. Some respondents believed that such bodies already exist; however, the problem is that Polish politicians tend not to take their voices into account when making decisions. Others saw little chance of establishing and effectively running such bodies. This belief is evidenced by the following statement:

Perhaps it would be a good solution. Knowing how life works, however, any advice given by similar committees that might strive for some deep socio-economic changes would be ignored—The national and international systems defining the shape of the Polish economy are too strong.

Nevertheless, some respondents were enthusiastic about this idea. One such opinion states: “Yes, I wish such opportunities existed, because young people know what’s going on and should have an impact on running the country where they’re building their own future.” With regard to this issue, some respondents refuted the need to create advisory bodies for the Polish government composed of representatives of the young generation. This is evidenced by the following statement: “I don’t think that we need to create these kinds of structures.”

The respondents were also asked about the actions they ought to take to make their voices heard by politicians and society. The answers to this question, as before, can be divided into three groups. The first mentioned that young people should be more active on social media and present their point of view there. Other respondents think the young generation should organise protests to grab politicians’ attention. The young Polish precariat also points out the need to participate in elections and choose politicians who can meet their expectations.

Finally, the respondents were asked about the importance of the young Polish generation being visible in politics. The respondents were provocatively asked whether perhaps this issue did not matter to their generation. There were two types of answers to this. One group believed that for some, visibility in political and social life is important, but for a significant section of the young precariat, such matters are of little significance. The second group believed that quite a large number of people from their generation are active in their communities and in social life. When answering this question, the respondents indicated various limitations regarding their social activity. They pointed out, *inter alia*, that politicians do not take their opinions into account, which makes it difficult for them to join parties as a new generation of politicians. Some respondents expressed discouragement and pessimism regarding the possibility of this change.

5. Discussion and Conclusions

Considering these responses, the young Polish precariat mainly seemed to appreciate the fact that they live in a democracy. Such views may indicate that if the second of the presented scenarios were implemented—that is, a move from democracy in Poland towards a non-democratic system—these people would potentially defend democratic values. However, quite a large group of respondents appeared indifferent to the system under which they would like to live in Poland, provided they could satisfy their aspirations and life needs.

They were also asked about the possibility that the government in Poland might change its approach to be more aligned with the perspective and needs of the young precariat. Most stated there was little chance for change in this respect. This conviction may be a premise for the occurrence of the first of the proposed scenarios in Poland, assuming the same social policies and attitudes towards people from the young generation entering politics.

The research also explored the Polish precariat's poor self-organization. Some respondents emphasized that young, precarious people are discouraged from any active involvement in politics. Others pointed out the marginalization of such activities or attempts by the current rulers to do so, while a third group indicated specific problems with the self-organization of the young precariat in Poland. Despite the differences in the responses to these questions, the phenomena they reveal are conducive to the realization of the first or second of the proposed scenarios.

The young respondents were asked whether they would like the Polish government to appoint appropriate commissions composed of representatives of the young precariat. They were also asked to assess the likelihood that this expectation would be met. The answers obtained can be classified into several groups. Some respondents believed that committees composed of young representatives of Poles already exist. The problem, however, is that Polish politicians tend not to take their voices into account when making decisions. Other respondents were very interested in such initiatives. Another group of respondents refuted such ideas, considering them unnecessary. Taking into account these opinions on the matter, it can be concluded that they are diverse and sometimes contradictory. This means that the first or second of the presented scenarios are more feasible in Polish circumstances.

The study participants were asked about the actions they should take to make their voices heard by politicians and society. Their responses lead to the conclusion that the young precariat should be more active on social media, express their opinions through protest campaigns and consciously participate in parliamentary elections, voting for candidates who are willing to meet their needs. The answers to this question may be an opportunity for the third of the proposed scenarios to emerge in Poland, which would involve taking into account the needs of the young precariat and creating the right conditions for them to enter politics.

The respondents were asked about the importance of the young Polish generation being visible in politics. A significant number of the respondents believed that for some of the younger generation, visibility in political and social life is important, but for a major section of the young precariat, such matters are of little importance. This type of approach to the political involvement of the young precariat represents, on the one hand, an opportunity to implement the third of the proposed scenario, provided that the group of young

people involved in political issues is large. On the other hand, the passivity and indifference towards this issue observable in the respondents' answers is a premise for the first or second scenarios to occur in Poland. With regard to the involvement of the young precariat in political life in Poland, a large number of respondents stated that a significant number of people from their generation are active in their communities and in social life. This factor would be conducive to the implementation of the third scenario in Poland. Some statements, however, indicated discouragement and pessimism regarding the possibility of wider participation of young people in political life.

Although the conducted research was qualitative and preliminary, its results are largely consistent with the findings of previous research on the political beliefs of young Poles. Similar conclusions to those presented above are shown by the results of a study entitled *Youth 2020—In Search of Identity* conducted by the Batory Foundation in Poland (Boni, 2021). The studies cited here show, analogously to previous ones, tremendous diversity among the young generation. They may be divided into “traditionalists” and “innovators”: This shows that the young generation of Poles is significantly polarized. This study also referred to the issue of young Poles' political involvement, finding an increase in the number of young people participating in presidential elections since 2015. This suggests that politics is of interest to the young generation. On the other hand, they tend to distance themselves from membership in certain political parties. They are pessimistic about whether any action taken by parties existing in Poland could possibly meet their needs (Boni, 2021).

The shifting mobilization of young people to vote in elections does not go hand in hand with a conviction that democracy is not worth the effort or a feeling that their voice does not matter. The latest survey of attitudes towards democracy, published by CBOS in May 2021, shows that in the 18–24 age group, the belief that democracy has an advantage over other forms of government is shared by 65% of respondents (Fundacja CBOS, 2021). The simplistic thesis about the apathy of the young generation is therefore not confirmed. This does not mean, however, that young citizens hold the key to solving the problems facing Polish democracy. It is often mentioned in debates that Polish politics needs “new faces”—people who are not embroiled in long-term conflicts between rival groups and who are not shackled by political careers, networks of dependencies, privileges, and favors built over the years. However, young people are not at all eager to play this role. They usually scorn action taken by the Sejm and the Senate, and they do not want to join political parties as an organized group. Their involvement takes other forms: They prefer crowdfunding campaigns. The popularity of this form of involvement among young Poles is much greater than among their peers in other countries in the region. As many as 40% of young Poles questioned by the National Democratic Institute declared that they had been involved in crowdfunding in 2018–2019, compared to 23% of Slovaks, 9% of Hungarians, and 7% of Czechs. They might also go on demonstrations or volunteer in social initiatives (Pazderski, 2019).

The emerging pessimism and discouragement felt by the young precariat are factors conducive to the implementation of the first or second of the proposed scenarios in Poland. However, it seems that due to the history of Poland and the love of freedom, the second scenario, involving a move away from democracy, would be difficult to implement and encounter widespread social resistance. In the context of such considerations, the first of the proposed scenarios is most likely to be implemented in Poland, with some modifications taking into account some elements of the third scenario, which may include the introduction of an unconditional basic income in Poland. This is a possibility because the pilot form of this solution is currently being tested in selected communes in Poland.

Funding

The funds from which research related to this article and its publication were financed come from the University of Silesia in Katowice and are allocated to the research of its employees.

Conflict of Interests

The authors declare no conflict of interests.

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The Role of Future Generations in Place Branding: The Case of Huelva City

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Submitted: 27 October 2023 **Accepted:** 16 January 2024 **Published:** 28 February 2024

Issue: This article is part of the issue “Considering Future Generations in Democratic Governance” edited by Yasuko Kameyama (University of Tokyo) and Tomohiro Tasaki (National Institute for Environmental Studies), fully open access at <https://doi.org/10.17645/pag.i379>

Abstract

The process of creating place brands must position the citizen at the center of the debate. The City Council of Huelva, a city in Southern Spain with a population of 142,538 inhabitants, promoted a territorial brand in 2022 in order to seek a new positioning for the city in tourism markets, investment, and talent attraction. Its development was based on a qualitative and quantitative methodology, previously tested out in other cities and locations in Spain, which is shaped by research groups, semi-structured interviews, and surveys of the citizens. This method aims to place the citizen, who ultimately is the user of the brand, at the center of the social research process that determines the tangible and intangible values associated with the brand narrative. The main objective of this article is to highlight, based on the case study of the brand Huelva Original, the importance of two groups in the construction and deployment of a place brand (Millennials and Generation Z and the political class). Firstly, out of the 1,194 people who participated in the fieldwork, 47.92% were under 40 years old. These two generations are crucial for creating a brand narrative that has long-term viability and presence in the digital environment. Secondly, the development of the brand narrative facilitated a cooperative process among the different political groups in the City Council, especially the two most represented (conservatives and social democrats), which enables the search for collaborative workspaces among political groups to ensure that the implementation of the brand transcends the term of a mandate and goes beyond short-termism political actions. The results indicate that the new brand uniquely differentiates Huelva, emphasizing internal pride and co-creation. Open innovation facilitates cooperation among stakeholders, improving governance. Both Millennials and Generation Z citizens, as well as politicians, are key to the long-term sustainability and reach of the brand.

Keywords

citizen participation; city marketing; democratic governance; Generation Z; Millennials; place branding; Spain

1. Introduction

The creation of territorial brands should prioritize citizen participation (Jernsand, 2016; Kavartzis, 2012). In 2022, the City Council of Huelva, a city in Southern Spain with 142,538 inhabitants (Instituto Nacional de Estadística, 2021), launched the territorial brand Huelva Original to redefine its position in the tourism, investment, and talent markets. This place branding strategy aimed to change the perception of Huelva and attract new target audiences. To achieve this goal, the Huelva City Council recognized the significance of future generations in crafting a robust and enduring brand strategy. It is essential to engage the youth and the upcoming generations in the process of defining the city's identity and values. Their active participation not only ensures an appropriate representation of their interests and aspirations but also offers them the opportunity to be part of the development and growth of their city.

Future generations (Generation Z and Millennials) possess a unique and fresh perspective about cities and regions (Ebrahimi et al., 2019) that can enrich Huelva's place branding strategy as well. By including them in the decision-making process, the brand can be ensured to reflect the needs and desires of these generations, enhancing their emotional connection to the city (Mamula-Nikolić et al., 2022; Nagaynay & Lee, 2020). Furthermore, the involvement of future generations also implies a long-term vision. This vision is crucial to guarantee the long-term sustainability of the branding strategy and that the City of Huelva remains attractive and relevant in the following years (Alshuwaikhat et al., 2022).

1.1. Context of the City of Huelva

Huelva, a city enriched by its diverse heritage, cultural vibrancy, and socio-economic significance, seeks to strategically position itself in an increasingly competitive global landscape. As urban centers around the world strive to lure in visitors, investments, and talent, the goal is not just about boosting the economy but also about enhancing the living standards of their residents.

In an identity-focused economy, regions endeavor to spotlight their unique attributes, aiming for differentiation in a crowded global market (Anholt, 2006). This is often achieved through the establishment of a recognizable brand identity, a representation that influences perceptions and fosters a sense of belonging among inhabitants. The journey of place branding is markedly different from corporate branding (de San Eugenio Vela, 2012). For cities like Huelva, it entails a convergence of historical, geopolitical, and public perspectives. The primary objective is social upliftment, which requires a nuanced approach that understands and caters to diverse stakeholders.

Huelva's brand seeks to coalesce the city's vast offerings, drawing inspiration from its *Plan Turístico de Grandes Ciudades* (Major Cities Tourist Plan). The city's strategic location has seen the tapestry of history weave through it—from ancient civilizations to the British era—leaving a rich archaeological and architectural legacy. Besides the historical allure, Huelva boasts lush landscapes, a commitment to quality living, a deep

connection with nature, and a cultural scene teeming with festivals, traditions, and events. The envisioned brand for Huelva is not merely about tourism. It seeks to celebrate the city's distinctive characteristics, aiming for a cohesive identity forged by its residents and stakeholders. Therefore, it is essential to differentiate between the tourist brand—or destination branding—and the territorial brand—or place branding (de San Eugenio Vela, 2012). The tourist brand pertains to the identity created for a specific tourist destination with the goal of attracting tourists. This brand is based on the tourist attractions of the destination, which may encompass its natural and cultural heritage, events, festivals, and tourist facilities, among other aspects (Aires Barroso & Nicolau Mota, 2010). However, the territorial brand refers to the identity established for a specific territory, such as a country, region, or city, to promote its development and differentiation. This brand is grounded in the unique and distinctive features of the territory (de San Eugenio Vela, 2012).

In 2022, the Huelva City Council, the public entity responsible for managing the city's brand, proposed the creation of a tourist brand. In May of that year, the Council's Finance and Heritage Department published the technical and administrative specifications for the design and promotional development of Huelva's tourist brand. This process, through a public competition, resulted in the hiring of the Andalusian company Lugadero, which was tasked with developing the work, beginning with a redefinition of the concept from a tourist brand to a territorial brand. It is from this starting point that the research is grounded.

The new Huelva brand should foster connections between local stakeholders while accentuating its unique attributes. Effective integration into management strategies at multiple governance levels will be essential for the brand's longevity and impact. However, the journey is underscored by the changing political dynamics in both Huelva and the larger Andalusian region. The Spanish Socialist Workers' Party (PSOE), which once championed the Huelva Original territorial brand initiative, witnessed a shift in power. The municipal reins transitioned to the Popular Party (PP), with support from the political party Vox, whereas in Andalusia, after a 37-year reign by the PSOE, the PP took the helm. This political pivot raised questions about the continuity of the Huelva Original brand. But, in a testament to the brand's significance, the PP government has chosen to preserve it and push forward.

1.2. Objectives and Research Questions

This article aims to analyze the significance of two groups—Millennials and Generation Z, as well as political parties—in shaping and implementing a place brand using the case study of Huelva Original. This objective can be transformed into three research questions:

RQ1: To what extent do Millennials and Generation Z contribute to developing and implementing the place brand strategy in Huelva?

RQ2: What role do political parties play in the shaping and implementation of the place brand strategy in Huelva?

RQ3: What are the potential benefits and challenges of involving future generations and political parties in the place branding strategy in Huelva, Spain?

2. Theoretical Framework

2.1. Place Branding as a New Research Field

Place branding conceptualization is an intricate process that involves developing the marketing image of a city or region through various communication strategies (Achmad et al., 2020). This process aims to shape the perception and associations that target audiences have with the place, thereby increasing its competitiveness and attracting investment, tourism, and talent. Place branding is not just about creating an appealing visual image; it is a comprehensive and long-term strategy that aligns with the overall development and economic goals of the city (Cruz-Ruiz et al., 2022).

Kavaratzis (2012) suggests that a territorial brand is not only about promoting a place but also about the strategic management of its identity and reputation. According to Kavaratzis (2012), the territorial brand should be a participatory process involving all local stakeholders, including residents, businesses, and public institutions. This approach recognizes that all these actors play a role in creating and managing the territorial brand and their actions and behaviors can influence the brand's perception. Kavaratzis et al. (2017), who developed the "stakeholders' approach" perspective in place branding to "inclusive place branding," call for more democratic approaches to stakeholders' engagement and thus contribute to further advancing the field. Therefore, De-San-Eugenio and Ginesta (2020) argue that the territorial brand should be considered a strategic asset that can be used to drive the economic and social development of a territory. According to these authors, the territorial brand can help differentiate a place from others, attract investments and tourism, and enhance the quality of life for residents. However, they also caution that the territorial brand must be managed responsibly and sustainably to avoid the overexploitation of the natural and cultural resources of the territory.

