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DOI (link to publication from Publisher):
10.54337/aau561777692

Publication date:
2023

Document Version
Publisher's PDF, also known as Version of record

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BY
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DISSERTATION SUBMITTED 2023

AALBORG UNIVERSITY
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Dissertation submitted: April 2023

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PhD Series: The Doctoral School of Social Sciences and Humanities, Aalborg University

Department: Department of Politics and Society

ISSN (online): 2794-2694
ISBN (online): 978-87-7573-716-1

Published by:
Aalborg University Press
Kroghstræde 3
DK – 9220 Aalborg Ø
Phone: +45 99407140
aauf@forlag.aau.dk
forlag.aau.dk

Printed in Denmark by Stibo Complete, 2023

ABSTRACT

This monograph is a political theoretical analysis of an under-discussed aspect of the nature of democracy: the fact that it is an *intergenerational* project. The conditions of (democratic) life are partially set by past generations, and we are born into a world already ongoing. The environment, the economy and the political institutions we create will spill over to coming generations. These spill-over effects are intensified by anthropogenic climate change, involving previously unseen levels of impact between generations and vastly prolonged timelines of impact. I ask if these changes require that we reconsider who ought to be included in "the people" or more specifically *the demos* (the subset of the citizenry allowed to take part in decision-making). I discuss this fundamental political theoretical question with respect to the two groups *children* and *future generations*, as they will be most affected by the changing climate but are currently excluded from all forms of democratic participation, including voting. The main overarching question of this monograph concerns the *democratic legitimacy* of democratically excluding these groups.

The standard principles of democratic inclusion seem to imply including children and future generations more within the democratic system, considering that the brunt of the negative impact of climate change will likely be placed on their shoulders. These groups are clearly heavily affected by contemporary decision-making. Children are often also subject to the same legal norms as adults and under the coercive regime in similar ways as adults. However, it is not obvious whether inclusion of children or future generations is feasible or desirable. The over-arching question of this work regards whether it is democratically legitimate to exclude these two groups. I start by considering the broader context of the problem. In the political theoretical debates of the question of who ought to be included in democracy, the *boundary problem in democratic theory,* it has not sufficiently been considered how our world has been fundamentally altered. I argue that the conditions under which we have to deal with the boundary problem are fundamentally altered by humanity's changed role in the climate. There are proponents for declaring a new geological epoch defined by human impact - the *Anthropocene*. Taking this into account, I show that we should not treat climate change as an issue to solve, but rather understand it as a permanent condition for our species and political practices. I claim that this should frame our political theoretical analysis of democratic inclusion going forward.

Next, I consider the democratic context of the problem. Here the monograph applies theoretical concepts and methods from critical normative theory, looking at contemporary norms regarding the ends of society from a normative-functional approach, considering the functions of democracy and whether a specific demos formation has the capacity to function appropriately. Thus, in

order to answer the question of democratic legitimacy, I consider whether the demos can perform certain critical functions. I posit that if the demos cannot perform critical functions then it is not a legitimate demos formation. These functions include justification of political decisions in a reciprocal and equal manner; ensuring the conditions of the autonomy of the people (their self-determination); and, importantly, the reproduction of these functions through time. On this basis I develop the novel idea of viewing democracy in the perspective of *turn-taking*. Inspired by Athenian democracy and recent discussions on *justice* as turn-taking, I interpret the boundary problem from the perspective that generations are owed a turn with democracy, rather than necessarily a part of it. Think of how two people can share a car by taking turns with it instead of disassembling the car and sharing it by parts. This line of thinking opens several new perspectives regarding how we might approach the boundary problem, as it allows for equality between generations without necessarily attempting to include affected generations in contemporary decision-making, and without disregarding their democratic rights.

In the specific analysis, regarding children, I ask when their turn with democracy should begin and when it is democratically legitimate to exclude them. I begin by considering the most well-discussed argument against democratic inclusion – the *capacity contract*. The idea is that there must be a threshold of capacity for inclusion tied to the voting age. I go through four varieties of this argument and claim that none of them seem to hold for excluding children except the very young. I focus particularly on a familiar argument used in the boundary debate, that the exclusion is inherently dependent on contingent political decision-making, which is typically not seen as an acceptable basis to exclude other groupings.

Children develop into autonomy gradually and I discuss how that process can be undermined or enhanced, and what that tells us about democratic rights. I conclude that the *social state of childhood* requires limited responsibility and the freedom to experiment with different viewpoints without being held accountable to the same extent as adults. Otherwise, we risk hampering their development into autonomous citizens. I question whether this social state is compatible with the responsibilities of political decision-making, for instance as it regards dealing with climate change. I argue that the age of inclusion of children should be placed when it best serves their development into autonomy. This is a form of democracy as turn-taking because it considers how children, who will soon take the reins of democracy, are best supported to take on that role. I argue that from this reasoning, whenever children are de facto treated as adults, with the responsibilities this entails, it is not democratically legitimate to exclude them. This line of reasoning contributes to the field of discussion as arguments based on the responsibilities held by children have largely been disregarded in the theoretical debate. This allows for critique when children are

expected to take the responsibilities of adults without corresponding democratic rights but allows for age limits in democracy as it benefits children and their development.

For future generations I focus on the complicated topic of *time* in the Anthropocene, and the concept of *democratic presentism. The concept of democratic presentism suggests* that there is a systemic bias in favor of the near term over the long term in democratic decision-making. This supports the fact that future generations are very affected but typically ignored. I note a growing literature of suggested institutional solutions to the issue of presentism that purport to represent future generations, but also that there is no clear ideal for how future-oriented democracy ought to be. Therefore, evaluation of these institutional arrangements is difficult. A core contribution of this section is to give one such answer on how future-oriented democracy ought to be ideally.

I claim that we cannot democratically represent all affected generations democratically, meaning that there is tension between the principles regarding who should be included in democracy and theories of who can be democratically represented. I focus especially on problems of *validation* and *authorization*, which cannot be overcome for non-overlapping future generations. There is no means of determining whether a representative does an adequate job representing them. There cannot be any democratic legitimacy for a representative that is never validated or authorized by the represented. Instead, I claim that we can represent overlapping future generations (meaning those that will reach voting age within our lifetime) as we can receive retroactive authorization, and that this is a possibility so long as there is overlap between generations. I discuss this in terms of previously suggested institutional arrangements and claim that we can indeed expand democracy to include these nearby future generations. For non-overlapping generations our responsibility is only to avoid undermining their right to self-determination, thus treating them in a crucial way as 'another country' with a right to self-determination which we must not undermine. This would require maintaining the conditions of democratic rule, rather than representation of their interests now.

I find that these groups – children and future generations - are in important ways very similar in that we ought to regard the legitimacy problem of their exclusion and possible inclusion as an issue of turn-taking and that their democratic rights should be treated mainly as rights-in-trust, and furthermore that the main idea of democratic turn-taking is mostly related to the maintenance of function, ensuring that democracy can outlive the current generation.

The dissertation is structured as a combination model and contains a monograph and three journal articles. The monograph acts as a standalone text

while also containing a summary of the articles and discussing the methodological considerations within them. The three articles are:

- *Att växa in i demokratin: autonomi och rättfärdiggörande för unga i Danmark och Sverige* (To grow into democracy: autonomy and justification for youth in Denmark and Sweden).
- *Regimes of childhood and the democratic inclusion of children: A framework for delimiting legitimate inclusion and exclusion of young persons.*
- *How Future-oriented should democracy be? Representation and self-determination for future peoples in light of the Anthropocene*.

RESUMÉ

Denne monografi, er en politisk teoretisk analyse af et underdiskuteret aspekt af demokratiets natur - nemlig det faktum, at det er et intergenerationelt projekt. Livets (demokratiske) betingelser er delvist bestemt af tidligere generationer, og vi er født ind i en verden, der allerede er i gang. Miljøet, økonomien og de politiske institutioner, vi skaber, vil påvirke på kommende generationer. Denne effekt forstærkes af menneskeskabte klimaændringer, der involverer hidtil usete niveauer af påvirkning mellem generationer og stærkt forlængede tidslinjer for påvirkning. Jeg spørger, om disse ændringer kræver, at vi genovervejer, hvem der bør inkluderes i "folket" eller mere specifikt demoset (den gruppe af borgerne, der får lov til at deltage i beslutningstagningen). Jeg diskuterer dette afgørende spørgsmål i politisk teori med hensyn til *børn* og *fremtidige generationer*, fordi de vil blive mest påvirket af klimaforandringerne, men er udelukkede fra alle former for demokratisk deltagelse, inklusive stemmeretten. Det overordnede spørgsmål i denne monografi vedrører den demokratiske legitimitet af demokratisk eksklusion af disse grupper.

Standardprincipperne for demokratisk inklusion ser ud til at indebære, at børn og fremtidige generationer inkluderes mere i det demokratiske system, i betragtning af at hovedparten af de negative konsekvenser af klimaændringer sandsynligvis vil blive lagt på dem. De er tydeligvis stærkt påvirket af nutidig beslutningstagning. Børn er ofte også underlagt de samme juridiske normer som voksne og under tvangsregimet på samme måde som voksne. Det er dog ikke tydeligt, hvis inklusion af børn eller fremtidige generationer er mulig eller ønskelig. Det overordnede spørgsmål i dette værk er, om det er demokratisk legitimt at udelukke disse to grupper.

Jeg lægger ud med at anskue problemstillingen i dens bredere kontekst. I den politisk teoretiske diskussion af spørgsmålet om hvem der bør inkluderes i demokratiet - det så kaldte "boundary problem" i demokratisk teori - har man ikke i tilstrækkelig grad overvejet, hvordan vores verden er blevet fundamentalt ændret. Jeg hævder, at de betingelser hvorunder vi skal håndtere 'grænseproblemet', er blevet fundamentalt ændret af menneskehedens ændrede rolle i klimaet. Der findes fortalere for af at erklære en ny geologisk epoke defineret af menneskelig påvirkning (antropocæn). Jeg viser i betragtning af dette, at vi ikke bør behandle klimaændringer som et problem, der skal løses, men snarere forstå det som en permanent forudsætning for vores art. Jeg argumenterer for, at dette bør forme, hvordan vi skriver politisk teori om demokratisk inklusion fremadrettet.

Dernæst anskuer jeg problemstillingen i dens demokratiske kontekst. Her anvender monografi teoretiske begreber og metoder fra kritisk normativ teori, og ser på nutidige normer vedrørende samfundets mål ud fra en normativ-

funktionel tilgang, overvejer demokratiets funktioner og om en specifik demosformation har kapacitet til at fungere hensigtsmæssigt. For at besvare spørgsmålet om demokratisk legitimitet overvejer jeg, om demoset kan udføre visse betydelige funktioner. Jeg påstår, at hvis demoerne ikke kan udføre de betydelige funktioner, er det ikke en legitim demosformation. Disse funktioner omfatter begrundelse af politiske beslutninger på en gensidig og lige måde, sikring af betingelserne for folkets autonomi, deres selvbestemmelse; og den fortsatte genproduktion af disse funktioner gennem tiden. Et innovativt perspektiv, der præsenteres, er ideen om *turtagning med demokrati*, som har set meget begrænset diskussion. Inspireret af det athenske demokrati og nylige diskussioner om retfærdighed som turtagning forstår jeg dette problem ud fra det perspektiv, at generationer har ret til en tur med demokratiet, snarere end en del af demokratiet. Dette minder om hvordan to personer kan dele en bil ved at dele tiden med bilen i stedet for at nedmontere bilen og distribuere dens komponenter. Denne tankegang åbner mange perspektiver vedrørende hvor vi kan forstå grænseproblemet, da den giver mulighed for lighed mellem generationer uden at nødvendigvis forsøge at inkludere påvirkede generationer i nutidig beslutningstagning og uden at tilsidesætte deres demokratiske rettigheder.

I den specifikke analyse vedrørende børn, spørger jeg, hvornår deres tur med demokrati skal begynde, og om det er demokratisk legitimt at ekskludere dem i visse perioder af deres liv. Jeg starter med at overveje det mest veldiskuterede argument mod demokratisk inklusion – kapacitetskontrakten. Tanken er, at der skal være en grænseværdi for kapacitet for inkludering koblet til valgretsalderen. Jeg gennemgår fire varianter af dette argument og hævder, at ingen af dem synes at holde vand i forhold til at udelukke børn undtagen de helt unge børn. Jeg fokuserer især på et velkendt argument brugt i debatten om bestemmelse af demokratiets grænse (the boundary problem/grænseproblemet) om, at ekskluderingen er afhængigt af forskellige former for politisk beslutningstagning, hvilket generelt ikke ses som et acceptabelt grundlag for at ekskludere andre grupperinger.

Børn udvikler sig gradvist til autonomi, og jeg diskuterer, hvordan den proces kan undermineres eller forstærkes, og hvad det fortæller os om demokratiske rettigheder. Jeg konkluderer, at barndommen forstået som en social tilstand kræver begrænset ansvar og frihed til at eksperimentere med forskellige synspunkter uden at blive stillet til ansvar i samme omfang som voksne. Ellers risikerer vi nemlig at hæmme deres udvikling til autonome borgere. Jeg stiller spørgsmålstegn ved, om det jeg kalder barndommens og den tidlige ungdoms *sociale tilstand* er forenelig med ansvaret for politisk beslutningstagning for eksempel i forhold til håndtering af klimaændringer. Jeg argumenterer for, at børns inklusionsalder bør placeres, der hvor det bedst tjener deres udvikling til autonomi. Dette er en form for demokrati som turtagning, fordi det bygger på

overvejelser om, hvordan børn, som snart vil tage demokratiets tøjler, bedst støttes til at påtage sig denne rolle. Jeg hævder desuden ud fra dette ræsonnement, at når børn de facto behandles som voksne, med det ansvar dette medfører, er det ikke demokratisk legitimt at udelukke dem. Denne tankegang bidrager til den politologiske og demokratiteoretiske diskussion, da argumenter baseret på børns ansvar i vid udstrækning er blevet tilsidesat i den teoretiske debat. Det giver mulighed for kritik, når børn forventes at påtage sig voksnes ansvar uden tilsvarende demokratiske rettigheder, men giver samtidig mulighed for aldersgrænser i demokratiet, da det gavner børn og deres udvikling.

I relation til fremtidige generationer fokuserer jeg på det komplicerede emne den antropocæne tidsalder, og begrebet *demokratisk presentisme (demokratisk nutidighed). Demokratisk nutidighed* er ideen om, at der er en systemisk skævhed til fordel for det korte sigt på bekostning af det lange sigt i demokratisk beslutningstagning. Det betyder, at fremtidige generationer er meget påvirkede på det lange sigt, men typisk ignoreret på det korte sigt. Jeg noterer en voksende politisk teoretiske litteratur af foreslåede institutionelle løsninger på spørgsmålet om presentisme, der foregiver at repræsentere fremtidige generationer, men at der ikke er noget klart ideal for, hvordan fremtidsorienteret demokrati burde være. Derfor er det vanskeligt at evaluere disse institutionelle ordninger. Et kernebidrag i denne tekst er at give et sådant svar på, hvordan fremtidsorienteret demokrati ideelt set burde være.

Jeg hævder, at vi ikke kan repræsentere alle påvirkede generationer demokratisk, hvilket betyder, at der er spændinger mellem principperne om, hvem der skal inkluderes i demokratiet, og teorier om, hvem der kan repræsenteres demokratisk. Jeg fokuserer især på problemer med validering og godkendelse, som ikke kan overvindes for ikke-overlappende fremtidige generationer. Der er ingen mulighed for at afgøre, om en repræsentant udfører et acceptabelt arbejde med at repræsentere dem. Det udfordrer grundlæggende den demokratisk legitimitet for en repræsentant, hvis denne aldrig er valideret eller autoriseret af den repræsenterede. Jeg argumenterer på den anden side for, at vi kan repræsentere overlappende fremtidige generationer (det vil sige dem, der vil nå valgretsalder inden for vores levetid), da vi kan få retroaktiv godkendelse af repræsentationsakten, og at dette er en mulighed, så længe der er overlap mellem generationerne. Jeg diskuterer dette i form af tidligere foreslåede institutionelle forslag og hævder, at vi faktisk kan udvide demokratiet til at omfatte disse nærliggende fremtidige generationer. For ikke-overlappende generationer er vores ansvar kun at undgå at underminere deres ret til selvbestemmelse, og dermed at behandle dem parallelt med vores anerkendelse af andre lande med ret til selvbestemmelse, som vi ikke må underminere. Dette ville kræve opretholdelse af *betingelserne* for demokratisk styre i stedet for at repræsentere deres interesser nu.

Jeg finder, at disse grupper – børn og fremtidige generationer – på en række centrale punkter er meget ens, idet vi burde betragte spørgsmålet om deres demokratiske eksklusion og mulige eksklusion som et spørgsmål om turtagning, og at deres demokratiske rettigheder hovedsageligt skal behandles som latente rettigheder. Hovedtanken bag ideen om demokratisk turtagning er relateret til opretholdelse af funktioner, som sikrer, at demokrati kan overleve den nuværende generation.

Denne afhandling som helhed er struktureret som en kombinationsmodel og indeholder denne minimonografi foruden tre journalartikler. Monografien fungerer som en selvstændig tekst som også indeholder et resumé af artiklerne og diskuterer de metodiske overvejelser i dem. Artiklerne er:

- *Att växa in i demokratin: autonomi och rättfärdiggörande för unga i Danmark och Sverige* (*At vokse ind i demokrati: autonomi og retfærdiggørelse for unge i Danmark og Sverige*).
- *Regimes of childhood and the democratic inclusion of children: A framework for delimiting legitimate inclusion and exclusion of young persons.*
- *How Future-oriented should democracy be? Representation and self-determination for future peoples in light of the Anthropocene*.

NOTES ON THE AUTHOR

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William received his bachelor's and master's degrees in political science from Stockholm University as well as a bachelor's degree in literary science from Stockholm University. He has worked within the democratic sphere outside of academia at the International Institute for Democracy and Electoral Assistance (International IDEA) and the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE-ODIHR).