According to Compte Pujol et al. (2016), place branding goes beyond traditional marketing practices and encompasses a wide range of factors, including economic, political, and cultural aspects. A successful city brand is built on a combination of tangible and intangible elements (Ortega-Morán et al., 2021). These elements cover not only the physical aspects of the city such as its architecture, infrastructure, and attractions, but also the emotions, experiences, and perceptions associated with it. Satisfied citizens play a crucial role in establishing a stable identity for the city and actively contribute to the promotion and defense of the city brand. Following the concept of place branding, various strategies and activities are employed to create a positive brand image. These can include developing visual and verbal expressions such as logos, slogans, and promotional materials, as well as implementing behavioral expressions like urban design, public events and initiatives, and stakeholder engagement (Glińska & Rudolf, 2019; Manfredi, 2019; Mihardja et al., 2019).

Additionally, place branding involves engaging both internal and external audiences. Internally, it aims to foster a sense of pride and belonging among the city's residents, encouraging them to become brand ambassadors and actively participate in shaping the brand identity of their city. Externally, place branding targets potential investors, tourists, businesses, and talent who are seeking opportunities in a particular city or region. Through effective place branding, cities and regions can differentiate themselves from their competitors and establish a unique identity that resonates with their target audiences (Rajput & Riaz, 2019).

Consequently, place branding requires a strategic approach that considers the specific goals and values of the city or region. It is essential to create a cohesive and authentic brand story that reflects the unique identity and characteristics of the place. This story should be communicated consistently across various channels and platforms to ensure a unified brand experience for both residents and external audiences. To develop a successful place brand, it is crucial to involve multiple stakeholders, including government agencies, local businesses, community groups, and residents. An inclusive stakeholders' approach to place branding is essential to align the branding efforts and safeguard a shared vision for the place's development (Jernsand, 2016; Kavaratzis et al., 2017; Risanto & Yulianti, 2016; Skinner, 2021).

In addition to visual and verbal expressions, place branding also encompasses the behavior and actions of a place and its stakeholders. This includes how the city interacts with its residents and visitors, the quality of services and infrastructure provided, and the overall experience offered. These elements collectively contribute to the complete perception and reputation of a place, influencing the decision-making process of individuals and organizations. In conclusion, place branding is a multifaceted process that involves creating a network of associations in the minds of the target audience through visual, verbal, and behavioral expressions (Juliansyah et al., 2021).

Furthermore, and according to Bonazzi (2021), place branding is a practice aimed at promoting the identity of a city or a location. It relies on the construction of a positive perceived image, which can generate civic pride and a sense of belonging in residents while also attracting investors and tourists. The branding process involves a shared narrative and self-reflection on tangible and intangible identity features of the city.

Finally, territorial branding can be considered a strategic asset that can be used to drive the economic and social development of a territory (Eskiev, 2021).

2.2. Co-Creation and Inclusive Place Branding

Co-creation and inclusive place branding are emerging concepts in place branding literature. On the one hand, co-creation in branding "is considered a process of interaction and influencing among various participating parties" (Sarasvuo et al., 2022, p. 543). In the concrete field of place branding, this appeals to the stakeholders' involvement in the creation of a place's brand, which aids in building a sense of community inclusion (Camatti & Wallington, 2022). This process can occur at various stages and adopt different forms, not limited to the beginning of the process. Zenker and Erfgen (2014) suggest that co-creation can be divided into three stages: Stage 1 involves establishing a collective vision for the location, encompassing fundamental aspects of the place. Stage 2 entails the creation of a framework to facilitate involvement. Stage 3 focuses on aiding inhabitants in executing their unique place branding initiatives.

Inclusive place branding, on the other hand, focuses on place representation and discourse, exposing the political nature of place branding, its power dynamics, and particular interests (Jernsand, 2016; Kavaratzis et al., 2017). Critical perspectives on place branding argue for more responsible and socially oriented approaches with greater stakeholders' engagement, as well as a multi-level participation perspective which acknowledges the collective ownership of place identity as a form of activism, in favor of the residents' right to participate in the decision-making affecting their places (Kavaratzis et al., 2017). Implementing place branding is a process that requires the development of events, infrastructures, symbolic actions, and

supportive policies on a multi-level scale (Jernsand, 2016, p. 62). Place branding cannot be based solely on communication; it also requires product development (Stoica et al., 2021).

Following Chilvers and Kearnes (2020), the relational co-productionist approach challenges “residual realist” assumptions and promotes a dynamic, contextual understanding of participation and audiences. This framework can provide the basis for a necessary shift from effective practices to reflexive and responsible practices in participation in science and democracy. In the context of open innovation, co-creation, and “inclusive place branding,” this approach allows for greater inclusion and diversity, fostering co-creation and democratic innovation, and recognizing participation as an emerging and relational process, not as a fixed category.

2.3. Open Innovation and Place Branding

Open innovation, according to Chesbrough (2003), is a paradigm which assumes that firms can and should use external and internal ideas, and internal and external paths to the market, to advance their technology. In the context of place branding, this can be interpreted as the incorporation of ideas and strategies from both within and outside a community or region to develop an effective place brand.

Cervi et al. (2023) discuss how cities have used their websites as central communication tools during the pandemic, focusing on aspects such as usability, interactivity, and the readiness of information. This aligns with the concept of open innovation, as it suggests that cities are looking beyond traditional methods and are open to new ways of engaging with stakeholders and disseminating information.

However, while governance is traditionally seen to control and regulate innovation (Eggers et al., 2023), recent research suggests (Chan, 2013; Filatotchev et al., 2020; Mergel, 2015) that innovation can also improve governance. For example, innovation can help firms develop new governance mechanisms that are better suited to the changing business environment, in addition to offering public administrations the capacity to search for better tools, in order to engage citizens in a place branding strategy, which must follow a bottom-up model to be successful (de San Eugenio Vela, 2012).

In another sense, Ebrahimi et al. (2019) explore how social media impacts the branding of a tourist destination and how it can encourage potential tourists to visit. Although open innovation and future generations are not explicitly mentioned, it can be inferred that open innovation could be a strategy to enhance a place’s brand through community collaboration and participation. Future generations, being digital natives and highly familiar with social media, could play a crucial role in this process. However, the study concludes that merely sharing photos and videos of a place is not enough to create a distinctive image in the minds of potential visitors. Social media should be used as a supplement to local administration activities to promote the place’s image and attractions.

In terms of open innovation, Matos et al. (2019) point out that technology can be used to encourage active discussion and engage communities around the topics that affect them. These authors introduced the “manifesto machine,” a collaborative environment for drafting and designing manifestos, as a way of opening a “discursive space” where participants can reflect on what they stand for and why, and how their beliefs intersect with the beliefs of others. The study found that there is scope for using such a tool to encourage active discussion and engage communities around the topics that affect them.

3. Methods

3.1. Methodological Note

The methodology proposed to create a brand narrative for the City of Huelva combines qualitative and quantitative elements and is based on a methodological triangulation (non-probabilistic surveys, discussion groups, and in-depth interviews) that generates a process of citizen participation to build an integrative brand narrative (de San Eugenio-Vela et al., 2020; Ginesta & de San Eugenio, 2020).

First, 13 focus groups were designed and distributed by activity sectors. These groups' dynamics were analyzed and a brand value as well as an idea for the definition of a regional narrative were forged. These working groups were proposed by Lugadero, the company in charge of developing the new territorial brand. Likewise, these groups were agreed upon with the officials of the Huelva City Council, as the ultimate client of this initiative. The selection process was based on a discussion between branding experts and officials from the City Council to tailor the profiles and groups to the requirements of creating the new brand. These working groups were held in different public spaces and even online from October 6, 2022, to November 2, 2022, as shown in Table 1.

Table 1. Workgroups deployed in the field research.

Workgroup	Date	Place	No. of participants
Tourism industry and professionals	October 6, 2022	City Council venues	10
Tourism influencers	October 6, 2022	City Council venues	3
Tourism students	October 18, 2022	City Council venues	14
Culture representatives	October 18, 2022	City Council venues	7
Local government	October 18, 2022	City Council venues	20
Local tourism administration	October 19, 2022	City Council venues	5
Local talent	October 29, 2022	City Council venues	5
Local opposition party	October 21, 2022	City Council venues	6
Public opinion leaders	October 25, 2022	City Council venues	9
Economic dynamization organizations and professionals	October 26, 2022	City Council venues	7
Urban planning organizations and professionals	October 26, 2022	City Council venues	5
Sports organizations	November 2, 2022	Online	6
Traditions and brotherhoods	November 2, 2022	City Council venues	4

Second, as a complement to the focus groups, 10 in-depth interviews were scheduled with people from the region who, due to their value, trajectory, knowledge, reputation, and/or prestige, warranted a solo interview to obtain their suggestions and/or impressions (Table 2). The aim of these interviews was to contrast information with the focus groups' results, as well as to obtain new ideas and frames that could help the development of the brand.

Table 2. List of people interviewed for this research.

Code	Professional profile	Justification of the profile
Interviewee 1	Former president of the Port of Huelva and mayor of the city since May 2023	This individual provided a comprehensive vision of the city. Their experience offered valuable insights into how the city brand should link to the thriving port activities, always highlighting the economic potential the brand development could hold. Since May 2023, the interviewee has been the mayor of Huelva, playing a central role in local decision-making and city representation. Interviewing the mayor allowed for first-hand information on the municipal priorities and goals, essential for aligning the new brand with the city's strategic vision.
Interviewee 2	Director of the Huelva Iberoamerican Film Festival	The film festival is the city's most significant cultural event in terms of impact and international reach. Interviewing the festival director provided extensive information on how the city brand could incorporate and promote key cultural events to enhance Huelva's image as a destination.
Interviewee 3	Chef and president of Prenauta Foundation	Cuisine is one of the city's most unique aspects; thus, this interview offered numerous ideas on how the brand should highlight local culinary richness while supporting significant social causes for the community.
Interviewee 4	Urban Planning councilor	The councilor for Urban Planning presented a comprehensive view of the city's development. Their perspective was crucial to ensure the new brand accurately and positively reflected Huelva's urban development and city model, with specific emphasis on its archaeological aspect.
Interviewee 5	Habitat and Infrastructure councilor	The councilor for Habitat and Infrastructure's involvement in interviews provided a holistic view of urban development, quality of life, and sustainability in Huelva. Their specialized knowledge contributed to ensuring that the new city brand reflected precisely and positively the city's evolution and future in terms of infrastructure, sustainability, and urban habitat.
Interviewee 6	Responsible for the Provincial Council of Huelva–Culture	Culture is one of the city's driving forces also in the province, as outlined in the initial assessment. The interview with the responsible for the cultural area in the province provided insights into how the brand should be tied to and support local cultural expressions.
Interviewee 7	Foodservice industry public figure	Interviewing such a public figure offered a diverse and representative perspective of the city's social, gastronomic, and cultural community.
Interviewee 8	Delegate of Tourism for the Regional Government of Andalusia in Huelva and secretary of the University of Huelva	Given their role, the delegate presented an open view of the necessary strategic relationship between the city, the province, and the autonomous community, proposing the establishment of alliances at various scales.
Interviewee 9	Culture councilor	Culture is one of the city's driving forces, as outlined in the initial assessment. The interview with the councilor for Culture of the city provided insights on how the brand should be tied to and support local cultural expressions.
Interviewee 10	Tourism technician	The tourism technician, with over 20 years of experience and specialized knowledge of Huelva's tourism industry, was crucial in ensuring the new city brand was attractive to potential visitors and aligned with local tourism strategies.

Thirdly, and finally, to monitor citizens' opinions, a survey created through Google Forms open to all inhabitants was launched on the town councils' websites. The following 34 items, in Table 3, were monitored using a non-probabilistic survey. The subsequent result is a categorization of the 34 inquiries, partitioned into six distinct sections. Each section is designated in correlation to its respective ensemble of questions.

Table 3. Questions and categories on the survey.

Group of questions	Specific questions
Statements about perceptions of Huelva (true/false)	<ol style="list-style-type: none"> 1. Huelva is a welcoming city. 2. Huelva is a green city. 3. Huelva stands out for its quality of life. 4. Huelva is a city with history. 5. Huelva is a city without heritage. 6. Huelva is ugly. 7. The people of Huelva are very closed off. 8. Huelva is a boring city. 9. Huelva is a city without cultural offerings. 10. Huelva is a forward-thinking city. 11. The food in Huelva is very good. 12. Huelva is an industrial city. 13. Huelva is an attractive city. 14. Huelva is a city with great potential. 15. Huelva is a very safe city. 16. Huelva is an affordable city. 17. Huelva is a dirty city. 18. Huelva does not love itself.
Creative associations with Huelva	<ol style="list-style-type: none"> 19. If Huelva were a color, it would be... 20. If Huelva were a sound, it would be...
Open description and representation of Huelva	<ol style="list-style-type: none"> 21. Define the City of Huelva in a single word. 22. Personally, when you think of the image of Huelva, which values do you identify it with? 23. What do non-residents think are the characteristics that identify Huelva as a municipality? 24. Who or what represents the City of Huelva for you? Who could be its ambassadors?
Evaluations of objectives for the new city brand (rate 1 to 5)	<ol style="list-style-type: none"> 25. Promote an image of the city that is both local and global. 26. Generate a sense of belonging among the people of Huelva. 27. Highlight the extensive relationship between the city and nature. 28. Emphasize the hidden heritage, both tangible and intangible. 29. Promote Huelva as a destination. 30. Boost the economy of the City of Huelva. 31. Expand the image of Huelva to the digital ecosystem.
Multiple-choice question about Huelva	<ol style="list-style-type: none"> 32. Would you say that the City of Huelva stands out for...?
Open-ended questions about Huelva's uniqueness and narrative	<ol style="list-style-type: none"> 33. What values, stories, and experiences do you think the City of Huelva has that are not being told or highlighted in the city? 34. Finally, in your opinion, what does Huelva have that no other city in the world has?

The survey, open to all residents of the City of Huelva, was available between October 10, 2022, and November 10, 2022. During this month, 1,083 responses were collected into a non-probabilistic sample, 421 of which were men (38.87%), 641 women (59.19%), and 21 preferred not to specify their gender (1.94%).

With regards to age group, the age distribution of respondents was as follows: Those under 18 years of age constituted a small fraction, with 19 respondents, or 1.75% of the total. The 18-to-29 age group had more representation, with 233 respondents, accounting for 21.51% of the total. The 30-to-40 age group had slightly more representation, with 267 respondents, or 24.65% of the total. These three groups combined represented 47.92% of the total respondents. The group aged 41 and above had the highest representation, with 465 responses, accounting for 42.94% of the total. However, a notable number of respondents, 99 in total, chose not to disclose their age, making up 9.15% of the total. In total, 519 respondents out of 1,083 were under the age of 40, within the Millennials and Generation Z generations. Therefore, Millennials and Generation Z had the widest representation in the sample, which is the central focus of this article.