ACKNOWLEDGMENTS

First, I must recognize my principal supervisor Simon Laumann Jørgensen for going above and beyond any reasonable expectation in supporting this work. Whether in reading early drafts of questionable quality and somehow pushing me in a feasible direction, planning courses on political theory or in the final months ensuring that the work holds a reasonable quality, I have been very fortunate to work with someone with his keen analytical eye, tremendous patience and, breadth of knowledge.

The Centre Comparative Welfare Studies (CCWS) at Aalborg University have provided invaluable commentary on much of the related work of this dissertation, as well as a collaborative and always supportive atmosphere. While the whole group deserves recognition, I will note the work of Christian Albrekt Larsen who spent considerable time reading drafts of the work and helping force it on track and Kristian Kriegbaum who supported the writing of the article regarding youth in Denmark and Sweden, as well as Karen Breidahl who besides helping strengthen the quality of some of the articles also helped support the logistical and technical aspects.

The Centre for Philosophy and Public Policy (C3P) at Aalborg University has also been instrumental in the writing of this work – giving tremendous feedback on writing at various stages. Jørn Sønderholm, the secondary supervisor of this work, deserves particular mention for his clear-headed advice and comprehensive comments on the work, as well as for leading C3P to be a helpful environment.

Many people helped by providing comments on papers in various stages, Jørgen Goul Andersen, Magnus Andersen, Kim Angell, Rainer Bauböck, Anette Borchorst, Jens Damgaard Thaysen, Wouter De Tavernier, Lanciné Diop, Troels Fage Hedegaard, Jakob Elster, Matthias Fritsch, Antje Gimmler, Mathias Herup Nielsen, Kristian Kongshøj, Sara Moritz, Joe Noonan, Jakob Thrane Mainz, Rasmus Uhrenfeldt, Kristina Jessen Hansen, Jeevitha Yogachandiran Qvist,

I also want to acknowledge Copenhagen and Oslo University, who produced tremendous courses in political theorizing. These helped form the methods and opened up many possibilities for working, greatly enhancing the quality of writing.

I have had countless engaging conversations with many terrific people during the production of this work which has greatly strengthened its content, including Gustaf Arrhenius, Eva Erman, Robert Huseby, Cathrine Holst, Thomas Högman, Majbritt Kappelgaard Severin-Nielsen, Cecilie Krogh, Rasmus Lind Ravn, Annabelle Lever, Julia Lindström, Nanna Ramsing Enemark, Christian Rostbøll,

Theodor Sjöstedt, Ida Spangsberg Hansen, Elisabet Wallgren, and countless others.

I could spend page upon page, until my wrists turn to ash, listing people that have been helpful and supportive of me and my work. I have been incredibly fortunate. Thank you all.

TABLE OF CONTENTS

1 INTRODUCTION

Society is always inherited; we are born into a world already ongoing. The conditions of life, the institutions and practices, the wealth, and the debt of the state – the prevalent ideologies and available political solutions are in part products of decisions taken before our birth. We are reminded that "it took a long development of certain institutions and practices, of the rule of law, of rules of equal respect, of habits of common deliberation, of common association, of cultural development and so on, to produce the modern individual".[1] We did not just spring into existence, somehow self-constituting.[2] As noted by Matthias Fritsch, the currently living do not get to decide whether Manhattan should be a forested island rich in animal life or a sprawling metropolis filled with yellow taxis.[3] These decisions were taken for us a long time ago. Given the impact we now have on the climate, we are challenged to reflect on what we are leaving for coming generations. In particular, democratic countries need to ask themselves whether it is democratically legitimate to exclude children and future generations from democratic decision-making. All generations claim the right to rule themselves and order the world according to their will. But in a world where the conditions of life are increasingly set by previous generations, there seems to be a tension between the unconstrained self-rule of one generation and the right of self-determination of those to come.

In Karl Mannheim's seminal theory of *generations*, he argues that where you are placed generationally will be determinant of how you experience and act

[1] Charles Taylor, *Philosophy and the Human Sciences*, Philosophical Papers 2 (Cambridge [Cambridgeshire] ; New York: Cambridge University Press, 1985)., p. 200.
[2] Matthias Fritsch, *Taking Turns with the Earth: Phenomenology, Deconstruction, and Intergenerational Justice* (Stanford, California: Stanford University Press, 2018), p. 49ff.
[3] Fritsch 2018, p. 65.

within the world due to the shared experiences of that time.[4] We are born into specific conditions and shaped by unique circumstances.[5] Anne O'Byrne claims that a "generation comes to be in the process by which it inherits a world", the shared experiences of life create bonds between us and "Chief among these is the influence of the generations of our parents and grandparents, the most recent producers and immediate bequeathers of the world".[6] What it means for democracy to be "inherited" has not garnered much discussion in democratic theory. It is only with the looming storm cloud of climate change that this facet of our condition has started garnering attention.

The ideals of democracy were conceived in circumstances very unlike our own. They were debated in small city-states long before any widespread understanding of ecological degradation.[7] While the conditions of life were always in some respects set by the prior generation, this did not include undermining the stability of the climate. Now the *intergenerational* nature of society is made painfully obvious, as we are now responsible for the natural conditions of the coming generations.

The main puzzle of this monograph concerns what it means for democracy to be inter-generational. While some generations rule together, parents and their children and their grandchildren may rule together, they are still isolated from all others. They rule "under circumstances existing already, given and transmitted from the past."[8] Democracy is inherited, first by our children, and then by their

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[4] Karl Mannheim and Paul Kecskemeti, *Essays on the Sociology of Knowledge* (New York, NY: Routledge, 2013).
[5] It should be noted that in modern sociology, what I refer to here as a *generation* may more often be referred to as a cohort; a group shaped by shared experiences. See Jane Pilcher, "Mannheim's Sociology of Generations: An Undervalued Legacy," *The British Journal of Sociology* 45, no. 3 (September 1994), p. 481.
[6] Anne E. O'Byrne, *Natality and Finitude*, Studies in Continental Thought (Bloomington: Indiana University Press, 2010). P. 63.
[7] Dale Jamieson, "Ethics, Public Policy, and Global Warming," *Science, Technology, & Human Values* 17, no. 2 (1992): 139–53, p. 148.
[8] Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (New York: International publ, 1990).

children, and hopefully their children as well. If democracy is not maintained and protected, this chain may be broken. The realization of the intergenerational nature of democracy opens many questions, the first of which may be: How do we ensure children and future generations can take on this responsibility?

The word *democracy* evokes many procedures, values, and political arrangements. However, before we can settle anything about how democracy ought to function, we must first determine who the people are. As democracy is rule by the people, the question of who constitute the people is logically and temporally prior to any democratic decision-making.[9] What separates democracy from other ways of ruling is not *how* we rule but *who* rules. As argued by Claudio Lopez-Guerra, "Democracy cannot be defined by reference to a set of decision-making procedures, for any of these procedures can be adopted, in principle, by a non-democratic regime. What distinguishes one kind of polity from the rest is how the group of decision-makers is composed or, as I claim, who holds ultimate power over them."[10] This point was illustrated by Robert Dahl claiming that a triumvirate of dictators could rule the land by democratic vote, but calling this democratic would reach the "limits of inanity".[11] Indeed, the reference to "a people" might be the only aspect that all conceptualizations of democracy have in common.[12]

Debates surrounding how democracy ought to function typically presuppose that the people was already neatly, and legitimately formed. Robert Dahl claims: "they take for granted that a people has already constituted itself."[13] Clearly,

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[9] Frederick G. Whelan, "Democratic Theory and the Boundary Problem.," in *Nomos 25: Liberal Democracy*, ed. Chapman, JW and Pennock, JR, (New York, NY: Greenwood Press, 1983). P. 13.
[10] Claudio Lopez-Guerra, "Should Expatriates Vote?," *Journal of Political Philosophy* 13, no. 2 (June 2005): 216–34, https://doi.org/10.1111/j.1467-9760.2005.00221.x., p. 221.
[11] Robert A. Dahl, *After the Revolution: Authority in a Good Society*, A Yale Fastback, YF-9 (New Haven: Yale University Press, 1990). P. 65.
[12] Gustaf Arrhenius, "The Democratic Boundary Problem Revisited", Ethics, Politics & Society 1 (2018): 34, p. 90.
[13] Dahl 1990, p. 46.

depending on how the boundary is drawn, different majorities would be formed on any given issue. If the people itself was illegitimately formed, this would substantially alter the outcome of the process and undermine the legitimacy of the system itself.[14] This problem, of how to legitimately decide who ought to be a part of the people, or more specifically the subsection of the people entitled to participate in governing: the *demos*.[15] This is what is known as the *boundary problem in democratic theory*. This monograph aims to discuss the boundary problem from the view of democracy as an inherently intergenerational project, with a particular focus on climate change and how that may alter the legitimacy of democratic exclusion. While the boundary problem is typically discussed regarding where to draw the lines of different peoples, this issue does not only exist regarding physical borders on maps but also temporal borders as it relates to when and how children are included in democracy and the coming generations that will inherit it.

Frederick Whelan notes that "democracy requires that people be divided into peoples."[16] According to Jürgen Habermas widespread democracy must "distinguish between members and non-members" to create a "collective identity, in the sense that it interprets and realizes principles in light of its own history and in the context of its own particular form of life".[17] That the status of who is included cannot be left indefinite.[18] I accept these claims, and agree that the outline of the people "cannot be arbitrarily defined".[19] It would be Kafkaesque for the democratic status of the individual to be left indefinite;

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[14] Robert E. Goodin, "Enfranchising All Affected Interests, and Its Alternatives," *Philosophy & Public Affairs* 35, no. 1 (2007): 40–68. P. 43f.
[15] Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989). P. 4.
[16] Whelan 1983, p. 28.
[17] Jürgen. Habermas, *The Postnational Constellation: Political Essays*, *The Postnational Constellation : Political Essays /*, Studies in Contemporary German Social Thought. (Cambridge, Mass: MIT Press, 2001), p. 107.
[18] Seyla Benhabib, "Borders, Boundaries, and Citizenship," *PS: Political Science & Politics* 38, no. 04 (October 2005): 673–77, https://doi.org/10.1017/S1049096505050328., p. 675.
[19] Lopez-Guerra 2005, p. 219.

perhaps a citizen or perhaps not. As argued by Seyla Benhabib, "Democratic laws require closure precisely because democratic representation must be accountable to a specific people".[20] Who is the state responsible for? Who has a right to have their complaints listened to and respected? Who are the rightful rulers of the land? To whom should the democratic process be geared? Who are owed a final say? These are the high stakes of the boundary problem, which I argue must also be understood intergenerationally.

There is a wide literature on the responsibilities of democratic citizenship, and the special obligations we form to each other based on this bond.[21] It is unclear where the outer borders of this responsibility lie. For if democracy is indeed inherited, and our children must live with the consequences of our actions as much as we do, should they not be entitled to a democratic voice? Where do we draw the lines of inclusion considering the "tradition of all dead generations weighs like a nightmare on the brains of the living"?[22] Our decisions' forming their experience. Perhaps, it is just that "The future is another country".[23] But we are still left asking, when does that happen and when are we no longer speaking of one people? Certainly, we will impact the future, and they will be affected by the decisions we take, but is that sufficient to mean that children and future generations should be included, even in limited ways?

The problem of who ought to be included in democracy, the *boundary problem* has historically been under-discussed in *democratic theory*, given its importance

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[20] Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*, Reprinted (Cambridge: Polity Press, 2004). P. 219.
[21] For a discussion on how the bonds of identity and national bonds can be used to answer the boundary problem, see: Rogers M. Smith, "The Principle of Constituted Identities and the Obligation to Include," *Ethics & Global Politics* 1, no. 3 (August 25, 2008), https://doi.org/10.3402/egp.v1i3.1860.
[22] Karl Marx, The Eighteenth Brumaire Of Louis Bonaparte New York: International Publishers, 1926.
[23] Eric A. Posner, "Agencies Should Ignore Distant-Future Generations," *The University of Chicago Law Review* 74, no. 1 (2007): 139–43, p. 143.

– garnering very limited attention until somewhat recently.[24] Decisions on who is allowed to participate and who, in turn, decides whether they are to be allowed is one of the most important exercises of power.[25] Few systematic theoretical accounts of how to make a determination regarding who must be allowed to take part in the process of democratic decision-making existed prior to the 1970s.[26] Now it has grown to become one of the most discussed topics in political theory.[27] The topic has been discussed from many angles, utilizing many conceptualizations of democracy, attempting to better draw the lines of inclusion. This text aims to discuss the boundary problem through a generational lens, looking at coming generations of existing democracies. From the intergenerational lens, new questions come into focus: is it *democratically legitimate* to exclude children and future generations from democracy? Or must we do more to include them in the decision-taking procedures? We will affect their lives, and much of their world is determined by our actions today – how should we grapple with this responsibility?

To that end, I focus on two discrete cases of exclusion, *young persons below voting age* and *future generations*. Two exclusions that are theoretically and politically intertwined. Today, there is no lack of protest by the young regarding the world they are soon to inherit. Young people protest for more involved climate policies, as well as asking why they are left outside the politics that will determine much of their future. These protests have spread globally, and now the *Fridays for Our Future* movement involves 218 countries, and 16 million individuals and have planned and carried out 137 thousand school strikes for

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[24] Sofia Näsström, "The Challenge of the All-Affected Principle," *Political Studies* 59, no. 1 (March 2011): 116–34, https://doi.org/10.1111/j.1467-9248.2010.00845.x. P. 116.
[25] Arash Abizadeh, "On the Demos and Its Kin: Nationalism, Democracy, and the Boundary Problem," *American Political Science Review* 106, no. 4 (November 2012): 867–82, https://doi.org/10.1017/S0003055412000421.p . 847f.
[26] Dahl 1989, p. 46.
[27] Eva Erman, "The Boundary Problem and the Ideal of Democracy: The Boundary Problem and the Ideal of Democracy: Eva Erman," *Constellations* 21, no. 4 (December 2014): 535–46, https://doi.org/10.1111/1467-8675.12116. P. 535.

the climate.[28] They claim that the dangers of climate change affect them more than it does the older generations.

Of course, the fears of the young are not unfounded. The United Nations Office for Disaster Risk Reduction refers to a likely scenario for the future as "an uninhabitable hell for millions of people."[29] The United Nations in the report *Global catastrophic risk and planetary boundaries: The relationship to global targets and disaster risk reduction*, call for policy planning based on a scenario they call the "Global Collapse scenario".[30] It is easy to see why children may have a claim to be allowed to take part in these decisions, considering the costs they are likely to bear following the unilateral decision-making of contemporary adults. Even worse, the brunt of climatic disasters will be taken by their children, and their grandchildren (and so on) and they will struggle to mitigate and adapt for the sake of their children.

The failure of mitigating climate change adequately has been labeled a "failure of democracy" that requires that we step away from democratic ideals and treat survival as "the most fundamental value".[31] Some argue that perhaps democracy in its current form may be at odds with mitigating climate change, and significant work has been done in developing institutional arrangements to better deal with climatic issues; whether dealing with increased temporal or spatial scope, impact, increased risk or, uncertainty. Suggestions include various

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[28] Fridays for our Future, "Strike Statistics," 2022., https://fridaysforfuture.org/what-we-do/strike-statistics/.
[29] Nima Yaghmaei, ed., *Human Cost of Disasters: An Overview of the Last 20 Years, 2000-2019* (Geneva, Switzerland], [Louvain, Belgium: UN Office for Disaster Risk Reduction] ; [Centre for Research on the Epidemiology of Disasters, 2020). P. 3.
[30] Thomas Cernev, "Global Catastrophic Risk and Planetary Boundaries: The Relationship to Global Targets and Disaster Risk Reduction" (United Nations Office for Disaster Risk Reduction, 2022), https://www.undrr.org/publication/global-catastrophic-risk-and-planetary-boundaries-relationship-global-targets-and.
[31] David J. C. Shearman and Joseph Wayne Smith, *The Climate Change Challenge and the Failure of Democracy*, Politics and the Environment (Westport, Conn: Praeger Publishers, 2007). P. 133.

bespoke democratic institutions to alter, stop or delay policies; using young people as proxies for future generations through quotas; constitutional limits on environmental degradation and various forms of deliberative forums among others (which will be discussed further in relevant chapters).

This is not a text regarding how democracy can be transformed to stop the climate from changing, it is far too late for that. It is a text regarding how we take decisions in a world already defined by human impact. Even if we manage to stop all carbon dioxide emissions by the next decade, by the year 3000, "neither atmospheric concentrations of carbon dioxide nor global mean surface temperature would have returned to their pre-industrial baselines, and sea levels would still be rising."[32] Much of the literature on climate change focuses on how we can achieve the goals set by the United Nations, attempting to keep average temperatures in the year 2100 below 2 degrees Celsius above pre-industrial levels. However, that still means a very significant increase in flooding, water scarcity, extreme heat waves, food scarcity, loss of biodiversity, fires, storms, vector-borne diseases, lower crop yields, and so on.[33] We can *mitigate* and *adapt*, but not revert to the planetary conditions of our past. We will remain in a world forever altered by human activity. The question becomes how we adapt to this new reality, and how we take decisions in this new world. If we, by the skin of our teeth, reach the goal of keeping global temperatures under 2 degrees above pre-industrial levels as planned in the Paris-agreement,[34] we are still going to be continuously dealing with the consequences of a forever-altered climate system. A quarter of the emissions already in the air will still warm the

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[32] Dale Jamieson, *Reason in a Dark Time: Why the Struggle against Climate Change Failed--and What It Means for Our Future* (Oxford ; New York: Oxford University Press, 2014). p. 164.
[33] The Intergovernmental Panel on Climate Change (IPCC), *Global Warming of 1.5 °C: IPCC Special Report on Impacts of Global Warming of 1.5 °C above Pre-Industrial Levels in Context of Strengthening Response to Climate Change, Sustainable Development, and Efforts to Eradicate Poverty*, 1st ed. (Cambridge University Press, 2022), https://doi.org/10.1017/9781009157940.
[34] "'Paris Agreement'. United Nations Treaty Collection. Archived from the Original on 5 July 2021. Retrieved 15 July 2021.," 2015.

planet a thousand years from now.[35] This is not a temporary problem, but a change in our condition.