With regards to the relationship with the city, the majority of respondents (716, representing 66.11%) claimed to have been born and/or live in Huelva. However, a significant proportion (188, or 17.36%) indicated that they do not live in the City of Huelva. Regarding work presence, 80 respondents (7.39%) stated they are in Huelva for work reasons. A smaller number, 17 (1.57%), indicated that they study and/or train in Huelva. Finally, 82 respondents (7.57%) provided other answers that did not fit into the previous categories.

On the one hand, these three methods (focus groups, interviews, and the survey) were developed in parallel, including all the information collected in the final work of the branding approach. The analysis of the qualitative data from the interviews and the focus groups was done identifying the mainframes (positive and negative) of each topic discussed. On the other hand, the City Council conducted awareness campaigns in order to encourage the participation of all the citizens of Huelva. Considering that the Silent Generation (mid-1920s to mid-1940s) and Baby Boomers (1946–1964) are not as digitally literate as to respond to an online survey, researchers considered including them in the focus groups and interviews to incorporate their opinions and views about the city.

3.2. The Starting Point: Huelva Before the New Brand

To undertake this project, Lugadero (the company responsible for developing the territorial brand, hired by the Huelva City Council following the public tender) conducted a SWOT (strengths, weaknesses, opportunities, and threats) analysis of the City of Huelva. This analysis identified a range of weaknesses and threats impacting not only the city but also the province's image (Figure 1), as well as several strengths and opportunities that could be leveraged to enhance its image.

On the one hand, among the identified weaknesses are the lack of a clear and defined image of the province, insufficient tourism promotion, and an undiversified tourism offering. Moreover, there was an acknowledged absence of an effective marketing and communication strategy to promote the province's capital. The threats identified include competition from other provinces and tourist destinations, a lack of adequate tourist infrastructure and services, and an absence of tourist offerings tailored to the needs and preferences of various market segments.

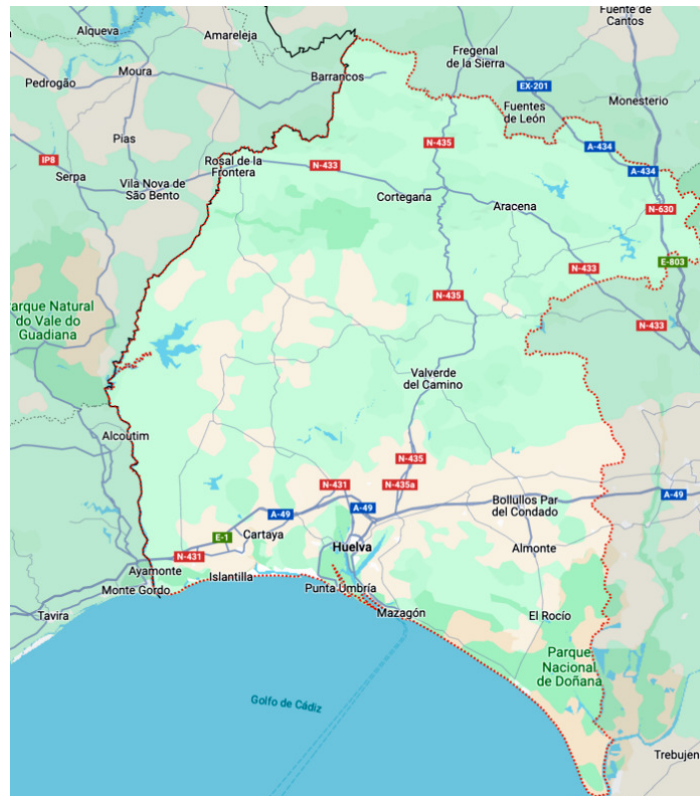


Figure 1. Map of Huelva province: Huelva City between Mazagón and Punta Umbría.

On the other hand, several strengths identified can be harnessed to improve the city's image. Among these are the wealth and diversity of its cultural and natural heritage, the quality of its gastronomic products, and the hospitality and friendliness of its residents. Furthermore, several opportunities were pinpointed that could be utilized to enhance the image of Huelva's capital. These include the growing demand for rural and nature tourism, the rising significance of gastronomic tourism, and the increasing demand for cultural and heritage tourism.

4. Results: The Study Case of the New Huelva Brand

4.1. The Tangible and Intangible City of Huelva

From this study, several insights emerged. First, the brand awareness of Huelva was low, especially among Generation Z. Second, Huelva's brand was marred by negative stereotypes, portraying it as dirty, industrial, and lacking cultural allure. Third, opinions varied on brand attributes: While some emphasized its industrial legacy, others advocated for its cultural and natural attributes. Fourth, despite the negative brand perception, residents felt a deep-seated pride and connection to the city. Fifth, there was an evident desire among respondents to be involved in the rebranding process. This sentiment was particularly strong among participants under 40 years of age. Sixth, Google Forms was effective in engaging the under-40 participants (mainly Millennials and Generation Z), emphasizing the necessity of adapting research methodologies to suit target demographics. Seventh, the increasing interest in focus groups highlighted the significance of publicizing research and genuinely involving the community. Finally, while the Huelva brand faced

recognition challenges and negative connotations, residents had a profound connection to the city and showed eagerness to be part of its branding evolution. This underscores the need for an inclusive rebranding strategy that resonates with Huelva’s diverse population.

Figure 2 shows the results of the questions via Google Forms related to the perceptions of the citizens about the City of Huelva. These 18 questions reveal the participants’ tendencies in the territorial brand-building process and their considerations. Out of the sample of 1,083 respondents, the results of the 519 respondents under 40 years old are presented. None of the questions were mandatory, hence the true/false aggregate does not always add up to 519, in the overall number of Millennials and Generation Z respondents in the open-ended survey.

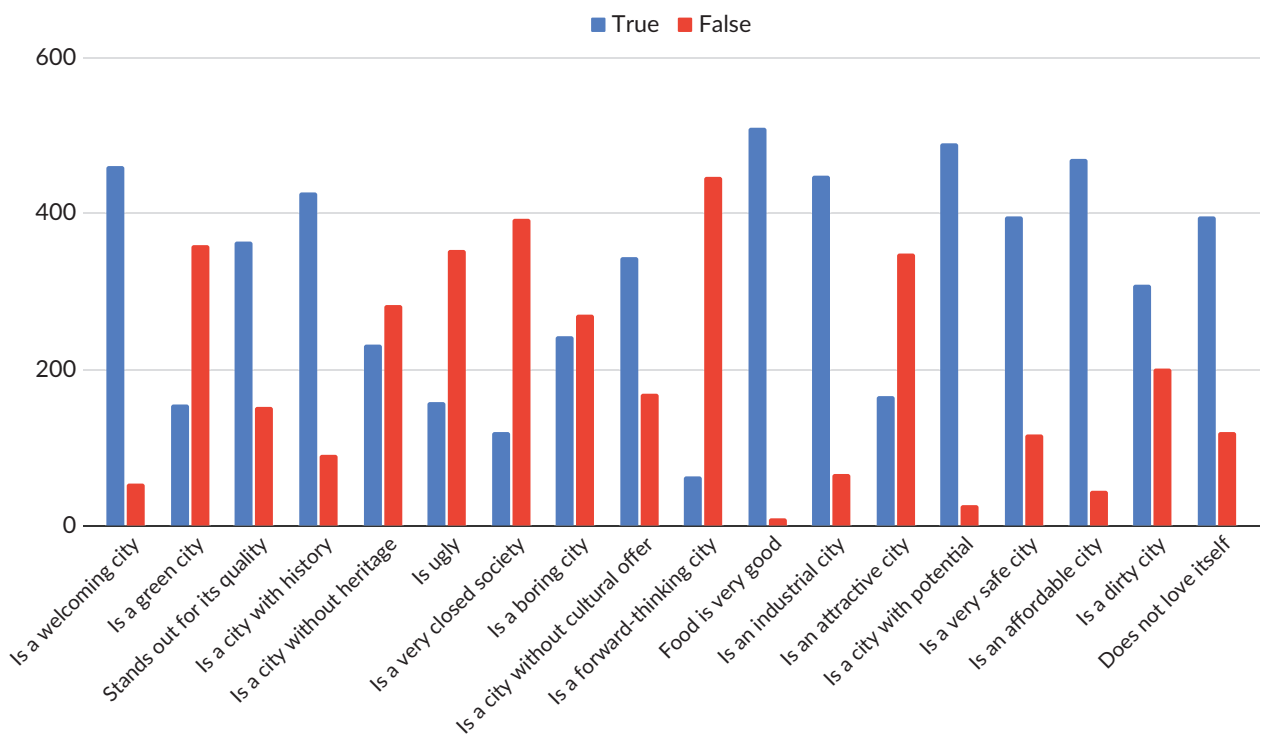


Figure 2. Results of statements about perceptions of Huelva.

As for the results of the “creative associations” with Huelva, 782 out of 1,083 respondents named blue as the representative color of the city (72.21% of the total); in the case of those under 40, blue was cited in 402 of the 519 responses (77.4%). The rest of the answers, being an open and creative question, vary between different colors, highlighting gray (64), white (31), or brown and orange (21 each). As for a sound, 479 respondents agreed that the sound of the sea was the most representative of the city (44.2%), including other related associations such as waves or the squawking of seagulls. 168 respondents selected flamenco (15.5%), including other mentions of the guitar or, specifically, the fandango. In the case of those under 40 years of age, 299 out of 497 responses mentioned the sea, representing 60.1%.

The question of how to define Huelva in one word shows a great variety. The most repeated word is “light,” with 163 mentions (15% of the total). In this sense, it should be noted that 293 different answers were given, where only light exceeded 10% of the repetitions. In the case of those under 40 years of age, 71 out of

510 responses mentioned light, representing 13.92% and being the only word with more than a 10% repetition rate. Something similar occurs with the values with which Huelva would be identified, where the most repeated value is “welcoming,” with 89 responses (8.2%). Millennial and Generation Z respondents mention Huelva as a welcoming city in 45 of the 447 responses (10.07%). On how they consider non-residents to see the City of Huelva, two concepts stand out: the beaches (291 responses, 26.87% of the total) and gastronomy (247, 22.81%). Beaches were also mentioned by those under 40 in 157 of the 485 responses (32.37%). Finally, on who could be the ambassador, only the badminton player Carolina Marín and the singer Manuel Carrasco exceed 10% of the mentions: Both appear 166 times (15.3% of the total).

For the category “evaluations of objectives for the new city brand,” the statistical results were very similar. In this regard, the statistical rating was up to 5 in all the questions. The average rating was:

- 4.07 out of 5 for the category “promote an image of the city that is both local and global.” In the case of the Millennials and Generation Z, the average is 4.16.
- 4.12 out of 5 for the category “generate a sense of belonging among the people of Huelva.” In the case of the Millennials and Generation Z, the average is 4.19.
- 4.07 out of 5 for the category “highlight the extensive relationship between the city and nature.” In the case of the Millennials and Generation Z, the average is 4.13.
- 4.32 out of 5 for the category “emphasize the hidden heritage, both tangible and intangible.” In the case of the Millennials and Generation Z, the average is 4.44.
- 4.21 out of 5 for the category “promote Huelva as a destination.” In the case of the Millennials and Generation Z, the average is 4.25.
- 4.24 out of 5 for the category “boost the economy of the City of Huelva.” In the case of the Millennials and Generation Z, the average is 4.28.
- 4.19 out of 5 for the category “expand the image of Huelva to the digital ecosystem.” In the case of the Millennials and Generation Z, the average is 4.26.

All these data, combined with those from the in-depth interviews and focus groups, were essential for making decisions on the next steps in the development of the brand. Regarding the qualitative analysis, the responses from the consultation display a diversity of perceptions and opinions about the City of Huelva. Participants emphasized aspects such as culture, history, gastronomy, nature, and hospitality as distinctive elements of Huelva. These elements became the cornerstones of the Huelva Original project, mirroring the identity and values of the region. The mayor of the city, until May 2023, referred to the brand in this way: “This new brand had to be capable of projecting and making known all that history and heritage, and at the same time make us aware of everything it can contribute to the city today” (“Huelva Original, la ciudad donde todo comienza,” 2023)

The Millennial and Generation Z cohorts, who engaged in the consultation process, possess specific characteristics in terms of consumption and information perception. These generations tend to appreciate authenticity, transparency, and active involvement in decision-making processes. Consequently, their participation in the consultation shaped the design and implementation of the “Huelva Original” project, focusing on inclusive community engagement and the promotion of local identity. Furthermore, the Huelva Original project may be regarded as a territorial development strategy predicated on differentiation by origin-linked quality.

4.2. The Final Outcome: The Brand Huelva Original

The Huelva Original brand, reflecting the city's distinctive character, was collaboratively crafted with input from 1,194 diverse citizens. Designed to represent the city's unique essence and experiences, this brand goes beyond tourism appeal to encapsulate Huelva's intrinsic attributes. The brand's primary design elements include:

1. City of "firsts": Huelva's pioneering nature and historic innovations form the core of its identity. The brand emphasizes its rich history, cultural landmarks, and innovations.
2. Huelva Original: Focusing on the city's "originality," this brand component celebrates Huelva's unique individuals, places, and moments. The slogan "Huelva Original" stands as the central verbal motif.
3. Flag of Huelva: An evolved symbol of the city's iconic flag, it is integrated into a versatile visual system named Original of Huelva, used for varied applications.
4. Onuba type: An exclusive typography for the brand, inspired by the city's flag, offers elegance and flexibility for diverse media.
5. Colors of the city: Derived from citizens' descriptions of Huelva's sunsets, the color palette combines predominant blues with verdant hues, reflecting the city's multifaceted nature.
6. Sound identity: Crafted by artist Pirámida, this auditory element fuses traditional and contemporary sounds, representing Huelva's cultural blend.

The Huelva Original brand is a result of a collaborative process that involved citizens from various backgrounds, making it a brand that reflects the city's unique identity and values. The brand's design elements, including the flag, typography, colors, and sound identity, are all inspired by the city's history, heritage, and achievements. The Huelva Original brand is a celebration of the city's originality, authenticity, and pioneering spirit, and it aims to project and showcase the city's unique identity to the world.

5. Discussion

Huelva is not a unique case in Spain of a city seeking a brand that allows it to have a better competitive advantage in the tourism, investment, and talent markets. However, the case of the City of Huelva demonstrates that its place branding not only seeks to strengthen the city's positioning in external markets (both national and international), but the branding for Huelva also serves as a tool for managing its distinct identity from the point of view of promoting specific territorial values compared to other brands in the surrounding area (de San Eugenio Vela, 2012; Rajput & Riaz, 2019).