How do we deal with this new world, forever altered and at risk? Organizations like the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) call for "fundamental, system-wide reorganization across technological, economic and social factors, including paradigms, goals and values."[36] But how is that achieved? Dale Jamieson suggests that treating climate change as an ethical and political problem "brings them into the domain of dialogue, discussion, and participation" and turns them into "problems for all of us to address, both as political actors and as everyday moral agents."[37] Political solutions are needed as there is no optimal or correct answer to how to deal with climate change, in terms of mitigation and adaption. This is a political problem and "Science never compels just one political outcome. The world is not that simple."[38] But the question remains how do we go about framing and understanding this issue.

In the last two decades, a burgeoning discussion in many fields of science, philosophy, and critical discourse centered on the collective impact of our species on the natural conditions. To the point that some argue we have entered a new geological epoch defined by human impact, the *Anthropocene*. The concept originated in *Earth Systems Science*, the study of climatic interactions

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[35] David Archer et al., "Atmospheric Lifetime of Fossil Fuel Carbon Dioxide," *Annual Review of Earth and Planetary Sciences* 37, no. 1 (2009): 117–34, https://doi.org/10.1146/annurev.earth.031208.100206.

[36] Eduardo Sonnewend Brondízio et al., eds., *The Global Assessment Report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services* (Bonn: Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), 2019). P. XXXVII

[37] Dale Jamieson, "Ethics, Public Policy, and Global Warming," *Science, Technology, & Human Values* 17, no. 2 (1992): 139–53, https://doi.org/10.1177/016224399201700201., p. 150.

[38] Jr Pielke Roger A., ed., "When Scientists Politicize Science," in *The Honest Broker: Making Sense of Science in Policy and Politics* (Cambridge: Cambridge University Press, 2007), 116–34, https://doi.org/10.1017/CBO9780511818110.008. p. 34

and feedback effects. Since its conceptualization at the start of the millennium, "the academic debate on the Anthropocene has attracted not only geologists, climatologists and Earth System scientists but also environmental historians, anthropologists, social geographers, political scientists, philosophers and sociologists."[39] If we are now a force of nature, impacting the climatic stability of all future generations, I argue this implies a fundamental alteration of the relationship between nature and society, that has yet to be fully formulated in political language.[40] Our situation is so different in fact, that translating familiar concepts of justification is very difficult.[41] The democratic mode of taking decisions may need alteration to this new reality. These are incredibly complex issues, and their discussion is still nascent – this text only signifies an early step in building toward a good understanding of it – posing as many questions as answers.

Roy Scranton in *Learning to Die in the Anthropocene* writes that "The sooner we confront our situation and realize that there is nothing we can do to save ourselves, we can get down to the difficult task of adapting, with mortal humility to our new reality."[42] The last 20 years have seen a doubling of climate-related disasters: double the amounts of floods, 50 percent more storms and a doubling of the dead in climate-related disasters.[43] Our impact on the climate is often irreversible. We are not at risk of creating the Anthropocene, we are already there. We cannot undo the effects of past actions and we cannot leave the Anthropocene. Much of the debate around climate change treats it as a temporary problem rather than our condition from now on, it is as if we have not yet understood: "that it would be that way from now on. And we had passed

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[39] Ewa Bińczyk, "The Most Unique Discussion of the 21st Century? The Debate on the Anthropocene Pictured in Seven Points," *The Anthropocene Review* 6, no. 1–2 (April 2019): 3–18, https://doi.org/10.1177/2053019619848215. p. 4.
[40] Mark J. Smith, *Ecologism: Towards Ecological Citizenship*, 1. publ, Concepts in the Social Sciences (Buckingham: Open Univ. Press, 1998), p. 99.
[41] Jaimeson 2014, p. 165.
[42] Roy Scranton, *Learning to Die in the Anthropocene: Reflections on the End of a Civilization* (San Franciso, CA: City Lights Books, 2015), p. 23.
[43] Yaghmaei, 2020.

through a door. And we would never be going back"[44] That is not to say that we cannot mitigate some of the problems, adapt as best we can to these new conditions and alter the future conditions of our species – but we cannot simply solve the issue and return to the Holocene.

Climate change is not a singular issue to solve, the Anthropocene is our *condition*, and it will be this way from now on. If we have indeed moved into a new geological epoch, under new conditions for our very existence. We can no longer treat society as disconnected from its natural conditions. As human action brings a new geological epoch, how we softly turn from one generation to the other has been inexorably altered. The presently living are not only responsible for the living conditions of our children, and their children, but generations upon generations. Under the conditions of the Anthropocene, the idea of free-standing, discrete generations somehow existing without impacting each other becomes absurd. We can plainly see the natural conditions of our existence change due to the actions of previous generations.

Does this mean that we owe future generations something democratically? Is it legitimate to exclude children and future generations given that they will be more affected by these political decisions than any adult living now? If we do not owe them democratic rights of participation and representation, I believe at least we owe them clear reasons justifying the political order. Without these reasons, and without that public justification, I argue that this issue devolves to an arbitrary exclusion – based on the unilateral understanding of those taking the decision to include or exclude. In this work, I aim to answer whether these new conditions produce new responsibilities as it regards children and future generations, and whether this means that democracy needs to include them, as it does every adult, as well as what that inclusion could look like.

[44] *Heart of a Dog* (Abramorama, 2015).

1.1 STRUCTURE

This monograph has a dual purpose, first it is a standalone work on the democratic inclusion of children and future generations. It also serves to summarize three journal articles written for this dissertation, the methodological considerations of these articles and how the articles relate to the monograph and the wider research field.

The monograph is structured into eight chapters containing multiple subsections. Chapter 2 discusses the stakes of the thesis and why it is a relevant topic of discussion. I begin by discussing what it means politically to be excluded in a democratic context – how this creates a precarious state wherein your interests are at risk of being disregarded. I discuss these risks as elevated with climate change. I discuss why children and future generations may be claimed to be excluded without proper justification, and why the challenge of intergenerational democracy must be dealt with (2.1). I follow this by explaining some of the key discussions of the concept the *Anthropocene*, an epoch defined by human impact and aim to show that we should not treat climate change as an issue to solve, but rather understand that this is a condition we must live with. I claim these conditions must be considered when designing institutional arrangements for future generations. Particularly, I discuss how the cleavage between society and nature has been undermined, with one increasingly affecting the other. I clarify that this does not mean subsumption of nature into societal processes, nor does it mean that we have gained control over how the climate will develop, rather it means that the consequences of political policies are less predictable and controllable making any forward-looking decision-making process more difficult. I argue that this forms the conditions of application for democracy, and that this new geological epoch requires reconsideration of key democratic concepts (2.2).

Chapter 3 explains the theoretical problem to be dealt with: the so-called *boundary problem* in democratic theory. The chapter outlines how the problem has been conceptualized previously, and why it has been such a difficult and potentially even impossible problem in democratic theory (3.1). The chapter

goes on to discuss some of the most prominent principles of democratic inclusion, specifically the *all-affected principle* (3.2) and *the all-subjected* and *all-coerced principles* (3.3). I also highlight the value of using principles of inclusion, not as means of taking a decision of whom to include, but to evaluate different possible demos formations on the basis of how well they make democracy function. This evaluative approach will be used in the monograph throughout, and we will return to these well-cited principles regularly.

Chapter 4 outlines the methodological considerations of this work, with a focus on making a relevant contribution to democratic society. It begins with discussing why normative *political theory* and *critique* are important for the democratic discourse, with a particular focus on *critical theory* and its foundations. I focus on theories of why this specific form of knowledge might be useful, by explaining the social utility of critical and dialectical thought (4.1). The chapter continues by discussing the complicated relationship between theoretical work and the context of application, and critical theory's complicated relationship with the immanent context. I delve into the debate regarding what contextual constraints to place on theory, to what extent we must include limitations based on feasibility, and the debate surrounding ideal theory – theory that largely ignores the difficulties of real-life implementation.

Chapter 5 clarifies the conception of democracy utilized and some of the key concepts in the idea of democracy being inter-generational. The chapter focuses on key functions of democracy, to show what a democracy must do in order to be legitimate. It begins by discussing different understandings of *democratic legitimacy* and how I will use the concept in this monograph, clarifying it as a concept that derives all its normative value from the load-bearing values of democracy (5.1). I follow by discussing how democracy acts to justify democratic decisions discursively, in a reciprocal and equal process. I argue that this is a process where even the basic structures of democracy must be up for re-thinking according to the will of the people (5.2). After that, I examine the value of *autonomy* and how democracy manages to justify decisions without undermining personal autonomy. (5.3). The chapter ends with a discussion on

the under-discussed concept of *justice as turn-taking*. I aim to use this burgeoning literature and argue for its usage in democratic theory. This section discusses how the idea of taking a turn with democracy fundamentally alters the questions we must ask to determine what a legitimate demos could look like. I claim that instead of asking what a fair share of democracy is, I argue we should ask what a fair turn with democracy entails. This is how the framework is tied together in the inter-generational frame, as the first three sections apply to intragenerational democracy as well as intergenerational democracy (5.4).

Chapter 6 is the first to directly discuss one of the discrete cases of this work, namely *children*. First, I go on to define childhood and describe three different understandings of what it means to be a child -- highlighting views of childhood as a *biological category*, as a *social normative category* and as a *legal category*. I discuss how these three conceptions have different weight normatively in questions of democratic exclusion (6.1). Then I outline several variations of an argument of exclusion based on children's lacking capacity to take part in democracy. I argue that this gives us limited insight into when to draw the line of inclusion (6.2). I follow this by looking at children as developing the capacities of autonomy, how that process must be guided, protected and cared for, and how that allows for paternalism and limited autonomy. I end the section by discussing to what extent more democratic inclusion can be helpful or harmful in the process of developing autonomy (6.3). I end the chapter by trying to fill a gap in the theoretical literature around balancing the ability for autonomy allowed in society with levels of democratic inclusion to show that these can be effectively connected. I argue that since we have already justified the limited autonomy of children, we are not in need of a second justification for their political exclusion, since democracy is meant to be protecting of autonomy. I go on to argue that this only holds in situations where children are de facto unable to be autonomous, meaning that in most of the world, there is a lack of justification of political decisions taken regarding children and that they have some legitimate claim to be more included (6.4). I end the chapter by summarizing and discussing two articles on the democratic status of children for the Ph.D.

dissertation: *Att växa in i demokratin: autonomi och rättfärdiggörande för unga i Danmark och Sverige* (Growing into democracy: autonomy and justification for youth in Denmark and Sweden) and *Regimes of childhood and the democratic inclusion of children: A framework for delimiting the legitimate inclusion and exclusion of young persons* (6.5).

Chapter 7 deals with the second case of this monograph: *future generations* and their potential inclusion in democracy. I discuss the specific issue of time in the Anthropocene and the issue of *presentism*, that we tend to focus all our resources on the present and immediate future, perhaps undermining the democratic rights of future peoples. I note how democracies are not equipped to handle the merging of societal timelines with geological timelines. I argue that since there can be no authorization, accountability, no direct insight into preferences or interests of future generations and many other issues making direct representation of future generations a questionable proposition. I argue that attempting to represent them here, cannot be called democratically legitimate, and if anything, this is a representation of our ideals in their world (7.1). I then go on to discuss modern theories of representation and note that theoretically there is room for retroactive authorization of political decisions, meaning we could confer some democratic legitimacy in attempting to represent overlapping future generations, as they could confirm or deny the claim that we have adequately represented them. I go on to discuss some institutional arrangements in the literature that could function to represent nearby future generations but not non-overlapping generations (7.2) As it regards non-overlapping generations, I utilize the concept of democracy as turn-taking. I argue that a fair turn with democracy means the right to sovereign self-determination, and they are owed their turn. I claim that our responsibility to non-overlapping future generations is to ensure the continued function of the democratic system. What we owe them democratically is their own turn to self-rule and we must maintain the conditions that allow for them to govern themselves. I go on to discuss some institutional arrangements that could live up to this ideal (7.3) I end the chapter by summarizing and discussing an article

written for the Ph.D. dissertation regarding the democratic inclusion of future generations: *How Future-Oriented should Democracy be? Presentism, Representation and Self-determination for Future Peoples*. (7.4)

The final chapter of the monograph summarizes the results and discusses the two cases together, utilizing the findings of the two previous sections to the other case. There I discuss how children will soon take on the responsibilities to the future. Both groups have rights-in-trust, latent rights that they cannot use in this moment. The rights of the far-off future generations must first be protected by making sure we do not undermine the ability of the most nearby generations to keep their obligations to the future. I argue we can imagine democracy as a long chain, and that we can only affect those far away in a way mediated by generations in between. I argue that making sure that the next generation is composed of capable democratic citizens is one important aspect of this and claim that in the Anthropocene, all generations will have to be acutely aware of what world they inherited and what they manage to leave behind.

2. THE SIGNIFICANCE OF INCLUSION

Children and future generations are excluded from democratic decision-making, even in cases where they are greatly affected by these decisions. In this section, I want to understand first the costs and the stakes of the problem. What is at risk when we speak of exclusion? After this, I wish to discuss how climate change may alter the conditions of democracy itself. This chapter has two purposes, to outline what is at stake regarding the issues discussed as well as outlining why there is a need for discussion of this nature. I will claim that questions of inclusion and exclusion from democracy are central problems of justice and democratic theory, and that climate change alters the conditions for how we solve these central problems.

This chapter will first discuss what I call the *costs of exclusion*, the political and theoretical issues stemming from exclusion, and why it is such a central topic of importance for democracy (2.1). I will continue to discuss the concept of the Anthropocene and what the increased levels of human interference in the Earth system mean for democratic decision-making (section 2.2). These are the driving forces necessitating this work.

2.1 THE COSTS OF EXCLUSION

In this section, I will discuss why the topic of democratic exclusion is crucial, specifically in terms of its political ramifications. It is easy to get lost in the puzzle-solving nature of political theory, and become blind to the actual, day-to-day issues of political life. Exclusion from democracy encompasses exclusion from a wide array of different institutions, processes and functions of democracy. Being excluded does not simply mean not having the right to vote for representative assemblies. Rather, it can mean that you are excluded from processes of participation, authorization, and representation and that

government is not accountable to you, transparent with you, or responsive to your needs, as well as leaving you outside important communities of solidarity.

I want to initiate discussions on democratic exclusion by noting the ever-expanding inclusivity of democracies worldwide. At the onset of the democratic movement, it was often only land-owning, rich men of the majority ethnicity who were eligible to take part in democracy.[45] We are reminded how the franchise was extended: suffragettes in the United Kingdom force-fed in prison, the bloody battles in South Africa, riots across the world, toppled statues of dictators, and the violent means the powerful used to retain that power. These are some of the most fundamental rights; and people have died to gain them and killed to exclude others.

The exclusion of children from democracy forms a constant between Athenian democracy until today, albeit with ever-changing understandings of when childhood ends. Most modern democracies have seen their voting age lowered previously in several steps; while today, most of the world has coalesced to 18 as the voting age, in the 1960s this was uncommon, with most countries having 21 as the voting age and many significantly higher.[46] In fact, prior to the end of the Second World War, no country had had 18 as their age of inclusion. The fluctuating ages tell a story of lowered voting ages and broader inclusion.

Today, children are protesting the lack of action on climate change across the world, by stepping out of school every Friday to protest. They claim to be more affected by climate issues than the elder cohorts of the country. Therefore, they argue, it is not legitimate that they are not included in the decision-taking process. UNICEF in the first comprehensive study on the risks of climate change faced by children claims that one billion children today face "extremely high risk"

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[45] Adam Przeworski, "Conquered or Granted? A History of Suffrage Extensions," *British Journal of Political Science* 39, no. 2 (2009): 291–321, https://doi.org/10.1017/S0007123408000434.

[46] Constitutional Convention Commission, "Constitutional Revision Study Documents of the Constitutional Convention Commission of Maryland." (King Brothers Inc, 1968). P. 51ff.

from the many horrors of climate change like extreme wind, flooding, heatwaves, and water pollution.[47]

And this is a truly democratic battle for many of them, using the tools and values of democracy. Their de-facto leader, Greta Thunberg who started the weekly Friday protests at 16 years old, was able to do so because the right to free speech and the right to strike are not limited by age in her native Sweden. Therefore, she could travel to the Swedish Parliament to hand out fliers about climate change. Not only is this movement possible because of democracy as the right to strike and to protest is allowed even to schoolchildren; but it is a fight that explicitly aims towards democratic ideals. In Thunberg's words: "Fighting for climate justice is also fighting for democracy. Our civilization will be increasingly threatened as the planet destabilizes, putting everything at risk, including democracy. This is a major threat. Democracy is everything. We can't save the living planet without it."[48]

This movement has had some impact. In the world of political advocacy to lower the voting age, Thunberg is mentioned frequently, and in op-eds discussing the topic she is either treated as an example of how smart and active young people are and therefore eligible to get the vote,[49] or young people are treated as a solution to climate change, as they will live through the

[47] Nicholas Rees, *The Climate Crisis Is a Child Rights Crisis: Introducing the Children's Climate Risk Index* (UNICEF. 3 United Nations Plaza, New York, NY 10017. Tel: 212-326-7000; Fax: 212-887-7465; Web site: http://www.unicef.org/education, 2021).
[48] Tweet, November 18 2021, https://twitter.com/gretathunberg/status/1458051069918040064
[49] James Moore, "How Can Anyone Look at Greta Thunberg and Say That 16-Year-Olds Should Be Denied the Vote?," *The Independent*, September 28, 2019, https://www.independent.co.uk/voices/greta-thunberg-climate-change-vote-age-election-a9122946.html.

consequences they are more bound to act and avoid it.[50] We will see similar themes in the political theory literature and the political science literature.

We can relate to these young activists' plight, and we can note that it fits our democratic intuitions that those who are affected by a decision ought to have a say in that decision. This has led to a push for further enfranchisement of younger persons, often with the cut-off at sixteen years. However, we are left wondering where to draw the line, for surely a six-year-old will be as affected by climate change, as any sixteen-year-old? And considering the incomprehensible timeframes of climatic impact, the most affected by anthropogenic climate change are not born yet. In this particular instance, it matters gravely where we draw the line of inclusion, but this is a general issue not only regarding climatic impact.

It matters who is taking part in the decision-making process and who is represented. If the *demos* (the subset of the citizenry with a right to vote and participate in democracy) is illegitimately drawn this may undermine the legitimacy of the whole enterprise.[51] Antoinette Scherz writes: "the legitimacy of claims made in the name of the people depends not only on the decision-making process, but also on the subject making the decision. If the legitimacy of the demos is questionable, the legitimacy of democratic decision-making is also undermined."[52] In essence, it does not only matter how the decision is taken, but also by whom.[53]

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[50] Lizzy Francis, "If We Learn One Thing from Greta Thunberg, It's That the Voting Age Is Too Damn High," *Fatherly*, September 25, 2019, https://www.fatherly.com/love-money/trump-greta-thunberg-kids-voting-age.
[51] Goodin 2007. P. 43f
[52] Antoinette Scherz, "The Legitimacy of the Demos: Who Should Be Included in the Demos and on What Grounds?," *Living Reviews in Democracy* 4 (2013). p. 1.
[53] Gustaf Arrhenius, "The Democratic Boundary Problem Reconsidered," *Ethics, Politics and Society: A Journal in Moral and Political Philosophy* 2018, no. 1 (2018): 89–122. P. 90.

Instrumentally, there are many benefits to being a part of the demos. Otherwise, it is likely for your interests to be ignored and your needs to remain unattended. As John Stuart Mill claims: "We need not suppose that when power resides in an exclusive class, that class will knowingly and deliberately sacrifice the other classes to themselves: it suffices that, in the absence of its natural defenders, the interest of the excluded is always in danger of being overlooked".[54] The vote also aims to correct for cognitive bias of others. Any leader may believe they are doing what is good for all the people, while in fact, they misconstrued their own interests as the interests of all.[55] As noted by Thomas Christiano, we are fallible in determining our own interests as well as the interests of others.[56] The ideal of one person, one vote is to ensure that all can see that their interests are protected.

Drawing the demos-border differently will create majorities and minorities on substantive questions for the democracy to deal with.[57] We may imagine that if indeed the youth are more prone to care about the environmental issues we are facing, excluding them makes for fewer votes and less political groundswell to build upon. Similarly, we may imagine that if the oldest in society were excluded, issues closer to their hearts would receive less attention. This has been used as an argument for more youth inclusion, treating them as proxies for future generations, for instance by adding youth quotas to parliaments to create more long-term focused politics.[58]

It is hard to dispute that where we draw the demos-boundary matters in terms of political *outcome.* Differently drawn demoi will create different outcomes on

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[54] John Stuart Mill, *Considerations on Representative Government* (Cambridge: Cambridge University Press, 2010), p. 66.
[55] Thomas Christiano, *The Constitution of Equality: Democratic Authority and Its Limits* (Oxford ; New York: Oxford University Press, 2008)., p. 4.
[56] Christiano 2008, p. 4.
[57] Whelan 1983, p. 22.
[58] Juliana Bidadanure, "Youth Quotas, Diversity, and Long-Termism," in *Institutions For Future Generations*, ed. Iñigo González-Ricoy and Axel Gosseries (Oxford University Press, 2016), 266–81, https://doi.org/10.1093/acprof:oso/9780198746959.003.0016.

substantive issues – however, there is disagreement about whether it matters for the *legitimacy of democracy*. A perspective in political theory is that the formation of the people simply does not matter for legitimacy; what matters is only the procedures of democracy. The most well-cited argument against the idea that we need democratic principles for who ought to be included in democracy comes courtesy of Joseph Schumpeter who argued that there cannot be an outside judgement on who ought to take part in democracy, and that it must be up to the people themselves to decide. He went as far as to argue that a society that restricts voting rights on gender or racial lines, can still be democratic if it follows democratic procedures. Ostensibly, in this perspective, democracy is a procedure that can be enacted by anyone, and there are no criteria to judge whether the grouping is legitimate or not.[59] It should be clear here that Schumpeter's argument is simply that it is not for outsiders to determine whether a regime is democratic on the basis of this exclusion.[60] Perhaps he would object to race-based or gender-based rule on other grounds. He is not arguing for the justification of exclusion, as much as demarcating the bounds of democratic theory: here but no further.

This was rebuked by Robert Dahl who quipped in an unusually stern tone that we: "must surely approach the limit of inanity by drawing the conclusion that a country of 300 million people is governed democratically provided only that the triumvirate of dictators who rule it operate by majority rule".[61] He then outlined a series of historical examples to make this point, wherein a small population within a polity was subject to rule by a larger population. This captures our intuitions – when we think of voter suppression and unequal access to participation. But it is not Schumpeter's point that it is unimportant who gets a vote, only that we cannot from the outside determine any composition as undemocratic. Yet, can we really accept that "a free and fair vote among the

[59] Dahl 1990, p. 51.
[60] Joseph A. Schumpeter and Richard Swedberg, *Capitalism, Socialism and Democracy* (London: Routledge, 2013). P. 244f.
[61] Scherz 2013, p. 3.

Hitler's Cabinet would be sufficient for us to conclude that the German demos had been (re)constituted in just the right way?"[62] Dahl continues to argue that "if a demos can be a tiny group that exercises a brutal despotism over a vast subject population, then 'democracy' is conceptually, morally and empirically indistinguishable from autocracy".[63]

But consider now the vast group of future humans who will live with the costs of climate change, who will bear the costs of our pollutants affecting the climate for the foreseeable future. Are we perhaps in relation to them tyrants, ruling their world through a democratic process amongst ourselves? want to take this possibility seriously. Dahl was driven by a comment that people in South America should also be given a vote for the president of the United States, as they would be as affected by it and claimed: "In a world where we all have a joint interest in survival, the real absurdity is the absence of any system of government where that joint interest is effectively represented."[64] In the same vein, I am not convinced that we are living up to the democratic ideals we proudly tout. There may indeed be some truth to the idea that we are enacting a tyranny over future generations and children by taking life-altering decisions regarding the climate without their due democratic consideration. Is democracy in its current form, a "tyranny of the contemporary"?[65] After all, we are leaving them a world to inherit, and they have no choice in what state it is when it arrives – do we owe them some level of consideration?

The main, overarching theme of this work regards what it means for democracy to be an intergenerational project. The core question that follows is simply: is it *democratically legitimate* to exclude children and future generations from democracy? I found in working with this topic, that a set of sub-questions appeared as obvious follow-ups: If democracy is a system that ought to be inter-

[62] Goodin 2007, p. 46
[63] Dahl 1989, p. 112.
[64] Dahl, 1990, p. 51.
[65] Stephen M. Gardiner, "Accepting Collective Responsibility for the Future," *Journal of Practical Ethic*s 5, no. 1 (2017).

generational, what does that mean for how children enter democracy? And what do we owe future generations, from the perspective of democracy? Should we attempt to include future generations and their interests in contemporary decision-making procedures as if they were members of our demos? Do we have any responsibility to maintain these institutions for the future? It is only through answering these sub-questions that I find a relevant answer to whether children and future generations should be more included in democratic practice.

2.2 THE ANTHROPOCENE AS A CONDITION

In this section, I will start to sketch out how humanity's role in the world has been fundamentally transformed with the dawn of the Anthropocene. This will be nowhere near a full account of the many changes this implies. In this section, I will clarify the concept of the Anthropocene, where it comes from and some of the more important implications of the concept.

I want to understand how these climatic shifts alter the division between *nature* and *society*, which has been core to democratic theory since its inception. For democracy is how we self-determine as a society, typically under the presumption of a clean separation between nature and society. This is what Bonnuiel and Fressoz, the writers of the first critical history of the Anthropocene call the *great ontological divide*. This separation may be growing more untenable. While this discussion will be quite complex, the point I am trying to make is simple: democratic decision-making is built for the mechanisms of *society*, a human-controlled enterprise happening within relatively short timeframes. As the effects of political decisions move from the societal to the natural, we need to understand how that limits our control over these processes. I argue that the conditions for democratic rule in the Holocene vastly differ from the conditions of democratic rule in the Anthropocene.

While the term Anthropocene is recent, the idea of human interference with climatic conditions is not. In 1857, Eugene Huzár predicted:

> "In one or two hundred years, criss-crossed by railways and steamships, covered with factories and workshops, the world will emit billions of cubic metres of carbonic acid and carbon dioxide, and, since the forests will have been destroyed, these hundreds of billions of cubic metres of carbonic acid and carbon oxide may indeed disturb the harmony of the world."[66]

Much like Huzár predicted, we have disturbed the relative "harmony of the world". The Anthropocene, conceptualized first by Paul Crutzen in 2000,[67] as a human-dominated geological epoch that came after the Pleistocene 2,5 million years ago and immediately after the Holocene, 11,500 years ago. In the first conceptualization, this epoch was heralded by the invention of the steam engine in 1784. More recent conceptualizations place the starting date of the Anthropocene at 1945 (we will discuss this in more detail). From this point forward, it is claimed that humanity's imprint on the natural environment grew to "rival the great forces of nature and are pushing the Earth into planetary terra incognita".[68] Bonnueuil and Fressoz refer to it as a "summersault of nature", akin to the mass extinction event 65 million years ago, when a meteor hitting Earth preceded the death of two-thirds of all planetary life, including the dinosaurs.[69]

The preceding geological era, the Holocene, began with the receding of large ice sheets, some of which covered entire regions of the earth, such as the Fenno-Scandian ice sheet which covered the entirety of Northern Europe including most of Great Britain. The end of this ice age lead to an unusual level

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[66] Eugene Huzar, L'arbre de la science. Translated by and cited in Christophe Bonneuil and Jean-Baptiste Fressoz, *The Shock of the Anthropocene: The Earth, History and Us*, trans. David Fernbach, Paperback edition (London New York: Verso, 2017)., p. XII.
[67] Paul J. Crutzen, "Geology of Mankind," *Nature* 415, no. 6867 (January 1, 2002): 23–23, https://doi.org/10.1038/415023a.
[68] Will Steffen, Paul J. Crutzen, and John R. McNeill, "The Anthropocene: Are Humans Now Overwhelming the Great Forces of Nature?," *Ambio* 36, no. 8 (2007): 614–21. P. 614.
[69] Bonneiul and Fressoz 2017, p. 13.

of climate stability for 11,500 years, which allowed humanity to flourish – all of what we consider our history happened within this time span. Humanity is about 200 000 years old, but it is only in the limited span of the Holocene that we developed agriculture, written language, mathematics, cities, complex technology and so on. This stability was undermined by gigatons of carbon dioxide, methane and nitrous oxide from factories of production and a transformation of the majority of earth's biomes.[70]

The term epoch is a subdivision of Earth's geologic timescale and the "progression from one epoch to another is marked by some easily distinguishable, global stratigraphic 'event', such as a mass extinction, bulk change in the composition of sedimentary rocks or shift from one climate regime to another."[71] Typically we infer the traits of these periods by looking at the rock formations created during this time,[72] but for obvious reasons, this is not possible as it related to the Anthropocene. In a piece of fascinating speculative stratigraphy, Jan Zalasiewicz theorized that we will leave sedimented traces, composed of unnatural variability of materials where our once great cities used to stand.[73]

Therefore, this term is not settled. Not only is there not yet an agreement on whether this is indeed a new epoch but also when to place its starting point. Notable suggestions include the Agricultural Revolution (1200 years ago), the Industrial Revolution (around the year 1760), or what Earth Systems scientists have termed the *Great Acceleration* (1950). Currently, the Anthropocene

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[70] Erle Ellis, "Anthropogenic Transformation of the Terrestrial Biosphere," *Philosophical Transactions. Series A, Mathematical, Physical, and Engineering Sciences* 369 (March 1, 2011): 1010–35, https://doi.org/10.1098/rsta.2010.0331.
[71] Jaia Syvitski, "Anthropocene: An Epoch of Our Making," *Global Change* 78 (January 1, 2012): 12–15.
[72] Syvitski 2012.
[73] Jan Zalasiewicz and Kim Freedman, *The Earth after Us : What Legacy Will Humans Leave in the Rocks?* (Oxford, UNITED KINGDOM: Oxford University Press, Incorporated, 2009), http://ebookcentral.proquest.com/lib/aalborguniv-ebooks/detail.action?docID=415861. p. 165ff.

Working Group is tasked with providing evidence of this change to the International Commission on Stratigraphy (ICS), which is the authoritative body on these matters, and their findings will ultimately form the basis of whether this indeed classifies as a new geological epoch. The Working Group's findings indicate that the Great Acceleration as the starting point is the most feasible. In the book *Global change and the Earth system: a planet under pressure* Steffen et al write:

> "The second half of the twentieth century is unique in the entire history of human existence on Earth. Many human activities reached take-off points sometime in the twentieth century and have accelerated sharply towards the end of the century. The last 50 years have without doubt seen the most rapid transformation of the human relationship with the natural world in the history of humankind."[74]

They utilize twelve indicators of human activity and twelve indicators of climatic impact. These were first developed in 2004, and later updated with data from 1750 up until 2010. There is indeed a spike as it regards to the industrialization, but at around 1950, for most of the indicators, they note exponential or near exponential growth. While there was near-constant growth on all the indicators from industrialization onwards, there has been a massive spike within the last 70 years. Thus: "the term 'Great Acceleration' aims to capture the holistic, comprehensive and interlinked nature of the post-1950 changes simultaneously sweeping across the socio-economic and biophysical spheres of the Earth System, encompassing far more than climate change."[75]

This does not undermine the importance of industrialization beginning in the late 18th century, which as noted was the original suggestion for the start date of

[74] *Steffen, et al. 2004. Global change and the Earth system: a planet under pressure. The IGBP Book Series. Berlin, Heidelberg, New York: Springer-Verlag,*, 2004, p. 131.
[75] Steffen et al, 2015, p. 91.

the Anthropocene.[76] But it is only at around 1950 that we see unequivocal evidence of changes in the Earth System "beyond the range of variability of the Holocene" and "driven by human activities and not by natural variability".[77] So the date of Monday, 16 July 1945 was chosen, the first detonation of an atomic bomb in the New Mexico desert.[78]

Here we note the difference between general impact, even irrevocable and large-scale and with the undermining of the functions of the earth system:

> "Its importance as the beginning of large-scale use by humans of a new, powerful, plentiful energy source – fossil fuels – is unquestioned. Its imprint on the Earth System is significant and clearly visible on a global scale. However, while its trace will remain in geological records, the evidence of large-scale shifts in Earth System functioning prior to 1950 is weak."

The point being, while we see significant human impact on the earth in various forms throughout history, it is not to the level of potential harm to the function of the Earth System as a whole. 40 000 years ago, humans in Australia rendered the mega-fauna of the continent extinct, and later fire-stick farming destroyed natural forests which were later replaced by fire-resistant eucalyptus.[79] These are clearly massive irreversible changes to the local biome, but this is not comparable to effects on the Earth System as a whole.

For our purposes here, the most important to understand is that the long-held ontological divide between nature and society is undermined. The idea that society acts according to its own logic, separate from a static nature, acting independently from each other. This has been the dominant frame of

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[76] Crutzen 2002.
[77] Steffen et al, 2015, p. 91.
[78] Ibid., p. 93.
[79] Peter Singer, *One World Now: The Ethics of Globalization*, Revised edition, Dwight Harrington Terry Foundation Lectures on Religion in the Light of Science and Philosophy (New Haven: Yale University Press, 2016). P. 24.

understanding within philosophy from the Enlightenment forwards, but as noted by Steffen: "Hitherto human activities were insignificant compared with the biophysical Earth System, and the two could operate independently. However, it is now impossible to view one as separate from the other."[80] Indicating at least a partial coupling of the "socio-economic system and the biophysical Earth System".[81]

This undermining of the "great ontological divide", this coupling of the "socio-economic system and the biophysical Earth System", requires that we re-think key ethical concepts like democracy, freedom and autonomy. We may note that many of the canonical views of autonomy and freedom are formulated in terms of gaining freedom from nature, such as in JS Mill, who speaks of "freedom as success in the struggle against nature".[82] This can be seen in the separation between natural and social sciences, wherein the societal is seen as uncoupled from the natural world.[83] This is seemingly no longer a feasible conception of the world. We cannot treat these as two wholly separate spheres, but that cannot mean simply bringing nature into the model of societal control.

Exactly how to conceptualize this new relationship has been a topic of much debate, a perspective in the literature on the Anthropocene discusses this as the subsumption of nature into society, or alternatively the *death of nature*, or even as *post-nature,*[84] where objective nature with immutable laws, not impacted by humanity no longer exists.[85] In this way, the processes of the Earth System are placed under the same logic of control as societal processes. A means of conceptualizing this is that of the "good Anthropocene"[86] a world in which the

[80] Steffen et al 2015, p 94.
[81] Ibid.
[82] Mill 2010, p. 40.
[83] Bonneuil and Fressoz, p. 33.
[84] Ibid., p. 84.
[85] Jacques Pollini, "Bruno Latour and the Ontological Dissolution of Nature in the Social Sciences: A Critical Review," *Environmental Values* 22, no. 1 (2013): 25–42.
[86] Erle C. Ellis, "Neither Good Nor Bad," *The New York Times*, May 23, 2011.

control mechanisms of man may create a better and safer world, through geo-engineering, creating the world in our image. Erle Ellis and Navin Ramankutty speak of changing our thinking away from the idea of humans disturbing ecosystems to the idea of "human systems with natural ecosystems embedded within them".[87] Control over nature means freedom for man. We can simplify this in terms of autonomy and note that nature itself was a limitation of our autonomy and by conquering it, we gained freedom from it.

Subsumption of nature implies that we may place nature into the same organizational molds of control that we employ in societal processes. Much of the literature on climate change treats it as a *management issue*, wherein we are granted the role of controlling and managing the very climate, often reducing these issues to problems of technology and economics.[88] I do not consider this a reasonable view of the issues we face.