In this sense, we can clearly see that the Huelva Original brand markedly differentiates itself from the destination branding strategies pursued by other cities. The brand for the City of Huelva emerges as a primarily internal consumption asset (Kavaratzis, 2012) after a citizens' participation process. Answering RQ1, Millennials and Generation Z audiences which mostly participated in the survey of this study have played a pivotal role in the brand's creation. Their opinions contributed to shape the design and implementation of the Huelva Original project, focusing on inclusive community engagement, the promotion of local identity and heritage, as well as the definition of the city as "original." This means a city that is unique and the starting point of great adventures. Statistical results of the group of questions in the survey called "evaluations of objectives for the new city brand" (see Section 4.1) can illustrate these ideas. Thus, with

citizens accepting the “why” behind a new brand for their city, it has been much easier to deploy a participatory and inclusive methodology, following de San Eugenio Vela (2012), Jernsand (2016), and Kavaratzis (2012), which involves all relevant stakeholders and enables the well-known process of co-creation among them (Sarasvuo et al., 2022).

In this co-creation process of the new brand, emphasizing open innovation is not a minor point. If we understand open innovation as an organization’s ability to combine internal with external knowledge to develop processes and products that enhance competitiveness (Chesbrough, 2003), it is evident that building a place brand requires it. Building a place brand cannot be understood without interaction and cooperation among organizations, political institutions, citizens, and external professionals involved (in this case, the Lugadero agency). Therefore, as Sarasvuo et al. (2022, p. 557) conclude regarding how the co-creation process is done, “interaction may occur between or among the marketer and stakeholder (B2C/C2B/B2B), internally within organizations (employee-to-employee), or among various stakeholders (C2C).” In fact, complementing previous observations by Compte Pujol et al. (2016), Risanto and Yulianti (2016), Sarasvuo et al. (2022), or Skinner (2021), the co-creation process of territorial branding leads to a continuous innovation process, both in terms of incorporating stakeholders into its design and conceptualization and in defining a new narrative (storytelling) that allows the territory to improve its external positioning and internal identity.

Furthermore, constructing a new territorial brand, also viewed from the perspective of a process embracing open innovation, can result in a new tool that enhances governance (Chan, 2013; Filatotchev et al., 2020; Mergel, 2015). We refer to the brand as an asset in territorial governance because it is through the social study undertaken to conceptualize it that both public administration and external professionals working on it have been able to hear the demands of the territory, generate active discussions among stakeholders, and cause complicity between them and the administration’s objectives (Matos et al., 2019). Answering RQ2, a place branding strategy becomes a playbook for politicians to coordinate public policies. In the case of the Huelva Original project, the high participation and cooperation of all the political parties of the city during the co-creation process (see Table 1) has been crucial to finally passing the new roadmap to implement the brand, in the plenary session of December 20, 2023 (“El Ayuntamiento desbloquea el proyecto de la Plaza Mayor,” 2023).

Answering RQ3, in Huelva’s study case, the role of Millennials and Generation Z throughout the process can be highly valued, both in terms of their participation in the fieldwork of analysis and narrative definition and in the rollout of the new Huelva Original brand (Mamula-Nikolić et al., 2022; Nagaynay & Lee, 2020). Both active on social media and aware of the power of e-democracy (Ebrahimi et al., 2019), these generations have been key players in disseminating the new narrative, adapting it to their needs, and using it to reinforce their sense of belonging. Another group that has been especially adept at using the brand is the political body. Ensuring the brand’s acceptance by all political forces in the council has allowed it to survive the crises that commonly occur in public institutions, stemming from daily political dynamics or electoral periods. The fact that both the ruling party in the city and its political opposition have used the brand for their institutional and electoral communication indicates that the narrative proposed in this co-creation and open innovation process works regardless of ideology.

Regarding the ultimate objective of this research, both Millennials and Generation Z, as well as politicians, are crucial for shaping and the survival of a place brand. The former because they represent generations

that will use the brand for many years to come and have the most accessible tools for its dissemination, thanks to being digital natives and frequent social media users, especially Generation Z. The latter, because they are responsible for thinking strategically and long-term about territorial governance, always in line with their ideology. However, they are all aware that it is ideology and electoral strategy that provoke short- or medium-term decisions instead of genuinely focusing on the city's distant future. The challenge for the brand, given the fieldwork results, is twofold: how to keep the younger audiences engaged so that they continue being the City of Huelva's best ambassadors and how to survive future political crises and electoral periods so that the Huelva Original brand can serve as a governance tool for the city in the very long term.

6. Conclusion

In conclusion, the role of Millennials and Generation Z in crafting a brand narrative with long-term viability and relevance in the digital realm cannot be underestimated. The development of the brand narrative has also fostered cooperation and interaction among various political groups in the City Council, which is a positive step towards exploring cooperative workspaces among political factions. This ensures that the brand's implementation extends beyond a single term and transcends short-sighted political actions. The collaboration among political groups is a testament to the power of branding in bringing people together towards a common goal.

The citizen participatory process holds particular significance in the development of a new territorial brand. This brand, which aims to represent the identity and values of a region or locality, cannot be designed in isolation or merely from a technical standpoint. It is imperative that the inhabitants of the region play a central role in its creation, as they are the ones who best understand and embody the essence of the territory. Citizen involvement ensures that the territorial brand is not only a genuine reflection of the place but also has the support and identification of its population.

However, while the public procurement for the brand did not originally include the proposition of key performance indicators (KPI), for the future it is necessary that a project of this magnitude should incorporate KPIs to guide the application, monitoring, and evolution of the brand narrative. KPIs are essential in measuring the success of the brand and ensuring that it is meeting its objectives. In this regard, it is concluded that alongside the development of a territorial brand for a city like Huelva, there should also be the establishment of a continuous observatory. This observatory will monitor the brand's performance and provide feedback on how to improve it.

The development of a territorial brand for a city like Huelva is a complex process that requires the involvement of various stakeholders. Consequently, it follows the recommendations of what Jernsand (2016) and Kavartzis et al. (2017) define as "inclusive place branding." The collaboration among political groups is a positive step towards ensuring the brand's long-term viability and relevance. However, future steps must be taken to incorporate KPIs as they are essential in measuring the success of the brand and ensuring that it is meeting its objectives. Furthermore, the establishment of a continuous observatory will provide feedback on how to improve the brand and ensure that it remains relevant in the ever-changing digital realm. These are also two recommendations that will help marketers to improve place branding strategies.

Finally, this research has had some limitations, above all incorporating the Silent Generation and Baby Boomers to the online survey because their digital literacy is lesser than under-40 citizens. Although researchers tried to solve this limitation by incorporating more representation of these two older generations in the qualitative sample, more work should be done in order to find better tools to monitor quantitatively the opinion of citizens older than 40 years old.

Acknowledgments

The authors would like to thank Paloma Díaz Espejo for her proofreading and the Huelva City Council for helping Lugadero Agency to display the fieldwork of this research.

Funding

Lugadero was the winning company in the public tender for the development of the new Huelva Original brand.

Conflict of Interests

The authors declare no conflict of interests.

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Climate Guardians: Navigating the Future in the 2021 German Climate Verdict and Constitutional Landscape

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Submitted: 17 November 2023 **Accepted:** 4 March 2024 **Published:** 17 April 2024

Issue: This article is part of the issue “Considering Future Generations in Democratic Governance” edited by Yasuko Kameyama (University of Tokyo) and Tomohiro Tasaki (National Institute for Environmental Studies), fully open access at <https://doi.org/10.17645/pag.i379>

Abstract

In the realm of intergenerational justice, green constitutionalism underscores the necessity for present generations to make choices that do not jeopardize the capacity of future generations to fulfill their needs independently. The climate verdict defending the rights of future generations by the German Federal Constitutional Court (*Bundesverfassungsgericht*) of March 2021 was a game changer in that regard. For the first time in Germany’s climate litigation, the fundamental rights of future generations were subject to constitutional claim and enforceable. They were no longer just a normative claim. Constitutional courts can be seen as defenders of the fundamental rights of future generations where constitutions include such normative perspectives. While the Court upheld the infringement of the fundamental rights of the adolescent plaintiffs in the future, the representation of not-yet-born generations remains unclear. This article examines how the 2021 German climate verdict and constitutional provisions address the representation and protection of the interests of future generations represented by the plaintiffs concerning climate change on the one hand and discusses the potential of protecting the fundamental rights of not-yet-born future generations. The article considers the implications for intergenerational justice and explores how these legal frameworks provided by the Constitution may contribute to the formulation of sustainable policies aimed at ensuring the long-term well-being of future generations. There is an urgent need to develop an institutional regime where the needs and rights of future generations are being considered and included in decision-making processes.

Keywords

climate litigation; Federal Climate Protection Act; German Federal Constitutional Court; Germany; green constitutionalism; intergenerational justice; sustainable development

1. Introduction

To defend the freedom rights of future generations, there is a need for a voice representing those who cannot yet speak for themselves. Institutions and legal frameworks that allow societies to have the will to be the voice of future generations and to assert their rights are important elements for a sustainable democratic system and the fight against climate change. An example of this institutional framework is Article 20a of the German Constitution, established on 27 October 1994, defining climate protection for future generations as a governmental goal. A governmental goal defined in the constitution is a constitutional norm with a “legally binding effect” (Deutscher Bundestag, 2013). Article 20a states that:

Mindful also of its responsibility toward future generations, the state shall protect the natural foundations of life and animals [the protection of animals was added on 1 August 2002] by legislation and, in accordance with law and justice, by executive and judicial action, all within the framework of the constitutional order. (Federal Ministry of Justice, n.d.)

This is what Tremmel (2006) described as the structural foundation for an institutional system that includes representation of future generations. Until the 2021 verdict, the “responsibility toward future generations” had not been the subject of climate litigations since its introduction into the constitution.

With climate litigations, activists seek to force governments or industries to reduce their CO₂ emissions or to take responsibility for climate change-related negative impacts, pollution, or damages, to prevent the construction of infrastructure or investment in projects that are known to contribute to climate change, and overall demand better adaptation measures (Aykut, 2022). Climate litigation has become an important weapon in the arsenal of activists fighting for better climate policies and taking governments, as well as industry, into account. In particular, the younger generation is increasingly concerned about their future under rapidly progressing climate change. According to the Global Climate Litigation Report of 2023, by the end of the year 2022, 2,180 climate-related cases in 65 jurisdictions were filed (United Nations Environment Programme, 2023). Among those, 53 cases have been filed in Germany since 2006 (Sabin Center for Climate Change Law, n.d.). It remains unclear whether climate litigations are the right way to effectively create more ambitious climate policies and fulfill the Paris Agreement because, despite the revised Climate Protection Act, a more drastic reduction of CO₂ emissions was not achieved (United Nations Environment Programme, 2023). This, however, does not imply that the quality of the Court’s decision was deficient, but rather the action of the executive branch. In line with the report by the Expert Council on Climate Change Issues (Expertenrat für Klimafragen, 2023), the revision was still lacking the necessary reduction targets to be able to achieve their goals.

The 2021 verdict concerning Germany’s Federal Climate Protection Act (*Klimaschutzgesetz*) is considered vital in this fight. Considering Article 20a, on 24 March 2021, the German Federal Constitutional Court (*Bundesverfassungsgericht*) declared some parts of the 2019 Federal Climate Protection Act unconstitutional, demanding the government to revise the law (Bundesverfassungsgericht, 2021). Of particular interest was the decision regarding the obligation to consider negative impacts on the freedom rights of future generations concerning the expected costs of CO₂ reduction compared to the efforts made today (Bundesverfassungsgericht, 2021). While the verdict considered the future infringement of the adolescent plaintiffs’ fundamental rights, this article is interested in the potential of the Constitutional Court and a climate case such as the 2021 verdict for future not-yet-born citizens.

The 2019 Climate Protection Act specified sector-specific reduction targets up to the year 2030 but not beyond. The lack of clear reduction goals further into the future was recognized as violating the basic human rights of future generations. For the first time, the intergenerational perspective of climate change became the subject of the process for which this verdict was seen as a historic event for climate litigations across the world in terms of intergenerational justice (Callies, 2021; Ekardt, 2022; Ekardt et al., 2022; Ekardt & Heyl, 2022; Faßbender, 2021; Kirchhof, 2022) generating expectations moving towards a systemic change and more ambitious climate mitigation policies. Despite the “binding effect” of the constitution, the subjectification of the intergenerational perspective is “uncharted territory” and it remains unclear what that means for future dogmatic discourses, leaving too much room for speculation and potentially causing misunderstandings (Callies, 2021). While Kirchhof (2022) concluded that the 2021 verdict added new dimensions to climate litigations, creating a new institution for protecting the freedom rights of future generations, there remains a need to explore further what this means for building institutions for the protection of future generations.

This article explores how the 2021 German climate verdict and constitutional provisions address the representation and protection of the interests of future generations in the context of climate change, what it implies for intergenerational justice, and how these legal frameworks might contribute to sustainable policymaking for the long-term well-being of future generations. To answer these questions, the article starts with an introduction to the conflict and potential between constitutional environmental human rights and intergenerational justice, followed by a review of the verdict and its novelties. The novelties, with a focus on their implications for future generations, are discussed in terms of whether the verdict provides grounds to protect the interests of future generations, what green constitutionalism and intergenerational justice may take from this verdict, and whether we can expect a long-term effect on climate change policy-making.

2. Green Constitutionalism and Intergenerational Justice

Green constitutionalism is a theoretical framework that seeks to integrate environmental principles into constitutional law. It emphasizes the need for legal structures that promote environmental sustainability, biodiversity conservation, and ecological integrity. In the context of intergenerational justice, green constitutionalism focuses on ensuring that present generations make decisions that do not compromise the ability of future generations to meet their own needs. Tremmel (2006, p. 187) argued that electoral democracies lack representation of future generations structurally, and constitutional representation is a means to provide an additional institutional system to fill this gap. Institutions refer to structures of rules, norms, practices, and regulations including laws and social conventions both formal and informal that guide and constrain legal frameworks, political choices, and activities. Here, we are particularly interested in the formal institution of the Constitutional Court and the legally binding effect on the protection of future generations and on acting against climate change.

As democracies lack policy institutions for the representation of future generations, an additional institutional system provided by non-policy institutions such as Constitutional courts may serve to integrate the legal standing of future generations and intergenerational equity into constitutions. Investigating why countries like Germany invest in incorporating environmental rights in their constitution, Imhof et al. (2016) argue that if it serves the economic interests of financial redistribution of a future-oriented democratic

state, environmental rights and principles of sustainable development are likely to be incorporated into the constitution. According to Hiskes (2008), incorporating environmental human rights and sustainable development, as well as the legal standing of future generations, means that constitutional environmental human rights act as a medium for intergenerational justice. Hiskes (2008, p. 6) summarized the key conflict regarding the attempt to consider intergenerational justice, which is based on Hume's philosophy "because justice is a matter of reciprocal obligations." Justice cannot be relevant between a living and not-yet-born generation. The issue with the intergenerational aspect of fundamental human rights comes with the question MacAskill (2022) investigated as to what today's generation owes the future. The conflict in the discussion between intergenerational justice and fundamental environmental human rights is whether it is "just" that today's generation's fundamental rights are restricted for the sake of an unknown future generation. The same argument can be made from the other side; whether it is "just" that the fundamental human rights of future generations are infringed due to irresponsible behaviors of today's generation.