Rather than understand nature as being subsumed into society and human processes, I understand the collapse of the ontological divide between nature and society as partial, and only indicating a stronger reflexive relationship between them. We may trace the flows of impact between the two, as "Natures pervaded by society" and "Societies pervaded by nature".[89] What I mean here, is that the strong line of separation between nature and society is no longer adequate for understanding our new world. As we will see in the upcoming section 7.1 regarding the idea of time is one of these issues. We cannot think of the continuation of society and its processes as separate from the natural conditions which allow their function. Increasingly, we will experience disruption from natural disasters, intruding on the everyday processes of societal life. We

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[87] Erle Ellis and Navin Ramankutty, "Putting People in the Map: Anthropogenic Biomes of the World," *Frontiers in Ecology and the Environment* 6 (October 1, 2008): 439–47, https://doi.org/10.1890/070062.
[88] For some perspectives on this view see Amanda Machin, *Negotiating Climate Change: Radical Democracy and the Illusion of Consensus*, 2013, https://doi.org/10.5040/9781350221475. chapter 1, Magic and Markets.
[89] Bonneuil and Fressoz 2017, p. 36.

cannot treat these long-term natural shifts as apolitical. However, we must also be wary of understanding this in terms of our everyday political decision-making.

How should we integrate the facts of our new condition in the Anthropocene in a political framework? Due to the above-discussed changing relationship between society and nature, wherein we can no longer act detached from our natural environment. Imagining a static, separate nature, that neither overlaps nor intersects with society allows for a depoliticized frame of the natural environment. As nature and society are forcibly united, we are forced to consider this in political terms. I will touch briefly on the importance of treating this as a political matter, rather than solely as a technical management issue and then move on to discuss a couple debates that are unsettled regarding how to understand this problem.

There is a tendency to reduce the issue of climate change to a technical, management problem, which engenders certain types of solutions. There is an assumption that this need not be a political matter. I will start by showcasing that this needs to be treated as both a *political* and an *ethical matter* (which does not preempt that it is a scientific, religious or economic issue). Much of the political debate begins and ends with exasperatedly yelling: "Listen to the scientists". The main thesis of Amanda Machin's *Negotiating Climate Change: Radical Democracy and the Illusion of Consensus*, is that the frame around climate change is constricting, leaving no room for reasonable democratic disagreement regarding climate action. That the centralized, expert-controlled means of dealing with the issue leaves only one option for political opposition and disagreement: the total rejection of climate change as a concept.[90] I agree with her that "Consensus on how to combat climate change cannot and will not ever be reached; there is no one 'rational' path to take, no over arching grand green scheme that suits everyone. Any apparently inclusive agreement and rational discussion is rather a trick of power that disguises exclusion and

[90] Machin 2013.

inequality."[91] We cannot at the outset presume any single path forward, we need to actually have the difficult democratic discussions of what to do.

Machin writes:

> "The apparent problem for environmentalists who value democracy, and democrats who are concerned about the environment, is that there is no given or predictable outcome in a democracy. Attempts to try to fix the decision all inevitably undermine their own project. As soon as deliberative democrats or green republicans assert that the agreement reached through the debate must be one that is environmentally friendly, they have pre-empted the discussion and undermined the democratic possibility. It isn't possible to predict the outcome of a democratic debate without actually having it"[92]

And I think this bears highlighting. I am not arguing for democracy with the end goal of producing a particular policy outcome, whether good or bad for the climate. I am trying to understand the conditions of decision-making and what that implies for how we order democracy and whom we involve. Mike Hulme argues that the question of climate change is: "How does the idea of climate change alter the way we arrive at and achieve our personal aspirations and collective goals?"[93] This is the goal of this work, not to re-jigger democratic governance to get a desired outcome such as more effectual environmental protections.

Often the role of the empirical sciences is to outline the possible means of achieving our ends, and the likely consequences of those. But climate change is not a singular issue, wherein a cost-benefit analysis will settle the matter. It is a

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[91] Machin 2013., p. 5.
[92] Ibid., p. 103.
[93] Mike Hulme, *Why We Disagree about Climate Change Understanding Controversy, Inaction and Opportunity* (Cambridge: Cambridge University Press, 2013)., p. xxviii.

matter of political decision-making at every level. In this sense, the Anthropocene is not to be understood as a depoliticizing frame, wherein differentiated impact and cause are to be ignored, this will not impact everyone the same and we are not equally to blame. The questions of who caused what, who is at risk, what can we stand to lose and what we must preserve will all be questions for each and every political unit, at every level of political decision-making. Adjudicating between different viewpoints and comprehensive doctrines of the climate is not the point, but simply to maintain the political nature of this issue.

As much as anthropogenic climate change will alter our general physical environment, it will also alter our social environment, as implied by the collapse of the ontological divide. As argued by Hulme, climate change has taken on a social meaning beyond its physical state, and while disagreement on climate change action is typically framed as a disagreement on different practices of science, it is often rooted in a more deeply rooted disagreement about our society and its future.[94] He outlines how climate change may be viewed differently using different lenses according to different worldviews, whether ideological, ethical, scientific, economic, or religious.

This is important to note as the Anthropocene is often framed in a way that obscures the political causes and the disparate and unequal impact of these decisions, as summarized by Franciszek Chwałczyk: "This averaging, reducing and monolithic approach is an extrapolation and reversal of the slogan 'We only have one Earth', which guided the UN ecological conference in Stockholm in 1972. The effect of this reversal is a message that can be conveyed as follows: 'there is only one cause and it is all of us'."[95] This interpretation of the Anthropocene engenders certain political solutions, including in the allocations of goods and costs. In the nascent critical debate of the Anthropocene, there

[94] Hulme 2013.
[95] Franciszek Chwałczyk, "Around the Anthropocene in Eighty Names—Considering the Urbanocene Proposition," *Sustainability* 12, no. 11 (May 31, 2020): 4458, https://doi.org/10.3390/su12114458., p. 6.

has been clarity that how we understand this politically is important, leading to a pluralization of the Anthropocene concept. This is perhaps best exemplified by the proliferation of neologisms: Capitaloscene, Urbanoscene, Homogenocene and many other terms that attempt to better capture this new epoch have been created. These are not always mutually exclusive, as seen in much of the writing, including in Bonnuiel and Fressoz who coin at least six new 'cines.[96] Chwałczyk lists 91 different alternate terms for the Anthropocene in the literature, all of which seem to stress different causes and relationships between us and the planet.[97] The Anthropocene is not a settled concept, that has not seen its full political potential and it itself must remain open for continued re-evaluation and contestation.

The dual processes of *mitigation* and *adaption* established in the Paris Accord, are inherently political, and involve the allocation of costs, burdens and we will have to take difficult and even heart-breaking decisions surrounding the natural environment. How we adapt to the changing climatic conditions will be defined by trade-offs between different values, with different winners and losers.[98] We have gone much too far already to avoid this. Questions of what we consider important enough to save, what impacts we build adaptations to and what we cannot afford to protect are some of the most substantive political questions we face.

To summarize, our society is pervaded by nature and nature is pervaded by societal processes, we are not suddenly in control, just because our impact is tremendous, we are, however, causally responsible. Science cannot tell us what to do, what to prioritize and where to allocate our resources, climatic impact is a problem that must be handled by all generations as a political issue. How that is to be done, however, requires that we consider who the people are that should

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[96] Bonneuil and Fressoz 2017.
[97] Chwałczyk 2020.
[98] Benjamin K. Sovacool and Björn-Ola Linnér, *The Political Economy of Climate Change Adaptation* (Houndmills, Basingstoke, Hampshire ; New York: Palgrave Macmillan, 2016).

take these decisions and who they need to consider. In the next chapter I will be discussing the boundary problem in democratic theory, of who should be included in a democracy, and some of the key debates surrounding it.

3 THE BOUNDARY PROBLEM IN DEMOCRATIC THEORY

In this section, I will define the theoretical problem of this work: the *boundary problem* in democratic theory. I will discuss how the problem has been conceptualized, some of the difficulties in solving it within democratic theory, as well as some of the most well-cited theoretical solutions to it. I will present the issue in a general form without presenting the specific challenges relating to *children and future generations*. This general understanding of the problem will be required to understand the peculiarities of these exclusions from the democratic order and will inform the ensuing sections. I will not present a complete historical overview of the problem or its solutions. Instead, I will start by outlining the problem in a general form and then bundle suggested solutions together.

As we discuss the borders of democracy, we tend to think about the borders between nation-states, rather than *within-state exclusions* (such as children living within the state territory). The standard account of this question is found in territorially based democratic systems.[99] The term "boundary problem" could be understood to connote physical bounded territories, while alternate but less common names of the problem like the *problem of inclusion* or the *demos problem* do not. As argued by Antionette Scherz, the issue of territorial boundaries and the demos problem have often been conflated, but they are separate problems.[100] I will refer to this as the boundary problem, just to note that this is not to be conflated with the issue of justification of territorial jurisdiction.

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[99] Nadia Urbinati and Mark E. Warren, "The Concept of Representation in Contemporary Democratic Theory," *Annual Review of Political Science* 11, no. 1 (June 1, 2008): 387–412, https://doi.org/10.1146/annurev.polisci.11.053006.190533., p. 388.
[100] Scherz 2013, p. 3.

When it comes to drawing the borders of peoples, the conceivable combinations are near infinite. Seemingly, there are only two obvious delimitations, all of humanity and the individual. Mark Warren makes the distinction between *membership criteria* for inclusion *and justice-based* accounts of inclusion.[101] Membership criteria are typically based in citizenship. Simply put, you are granted democratic rights by virtue of your membership in the political unit. Membership criteria, whether based on historical chance, the nation or similar, are *exogenous* to democratic theory.[102] I will briefly discuss the nation-state as the basis for membership in this section before discussing justice-based accounts of inclusion in the next section.

Early democratic development in the 1800s is inexorably tied to the nation-state.[103] Seyla Benhabib reflects that the stability and success of the modern liberal democratic state coincide with the coupling of the circumscribed nation-state and the ideal of self-governance.[104] A significant portion of the debate has centered on a disagreement on whether national boundaries form legitimate boundaries for democratic peoples, with some like Arash Abizadeh arguing that it never did,[105] Others claim that the reliance on the nation has stopped being convincing due to changes in the world such as globalization undermining the legitimacy of the nation.[106] For instance, Seyla Benhabib argues that the issue of democratic boundaries is “not the crisis of democracy in the first place but rather the crisis of the territorially circumscribed nation-state formation".[107]

The legitimacy of contemporary territorial claims is not the focus of this text, and it suffices, for now, to say that regardless of the outcomes of that debate,

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[101] Mark E. Warren, *The All Affected Interests Principle in Democratic Theory and Practice*, vol. 145, Reihe Politikwissenschaft / Institut Für Höhere Studien, Abt. Politikwissenschaft (Institut für Höhere Studien (IHS), Wien, 2017). P. 1ff.
[102] This separation is also utilized in Erman 2014.
[103] Benhabib 2005, p. 673f.
[104] Ibid., p. 673.
[105] Abizadeh 2012.
[106] Bauböck 2018, p. 5.
[107] Benhabib 2005, p. 673.

we still have an incomplete account of who ought to be included. If we accept that the nation-state is a legitimate center of democratic power, and that we can legitimately draw the boundaries between nation-states this way; we have still not answered the question of who within these units get to take part. Ostensibly, regardless of how we form the state and the territorial bounds of its jurisdiction –it remains an incomplete answer to the boundary problem as it does not clarify who within those territorial bounds ought to be included. If we base the democratic people on the bounded territory of the nation-state, that only clarifies the question to a limited extent. Therefore, membership criteria are not a feasible answer as it regards children and future generations.

I argue that even if borders were to change, this has little bearing on the exclusion of children and future generations, so the issue of state formation and territorial authority can be bracketed. When we draw the lines of age-based inclusion or consider our impact on future generations, we need not justify a territorial claim or jurisdictional authority. Competing claims of nationhood and membership and the complicated histories of peoples can be avoided.

The genesis of the modern debate on the boundary problem is likely Robert Dahl in the 1970s noting the surprising lack of comprehensive answers to the question of inclusion, and a lack of procedures to deal with the shared vulnerabilities of the modern world. He writes that "this is because they take for granted that a people has already constituted itself. How a people accomplish this mysterious transformation is therefore treated as a purely hypothetical event that has already occurred in prehistory or in a state of nature."[108] The lack of a comprehensive answer likely lies in the shadow of *the demos paradox*, the insidious problem that seemingly indicates that we cannot take a democratically legitimate decision on who to include. The following section will clarify the paradox and showcase some understandings of how it can be avoided.

[108] Dahl 1990, p. 46.

3.1 THE SHADOW OF THE DEMOS PARADOX

It may be surprising that the question of who is to be democratically included has received such little attention historically. Perhaps, this is due to the dark cloud hovering over the debate by the *Demos Paradox,* also known as *the paradox of a self-constituting people*. Frederick Whelan claims there cannot be a legitimate procedure for determining the proper scope of the demos and that the problem may be unsolvable within democratic theory. He refers to this as a practical limit of democratic decision-making.[109] As the determination of the boundary must be logically and temporally prior to any democratic decision.[110] Therefore, it is impossible to settle boundary disputes with a democratic vote, as this would require a prior vote on the composition of the people to take part in that vote – leading to endless regression.[111] Because we must first determine the boundaries of the demos: "It is simply incoherent to constitute the electorate through a vote among voters who would be entitled to vote only by virtue of the outcome of that very vote."[112] Notably, the issue subsists regardless of conceptualization of democracy. Whelan outlines this as a problem that is equally damning for majoritarian, participatory and other models of democracy. He calls it an *inherent* and *practical* issue. While this can potentially be avoided by simply adding everyone who wants to take part in the decision, even if that would include the whole world, as argued by Hans Agné, this is only theoretically feasible if we open up the voting to the whole world.[113] Robert Goodin bluntly explicates the consequences of the demos paradox; “that observation might seem to suggest that democracy is inherently founded on a fraud.”[114]

Due to the aforementioned paradox, many writers have defaulted to *historical contingency*. Simply taking the borders as they are and accepting that they were

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[109] Whelan 1983, p. 13
[110] Goodin 2007, p. 43.
[111] Whelan 1983, p. 19.
[112] Goodin 2007, p. 43.
[113] Hans Agné (2010). Why democracy must be global: self-founding and democratic intervention. International Theory, 2, pp 381-409 https://doi:10.1017/S1752971910000254.
[114] Goodin 2007. p. 43.

created in a non-democratic fashion. They claim that we build democracy within the borders history has provided.[115] Since many argue there cannot be a democratic solution; they move their positions behind what Sofia Näsström refers to as the Maginot line of historical contingency.[116]

A strong conceptualization of this idea of relying on historical contingency to draw the lines of inclusion was developed by Thomas Christiano, who argued that there is a prima facie case for maintaining the demos as it is, provided it is functioning as a demos. By functioning correctly, a demos is proving its worth, and there is much to risk and little to gain by undermining it. Cristiano claims it is only in cases of serious moral injustice that the boundaries need to be redrawn.[117] We will return to this point, but in my view, this reliance on historical chance does not present a helpful account of these issues. This withdrawal is unfortunate as "It benefits those who possess power, status, and force by lending them the opportunity to operate freely in the world without any demands of legitimacy in return."[118]

Many theories have this structure, avoiding the demos paradox by arguing from necessity. They argue that something inherent to democracy requires a certain circumcision of the people. Contingent upon their specific understanding of democracy, they argue, in various ways, that their interpretation of the demos is correct. They posit that some traits within the people are necessary conditions of democracy, like a shared community,[119] a common world,[120] shared common

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[115] Sofia Näsström, "The Challenge of the All-Affected Principle," *Political Studies* 59, no. 1 (March 2011): 116–34, https://doi.org/10.1111/j.1467-9248.2010.00845.x. p. 625.
[116] Näsström 2007, p. 625.
[117] Thomas Christiano, "A Democratic Theory of Territory and Some Puzzles about Global Democracy," *Journal of Social Philosophy* 37, no. 1 (March 2006): 81–107, https://doi.org/10.1111/j.1467-9833.2006.00304.x.
[118] Ibid. p. 645.
[119] Mark E. Rush, "*Democracy and Elections* . Richard S. Katz," *The Journal of Politics* 61, no. 1 (February 1999): 248–50, https://doi.org/10.2307/2647797.
[120] Christiano 2006. p. 97f.

residence,[121] solidarity,[122] political meta-agreement,[123] sympathetic identification,[124] underlying agreement on ethical principles,[125] interpersonal trust,[126] public spirit, public discourse and association,[127] shared political concern,[128] stability,[129] language.[130] We will be discussing the boundary problem in similar terms as it relates to children and future generations, in terms of what is required for a democracy to function and what the impact of more inclusion may have on these.

A subset of the theory arguing from necessity do so by referring to the capacity of the state to rule democratically. Here legitimacy is derived "not from the consent of its citizens, but from its capacity to act in their name."[131] wherein "the state instead defines the citizenry that is subject to it."[132] David Miller for, instance, argued that any state that upholds basic democratic values, has some prima facie legitimacy.[133]

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[121] Rainer Bauböck, "Expansive Citizenship: Voting beyond Territory and Membership," *PS: Political Science and Politics* 38, no. 4 (2005): 683–87. p. 683.
[122] Sarah Song, "The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State," *International Theory* 4, no. 1 (March 15, 2012): 39–68, https://doi.org/10.1017/S1752971911000248., p. 47f.
[123] Daniele Archibugi, Mathias Koenig-Archibugi, and Raffaele Marchetti, eds., *Global Democracy: Normative and Empirical Perspectives* (Cambridge ; New York: Cambridge University Press, 2012). p. 27f.
[124] David Miller, "Democracy's Domain," *Philosophy & Public Affairs* 37, no. 3 (2009): 201–28., p. 208f.
[125] Ibid., p. 208f.
[126] Ibid.
[127]Michael Zürn and Gregor Walter-drop, "Democratic Governance Beyond the Nation-State:: The EU and Other International Institutions," *European Journal of International Relations* 6, no. 2 (June 1, 2000): 183–221, https://doi.org/10.1177/1354066100006002002..
[128]Chantal Mouffe, "Citizenship and Political Identity," *October* 61 (1992): 28–32, https://doi.org/10.2307/778782..
[129] Miller 2009, p. 208f.
[130] Zürn and Walter-Drop 2000. P. 263.
[131] Anna Stilz, "Nations, States, and Territory," *Ethics* 121, no. 3 (2011): 572–601, https://doi.org/10.1086/658937.), p. 11.
[132] Ibid.
[133] Miller 2009, p. 227.

In light of the paradox showcased by Whelan, many consider accepting historical chance as a capitulation and attempt to find solutions without resting on contingent political ground. They were looking for answers that were in some regard pre-political.[134] If a contingent political decision is what determines the outline of the demos, and that decision happened prior to democratization, then the legitimacy of democracy is undermined by the arbitrariness of that decision. Here, the *nation* has been considered a strong candidate, as the historical bond between nation and state makes it simple to couple them. The nation is a "normative resource" because "it captures something that can exist before and independently of the state."[135] If we presume that the nation is a pre-political source of legitimacy, our borders are justified by their history.

Much of the driving force of the contemporary debate on this topic is the presumed lower level of feasibility of relying on the nation as a foundation for the delimitation of different peoples.[136] The idea being that globalization has weakened the nation-state, possibly due to increased migratory patterns and lower levels of subjective identification. There is also widespread doubt that the nation indeed is pre-political rather than a political construction.[137] Furthermore, Hans Agné argues that since the nation, while potentially prior to the state, was not in itself formed democratically, and therefore it is unclear how it confers democratic legitimacy to the state.[138] I will discuss issues with contingent and historical chance as the basis of exclusion in chapter 4 on the value of political theory and critique, and argue that while similar arguments could be used to justify exclusion of youth and future generations, it is a poor approach.

It should also be noted that while this paradox may flummox political theorists, some see it as a productive force. That the impossibility of closing the legitimacy of the people sustains an endless contestation of the boundaries of the people:

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[134] Abizadeh 2012.
[135] Agné 2010, p. 385.
[136] Rainer Bauböck and Joseph H. Carens, *Democratic Inclusion: Rainer Bauböck in Dialogue*, Critical Powers (Manchester: Manchester University Press, 2018)., p. 5.
[137] Abizadeh 2012, p. 873.
[138] Agné 2010, p. 385.

"Because attempts to draw the boundaries of popular sovereignty can never be done by purely democratic means, law and sovereignty always rest on some form of violence and exclusion. Instead of a disabling problem to overcome, some contemporary democratic theorists see the paradox of sovereignty as an enabling dilemma that generates a productive politics of conflict and contestation".[139] In this perspective, the self-assumed role of the political theorist as a neutral arbiter of this conflict is forced into the debate. Placing the locus of legitimation at the level of the nation, or all of humanity is not a non-political mode of arbitration but also taking part in this political conflict. "Discouraging as it may seem, this justificatory impasse does not leave us entirely empty handed. (…) For if we cannot justify the boundaries of the people without simultaneously taking a stance in the conflict, what does this tell us?"[140] There can be no closure of the question of the demos and no finality. Just an endless debate of contested claims of who should be included – and this cannot be separated fully from the politics. This work is to help in the continuation of the democratic discourse on this topic.

3.2 THE ALL-AFFECTED PRINCIPLE

In the previous section, we discussed the usage of the nation-state as the basis of membership, and membership-based criteria for democratic inclusion, which clarifies little regarding the exclusion of children or future generations. In this section, instead we will look at some justice-based accounts of inclusion, again following Mark Warren's distinction between membership-based criteria and justice-based criteria.[141] The membership-based criteria like focusing on the nation and its formation are as noted exogenous to democratic theory. Below we will discuss solutions *endogenous to democratic theory,* principles that are

[139] Adam Dahl, "Nullifying Settler Democracy: William Apess and the Paradox of Settler Sovereignty," *Polity* 48, no. 2 (2016): 279–304., p. 280.
[140] Näsström 2007, p. 126.
[141] Warren 2017.

based on the concept of democracy. In theories exogenous to democratic theory, we avoid the demos paradox by finding a decidedly apolitical way of drawing the boundary. In the solutions discussed below, the boundaries of the people are to be drawn based on values inherent to democracy.

The *all-affected principle* has become the most well-discussed contender for dealing with this issue, simply phrased: "everyone who is affected by the decisions of a government should have the right to participate in that government".[142] Likely as it tends to align with basic intuitions on democracy and our goals for adopting it. Whelan calls this perhaps the most intuitively plausible proposal"[143] and Robert Dahl refers to it as "very likely the best general principle of inclusion that you are likely to find."[144] According to Warren, this ideal has its origins in Roman law: "what touches all must be approved by all".[145] In the modern era of democratic theory, the all-affected principle was conceptualized and popularized by Dahl in *Democracy and its Critics*. The principle has seen many variations throughout the coming decades. All of them attempt to circumscribe the people in such a way that no one who is ruled is not also a ruler, and vice versa.

The main criticism of the principle is that it is too vague,[146] or that it underspecifies what it means to be relevantly affected.[147] Ben Saunders argued this point by attempting to apply the principle in deciding who should be allowed to vote on Scottish independence and did not succeed in finding an answer

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[142] Dahl 1990, p. 64.
[143] Whelan 1983, p. 16.
[144] Dahl 1990, p. 70.
[145] Warren 2017, p. 1.
[146] Torbjörn Tännsjö, "Cosmopolitan Democracy Revisited," *Public Affairs Quarterly* 20, no. 3 (2006): 267–91., p. 284
[147] Ludvig Beckman, "Citizenship and Voting Rights: Should Resident Aliens Vote?," *Citizenship Studies* 10, no. 2 (May 2006): 153–65, https://doi.org/10.1080/13621020600633093., p . 158.
Ludvig Beckman, "Democratic Inclusion, Law, and Causes," *Ratio Juris* 21, no. 3 (September 2008): 348–64, https://doi.org/10.1111/j.1467-9337.2008.00394.x. p. 350.

derived from the principle.[148] Mathias Koenig-Archibugi and Rafelle Marchetti write: "it is highly difficult, if not entirely impossible, to specify who is affected by any kind of action. The principle risks running aground on indeterminacy. Chaos theory's description of the butterfly effects is an extreme, and illuminating, example of the indeterminacy of effect."[149]

Perhaps indeterminacy can be ameliorated by specification. This has led to formulations of the principle focusing on specifying what manner of affectedness should trigger democratic inclusion. Lack of specificity is not a fatal flaw, and there is now a literature in political theory specifying its usage and trying to answer some key questions: what does it mean to be relevantly affected? How much do you need to be affected to be owed a say in democratic societies? What rights are owed when a person is affected? Examples include Carol Gould disregards who stipulates a specific form of affectedness: "we can come up with a reasonable criterion for when these impacts on people at a distance become so significant that we need to gain input from them into the decisions in question (...) people are to be regarded as importantly affected when they are affected in their possibilities of realizing their basic human rights".[150]

Clearly, different answers to these questions may yield very different demoi (the sub-division of the citizenry empowered to take political decisions including the vote). In the most extreme variation, under the presumption that agenda setting is free and open, and a democracy may take any decision freely, the decision-takers risk affecting every person on earth,[151] either due to the butterfly

[148] Ben Saunders, "Scottish Independence and the All-Affected Interests Principle," *Politics* 33, no. 1 (February 2013): 47–55, https://doi.org/10.1111/j.1467-9256.2012.01452.x.
[149] Koenig-Archibugi and Marchetti 2012, p. 33
[150] Carol Gould, "Globalizing Democracy and Human Rights," *Dialogue* 45, no. 4 (2006): 779–82, https://doi.org/10.1017/S0012217300001347., p. 54
[151] Goodin 2007, p. 55.

effect, or perhaps more reasonably, in that every person affected by any of the agendas raised would have a say.[152]

Let us briefly discuss three variations of how to understand being affected: the *actually affected, possibly affected*, and *plausibly affected* variations, the first two outlined by Robert Goodin,[153] and the third by David Owen.[154] Under the actually affected variation of the all-affected principle, we take a decision and subsequently look to whom it actually affected. Regardless of how we measure relevant affectedness, and under a presumption that this can be easily measured, this seems to capture intuitions. It is not overinclusive as people with no interest in the decision are excluded and it includes all who are affected, meaning it is not underinclusive. This would create a perfect balance between affected and affecter, ruler and ruled, nobody would have a claim to be *other-determined,* politically dominated, and would allow for political and personal autonomy. However, feasibility concerns aside, the all-actually-affected variation is incoherent and does not actually solve the demos paradox. Who is affected by the decision is in this case contingent upon the outcome of that vote, which is contingent upon who is a part of the demos.[155] Therefore we run into the same problem we attempted to overcome. Instead of avoiding the spiral of endless logical regression, we simply added more steps to it.[156]

The *all-possibly-affected* variation expands the understanding of what it means to be affected. This is from an understanding of affectedness that does not only look at affectedness as impact by the decision taken. In a simple example, if

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[152] David Owen, *"Dilemmas of Inclusion: The All-Affected Principle, the All-Subjected Principle and Transnational Public Spheres" Transnationalizing the Public Sphere*, ed. Nancy Fraser and Kate Nash (Cambridge, UK ; Malden, MA: Polity Press, 2014). p. 7.

[153] Goodin 2007.

[154] David Owen, "Constituting the Polity, Constituting the Demos: On the Place of the All Affected Interests Principle in Democratic Theory and in Resolving the Democratic Boundary Problem," *Ethics & Global Politics* 5 (September 12, 2012), https://doi.org/10.3402/egp.v5i3.18617. P. 133f.

[155] Goodin 2007 p. 52.

[156] I question to what extent this confers legitimacy of exclusion regardless. Can you really vote to exclude yourself? This is a difficult question theoretically that will be left open here.

there is a vote for shutting down the local hospital – you are not only affected by this vote if it passes. While a losing vote, wherein the hospital remains open does not affect the people in the local area as their lives remain unchanged. Yet, we understand that had the outcome of the vote been different, they would have been substantially affected. So seemingly we must include all who are affected by "any possible outcome of that decision process".[157] Under the presumption that agenda setting is free and open, we run into the issue that under all possible agendas, all are possibly affected, making anything smaller than a global demos potentially illegitimate. We may consider this overinclusive as it would allow people in Sierra Nevada to vote about local matters in Sierra Leone and vice versa. In a response to this, we may turn to the all-plausibly affected variation as devised by David Owen.[158] Here, we look not to all possible agendas or the narrowness of actual decisions, but rather what it is plausible that the affecting agent will do.

A more feasible understanding of the principle may be to treat it as an *evaluator principle* instead of using it as a rule for drawing the outlines of the demos. Here the distinction between democracy as a procedure and mechanism for decision-taking and treating democracy as a normative ideal, is very important.[159] While we may struggle using democracy as a procedure for decision-making as noted by Sarah Song, democracy is not just a set of procedures: "it is also a set of values underlying those procedures. We can look to interpretations of those underlying values for guidance in addressing the boundary problem in democratic theory."[160] Gustaf Arrhenius asks: "Why should we determine who is relevantly affected by certain decision by a prior democratic decision? Why shouldn't it (...) be determined by a theory of the currency of relevantly affected and an analysis of the consequences of different courses of action, policies, and institutional structures on people's interests?"[161] This is the

[157] Goodin 2007, p. 54.
[158] Owen 2012, p. 133f.
[159] Arrhenius 2005, p. 17.
[160] Song 2012, p. 42.
[161] Arrhenius 2008, p. 110.

way I aim to proceed. By looking at and contrasting whether different counterfactual demoi better live up to the principles discussed.

In this way, the all-affected principle is useful not as a rule for determining who is to be included, but as a measuring stick to compare alternatives. The feasibility of using the all-affected principle as a mechanism for determining who is to be included is well-discussed. But this does not undermine our ability to use it to showcase democratic issues; any case where we see significant rates of affectedness without corresponding democratic rights is made relevant in light of this principle. We may also argue from the principle that there exist counterfactual demos formations that closer approximate the ideal.

While democracy may be a poor method of deciding who ought to take part, it may be a guiding principle, allowing us to evaluate different practices for their (likely) effects. In this view, one can compare various institutional frameworks and how well they live up to the ideal that all who are ruled are simultaneously rulers. This method of treating the principles more as tools for evaluation is how I will treat the all-affected principle as well as the two principles discussed in the upcoming section.

3.3 THE ALL-COERCED AND ALL-SUBJECTED PRINCIPLES

As discussed, we can understand being affected by political decision-making in many radically distinct ways.[162] Here, I will present two alternative principles that bear a lot of similarities with the all-affected principle but should not be conflated with it.[163] I would characterize the move between these as moving from having a causal relationship to ruling. Of course, this distinction matters greatly when talking about climate change, as future generations undoubtedly will be affected by our actions, but we are not therefore ruling them in a strict sense. Sofia Näsström argues that this signifies a departure as it regards the nation-state, while the all-affected principle poses a challenge to the legitimacy

[162] Beckman 2006, p. 158.
[163] See Näsström 2011, for a discussion on the fundamental differences between the all-subjected and all-affected principles.

of the nation-state as the locus of power, the all-subjected (and in my reading the all-coerced) principle presumes it. This will have a very significant impact on how we understand intergenerational democracy as well.

The all-coerced principle stipulates that the relevant form of affectedness that triggers the need for democratic inclusion is *coercion*. The focus on coercion is due to the effect of coercion on autonomy, understood as being "independent, that is, free from subjection to the will of another through coercion or manipulation."[164] Coercion always forces the will of someone else over you, and reduces your options and therefore it requires very strong justification.[165] Sarah Song writes that: "democrat theorists argue that coercion triggers the need for actual, not hypothetical, justification: the invasion of autonomy generates a prima facie case for rights of participation in the political processes that determine the laws to which one is subject".[166] It is clear that if we value autonomy, we cannot allow for unjustified coercion (I will discuss the issue of justification and autonomy in detail in chapter 5). David Miller formulates the principle simply: anyone "routinely forced to comply with the decisions of a democratic authority' ought to be "entitled to a say in those decisions"[167]

A debate that outlines many of the core issues with the all-coerced principle is that between Arash Abizadeh and David Miller, two proponents of the all-coerced principle. This started by Abizadeh showing that border regimes are coercive to those outside the borders, but not those inside and therefore in need of justification from foreign nationals.[168] Miller counters, and argues that coercion must eliminate all options but one, and that the border regime of any country only stands to eliminate one option from a long list of countries that could

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[164] Arash Abizadeh, "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders," *Political Theory* 36, no. 1 (2008): 37–65. P. 39f.
[165] Miller 2009.
[166] Song 2012, p. 51.
[167] Miller 2009, p. 217f.
[168] Abizadeh 2008.

facilitate migration.[169] In this text, the intricacies of the debate on what classifies as coercion is not in focus. Rather, the point here is to illustrate the idea of dividing up democracy into parts. The border regime creates a "border demos", that is separate from the demos proper.[170] Would a person affected by the border regime be given generalized democratic rights? If the only coercive aspect of the state that reaches you is the border regime, does that system needs to justify itself to you wholesale? Does someone coerced by the border regime get a vote in internal policies?

The *all-subjected principle* builds on similar intuitions as the all-coerced principle but can side-step some of the issues with the all-coerced principle noted above. Here the object of justification is the wider legal framework under which you are subject.[171] Note that subjection to collective decisions is not equivalent to being subject to coercion.[172] Instead of focusing solely on the coercive aspects of the polity, it builds on the constitutive role of laws in building a social order.[173] This follows from the perspective that all legal norms come with a judicial requirement to follow them.[174] It therefore serves as more of a wholesale justification of the system itself, broader than the focus on coercion. All who are continuously subject to the legal norms of a state are to be included in their democratic institutions. In the view of Nancy Fraser, "what turns a collection of people into fellow members of a public is not their shared

[169] Miller 2009, p. 220.
[170] Ludvig Beckman, "Irregular Migration and Democracy: The Case for Inclusion," *Citizenship Studies* 17 (January 2012): 1–13, https://doi.org/10.1080/13621025.2012.669964. p. 53ff.
[171] Beckman 2014.
[172] Beckman 2012, p. 55.
[173] Ludvig Beckman, "The Subjects of Collectively Binding Decisions: Democratic Inclusion and Extraterritorial Law," *Ratio Juris* 27 (June 1, 2014), https://doi.org/10.1111/raju.12038.
[174] Kent Greenawalt, "Conflicts of Law and Morality" *Ethics* 99, no. 1 (October 1988): 168–70, https://doi.org/10.1086/293049., p. 6ff.

citizenship, or co-imbrication in a causal matrix, but rather their joint subjection to a structure of governance that set the ground rules for their interaction.'[175]

This principle seemingly has a very strong focus on living in the territory in question, and as shown by Ludvig Beckman, it seems incompatible with excluding even irregular or unauthorized migrants[176] and as argued by Lopez Guerra, it may also be incompatible with allowing voting rights for non-resident citizens, as they are not governed by these institutions,[177] writing: "From a democratic perspective, a person is only entitled to participate in those decision-making processes whose outcomes she is compelled to obey."[178] Here, residency is the primary determining factor, as any person living in a bounded territory where the state has sovereign rule, will have their lives determined to a large extent by the state. Unlike a transient who only experiences that subjugation briefly, this subjugation will be inexorably tied up with their life, their projects and well-being.

These principles will be applied in discussions surrounding both children and future generations and their implications will be discussed. The reader may already have noted that children are clearly affected, coerced and subjugated by political institutions in much the same way as adults – and therefore the discussion will center around how political theorists have used other means to avoid applying the general principles of inclusion for children. Part of the puzzle of that chapter deals with understanding to what extent children should be excluded from these principles. As it regards future generations, they are clearly affected by our decision-making, which has been the driving force of discussion

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[175] Nancy Fraser, *Scales of Justice* (Columbia University Press, 2009), http://www.jstor.org/stable/10.7312/fras14680. p. 96.
[176] Beckman 2012.
[177] Claudio Lopez-Guerra, "Should Expatriates Vote?," *Journal of Political Philosophy* 13, no. 2 (June 2005): 216–34, https://doi.org/10.1111/j.1467-9760.2005.00221.x.
[178] Lopez-Guerra 2005, p. 228.

around the topic, with potential subjugation seeing very limited discussion.[179] Regarding future generations, I will note that principles of inclusion seem to point in a completely different direction from theories of representation. Where the theories of representation indicate that future generations cannot be represented democratically while the principles of inclusion seem to state they must. This forms the main puzzle of the discussion on future generations

[179] For an account of this discussion, see Ludvig Beckman, "Democracy and Future Generations. Should the Unborn Have a Voice?," in *Spheres of Global Justice*, ed. Jean-Christophe Merle (Dordrecht: Springer Netherlands, 2013), 775–88, https://doi.org/10.1007/978-94-007-5998-5_62.