A case can be made for a state to integrate sustainable development and climate mitigation measures to have an interest in the future, in other words, sustaining the lives of today's as well as future generations. Gárdos-Orosz (2017) argued that intergenerational justice and constitutional fundamental rights do not stand in conflict with each other. Rather, a constitution can promote intergenerational justice. It is the interpretation of the constitution by a constitutional court that justifies the protection of future generations (Gárdos-Orosz, 2017). The promotion of intergenerational justice through a constitutional framework may depend, however, on how the rights of future generations are integrated into the constitution and whether deliberation processes to amend existing rules can improve the existing structure (González-Ricoy, 2016). The given structure and the interpretation of constitutional rights of future generations considering climate change require the consideration of uncertainties. The constitutional court has the task of weighing and balancing the short-term economic interests of present generations against future generations (Ekeli, 2007). Ekeli (2007, p. 393) argued that in cases where scientific uncertainty or fundamental disagreements exist regarding potential threats, it is not clear that substantial short-term advantages should be forfeited. Particularly when the future benefits of expensive precautionary measures remain uncertain. The uncertainty issue requires considering how the responsibility for providing evidence should be distributed in the situations being assessed. This intricate matter has been a pivotal aspect in ongoing discussions about the precautionary principle and poses a challenge to courts in cases of climate litigation (Ekeli, 2007, p. 393). Yet, in green constitutionalism, the precautionary principle suggests that potential harm that may occur in the future should be avoided.

Key aspects of green constitutionalism concerning intergenerational justice include (a) incorporating environmental rights as green constitutionalism advocates for the inclusion of explicit environmental rights in a constitution, recognizing the right to a clean and healthy environment as a fundamental right for all citizens present and future; (b) principles of sustainable development, promoting the incorporation of the principle of sustainable development into constitutional provisions. This involves balancing current development with the needs of future generations, ensuring that economic, social, and environmental considerations are integrated into decision-making; (c) the precautionary principle as green constitutionalism often supports the incorporation of the precautionary principle into legal frameworks. This principle suggests that in the absence of scientific consensus, actions or policies that may have potentially harmful effects on the environment should be avoided; (d) interconnectedness of rights as green constitutionalism

recognizes the interconnectedness of human rights and environmental protection. It emphasizes that the enjoyment of rights such as health, life, and property is closely linked to the health of the environment and ecosystems; (e) legal standing for future generations, to address intergenerational justice, green constitutionalism explores the idea of granting legal standing to future generations. This would allow them to challenge decisions and policies that could harm their environmental inheritance; and (f) intergenerational equity, as green constitutionalism seeks to embed the principle of intergenerational equity, ensuring that the benefits of natural resources are distributed fairly among current and future generations. This involves considering the long-term impacts of decisions on the well-being of future citizens.

Green constitutionalism, in the context of intergenerational justice, aims to create a legal framework that places a strong emphasis on environmental protection, sustainable development, and the fair distribution of resources across generations. It envisions a constitutional order that recognizes the inherent value of the environment and the need to safeguard it for the benefit of both present and future generations.

3. The 2021 Climate Verdict

Among 45 plaintiffs, there were 11 adolescents. While the complaint that the Federal Government of Germany failed to adopt proper measures to combat climate change, violating the Government's care duty according to Article 2 of the Constitution, was dismissed by the Court, the complaint that the calculation of the remaining CO₂ budget would put too much burden onto future generations, harming their freedom rights, was upheld. The basis of the dispute was the Climate Protection Act passed in December 2019 and the lack of mitigation commitments past the year 2030.

Following Germany's commitment to the 2015 Paris Agreement to limit global warming below 1.5–2 °C and the commitment to achieve net-zero carbon emissions by 2050, the 2050 net-zero goal and sector-specific CO₂ emissions reduction goals up to the year 2030 were defined in the Climate Protection Act passed in December 2019. The lack of targets beyond the year 2030 up to 2050 was the core concern of the constitutional complaints. The main reasoning was that (a) a large sum of the remaining CO₂ budget based on these goals could be used up before 2030, which leads to (b) an unfairly distributed burden of costs of CO₂ reduction being put on to future generations (Bundesverfassungsgericht, 2021). The Court mandated that the government revise the law and add specific targets for the years 2031 to 2050. The Court stated that the government is responsible for allocating the remaining CO₂ budget so that freedom rights are intertemporally balanced (Ekardt & Heyl, 2022). Less than two months after the verdict, the national parliament passed the revision of the Climate Protection Act defining new sector-specific CO₂ reduction goals and successive national CO₂ reduction goals up to the year 2040 (88%; 1990 as the base year), as well as the new net-zero target to be achieved five years earlier, by 2045, instead of 2050. The revised law was adopted on 31 August 2021 (Federal Ministry of Justice, 2021).

After the adoption of the revised law, the Expert Council on Climate Change Issues criticized that based on the 1.5 °C target calculations, particularly in the transport and building sectors, the new targets are still not sufficient to achieve the Paris Agreement as most of the CO₂ budget will be used up before 2030 and, besides reduction targets, concrete policy instruments were still lacking (Ekardt & Heyl, 2022; Expertenrat für Klimafragen, 2023).

When the German Federal Constitutional Court announced that the 2019 Climate Protection Act was, in part, violating the Constitution, it was received both domestically and internationally with great expectations for the future of climate mitigation policies. Kirchhof (2022, p. 3) noted that the decision created a new institution, the intertemporal protection of basic freedom rights, but noted that the Court did not specifically “endorse the idea that future generations are entitled to protection.” Ekardt (2022), Ekardt et al. (2022), and Ekardt and Heyl (2022) saw the decision to be a “landmark” for climate litigation across the world as it “was probably the most far-reaching judgment on climate protection ever issued by a supreme court anywhere in the world” and “it fundamentally repositions the normative framework of liberal democracies” (Ekardt & Heyl, 2022, p. 697). Minnerop (2022, p. 2) classified it as a “momentous climate case” marking “a significant development for German constitutional law,” yet concludes that the intergenerational justice approach by the Court remains fairly limited as the use of carbon budgeting for the argument of future freedom rights is faulty. Theil (2023) found the impact of the verdict to be more modest and criticized why some of the enthusiasm might be unjustified. Kotulla and Kotulla (2022) criticized the Court’s interpretation of freedom rights and that protecting one generation’s freedom rights eventually limits the freedom rights of another generation.

4. The German Climate Verdict and Constitutional Representation of Future Generations

4.1. Incorporating Environmental Rights in Constitutions and the Potential of Climate Litigations

Climate litigation is nothing novel. By the end of 2022, 2,180 cases across the world were filed (United Nations Environment Programme, 2023). While the US has the most filed climate cases with 1,693, none of these cases had much success. Examples of revolutionary cases regarding governmental obligation based on constitutional law in light of demanding more climate action are the Dutch case of the Urgenda Foundation against the State of the Netherlands and the Belgian *Klimaatzaak* (commonly known as the “climate case”) where over 58,000 citizens faced the Kingdom of Belgium.

The Urgenda Foundation, alongside 900 Dutch citizens, filed a lawsuit against the Dutch government, urging stronger actions to combat global climate change. The Hague Court directed the Dutch state to decrease greenhouse gas emissions to 25% below 1990 levels by 2020. The Urgenda case was the first instance globally where a court has mandated states to limit greenhouse gas emissions for reasons other than statutory requirements. In other words, the court deemed the government’s commitment to a 17% reduction insufficient to meet its equitable share in the UN’s goal of capping global temperature increases at 2 °C above pre-industrial levels. The ruling emphasized the state’s responsibility to undertake climate change mitigation measures, citing various legal frameworks such as Article 21 of the Dutch Constitution, EU emissions targets, and principles from international agreements (*Urgenda Foundation v. State of the Netherlands*, 2015). The Belgian *Klimaatzaak* was initiated by a group of concerned citizens and 58,000 citizen co-plaintiffs. They contended that Belgian law necessitates a more assertive approach from the Belgian government in reducing greenhouse gas emissions. On 17 June 2021, the Brussels Court of First Instance determined that the Belgian government had violated its duty of care by neglecting essential measures to mitigate the adverse impacts of climate change. However, the Court refrained from establishing specific emission reduction targets, citing concerns related to the separation of powers (*VZW Klimaatzaak v. Kingdom of Belgium & Others*, 2014).

4.2. *Novelties About the German Climate Verdict*

Even though Germany might seem to be a minor part of the total share of filed cases on climate change with 53 filed cases (Sabin Center for Climate Change Law, n.d.; United Nations Environment Programme, 2023), the impact of climate litigations cannot be evaluated by the number of cases alone. The 2021 climate verdict at the Federal German Constitutional Court had a global impact. Even though climate litigations are not new, four points about this case are novel and make it unique in the history of climate litigations: (a) legal standing of non-German citizen plaintiffs; (b) elevation of the “future generation protection” obligation in Article 20a of the Constitution from a theoretical to a justifiable objective; (c) application of the precautionary principle and uncertainties of future harm, based on (d) the formation of a new institution for protecting basic freedom rights of future generations.

4.2.1. *Legal Standing of Non-German Citizen Plaintiffs*

The Court upheld complaints from plaintiffs from Bangladesh and Nepal. In other words, the Court’s decision acknowledged an “extraterritoriality of human rights” (Main-Klingst & Ott, 2023). While their complaint was deemed admissible, the Court rejected it, asserting that the German government would not breach its basic duty of care since the concerns raised about potential violations from the perspective of intergenerational justice, stemming from the adverse side effects of the climate mitigation pathway on the fundamental freedom rights, do not extend to residents outside Germany (Bundesverfassungsgericht, 2021). The reasoning behind this decision is that individuals beyond Germany are not subject to the regulatory framework, and, therefore, the German government cannot be held accountable for regulations in other countries (Theil, 2023).

The extent of responsibility to protect the fundamental freedom rights of people affected by climate change outside of Germany remains an open question considering the global effect of climate change caused by local actions (Winter, 2022). Nevertheless, it is expected that in the future more complaints will succeed at the admissibility stage due to this novel move by the Court (Theil, 2023). Although the Court acknowledged that the German government potentially holds the responsibility for climate change effects beyond German borders, whether the government or companies are in fact responsible for events caused by climate change in other places in the world remains a tentative argument (Theil, 2023). Theil (2023) concluded that while the decision on the care obligation is tentatively recognized yet reluctant, a fundamental shift can be observed considering the interpretation of the intergenerational justice perspective based on Article 20a.

4.2.2. *Legal Standing for Future Generations: Elevation of the “Future Generation Protection” Obligation in the Constitution*

Another novelty was the new interpretation of the intergenerational care duty, put differently, an obligation to protect the health, well-being, and freedom rights of future generations. The intergenerational care duty as stated in Article 20a has not been applied this way and discussion of care duties towards future generations was limited to theoretical or philosophical discussions (Callies, 2021). The application of the intergenerational justice perspective in the Court’s decision about the Climate Protection Act was, however, novel in that regard. For the first time, the Court recognized the government’s obligation to protect the health, wealth, and freedom rights of future generations. Future generations’ basic freedom rights would be infringed by the unequal distribution of the carbon budget defined in the 2019 act, allowing current

generations to use most of the carbon budget today and constrain life in the future. The Court implicitly declared intergenerational justice as a justiciable objective (Rath, 2021; Theil, 2023; Winter, 2022).

4.2.3. Application of the Precautionary Principle and Uncertainties of Future Harm

The infringement of freedom rights for future generations and of people in other countries are two of the core novelties of this verdict. Eventually, for the claim to be upheld, harm to people and the infringement on freedom rights caused by governmental action or inaction must be proven. Where harm from climate change is concerned, not only today but more so future harm, the extent of the actual harm or infringement lacks absolute certainty. Therefore, the decision relies also on the potential extent of the harm as can be expected according to scientific knowledge. The verdict is the first case in which the Court accepted a level of uncertainty of potential future harm from climate change as described by current scientific knowledge to be admissible grounds for the complaints (Ekardt & Heyl, 2022). In other words, it is the first time that the precautionary principle, that is the long-term uncertain future harm and infringement of freedom rights was “applied to fundamental rights” (Ekardt & Heyl, 2022, p. 698).

4.2.4. Formation of a New Institution for Protecting Basic Freedom Rights of Future Generations

Ekardt and Heyl (2022) argued further that the verdict opened a discussion on fundamental changes in liberal democracies. Kirchhof (2022, p. 9) described such a fundamental change as the formation of a new institution; the “intertemporal protection of basic freedom rights.” Article 20a of the constitution already included the normative dimension of the future in terms of the government’s responsibility to protect citizens from harm caused by climate change as shown in the Article 20a’s quotation in Section 1. What is also unique is that it is expected to be generalizable and potentially applicable across issue topics, such as social security or pension systems covering more than Article 20a of the Constitution, and is thus not solely applicable to climate change litigations (Kirchhof, 2022). It is the concrete target setting like in the Paris Agreement or the Climate Protection Act which requires the intertemporal protection of basic freedom rights institutionalized to be applicable (Kirchhof, 2022).

5. Representation and Protection of Future Generations

5.1. *The Constitutional Court: Guardian of the Constitution, Guardian of Future Generations?*

In principle, any state system with a social security and pension system, state debt, and fossil fuel and nuclear energy consequently has inter and cross-generational issues on the agenda. Different energy technologies have different future impacts of varying degrees and time frames. Nuclear energy with its nuclear waste disposal problem is considered the one type of technology with the most long-lasting impact on future generations into a very distant future, and the use of fossil fuels is the major cause of climate change causing a generational conflict of climate mitigation responsibilities. The management of nuclear waste and the consequences of climate change will be relevant for several thousand years. Whether these issues are directly and actively discussed and acted on, depends on law, regulations, and the constitutional framework.

The role of the German Federal Constitutional Court, its competencies, and its authorities were often a topic of political and public criticism. After its establishment in 1951, the relationship with government politics

was conflictual, the Court was criticized for taking politics into its own hands or restricting policy decision-makers and government authorities (Vorländer, 2011). Vorländer (2011) described how the Court prevented several reform projects in the 1970s, causing a conflict that questioned the authority of the Court, and how the Court's decision to reject the legal obligation defined by the state of Bavaria that a cross must hang in every classroom in public schools was not accepted by the public. Either the constitutional jurisdiction was criticized to be politicized or politics were criticized to be judicialized. It took some decades until the Court established its role of being respected as the guardian of the Constitution (Vorländer, 2011). This verdict prompted the question (again) of whether the Court overstepped its authorities and whether it violated the power separation between it and the governmental institutions. For example, the former president of parliament, Norbert Lammert, criticized that the Court had oversteered its authority ("Lammert kritisiert Klimabeschluss," 2021). Winter (2022) concluded that concerns about whether the Court would directly affect policy-making were a superficial misinterpretation. The Court's decision may have an indirect effect as it required the revision of the law but the separation of political power was not harmed and they acted "within the proper realm of the judiciary" (Winter, 2022, p. 220).