4.0 METHODOLOGICAL CONSIDERATIONS

This monograph, as well as the articles included within the dissertation was written to be supportive of a democratic discourse regarding the justification of democratic decisions, and I will ground the methods on the placement of the text within democratic society and discourse. In this chapter I will discuss the methodological considerations of the monograph as well as the three related articles.

In a letter regarding extending the franchise United States "Founding Father" John Adams writes:

> "Depend upon it, sir, it is dangerous to open [such a] source of controversy and altercation, as would be opened by attempting to [change] the qualifications of voters. There will be no end of it. New claims will arise. Women will demand a vote. Lads from 12 to 21 will think their rights not enough attended to, and every man, who has not a [dime], will demand an equal voice with any other in all acts of state. It tends to confound and destroy all distinctions, and [surrender] all ranks, to one common level."[180]

I take it we must agree that once we open the question of who is to be included in the democratic process, "there will be no end of it. New claims will arise". Adams seemingly used the never-ending nature of the claims to shut the conversation down, to preserve the ranks and roles of society and maintain the power imbalance of his society. As he notes, opening the question has the potential of bringing ever more people into a community of equals, destroying distinctions and ranks – or as poet/musician Gil Scott-Heron phrased it: "God damn it, first one wants freedom, then the whole damn world wants

[180] John Adams writes to James Sullivan, 26 May 1776; found in Charles Francis Adams and John Adams, *The Works of John Adams, Second President of the United States. Volume 4* (Cambridge: Cambridge University Press, 2011).

freedom".[181] But, if the claims of inclusion never end, the evaluation of these claims must also remain endless. I may hope that this will be persuasive, and wish that a political leader may "convert this truth of speculation into the utility of practice."[182] But I recognize that this is not for me to impose. This conversation will continue until democracy, or the idea of democracy dies, and I am only a participant. I am not hoping to be the final arbiter on this. In this section I wish to outline the utility of this discussion and the methods chosen to carefully evaluate the claims for inclusion, instead of pushing them aside.

In this opening section, I will discuss what *political theory* and *democratic theory* are, have a quick discussion on their level of scientificness and how they are to be differentiated from moral philosophy in general. Following this general overview, I discuss the use of critique in a scientific sense, building on the work of critical theorists in particular, attempting to show why this work has utility (4.1). I continue to discuss the limitations formed by contextual factors in theorizing, and how I will include and exclude different forms of contextual detail in the work and highlight the idea that a demos must be able to carry out the legitimate functions of democracy (section 4.2). Lastly, building on the previous section, I will discuss ideal and non-ideal theorizing, argue that they both have value and discuss why the two cases, children and future generations, must be discussed on different terms; with the discussion on future generations necessitating a lot more ideal and perhaps implausible theorizing (section 4.3). I end the chapter by discussing internal and external critique, the difference being whether the norms used within the critique are held by the object of the critique (4.4)

Now I turn to the task of illustrating why it is a useful endeavor to attempt to build comprehensive philosophical critiques and theoretical accounts of normatively legitimate democratic exclusion. The value of empirical *political*

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[181] Gil Scott Heron, *B Movie*, Reflections (Arista Records, Inc., 1981).
[182] Thomas Hobbes, G. A. J. Rogers, and Karl Schuhmann, *Leviathan*, A critical edition (London: Continuum, 2005). Chapter XXXI, The Conclusion Of The Second Part.

science is often presumed, while the theoretical view, and the critical perspective are perhaps not. Max Horkheimer writes that "Many philosophers throw envious glances at their colleagues in other faculties who are much better off because they have a well-marked field of work whose fruitfulness for society cannot be questioned."[183] Often this view can be seen when discussing climate change, as if this was only a technical management problem, and not as I argued in section 2.1 The Anthropocene as a Condition, also a democratic and ethical problem we must all face.

This concept of the Anthropocene comes to us from the geologists and Earth System scientists, who "mainly focus on what geological unit the Anthropocene is and when it started, where to drive a "golden spike. They do not necessarily take into account the possible political consequences of their findings"[184] As noted by many writers, there has not been sufficient theoretical, political, and social conceptualization of this shift, which perhaps can be explained by the relative lack of focus, as between "1990–2018 natural and technical sciences received 770% more funding for research on climate change than the social sciences. Only 0.12% of the funds were allocated to research on the social dimensions of coping with climate change".[185] But it is clear that discussion must include all modes of science, philosophy and politics, and they will intersect in interesting ways. As noted by the key Earth System Scientists discussing the Anthropocene proposal, critiques such as that of Malm and Hornborg[186] changed the way that we measure climatic impact, and in updated measures used in determining the starting date of the Anthropocene, used by the Anthropocene working group, they now use indicators that highlight inequity

[183] Max Horkheimer, "The Social Function of Philosophy," *Radical Philosophy* 3 (1972): 10.
[184] Chwałczyk 2020, p. 2.
[185] Indra Overland and Benjamin K. Sovacool, "The Misallocation of Climate Research Funding," *Energy Research & Social Science* 62 (April 2020): 101349, https://doi.org/10.1016/j.erss.2019.101349. P. 1.
[186] Andreas Malm and Alf Hornborg, "The Geology of Mankind? A Critique of the Anthropocene Narrative," *The Anthropocene Review* 1, no. 1 (April 2014): 62–69, https://doi.org/10.1177/2053019613516291.

between different countries instead of treating the world as one undifferentiated group.[187] This interplay between disciplines of science and modes of thought and critical debate is in its infancy, but it is crucial.

We may find some understanding of the hesitancy towards critical and theoretical work by looking at the difference between *ends* and *means*. As Max Weber states: "All serious reflection about the ultimate elements of meaningful human conduct is oriented primarily in terms of the categories 'end' and 'means'."[188] A common view of the academic in general, and I suspect, particularly in political science, is the narrow view that science ought to be helpful to politicians and voters in taking decisions. Guiding their hands in weighing between different alternatives by explicating the likely costs and benefits of doing so. In this line of thinking, the role of the scientist is to uncover causal laws, which in turn may be action-guiding. This generates a division of labor where the academic is to fill in knowledge gaps as relating to means, but no role in outlining or critiquing ends. Weber presents a view similar to this, that the scientist ought to be helpful in outlining the consequences of different actions, the likely costs and benefits of differing options. After this they must let the decision rest solely in the hands of the decision-taker, and for them to determine the valuable means.[189] This perspective is often coupled with a belief that there should be a separation between the object of inquiry and the scientist. That the object of study is not impacted by the study, and subject and object are kept apart, and the observer remains an observer. [190] However, this separation comes with some issues. For as it only deals with means and never with ends, it allows only an incomplete critique of the order of things. This text

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[187] Will Steffen et al., "The Trajectory of the Anthropocene: The Great Acceleration," *The Anthropocene Review* 2, no. 1 (April 2015): 81–98, https://doi.org/10.1177/2053019614564785., p. 91.
[188] Max Weber, *"Objectivity' in Social Science", in Philosophies of Social Science: The Classic and Contemporary Readings*, ed. Gerard Delanty and Piet Strydom (Maidenhead, England ; Phildelphia: Open University, 2003). p. 52.
[189] Weber 2003, p. 108.
[190] Max Horkheimer, *Critical Theory: Selected Essays* (New York: Continuum Pub. Corp, 1982)., p. 229.

deals mostly with ends, more so than how to achieve them. “The primary purpose of normative theory is putting forth, and defending with clarity and rigor, assessments of existing institutions and practices, and persuasive reasons for changing them”[191] In a world where the very climatic conditions of life seem to hinge upon our actions, we need to critically assess the institutions and practices of how we take decisions, and whom we involve.

The harshest critique of normative political theory refers to the field as little more than opinions and preferences, and therefore essentially meaningless.[192] Its level of ‘scientificness’ has long been a topic of debate,[193] as the nature of inquiry and the methods differ so greatly from the natural sciences. The debate over whether normative theorizing ought to be classified as a science is one I would rather bracket, as debates about what is sufficiently scientific or what theory is are ideas “intimately related to very real institutional resources, careers, funding, prestige, status systems, sociology’s public relevance, and so on.”[194] It seems as much a disagreement about what we should study and what is valuable, as it is a discussion of what theorizing and science are. Therefore, it is more important to show that this type of research has utility in democratic society than it is to prove that it adheres to certain standards of what constitutes science. As noted by Robert Putnam, “Ethics does not conflict with physics, as the term 'unscientific' suggests; it is simply that 'just' and 'good' and 'sense of justice' are concepts in a discourse which is not reducible to physical discourse.”[195] In this way, the method section is built to answer the dreaded ‘so what?’ question, and to ensure that the text contributes more than arbitrary,

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[191] Andrew Sabl, “The Two Cultures of Democratic Theory: Responsiveness, Democratic Quality, and the Empirical-Normative Divide,” *Perspectives on Politics* 13, no. 2 (June 2015): 345–65, https://doi.org/10.1017/S1537592715000079., p. 357.
[192] Johan Tralau, *Inbjudan till politisk teori*, 1. uppl (Lund: Studentlitteratur, 2012)., p. 21ff.
[193] Gabriel Abend, “The Meaning of ‘Theory,’” *Sociological Theory* 26, no. 2 (2008): 173–99., p. 185.
[194] Abend 2008, p. 192.
[195] Hilary Putnam, *Reason, Truth, and History* (Cambridge [Cambridgeshire]; New York: Cambridge University Press, 1981), p. 145.

privately held opinions of its writer and is more than an "aimless intellectual game, half conceptual poetry, half impotent expression of states of mind".[196]

The methods of conducting normative theory are seldom explicitly discussed, and normative theorists have not managed to establish commonly accepted and mutually agreed upon terms for discussing normative method.[197] Horkheimer writes regarding philosophy, "Finally, everyone knows that there is no agreement in method."[198] Cohen claims that "although I've learned how to do philosophy, nobody ever told me how to do it (…) The only way to teach people how to do it is by letting them watch, and listen, and imitate".[199] I will be discussing several methodological considerations in the coming parts, but first I will clarify some aspects regarding the field of inquiry.

To outline the field I am working in, we need to make some clarifications. The term 'theory' has many meanings, and our understanding of the term widely differs according to the research field and query. In *The Meaning of Theory*, Gabriel Abend lexicographically explicates seven different usages of the term theory in sociology. To write political theory, then, has numerous distinct meanings (or at the very least: seven). These include organizing perspectives like rational choice theory, but most commonly it refers to explanations of causal mechanisms. All understandings of the term that do not focus on explaining a causal mechanism are controversial, such as what Abend calls theory$_4$ which is the study of classic works such as those of Marx or Weber to explicate their meaning,[200] or as in this text, as it regards *normative political theory*. Abend calls this theory$_{6,}$ meaning theoretical accounts with an explicit normative and

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[196] Horkheimer 1982, p. 209.
[197] Björn Badersten, *Normativ metod: att studera det önskvärda* (Lund: Studentlitteratur, 2006), p. 207.
[198] Horkheimer 1972.
[199] G. A. Cohen, "How to Do Political Philosophy," in *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy*, ed. Michael Otsuka (Princeton University Press, 2011), 225–35, http://www.jstor.org/stable/j.ctt7rp56.17. p. 225.
[200] Abend 2008, p. 179.

political end goal rejecting the ideal of the supposedly value-neutral view of theory.[201]

I treat political theory and democratic theory as working under very different circumstances from general moral philosophy. Part of this can be understood by outlining the conditions for democratic theorizing and the conditions of political theory. Political theory is "engaged in problem solving under a particular constraint: the presence of pluralism and disagreement about how to solve the problem at hand".[202] And a significant part of that is the respect for disagreement, as List and Valentini argue, political theory does not primarily answer what we ought to do as humans, but rather: "what ought we do, given that we do not agree about what we ought to do".[203] This is what Waldron refers to as the "circumstances of politics", where citizens have a need "for a common framework or decision or course of action," but there still is a prevalent "disagreement about what that framework, decision, or action should be."[204]

Arash Abizadeh adeptly describes a difference between liberalism and democratic theory is that liberalism "engages in a strategy of hypothetical justification to establish the justness of institutions and laws through which political power is exercised", while democratic theory "demands actual participation in institutionalized practices of discursive justification geared to establishing the legitimacy of political institutions and laws."[205] From this, I take that we may instead of retreating from political society, the political theorist ideally would enhance the democratic forms of justification present in society. This role is never in the authorization of political decisions, of course, as this

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[201] Abend 2008, p. 180.
[202] Christian List and Laura Valentini, "The Methodology of Political Theory," in *The Oxford Handbook of Philosophical Methodology*, ed. Herman Cappelen, Tamar Szabó Gendler, and John Hawthorne (Oxford University Press, 2016), 0, https://doi.org/10.1093/oxfordhb/9780199668779.013.10., p. 527.
[203] Ibid., p. 547.
[204] Jeremy Waldron, *Law and Disagreement*, Reprint (Oxford: Oxford University Press, 2004), p. 102.
[205] Abizadeh 2008, p. 41.

would be antithetical to democratic ideals, I am not here to argue whether any specific decision, surrounding the climate or anything else, is right or wrong.

In *Political Liberalism*, John Rawls insists his work is political and not metaphysical, meaning that it is not a *comprehensive moral doctrine* and only concerns the political realm.[206] It is a theory restricted only to a limited sphere, regarding how to take political decisions on which there will be deep disagreement regarding the best way to move forward. A pluralistic society requires that people are free to create their own conception of the good and have disagreements on ethical matters (more on this in section 5.3 *Autonomy*).

There are no reasons to presume less burdensome methodological practices for theoretical work than for empirical work, or to presume that methodological considerations are less important in creating high-quality political theory. We can assume that *conceptual clarity* and *methodological rigidity*, *internal* and *external validity* and inter-*subjective understanding* of text are as important in both disciplines. Political theory holds similar standards of internal validity as applied in the empirical sciences -- that there should not be any question what is justified in the text, how this is justified, what conclusions are drawn and how the argumentation has led there.[207] Ostensibly, the ideal of internal validity within political theory is much like in empirical research a question of *reproducibility* but instead of pertaining to the reproduction of a study, it pertains to reproducing all parts of an argument with the aim of creating an intersubjective understanding of key concepts, so that the normative ideals discussed and explicated in the text do not have a private or arbitrary meaning, like an opinion.[208] This is how it goes from being "mere talk, (...) occasionally stimulating, but usually boring and always useless"[209] to something with social utility. There are some possible difficulties, in that normative concepts related to

[206] John Rawls, *Political Liberalism*, Expanded ed, Columbia Classics in Philosophy (New York: Columbia University Press, 2005).
[207] Badersten 2006, p. 215.
[208] Ibid., p. 215.
[209] Horkheimer 1972.

democratic thought, often have related terminology within other disciplines tied to differing aspirations of their work – potentially creating misunderstanding or decreasing the potential of cross-play between disciplines. Regarding key terms, I have taken great consideration in considering and contrasting the usages of terms politically and within the empirical sciences, with that of political theory at large and my own usage. Warren, when discussing essentially contested terms writes: "The point of definitional clarification is not, then, to insulate the definition from conflict, but rather to clarify its normative stakes"[210] I build a lot on the concepts used in empirical research on democracy, but it is important to also keep some distance.

The upcoming sections follow this structure: first I discuss the conditions of democratic theory derived from writing within a democratic context. As noted, I attempt at grounding the theoretical considerations within the ideals of democracy, and this part will showcase that.

4.1 Normative political theory and critique

This text is written in the context of an ongoing dialectic between *liberal* and *critical* theory. These traditions are partially aimed at a transformation of citizenship, and thus quite useful for our purposes. While most writing on the boundary problem is written from a liberal perspective, I have taken more methodological inspiration from the critical end. However, both traditions of thought take considerable space in the analysis and conclusions. Liberal theory is an older tradition in democratic theory, outlining much of the early attempts at transforming the individual from a subject of a monarch to an autonomous citizen during the Enlightenment.[211] Its early steps were demarcated by writers

[210] Mark E. Warren, "What Is Political?" *Journal of Theoretical Politics* 11, no. 2 (April 1999): 207–31, https://doi.org/10.1177/0951692899011002004. p. 209.
[211] Barbara Arneil, "Becoming Versus Being: A Critical Analysis of the Child in Liberal Theory," in *The Moral and Political Status of Children*, ed. David Archard and Colin M. Macleod (Oxford University Press, 2002), 70–93, https://doi.org/10.1093/0199242682.003.0005.

such as John Locke, Jean-Jacques Rosseau and Immanuel Kant. Much of liberal thought has been largely hegemonic in democratic discourse, outlining the basic rights of citizenship with a focus on negative rights and methodological individualism deeply inspired actual democratic constitutions the world over.

Critical theory, outlined first by Max Horkheimer and traditionally connected with the Frankfurt School, encompassing writers like Theodor W. Adorno, Jürgen Habermas, Rainer Forst and others who understood critique as "not just an aspect of, but a whole mode of, theorizing."[212] Critical theory is built to be an *emancipatory project*. An aspect of this emancipatory project is that the work is meant to be useful in a real historical moment. It is critique situated in a real historical political struggle. By critical theory I refer to a tradition asking how a normatively justified state of affairs and historically possible world may be achieved and what power relations are stopping it.[213] Treating justice as both a practical and philosophical issue.[214]

Here I will attempt to showcase why critique and political theory is useful societally, building mostly upon the work of critical theorists, and Max Horkheimer specifically. He argues that the social function of philosophy is in the development of critical and dialectical thought, and that it is a "methodical and steadfast attempt to bring reason into the world."[215]

The critical mode of inquiry takes issue with the view of science only dealing with *means* and not *ends* discussed in the previous subsection, not in terms of negating the value of empirical research but in terms of limiting research to this. I will here introduce Jürgen Habermas' theory of *knowledge-constitutive*

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[212] Seyla Benhabib, "How to Read Hannah Arendt's The Human Condition (1958)" *Critique 13/13* (blog), 2020, https://blogs.law.columbia.edu/critique1313/seyla-benhabib-how-to-read-hannah-arendts-the-human-condition-1958/.
[213] Rainer Forst and Ciaran Cronin, *Normativity and Power: Analyzing Social Orders of Justification*, First edition (Oxford, United Kingdom: Oxford University Press, 2017). p. 1.
[214] Ibid., p. 2f.
[215] Horkheimer 1972.

interests. He argued that there are some fundamental interests that humans have in attaining knowledge, and that different forms of science correspond to different needs. Separated into three between, *technical, practical* and *emancipatory* knowledge constitutive interests. The technical need to predict and control our environment seems to require that we study causal patterns and understand and predict the consequences of actions. We need to know whether a bridge will hold the weight of a car or predict the economic effects of a policy. Habermas argues that this need is what fuels the need for *empirical analytical sciences*.[216] In this way he connects empirical research with the needs arising from the immanent social context. The second knowledge constitutive interest is practical: the need to build inter-subjective understanding of social products such as works of art and historical passages and build an understanding of their value. This drives the *hermeneutic-historical sciences* including the study of art and history.