The Constitutional Court cannot and must not determine policy because the Court is not a political body. However, their decisions can impact legislation. It "determines the constitutional framework within which policies may develop" (Bundesverfassungsgericht, 2023). In other words, the Court cannot provide specific details on how climate change policy should be implemented. It is, however, an important political actor as its decisions affect policies and regulations. The Court has the authority to mandate that the government "make better policies" that are consistent with current knowledge and to adequately protect the rights of liberty, including the rights of future generations. It cannot provide specifics on how to do so (Groß, 2023).

5.2. Institutions for Representing Future Generations

Currently, five institutions examine the potential impact of today's actions on the environment and citizens in the future in Germany. The Committee of Experts on Environmental Issues, the Council for Sustainable Development, the Committee of Experts on Global Change, the Expert Council on Climate Change Issues, and the Parliamentary Council on Sustainable Development. These institutions create a network to assess climate change-related issues and their impacts to help decision-makers formulate policies. Of these, the courts are the only institutions with the power to block legislation and government projects. It is the network of multiple institutions, including the courts, that have the potential to effectively protect future generations (Hartwig, 2023).

As guardian of the Constitution, the Constitutional Court must check laws and regulations regarding their constitutional correctness when brought to the Court, and their decisions have the power to terminate laws if these were ruled to violate the Constitution. The Court is tasked with ensuring a fair distribution of costs and benefits across citizens—and generations—of Germany. With the new intertemporal institution developed out of the climate verdict (Kirchhof, 2022), the task of assessing the equal distribution of costs and benefits through regulations and policy programs has become more difficult as the costs and benefits not only have to be equally distributed within current generations but also across future generations (Ekardt & Heyl, 2022). Article 20a of the Constitution is meant to oblige policymakers to take the effects of their decisions in the future into account. The verdict by the Constitutional Court obliged the government to revise the Climate Protection Act accordingly. However, one might criticize that the new sector-specific targets set in the revised

version of the act are not significantly more ambitious compared to the targets defined in the original version, though the Court's verdict did not oblige the government to set higher targets. The Court mandated the government to define more detailed targets between 2031 and 2050 and define a gradual reduction of CO₂ emissions, allocating the CO₂ budget across time. Setting new targets was not directly mandated. With the new targets, the government responded to criticism that the specified targets were not sufficient to meet the Paris Agreement of limiting global warming to below 1.5 °C–2 °C. This may lead to further climate litigations against the Federal Climate Protection Act. Within the legal and constitutional framework, the Constitutional Court has the potential to act as a guardian for future generations.

Because electoral democracies lack the representation of future generations structurally, as they do not have a vote, an additional institutional structure is needed in the form of a constitutional representation (Tremmel, 2006). Therefore, the Constitutional Court acts as a guardian for future generations within its judicial power. However, the Court alone, without a system of political institutions to enforce its will, would also mean that it would not have the political power to effectively represent and protect the rights of future generations. A constitutional representation of the rights of future generations obliges current governments, as well as the electorate, to consider the effects of their actions in the distant future.

The establishment of a new intertemporal institution for protecting the freedom rights of future generations implies that future generations have the right to be represented and that their needs and interests are valid and must be considered. Considering that not-yet-born future generations have no voice, the issue becomes who is eligible to represent them. Those who are already suffering from the consequences of climate change are expected to suffer more, such as the younger generation, can represent future generations (Byskov & Hyams, 2022). The plaintiff groups are those who suffer and are expected to suffer in the future from the consequences of climate change and may be representatives of not-yet-born future generations while being negatively affected by increasing climate change impacts themselves.

5.3. Contributions to Sustainable Policymaking for the Long-Term Well-Being of Future Generations

This ruling transforms the concepts of future generations' rights and intertemporal freedom in the context of climate change from abstract or philosophical notions into concrete legal subjects. One of the most noteworthy aspects of this case is that, although the German Federal Constitution Court is responsible for protecting the rights of future generations in the context of the protection of the natural environment as a resource for human life, as stipulated in Article 20a of the Constitution, this right was for the first time the subject of an explicit and demonstrable claim. These ideas are grounded in constitutional rights, allowing them to be asserted in court if they are ever infringed upon. The potential infringement in the future, which is not clearly definable today, yet enough grounds for the court to rule for the protection on behalf of future generations is a significant novelty about this verdict. Previously, this right was only a normative, theoretical, or implied aspect of constitutional and governmental responsibility.

Intergenerational justice, when enshrined in a constitution, becomes a guiding principle for policy and decision-making. A constitution acts as a beacon, setting the standards for responsible governance that consider the long-term impacts of present actions. The verdict demonstrates that present generations have a responsibility to adopt measures that safeguard the interests of future generations, but also that governments must balance between meeting the needs of the present without compromising the ability of

future generations to meet their own needs. This extends beyond moral considerations, as there is a growing recognition of the need for legal frameworks to enforce these principles. The legal standing of future generations becomes paramount, necessitating mechanisms that transcend the temporal boundaries of the present. Legally binding instruments, such as constitutional environmental human rights, play a pivotal role in embedding intergenerational justice into the fabric of governance. By incorporating environmental human rights and sustainable development principles into the legal framework, a constitution serves as a medium for ensuring that decisions made today do not jeopardize the well-being and environmental resources essential for the livelihood of future generations. A constitutional court, through its decisions, can play a crucial role in justifying the protection of the interests of future generations. The court's interpretation can ensure that the legal frameworks in place effectively serve the cause of intergenerational justice.

However, the issue of uncertainty shown in the verdict complicates the path to justice. Assessing the impact of present decisions on future generations involves navigating through unknowns. The responsibility for providing evidence in such situations becomes a critical consideration. A thoughtful approach is required to distribute this responsibility, acknowledging the uncertainty inherent in predicting the needs and challenges of the future. The connection among present decisions, legal frameworks, and the interests of future generations forms the essence of intergenerational justice. The legal standing of future generations, embedded in constitutional environmental human rights, creates a foundation for responsible governance. As constitutional courts interpret these laws, they become the guardians of intergenerational equity, ensuring that justice prevails not only between the living but also for those generations yet to inherit the consequences of today's actions.

6. Conclusions

This article explored how the 2021 German climate verdict and constitutional provisions address the representation and protection of the interests of future generations in the context of climate change, and how this verdict may contribute to sustainable policymaking for the long-term well-being of future generations.

The 2021 German climate verdict was novel regarding the legal standing of non-German citizen plaintiffs, the legal standing of future generations, the application of the precautionary principle and uncertainties of future harm, and the formation of a new institution for protecting basic freedom rights of future generations. Expectations that the ruling would fundamentally change international climate change policy and liberal democracy, as Ekardt and Heyl (2022) argued, may have been overly ambitious. Nevertheless, the verdict is seen as pivotal for global climate litigations where constitutional rights are involved, such as the Dutch case of the Urgenda Foundation and the Belgian *Klimaatzaak*. Regardless of the novelties and global recognition of the verdict, without the necessary reception by government leadership in policy-making, the impact of domestic climate change policies remains limited. Neither the ruling itself nor the Constitutional Court has been able to completely change the political direction of the country. Yet, such a ruling can be a strategic tool to push for political solutions, but it lacks the impact to fundamentally change political will and climate policy.

This case showed that representation for future generations is limited and depends on how the political leadership puts it into practice. One of the key challenges is that the needs of future generations compete

with the needs and interests of the current generation. The uncertainty of climate change effects in the future will remain an obstacle to the new institution as the Court requires certainty of violations of fundamental rights to uphold complaints. To what extent uncertainty will be accepted in future cases remains to be seen.

Several types of institutions have been put in place attempting to provide future generations with better representation. For example, the Ombudsman system, commissions for future generations, or constitutional representation. Neither normative frameworks in constitutions nor a constitutional court alone can protect the freedom rights of future generations. It requires a network of institutions and a legal framework that allows the representation of future generations. Article 20a and the Constitutional Court are key elements of such a framework. While the 2021 ruling may not have had the desired impact on German climate change policy, the new institution of intertemporal protection of freedom rights currently questions more than climate policies. It opened a new discourse on future generation-oriented, constitutional climate mitigation responsibility by national, EU, and international politics.

Between rights and social reality, and between constitutional authority and the government, several dimensions challenge the status quo (Walter, 2000). Even though the Constitution is supposed to give a stable democratic structure and framework, it is not impervious to changes over time and adapting to changing social conditions. Changes in the interpretation of the Constitution under conditions of climate change provide the most recent examples. As Article 20a was adopted in 1994, the grounds of the argument in the 2021 verdict about intergenerational justice and the government's responsibilities was a new take on the normative framework that existed before.

The Court based its decision on the Intergovernmental Panel on Climate Change assessment reports which, over time, published more concrete evidence on the causes of climate change. The increasing knowledge base forces the reinterpretation of the normative framework. The verdict concerning changing conditions and new knowledge on the climate change issue, as well as the increased interest in the effects on future generations, affect the status quo. The consideration of negative impacts on the freedom rights of future generations due to the progression of climate change has the potential to create an institutional framework for better representation of future generations' fundamental environmental rights.

Conflict of Interests

The author declares no conflict of interests.

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Protecting Future Generations Through Minilateralism: Climate Clubs and Normative Legitimacy

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Submitted: 16 October 2023 **Accepted:** 12 January 2024 **Published:** 28 February 2024

Issue: This article is part of the issue “Considering Future Generations in Democratic Governance” edited by Yasuko Kameyama (University of Tokyo) and Tomohiro Tasaki (National Institute for Environmental Studies), fully open access at <https://doi.org/10.17645/pag.i379>

Abstract

Despite three decades of global climate negotiations and high expectations for the 2015 Paris Agreement, global emissions continue to grow. To protect future generations from severe harm, scholars, environmentalists, and politicians alike explore potential supplements to the United Nations Framework Convention on Climate Change process. One potential supplement is climate clubs of a type where a small number of “enthusiastic” countries embark on ambitious mitigation efforts while encouraging other, more “reluctant” countries to join. Previous research has shown that this club type possesses a significant potential for expanding membership and eventually becoming highly effective in reducing global emissions. A common criticism of climate clubs, however, is that they lack legitimacy. Assessing this criticism, we argue that climate clubs of the type considered here can be normatively legitimate. The main challenge for normative legitimacy concerns climate clubs’ use of incentives, particularly negative incentives, to attract members. However, we argue that even negative incentives for participation can be legitimate, assuming they meet a set of relevant legitimacy criteria—including that the club respects human rights, provides a comparative benefit, maintains institutional integrity, implements only proportional incentives, and fulfills a requisite set of epistemic criteria. We also argue that the normative legitimacy of climate clubs’ use of incentives for compliance is less challenging than the normative legitimacy of their use of incentives for participation.

Keywords

climate change; climate clubs; democracy; future generations; legitimacy

1. Introduction

Three decades of climate negotiations under the auspices of the all-inclusive United Nations Framework Convention on Climate Change (UNFCCC) have yet to produce effective international climate cooperation. The consequences are devastating—especially for children and future generations. According to Save the Children (n.d.), nearly 160 million children are already suffering from increasingly severe and sustained droughts. Moreover, some 90% of diseases caused by climate change will likely affect children under the age of five. By 2040, one in four children will be living in areas with extreme water shortages. By 2050, the climate crisis could cause an additional 24 million children to be undernourished and the number of migrants to increase by more than 140 million. Thus, climate change is a problem that particularly affects future generations. This is all the more true the longer it takes for the international community to develop an effective response to reduce greenhouse gas emissions. For the sake of the welfare of future generations, we thus need international institutions that last over time, which likely requires both effectiveness and legitimacy (in both a descriptive and a normative sense; see, for instance, Tallberg & Zürn, 2019).

The ineffectiveness of the UNFCCC negotiations, which operate under a consensus rule, has triggered various initiatives to address the climate problem in smaller—and possibly more effective—forums. However, such initiatives have been challenged. First, concerning effectiveness, scholars have deemed existing multilateral associations as little more than “forums for political dialogue” (Weischer et al., 2012) or “discussion clubs” (Andresen, 2014). Second, regarding descriptive (sociological) legitimacy, scholars have found that multilateral associations command (at best) modest support from elites and the public (Falkner et al., 2022; Gampfer, 2016; Zelli & van Asselt, 2013). Finally, concerning normative legitimacy, Eckersley (2012, p. 26) argues that “exclusive multilateralism” is “elitist, procedurally unjust, self-serving and likely to thwart the justice principles of the UNFCCC.” Yet, Eckersley (2012, p. 28) acknowledges that if “more expeditious ways” exist for reducing the dangers of climate change, “they ought to be carefully considered in the name of promoting substantive justice.”

One potentially “more expeditious way” is a climate club of the type depicted by Victor (2011). This type of club would be initiated by a group of enthusiastic countries that would then seek to incentivize other, more reluctant countries to join. While clubs of this type “face the highest hurdles to implementation” (Falkner et al., 2022, p. 480), the longer it takes for the international community to effectively deal with the climate problem, the more relevant and urgent the establishment of potentially effective climate clubs will become. One important function climate clubs may serve is to prevent “carbon leakage,” which may occur when greenhouse gas regulations are not global. Multinational companies’ incentives for relocating to areas without greenhouse gas regulations would be weakened by the risk of being sanctioned by an effective climate club. Recent efforts include the G7 climate club as well as the EU-based Carbon Border Adjustment Mechanism, which has been termed a “de facto climate club” (Szulecki et al., 2022). Both efforts bear similarities—yet also differences—to the climate club design we consider here.

If successful, a climate club would create a snowball effect, whereby adding new members would make membership increasingly attractive for remaining outsiders. Should a club succeed in establishing such a process of membership growth, it could end up including states responsible for a large share of global greenhouse gas emissions. Recent research using agent-based simulations shows that a climate club of this type can indeed grow and eventually become very effective in reducing global emissions. To succeed,

however, the club must be properly designed and initiated by the “right” constellation of enthusiastic countries (Hovi et al., 2019).

We argue, in response to Eckersley’s criticism cited above, that climate clubs of the type considered here can indeed be normatively legitimate, but only if they fulfill certain criteria. The main challenge for their normative legitimacy is not exclusiveness but rather their (potential) use of negative incentives to induce reluctant countries to join. Applying a suitably modified version of Buchanan’s (2018) framework for normative legitimacy, we claim that climate clubs can be normatively legitimate if they respect (and generally do not endanger) human rights, provide a substantial benefit (in terms of climate mitigation), maintain an adequate level of institutional integrity, have a reasonable system for internal deliberation and bargaining, and impose only proportional sanctions on nonmembers. If so, they should, in virtue of their legitimacy, be supported or at least not interfered with (Buchanan & Keohane, 2006). Conversely, illegitimate institutions lack this moral right to noninterference and support. In addition, and more generally, we agree with Buchanan (2018) that democracy is legitimacy-engendering, but that this criterion is subject to a feasibility constraint, and that democracy is infeasible in the international realm, at least for the time being.

The existing climate club literature has been concerned with functions, effectiveness, and descriptive (sociological) legitimacy. In contrast, it has paid far less attention to normative legitimacy. This article aims to help fill this void.

The article is organized as follows. In Section 2, we define climate clubs and review major contributions to the climate club literature. In Section 3, we introduce a set of criteria for assessing international institutions’ normative legitimacy. In Section 4, we apply this set of criteria to assess the normative legitimacy of climate clubs’ use of incentives to expand membership. In Section 5, we briefly explain why the use of incentives to enhance compliance is less problematic for climate clubs’ normative legitimacy than the use of incentives to enhance participation. Finally, in Section 6, we conclude by summarizing the criteria climate clubs of the type considered here must fulfill to be normatively legitimate.

2. Climate Clubs

Climate clubs could come in various forms and shapes. As already mentioned, many clubs are simply “discussion clubs,” with no membership fee, no legally binding commitments, and few (if any) incentives for enhancing participation and compliance. In many cases, membership is based on invitations, preexisting membership (e.g., the G7 climate club), or some other mechanism that restricts potential participation. Few existing clubs pursue an open-membership policy, which would seem a precondition for initiating significant membership growth and thus having a substantial impact on global emissions.

Because of the diversity in club design, clubs might vary considerably in terms of normative legitimacy. Therefore, any assessment of normative legitimacy must focus on a particular type of climate club. This is exactly what we do in this article. Our choice of club type is not random; rather, we focus on a type shown by previous research to have the potential to become very effective in reducing global emissions. Building on Victor (2011) and using agent-based simulations, Hovi et al. (2019) show that to be effective, a climate club must include the possibility of using incentives if it is to recruit reluctant countries to become members and enforce compliance. However, using such incentives (especially to induce other countries to participate)

raises normative legitimacy concerns. The purpose of this article is precisely to map the criteria climate clubs need to satisfy to overcome these concerns.

In our view, it is particularly interesting and relevant to consider the legitimacy of a club design with the potential for becoming effective. We therefore base our discussion of normative legitimacy on the design considered by Hovi et al. (2019). We also invoke their definition, according to which a climate club is an “international actor (country) group that (1) starts with fewer members than the UNFCCC has and (2) aims to cooperate on climate change mitigation” (Hovi et al., 2019, p. 1072). Further, the founding members are assumed to be “enthusiastic,” that is, willing to undertake emissions reductions beyond what is in their (narrow) self-interest. Finally, their design includes an “open-membership policy,” meaning that any country can become a member, provided it is willing to “pay the membership fee,” that is, to fulfill the club’s membership criteria. For example, in the model used by Sælen (2016) and Hovi et al. (2019), members must commit to spending 1% of their GDP on mitigation yearly. Thus, the climate clubs they—and we—study may be termed semi-exclusive: Any country could in principle join; however, countries that decline to accept the membership fee cannot become members (i.e., they are excluded). Because the type of climate club we consider uses incentives (including negative incentives) to induce membership growth, the criteria for normative legitimacy are likely to be more challenging for this type than for many other types of climate clubs. Thus, if the criteria for normative legitimacy are fulfilled by climate clubs that use incentives, they will also most likely be fulfilled by many other club types, for example, clubs that do not include any incentives for participation or compliance.

Climate clubs can serve at least two important functions (Falkner, 2016): First, while the UNFCCC’s consensus rule enables any country to block collective decisions, a climate club could start with limited and enthusiastic membership, thereby circumventing the resistance of unambitious UNFCCC members (cf. Underdal, 1980). Second, and partly related, climate clubs might find it easier to agree on incentives for participation and compliance. Positive incentives might take the form of club goods, conditional commitments, or side payments, whereas fines, penalties, or sanctions are examples of negative incentives (Hovi et al., 2019; Nordhaus, 2015; Sælen, 2016).

In short, climate clubs of the type considered here aim for a snowball effect: A coalition of the willing forms and then invokes incentives to expand and develop without requiring all UNFCCC countries’ consent. Could such a coalition satisfy the basic requirements of normative legitimacy? The answer depends not only on what type of club we consider but also on what criteria for normative legitimacy we use.

3. Legitimacy

“Legitimacy” is used in a variety of ways. We take “legitimacy” to refer to political institutions, as well as to their acts, decisions, rules, regulations, laws, and so on (Peter, 2017). Thus, while climate clubs (or other political institutions) may be legitimate or illegitimate as such, their acts, decisions, rules, regulations, laws, and so on may also be legitimate or illegitimate.

The legitimacy of an institution affects how we ought to relate and respond to it. According to Buchanan and Keohane (2006, p. 407), “We should support or at least refrain from interfering with legitimate institutions.” Further, legitimacy implies “the right to rule” (Buchanan & Keohane, 2006, p. 405; see also Buchanan, 2018,

p. 56; Christiano, 2012, p. 381). We generally agree with both claims. Although “rule” might not be the most compelling term for the ambitions of a small, newly formed climate club, even such a club aims to shape and guide the rules and norms within a certain domain. Hence, the question is whether it has the right to do *that*. Thus, we understand the term “rule” in a quite flexible manner.

We rely here on Buchanan’s (2018) metacoordination view of institutional legitimacy but adjust it in certain aspects. According to this view, an institution is “legitimate if and only if it is morally worthy of our support and an institution is morally worthy of our support only if the benefits of empowering it outweigh the risk of doing so” (Buchanan, 2018, p. 55). In the metacoordination view, institutions are valuable in facilitating the coordination needed to solve problems or provide goods (Buchanan, 2018, p. 56). Further, coordination is needed to ensure that we “converge on some particular institution” (Buchanan, 2018, p. 56). In this sense, the metacoordination view *acknowledges* sociological or descriptive legitimacy (Peter, 2017; Tallberg & Zürn, 2019; Weber, 1964), but without confusing this kind of legitimacy with normative legitimacy. The latter, as noted, relies on whether an institution is *morally worthy* of our support. Here, we focus squarely on “normative legitimacy” and leave aside legal, sociological, or descriptive understandings of the term (Buchanan, 2018, p. 58; Buchanan & Keohane, 2006; Peter, 2017). One reason not to take sociological legitimacy into account is that such legitimacy is *in principle* detached from normative legitimacy. A normatively legitimate institution may lack sociological legitimacy, and an institution that enjoys sociological legitimacy may lack normative legitimacy (Tallberg & Zürn, 2019, p. 587). This is not to deny that the two forms of legitimacy can be interrelated. Normative legitimacy may sometimes contribute to sociological legitimacy to the extent that the relevant actors are motivated by normative concerns (which of course is oftentimes not the case; Tallberg & Zürn, 2019, p. 587). Furthermore, sociological legitimacy may, as a matter of fact, help institutions in reaching their goals, insofar as support facilitates coordination, and in that sense, sociological legitimacy may strengthen normative legitimacy, albeit indirectly. Since this connection is intrinsically contingent, we do not consider sociological legitimacy to be a (presumptively) necessary criterion for normative legitimacy. Further, whether international legitimacy requires domestic or global democracy is contested (Peter, 2017). Here we assume that international institutions can be legitimate despite the absence of global democracy, and even if the participating collective agents, especially states, are not internally democratic. Although democracy may contribute to an institution’s legitimacy, democracy (like sociological legitimacy) should not be a presumptively necessary criterion for normative legitimacy. As Buchanan (2018) notes, democracy is at present not feasible on the international level. If democracy nevertheless is set as a criterion of legitimacy, the upshot would be that no international institution could be legitimate. This would not be a *reductio*, because it is entirely possible that no international institution is normatively legitimate. However, on reflection, it seems at least possible that some institutions should be considered legitimate even if their procedures are not democratic and even if those institutions comprise states that are not internally legitimate.

For illustration, consider the following (unlikely) case: Suppose nuclear disarmament is highly beneficial to world peace and security long term. Suppose further that Russia, China, and Iran engaged in a minilateral cooperation of the club type and committed themselves to substantial disarmament, while encouraging other nuclear powers to join, in exchange for, say, preferential trade agreements, and imposed mild sanctions on nonmembers. It would be odd to deem this disarmament club illegitimate, just by virtue of being nondemocratic. While their being nondemocratic might make the member states of this club illegitimate qua states, this does not necessarily stain all their international efforts if these efforts would

likely provide great benefits. It would seem wrong not to support this imaginary club and even worse to interfere with its efforts.

To be sure, in this example, the nature and importance of the benefit—nuclear disarmament—is likely to do quite a lot of the normative work. A lack of democracy may be legitimacy-undermining in many circumstances, but not all. As we will return to, combating climate change is of course also a vital (potential) benefit, and in our view, the importance of this benefit makes it hard to conclude that a climate club is illegitimate just because one or more of its members are nondemocratic. This problem does not necessarily arise on the level of the climate club itself because such clubs may have internal deliberative procedures that may be sufficient to secure some sort of democratic legitimacy at the international level. We return to this below.

A further benefit of the metacoordination framework of legitimacy is that it is flexible in the sense that the criteria are applied and interpreted in ways that are sensitive to the function and value of the institution in question (Buchanan, 2018, p. 53). Of the criteria listed below, only the second criterion is strictly necessary. The others will be judged in light of the “noninstitutional alternative” (Buchanan, 2018, p. 60).

The specific criteria against which we assess the legitimacy of climate clubs build on, as noted, Buchanan’s work (2018; see also Buchanan & Keohane, 2006), with some crucial adjustments and elaborations:

1. Minimal moral acceptability (most significantly, respect for basic human rights);
2. Provision of a comparative benefit;
3. Institutional integrity;
4. Proportionality;
5. Sound procedures (Buchanan, 2018, pp. 59–60; Buchanan & Keohane, 2006, pp. 432–433).

This list differs from Buchanan’s in two respects. First, we have dropped a criterion requiring “acceptable origination (or sound pedigree)” (Buchanan, 2018, p. 60). The reason is that it is hard to see that the pedigree of an *institution* matters to its legitimacy if it currently provides a substantial benefit, is rights-respecting, etc. Suppose a climate club that contributes significantly to mitigation came about historically through force and conquest. The history would be unfortunate, yet arguably not sufficient to give us reason to withdraw our current support. Further, we add the criterion of *proportionality*, well known from the just-war tradition, and highly relevant to legitimacy assessments—especially regarding negative incentives (e.g., see Reichberg & Syse, 2018). Plausibly, the use of disproportionate incentives would limit a climate club’s legitimacy.

We also accept Buchanan and Keohane’s (2006, p. 412) claim that legitimacy requires less than justice does. Climate clubs need not be morally immaculate to be legitimate. We assume, then, that climate clubs are legitimate to the extent that their existence, acts, decisions, policies, and so on meet the above set of legitimacy criteria. To the extent that climate clubs meet these criteria, they have the right to rule, in the relevant sense, even if their acts, decisions, laws, etc., fall short of perfect justice. For nonmembers, the proper response to a legitimate climate club is noninterference and a real openness to cooperation.

Finally, legitimacy may occur at different *levels* (Peter, 2017), raising the question of whether and how these levels interact. In our context, the most pressing issue is whether a climate club’s legitimacy depends on the legitimacy of the individual participating states and if not, whether the way such clubs can permissibly behave

towards nonmembers depends on the legitimacy of the members. Although we cannot address this question in full here, we consider it briefly when discussing institutional integrity.

4. The Normative Legitimacy of Incentives for Participation

To grow and eventually become successful in reducing global emissions, a climate club must entice reluctant countries to become members. Such enticement may consist of positive incentives (club goods, conditional commitments, side payments), negative incentives (penalties, fines, sanctions), or both.

Incentives for participation may be challenging from a legitimacy viewpoint, because they may have negative consequences for those choosing to remain nonmembers. Even positive incentives may entail negative effects for nonmembers. For example, a preferential trade agreement for climate club members might divert trade between members and nonmembers to trade between members. Hence, nonmembers would suffer. Nevertheless, negative incentives will be particularly problematic. We therefore focus on negative incentives, which typically take the form of imposing costs directly on persistent nonmembers (or threatening to do so). What criteria must be fulfilled if negative incentives for participation in a climate club are to be normatively legitimate?

4.1. Basic Human Rights

In averting grave harm to an immense number of people, including both present and future generations, it seems that climate clubs will not pose an immediate threat to human rights. Negative incentives, however, have an obvious material side, imposing costs on target states. Sometimes material costs translate into human costs. Thus, regarding climate change, human suffering that endangers basic human rights is plainly at stake on both sides of the equation (Caney, 2010b, p. 89). Potential basic human rights violations following from imposing penalties or sanctions on nonmembers or from mitigation efforts must be weighed against potential violations of the basic human rights of present and future generations resulting from climate change.

Violating the basic human rights of present individuals is unlikely to be *necessary* to avert future climate change, however. In cases where imposing costs on a poor nonmember state endangers its inhabitants' human rights, it could be remedied by letting resource-rich club members shoulder more than their (otherwise) fair share of the burden, or by imposing more than what would (otherwise) be a fair share of penalties on capable nonmembers (see Ashford, 2003, p. 286). Doing so would help ensure that climate clubs do not violate basic human rights. It is not obvious what a "fair share" amounts to in this context, and we consider this issue further in our discussion of epistemic criteria (see Section 4.5).

As noted, *all* costs imposed on a state might affect individual welfare. But for rich states, such costs need not pose any threat to basic human rights if responsible politicians handle the situation with due care. Thus, whenever it is reasonably possible to prevent sanctions from violating basic human rights, climate clubs must do so to stay legitimate.

While protecting citizens in poor (or spiteful) nonmember states by diverting costs to rich and capable members and nonmembers would be most legitimate, doing so might have other, more remote negative consequences. For example, if such diversion were to undermine rich members' future motivation

or bolster rich nonmembers' recalcitrance, these unfortunate effects would have to be factored into the assessment.

4.2. Comparative Benefit

To be legitimate, an international institution must provide some kind of benefit "that cannot otherwise be obtained" (Buchanan & Keohane, 2006, p. 422). Thus, an institution can lose its legitimacy if some other feasible institution can provide the same benefit more efficiently, more effectively, or both (Buchanan & Keohane, 2006, p. 422).

To justify the attempt to lay down rules in the relevant domain, the benefit concerned must be of some substance. It must also justify the use of incentives. The benefit of climate clubs is potentially very substantial. The Intergovernmental Panel on Climate Change (2023, p. 89) warns that ambitious action on climate change is now extremely urgent if countries are to achieve the collective temperature goals listed in the 2015 Paris Agreement. Failure to reach these goals would likely entail grave and lasting consequences for current and (especially) future generations. This point is worth emphasizing. Intergenerational conflicts of interest are potentially extremely challenging (Gardiner, 2004). This is problematic not only because future generations are powerless vis-à-vis the current generation, but also because future generations will likely outnumber the current generation on a potentially very grand scale. Thus, the current generation's lack of effective climate action could undermine decent living conditions for very many people in the future. The stakes are thus very high, and the benefit that can be provided by well-functioning climate clubs is hard to overestimate.

The benefit (i.e., mitigating climate change) must not only be important in absolute terms. To be legitimate, climate clubs must provide the benefit effectively. If the provision is (sufficiently) ineffective, a climate club cannot legitimately impose sanctions on nonmembers in support of its (ineffective) efforts (Buchanan & Keohane, 2006, p. 422).

We must also consider whether the benefit is provided in a comparatively effective and efficient way (Buchanan & Keohane, 2006, p. 422). Suppose two climate clubs are unequally effective or efficient in their mitigation efforts and that the existence of two clubs (for whatever reason) is detrimental to total mitigation efforts. Only the most effective or efficient climate club can then plausibly be legitimate. To conclude otherwise would be to allow unnecessary costs, in terms of reduced goal achievement or increased rights violations, for no good reason.

Furthermore, we must compare a climate club's efforts with multilateral efforts, notably those of the UNFCCC. Recent research suggests that different types of dissatisfied states tend to join different kinds of institutions outside the UNFCCC framework. Minilateral forums tend to be initiated by states dissatisfied with the UNFCCC process (Rowan, 2021). States considering that the UNFCCC process moves too fast ("fragmenters") tend to join forums that (a) focus on networking and deliberation and (b) challenge the UNFCCC by articulating rival climate goals and policy principles. In contrast, states considering that the UNFCCC process moves too slowly ("deepeners") tend to join forums aimed at developing and implementing more ambitious climate policies. Interestingly, membership in climate institutions designed to facilitate implementation is positively associated with the ambitiousness of nationally determined contributions.

In contrast, membership in climate institutions in general is unrelated to such ambitiousness. Because enthusiastic countries—the initiators of the climate club type we consider—would almost certainly be “deepeners,” a (successful) climate club will arguably more likely strengthen than weaken nationally determined contributions under the Paris Agreement.

Let us nevertheless assume that a climate club really would adversely influence the Paris Agreement’s effectiveness. Would such adverse influence constitute a legitimacy problem for the club? The answer, in our view, depends on the two institutions’ *combined* effect on global emissions. To be sure, a climate club could increase, decrease, or leave unchanged the effectiveness and efficiency of the Paris Agreement. To be legitimate, the climate club must enhance the institutions’ *total* effectiveness and efficiency. It must even do so by a substantial margin because a new climate club will likely have less institutional resilience than an established UN institution with universal membership, such as the Paris Agreement. Thus, we must factor in the possibility that a future shock could cause the climate club to falter and leave us with only a weakened Paris Agreement. This being said, the potential conflict between climate clubs and the Paris Agreement should not be exaggerated. Because Paris is largely about collective goals and uses a framework based on self-determined pledges, monitoring, review, and verification, it could have a synergistic rather than an antagonistic relationship with climate clubs.

Some readers might object that for tackling climate change, a certain minimum of collaboration within the UNFCCC is necessary and that, therefore, a climate club that reduces the level of cooperation below this minimum cannot be legitimate. However, even if one accepts this objection, the above line of reasoning remains valid unless the level of UNFCCC cooperation drops below the minimum. After all, the main purpose of a climate club is to enhance progress on climate change mitigation.

Although two (or more) institutions pursuing the same goal might both be legitimate, differences could exist concerning the extent to which they are permitted to impose negative incentives. Although we cannot pursue this question in detail here, it is plausible that the entitlement to impose negative incentives would vary with the institutions’ effectiveness and efficiency, as well as with the expected long-term consequences.

To enhance efficiency and effectiveness, negative incentives must be clearly specified beforehand to make the requirements for avoiding them unambiguous. For climate clubs, this criterion could be fulfilled by including regulations for the use of incentives in the institutional structure (e.g., in a club’s constitutive agreement) and by making these regulations publicly available for all members and nonmembers alike. In addition, all sanctions must be clearly contingent on the offense, so that a nonmember that accepts becoming a member will avoid further punishment (concerning participation). This requirement, too, should be easy to satisfy. Indeed, having induced a particular reluctant country to join, other club members would have no further grounds to punish it (over membership).

4.3. Institutional Integrity

The institutional integrity criterion requires the absence of a “pattern of egregious disparity between its actual performance...its self-proclaimed procedures and major goals” (Buchanan & Keohane, 2006, p. 422). In our context, this means that climate clubs must do their fair share to achieve the goals themselves (Buchanan & Keohane, 2006, p. 423).

An institution's integrity might also be affected by the integrity of its members. Consider a perfectly legitimate international institution that consists only of illegitimate (say, oppressive and human-rights-violating) states (Buchanan & Keohane, 2006; Rawls, 1999). It seems that even illegitimate members of a climate club might be permitted to impose ambitious climate standards upon other states, at least if these illegitimate states are not *too* illegitimate and the climate club is otherwise legitimate. Although it is hard to argue conclusively for this claim, one relevant consideration is that the severity of climate change's consequences dwarfs at least minor sources of internal illegitimacy. Suppose that a climate club consisting of minimally illegitimate states were positioned to ensure emissions reductions in other countries to an extent that would make a substantial difference globally. It would be contrived to insist that the minimally illegitimate members were not morally permitted to ensure these emissions reductions, given only insignificant sources of illegitimacy and the substantial dangers of climate change. However, *severely* illegitimate members would more likely undermine the club's legitimacy (this point is related to our earlier discussion of democracy as a candidate criterion for legitimacy).

4.4. Proportionality

That negative incentives can be legitimately imposed in principle does not mean that all kinds and magnitudes of incentives are permissible. Further legitimacy criteria are needed, including proportionality. Proportionality requires that incentives be proportionate to the offense. Here, the offense concerned is failure to contribute fairly to solving the climate change problem. It is not straightforward to determine precisely what incentives qualify as proportionate to this offense. However, at the very least, the punishment can reasonably equal the difference between the offender's fair share (e.g., the membership fee) and its actual contribution. The combined cost of the actual contribution and the punishment would then equal the (mitigation) cost of membership. This punishment would therefore simply ensure that the offending state must bear a cost equivalent to that of contributing its fair share of climate change mitigation.

The means of punishment are also relevant. Consider trade sanctions, which worsen the offender's position in the trade system. An equally costly incentive could in principle be imposed by seizing a portion of the offender's natural resources or occupying a piece of its (unpopulated) territory. However, imposing the latter types of punishment is much more problematic in terms of legitimacy because they violate the offender's sovereignty and self-determination more directly. While we do not rule out that more direct measures could *ever* be legitimate, the threshold would then be significantly higher, and less intrusive means must be unavailable. As a rule, sovereignty and self-determination should be respected.

Proportionality requires considering not only immediate consequences but also more remote ones. Even if some penalty level is legitimate when considered in isolation, it might also influence the motivation of other actual or would-be offenders. For example, whether an otherwise legitimate penalty makes other offenders even more recalcitrant must be considered. Although such evaluations can be complex, they are nevertheless needed to properly assess proportionality.

Must there be a substantial probability that the target will yield for a punishment to be legitimate? We think not—at least if no sanctions would make it less likely that *others* would do their fair share (Drezner, 2003). Penalizing a state, even when clearly in vain, can be legitimate to increase the likelihood of effectively combatting climate change. Such penalizing is equivalent to imposing harm on one agent to realize a good for other agents; however, reducing climate change will likely also benefit the recalcitrant nonmember.

4.5. Procedures for Handling Disagreement

Two general epistemic problems are associated with legitimacy assessments of international institutions. First, there is “the problem of factual knowledge” (Buchanan & Keohane, 2006, p. 425). It is hard to establish beyond a reasonable doubt whether a particular institution is legitimate. A lot of detailed information is needed to track the institution’s human rights record, its integrity, its effectiveness in providing a common benefit, the proportionality of its incentives, and so on.

The second problem is “the problem of moral disagreement and uncertainty” (Buchanan & Keohane, 2006, p. 425). The primary issue here is not information shortage; rather, it is the deep-seated disagreement about moral questions, including the extent and content of human rights and international institutions’ moral responsibility to promote good in the world. The question is how to practically handle such disagreement.

Both problems are important. They are also somewhat intertwined. However, we generally accept Buchanan and Keohane’s (2006, pp. 424–433) suggestion that accountability, transparency, and public justification of institutional policies are necessary (though not necessarily sufficient) factors for tackling them. Here, we focus on a narrower question of particular interest in the present context.

Climate clubs must not only respect human rights and combat climate change. As highlighted by the large literature on climate justice (see Butt, 2007; Caney, 2005, 2006, 2010a, 2010b; Gardiner, 2004; Page, 2008, 2012; Singer, 2004), some conception of *fairness* in burden-sharing is also necessary (Buchanan & Keohane, 2006, p. 410). This conception must be acceptable and justifiable to current members, ideally also to future members. Above we mentioned the example of a climate club using a “membership fee” of 1% of members’ yearly GNP. Even if such a fee is proportional, and in that sense fairer than a flat fee, some countries might still reasonably complain. For instance, they might consider it unfair to require poor states that have emitted relatively little and benefited less than others from carbon-intensive industries to pay proportionally the same as rich and large emitters that have benefited greatly from past emissions.

The general point is that even if a fully just way of distributing climate burdens were to exist, states might well disagree over it. And climate clubs must face this disagreement head-on. A solution could be to include a deliberative procedure for establishing and justifying a cost-distribution scheme acceptable to all members. As stressed by Rawls (1971) in describing the original position, such procedures cannot be dominated by powerful and wealthy states, because fairness does not track such features, and because these states’ bargaining strength cannot be allowed to influence such deliberation. Moreover, the membership fee must be up for periodic revision so that members with (reasonable) complaints against the current fee can present their case in a not-too-distant future, and so that nonmembers will not be discouraged from entering because of disagreement over the current scheme. Finally, the scheme should be *justified* in an openly accessible way to encourage reason-giving and to provide transparency to all interested parties. Ideally, such justification should refer, when appropriate, to widely accepted (general) fairness principles, but also, when necessary, make plain the compromises involved.

Given the intergenerational aspect of climate change, one might also encourage climate clubs to take future generations explicitly into account in their deliberative procedures. Justice across generations is an extremely complex issue (Caney, 2005; Gardiner, 2004; Parfit, 1984), and it is far from clear what fairness

entails in this context. Nevertheless, given what is at stake, it would make sense to include future generations in the deliberations. Inclusion could be done in several different ways, for instance by representing them directly in negotiations (representation in national parliaments has been suggested by Skagen Ekeli, 2009). Note that it would be too demanding to make legitimacy conditional on such representation of future generations. Because climate clubs could potentially benefit future generations immensely even without such representation, it would be highly counterproductive to withdraw support from, or worse, interfere with, an effective and efficient climate club that does not represent future generations in its deliberative procedure. Nonetheless, it is plausible to claim that such representation could contribute to strengthening the legitimacy of climate clubs.

It might appear overly optimistic to expect states to calmly deliberate their way towards a reasonable compromise. However, some response to moral disagreement is necessary, and climate club members might be more motivated than most other states to engage in deliberation about fair burden-sharing to enhance the chance of long-run success. After all, climate clubs (as defined here) comprise enthusiastic states motivated to do *more* than others to avert great harm. If the members nevertheless prove unable to agree on a burden-sharing scheme, a possible solution might be to combine a minimum threshold for membership with a bottom-up approach to burden-sharing based on nationally determined pledges. Such a system would resemble the one in the Paris Agreement; however, the minimum threshold would ensure that all members uphold a certain level of ambition.

Moral disagreement is, of course, not limited to fair burden-sharing principles. There might be disagreement about the legitimacy criteria themselves, which raises the question of where to draw the line for *acceptable* moral disagreement. There are no universally accepted answers here (apart perhaps from the claim that basic human rights are nonnegotiable); however, the general idea of requiring some firm ground rules, and then deliberating about the more detailed (yet highly important) points, is presumably familiar to most.

Finally, the deliberative procedure itself rests on fairness principles, the most important of which is that members' material bargaining power should not enter the deliberations. Here, too, one might expect disagreement about what constitutes a fair procedure. This is a general problem, but it is easier, presumably, to agree on a few fundamentals for fair deliberation than on the fairness of their outcomes.

5. The Normative Legitimacy of Incentives for Compliance

So far, our discussion of climate clubs' normative legitimacy has focused exclusively on their use of incentives to enhance participation. However, to become effective climate clubs might also need to include incentives for compliance. Do incentives for compliance in climate clubs raise normative legitimacy concerns comparable to those raised by incentives for participation?

We think not. The moral legitimacy of incentives for compliance is less challenging than that of incentives for participation because the former types of incentives apply only to members. By joining a climate club, a country effectively consents to the membership terms (even if these terms may change over time). This argument seems particularly compelling for the club's founding members, who design the (original) membership rules, and for other members participating in later deliberative procedures. Assuming that the club's decision-making relies on unanimity or consensus (the most common decision rules in international

environmental governance), any founding member must necessarily have consented to—or at least not explicitly opposed—the club’s compliance incentives. We are then dealing with a case of what Hardin (1968) refers to as “mutual coercion mutually agreed upon.”

This argument is somewhat less compelling for countries joining at a later stage because they may have acceded despite being opposed to the club’s use of incentives for compliance. However, if compliance incentives are proportional and effective, it is reasonable that they are legitimate for reasons resembling those we discussed regarding incentives for participation. And here too, the presence of a deliberative procedure will further weaken the case for thinking that incentives for compliance are illegitimate.

For both founding members and countries acceding later, one might hold that compliance incentives should not be more intrusive or severe than necessary. Of course, it is hard to imagine states voluntarily consenting to overly harsh incentives, but if they did, moral reasons arguably exist to relax these rules even if initially adopted by mutual consent.

6. Conclusion

The slow progress of the UNFCCC negotiations constitutes a serious threat to future generations. Scholars, environmentalists, and politicians alike therefore continue to suggest supplements to the UNFCCC. Climate clubs represent one such potential supplement. Research using agent-based simulations has shown that climate clubs might be able to grow and eventually become very effective in reducing global emissions by invoking incentives for participation and compliance (Hovi et al., 2019). This finding raises the question of whether such potentially effective climate clubs can also be normatively legitimate.

We argue that such climate clubs *can* be legitimate, but only if a set of criteria is satisfied. We find that the main problem for these clubs’ legitimacy is not exclusivity, as previous research has suggested (Eckersley, 2012), but rather that they must induce reluctant countries to become members if such clubs are to become effective in reducing global emissions. We contend that even negative incentives for participation can be legitimate, provided the club respects human rights, provides a comparative benefit, maintains institutional integrity, implements only proportional incentives, and fulfills a requisite set of epistemic criteria. These conditions are stringent yet not impossible to fulfill.

We also find that compliance incentives are less challenging than participation incentives because compliance incentives apply only to members. By joining the club, a member country has consented to the club’s membership terms. In contrast, nonmembers have not in general consented to the club’s use of incentives to enhance participation.

We emphasize that our findings refer to a particular form of climate club—one that is open to all countries willing to pay the membership fee and that uses incentives to enhance membership and compliance. Although our focus on this type of club is far from accidental, future research should consider whether the conditions for normative legitimacy are different for other types of climate clubs.

Acknowledgments

We thank Kim Angell, Göran Duus-Otterström, Fredrik Dybfest Hjorthen, Jakob Elster, Eva Erman, Jonathan Kuyper, Kasper Lippert-Rasmussen, three anonymous reviewers, and the editors of this thematic issue for many helpful suggestions. We are grateful to Frank Azevedo for excellent copyediting.

Conflict of Interests

The authors declare no conflict of interests.

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ISSN: 2183-2463

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