His third knowledge constitutive interest is in *emancipatory knowledge*, which forms a synthesis between the two others, and forms *critical-dialectical knowledge.* Its function is to act as a *critical conscience on society*. There is a need to study and critique society and its forms, to not only understand but transcend its current manifestation. This is where critical theory enters in. Horkheimer outlines critical theory as simultaneously *practical*, *normative* and *explanatory*.

It is not sufficient to only understand the world, the idea is that critical theory is a part of a wider project of *emancipation,* hence why it is a practical endeavor. As much as there may be beauty in pure reason and developing a clearer understanding of the world – the value of critical theory is not to be found here. The theory is meant to have practical application.

> "The real social function of philosophy lies in its criticism of what is prevalent. (…) The chief aim of such criticism is to prevent

[216] Habermas 2003, p. 35f.

> mankind from losing itself in those ideas and activities which the existing organization of society instills into its members. Man must be made to see the relationship between his activities and what is achieved thereby, between his particular existence and the general life of society, between his everyday projects and the great ideas which he acknowledges. Philosophy exposes the contradiction in which man is entangled in so far as he must attach himself to isolated ideas and concepts in everyday life."[217]

Critical theory stands in some ways in opposition with reality. It is not only satisfied with uncovering how things are, but standing in opposition to it. "When it was said that the tension between philosophy and reality is fundamental, unlike the occasional difficulties against which science must struggle in social life, this referred to the tendency embodied in philosophy, not to put an end to thought, and to exercise particular control over all those factors of life which are generally held to be fixed, unconquerable forces or eternal laws".[218] As we will discuss, there is a presumption that the state of affairs and the moral order is not due to any natural law or unavoidable fate – it is the consequence of willed actions of human beings. Horkheimer writes "The individual sciences apply themselves to problems which must be treated because they arise out of the life process of present-day society. Both the individual problems and their allotment to specific disciplines derive, in the last analysis, from the needs of mankind in its past and present forms of organization."[219] In this way, empirical science is an attempt at making things better within the framework of how things are. They are in this way a response to a need formulated by the context and may never rebel against it. We are reminded of the Maginot line of historical contingency that has dominated the boundary problem. That is in my view an unacceptable response to the problem at hand. Just accepting the world as if it was the

[217] Horkheimer 1972.
[218] Ibid.
[219] Ibid.

product of blind chance and unchangeable by human action. Philosophy finds itself in opposition with reality:

> "Philosophy insists that the actions and aims of man must not be the product of blind necessity. Neither the concepts of science nor the form of social life, neither the prevailing way of thinking nor the prevailing mores should be accepted by custom and practiced uncritically. Philosophy has set itself against mere tradition and resignation in the decisive problems of existence, and it has shouldered the unpleasant task of throwing the light of consciousness even upon those human relations and modes of reaction which have become so deeply rooted that they seem natural, immutable, and eternal."[220]

Ostensibly, he argues that the historical moment we live in is not only the product of immutable laws but of willed action. Therefore, it does not suffice to outline things as they are. Rather the systems of delineation, enumeration and categorization used in the scientific pursuit are themselves the object of critique and contention. The order of things as they are "with its hierarchy of values, is itself a problem for philosophy. While science is still able to refer to given data which point the way for it, philosophy must fall back upon itself, upon its own theoretical activity."[221]

The activity here is to understand and give light to "the material and intellectual presuppositions that are usually taken for granted, thought which impregnates with human purpose those relationships of daily life that are almost blindly created and maintained."[222] The term blindly created and maintained is core, for most of the questions in this text are not seen as controversial. Both in the political and even in the philosophical debate surrounding these topics, we will

[220] Horkheimer 1972.
[221] Ibid.
[222] Ibid.

note many writers treating the exclusion of children and future generations as given and obvious, not requiring serious consideration.

Different writers have dealt with similar ideas, consider the idea of *reification* first found in Marx and later developed by György Lukács.[223] It is when a social relationship is made to feel natural: where the world "loses its comprehensibility as a human enterprise and becomes fixated as a non-humanizable, inert facticity."[224] Part of this thesis, is then, to clarify that these things are not simply as they must be. It is when "Human meanings are no longer understood as world-producing but as being, in their turn, products of the 'nature of things'".[225]

This line of thinking is especially prevalent regarding children's position in society, wherein today's model of child rearing is taken for granted as natural and unchanging –regardless of how radically different it is from the recent past. Lukács writes that reification: "is concerned to make it permanent by 'scientifically deepening' the laws at work. Just as the capitalist system continuously produces and reproduces itself economically on higher and higher levels, the structure of reification progressively sinks more deeply, more fatefully and more definitively into the consciousness of man."[226]

Part of the idea of this work is to function as a basic form of *defetizishing critique*, wherein we see that the "given is shown not be a natural fact but a socially and historically constituted, and thus changeable, reality". [227] This is especially going to be clear regarding children, who are presumed to be incapable of taking part in democracy – often without considering that this is at least in part due to the institutional set-up of the education system and other factors impacting the level of competence for democratic decision-making. As

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[223] Georg Lukács and Rodney Livingstone, *History and Class Consciousness: Studies in Marxist Dialects*, Nachdr. (Cambridge, Mass: MIT Press, 2013).
[224] Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (New York: Anchor Books, 1990). p. 106.
[225] Berger and Luckmann 1990, p. 107.
[226] Lukacs 2013.
[227] Seyla Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986)., p. 47.

said by Berger, "the social world was made by men - and, therefore, can be remade by them."[228] Excluding women, children, the poor, resident aliens, future generations and the land-less could in different times be done without explicit justification. I will not argue that there can be no such justification, regarding any grouping. More so that the justification itself must be thoroughly investigated, and not cast aside as it was by natural law and not by willed human action that we live in this world and not in another.

In this vein, I attempt to create theory that is practicable and valuable for the democratic discourse. The question I am asking, is not how we best could represent children and future generations, but rather if we should and to what extent; critiquing the ends rather than the means. This text is built on the idea that perhaps the ideas and activities of our society and the values instilled may themselves be the issue and that we cannot simply state that children and future generations are unfit for the institutions that exclude them.

In *Justice for Earthling*s, Miller argues that "that political philosophy is a branch of practical reason— it is thought whose final aim is to guide action, as opposed to having a merely speculative purpose."[229] Horkheimer writes: "A consciously critical attitude, however, is part of the development of society: the construing of the course of history as the necessary product of an economic mechanism simultaneously contains both a protest against this order of things, a protest generated by the order itself, and the idea of self-determination for the human race".[230] It is not for the fun of debating or solving puzzles nor the beauty of pure knowledge that political theory is important, but for its potential to be socially useful.

Part of the importance of critical theory is that it is aimed at the other sciences, conceivably to their benefit. There is an ongoing tension between critical theory

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[228] Berger and Luckmann 1990, p. 106.
[229] David Miller, *Justice for Earthlings: Essays in Political Philosophy* (Cambridge University Press, 2012), p. 44.
[230] Horkheimer 1982, p. 229.

and empirical research in that they both inform each other and ideally improve one another. While empirical research can be uncritical towards the object of study, it cannot remain valueless. Firstly as it regards theoretical explanations. Consider Willard Van Orman Quine's *underdetermination thesis*, that theories are underdetermined by the data, regardless of the amount of data collected.[231] There is always another theoretical explanation consistent with the available data. This is true both in terms of background assumptions and theories of causal mechanisms, meaning that the theoretical explanation will be contingent upon our values. Secondly, our values will guide what we study, what we find interesting and the theories used. Horkheimer writes that attempts at doing away with judgment in our reasoning is impossible: "Judge we must, and so, we judge badly and without reflection. Believing judgment to be without rational foundation and believing questions concerning judgment to be beyond the scope of legitimate inquiry, the gap between intellectual inquiry and the practice of living grows"[232] In this way, the critical theorist may interrupt the empiricist, and point out that perhaps a topic of research is not as relevant as it would seem, or perhaps they may argue that the results mean something different.

In this way, philosophical critique enriches empirical research by creating and discussing these important concepts; and trying to understand how, when and why they are important. Consider *The Two Cultures of Democratic Theory: Responsiveness, Democratic Quality, and the Empirical-Normative Divide* by Andrew Sabl,[233] who notes a bevy of studies on the United States political system comparing the policy outcome with the polled preferences of the electorate. These studies typically find that there is little correspondence between them, and then go on to claim that perhaps the country is no longer

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[231] Willard Van Orman Quine, *"Two Dogmas of Empiricism," in Philosophies of Social Science: The Classic and Contemporary Readings*, ed. Gerard Delanty and Piet Strydom (Maidenhead, England ; Philadelphia: Open University, 2003).
[232] Ruth W. Grant, "Political Theory, Political Science, and Politics," *Political Theory* 30, no. 4 (August 2002): 577–95, https://doi.org/10.1177/0090591702030004007, p. 584.
[233] Sabl 2015.

functioning as a democracy. What he notes as interesting with these studies is a presumption that they all carry, that the presumed ideal is perfect correspondence between the polled preferences of the electorate and policy outcome, which is a very uncommon position in democratic theory. There may be many legitimate reasons for imperfect correspondence, but when measurements do not consider these reasons – we cannot adequately understand or describe the problem at hand. He makes the argument that empiricists would be helped by theorists in this case, in their portrayal of the problem: "They should portray inequalities in democratic representation, corruptions in the political process, or opportunities for manipulation and deception by elites as bad not because they depart from a crude, perfect responsiveness that very few citizens would actually welcome, but because they depart from a variety of democratic ideals".[234]

Much of this work, the monograph and the articles deal with forms a critique of how empirical research is formed and used in the political debate on democratic exclusion, looking at categories used and whether they adequately capture democratic ideals. In my writing on youth and children in democracy, much of the critique is aimed at how democratic concepts are used in the empirical sciences and used to argue for or against the inclusion of younger persons. Much of the empirical literature on children, their political knowledge and capacities purport to answer whether we should include children based on empirical facts that arguably do not have the same level of importance attributed to them in theory, as I will argue in more detail.

This is not to say that critique is to be subservient to the empirical sciences and the utility of critique is not found only there. The primary purpose is "not manufacturing tools to help empiricists study their current causal workings (tools that would in any case go mostly unused)." [235] Horkheimer claims that in attempting to prove that philosophy is useful for the development of empirical

[234] Sabl 2015, p. 356.
[235] Ibid., p. 357.

research the philosopher "is no longer the critic, but the servant of science and the social forms in general."[236] Of course this is a serious concern. Here it will suffice that critique of scientific concepts can enrich their usage and be helpful for the empirical sciences.

Of course, the obverse relation is also true. We will return to this as we discuss political theory and context (section 4.2), but the actual conditions of life in this historical moment are crucial for the practical application of philosophical concepts. Theorists should not "look down on those who trace causal regularities but rather to consume their research with a sense of gratitude. For theorists' normative and ontological concepts regarding politics ultimately derive not from disembodied reflection on other concepts but from systematic observation of how politics works".[237] Simone Chambers writes:

> "The normative history of legitimacy is driven by demands for justification. Individuals, groups, whole peoples stand up and say 'No!' They demand justifications for exclusion, oppression, domination, and more generally for the right to 'rule over'. Social and political history is the long and often tragic story of reasons for power gaining and losing purchase; for even in the most oppressive states and in the most unjust times those in power have some kind of an answer to the question 'Why do you get to do this to me?' even if they do not actually allow the question to be spoken."[238]

In this vein, I treat the issues of this monograph as first political and immanent and secondarily as theoretical and transcendent. It is in observing issues in applying models of legitimate political decision-making that these questions first arise, not in the theoretical sphere.

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[236] Horkheimer 1972.
[237] Sabl 2015, p. 357.
[238] Chambers 2015, p. 214.

I have chosen to incorporate a wide selection of different scientific literatures in this monograph, from diverse sources. In *Critical and Traditional Theory*, Horkheimer writes that "the critical theory has no specific influence on its side, except concern for the abolition of social injustice."[239] In this work, I have continuously built upon the work of many other disciplines of science, particularly political science. But this work contains findings from diverse fields outside of philosophy such as sociology, developmental biology, judicial theory, literary science, geology, earth system science, and others. I have also discussed political advocacy campaigns, op-eds and even a few poets and filmmakers thrown in for flavor.

While the input is highly diverse and eclectic, the output is mostly relevant for this field, and for the general debate on democratic inclusion. I do not claim that the findings are relevant, for the most part for geologists for instance. I believe however the results are quite relevant for those studying democracy empirically as well, as there is a parallel debate on inclusion in this field. I have made a concerted effort to consider the empirical research on these topics, including multiple areas of study, as discussed. I do this as "Political theory operates most usefully when it turns empirical findings into resources for evaluation and critique."[240] It is, important to understand the state of climate change science to understand the specific issues faced by future generations, as well as it is important to understand children's level of cognitive development and political capacity to understand the exclusion of children.

In our lives, our experiences, the things we learn, including causal relationships will affect and alter our view of what is valuable, on what our ends ought to be.[241] If facts do not impact our values, what good are they? Of course, the facts underdetermine our values. Just like we cannot just look at a correlation and see causation without a theory, neither can we form our values just by looking at the

[239] Horkheimer 1982, p. 242.
[240] Sabl 2015, p. 357.
[241] Anderson 2004, p. 9.

world. Indeed, we cannot derive an 'ought' from an 'is', but this does not mean that they are wholly independent from each other. Hume writes: "For as this ought, or ought not, expresses some new relation or affirmation, it is necessary that it should be observed and explained; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it."[242] Both a reason and an understanding of how things are is needed.

We cannot without critical reason, go from seeing the reality of climate change to an understanding of what this means for us democratically. Neither the facts of the situation nor pure reason is sufficient, it is only in understanding both that we may move closer to a full image. This is why critical theory is explanatory, practical, and normative, with a common end goal.

If all forms of science are reliant upon values, and facts themselves help form our values, the notion that values themselves must be held away from science seems ludicrous. And this is where we must return to Habermas. As discussed, he theorized multiple knowledge constitutive interests, the first one being the explication of these causal relationships. Another fundamental value in knowledge formation is in self-reflection about these laws, as these laws regard us.[243] We need to untangle which of these laws are natural, and which are contingent. We need to understand not only how things work, but also whether things could work differently, and what forces this law into existence. Uncovering the relations of power, and their justifications, is core to understanding our world. This allows the sciences to act as a form of a *critical conscience on society*.

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[242] David Hume, *A Treatise of Human Nature*, ed. David Fate Norton, Reprint with corrections, Oxford Philosophical Texts (Oxford: Oxford University Press, 2009). Part 1, Section 1, Book 3: Of morals.

[243] Jürgen Habermas, *"Knowledge and Human Interests", in Philosophies of Social Science: The Classic and Contemporary Readings*, ed. Gerard Delanty and Piet Strydom (Maidenhead, England; Phildelphia: Open University, 2003)., p. 252.

The critical tradition builds on the idea that the state of things as they are is not given, nor the product of some outside force; but rather the human forces of history. Consider Horkheimer writing that: "The world which is given to the individual and which he must accept and take into account is, in its present and continuing form, a product of the activity of society as a whole." [244] From this understanding, we cannot simply sit back and accept things as if they were natural. In a similar vein, Rainer Forst comments that "the acceptance of social contingencies which lead to social subordination and domination and are rationalized as an unalterable fate, even though they are nothing of that sort."[245] Often we seem to presume that things are how they must be; "it is as if only some evil and complicit servitude had for centuries or millennia concealed from people the quite simple truth that they were the authors of their own institutions and, what is more, of their choice of society."[246]

If democracy is a system with which we justify our actions collectively (which is what I will argue in section 6.2), it matters what reasons we give to each other for our actions. Much of political theory deal with reason-giving in this way—probing what a legitimate reason is. If we accept that reason and facts can change our values, surely we must accept that it is worthwhile to enquire closer about this? And if we accept that our values will decide what we find important to research as well as how we do it, must we not accept that it is valuable to inquire about these reasons closer? Surely, it is a legitimate function for research within a democracy to try and understand and reason about the justifications given for inclusion within its institutions? I will work based on the idea that history is the story of "reasons for power gaining and losing purchase"

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[244] Horkheimer 1982, p. 200.
[245] Rainer Forst, *Justice, Democracy and the Right to Justification: Rainer Forst in Dialogue*, Critical Powers Series (London; New York: Bloomsbury Academic, 2014)., p. 2.
[246] Claude Lefort and John B. Thompson, *"Politics and Human Rights" in The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, 1. MIT Press ed (Cambridge, Mass: MIT Press, 1986)., p. 269.

[247] In this way. The strength of the discipline of political science is that different sources of knowledge, critical and empirical are entwined and reinforce the other. It is at its strongest when values and empirical findings support each other.

4.2 Political theory and context, the functional approach

A core consideration regarding any political theory, is how to engage with *context*. Here I will outline a position used in the dissertation based on *functions* of democracy. I claim the demos must be able to produce certain functions to be legitimate and must be able to live up to some ideals of democracy. In this section I discuss how context interacts with the idea of the *functional approach* to this question.

As noted, critical theory exists in conflict with reality, with things as they are and it is built upon the idea that this world is the outcome of willed human action. This does not mean a complete rejection of reality nor fleeing into fantasy land. I will treat critique as equally practical and theoretical. This section will outline in detail many debates and viewpoints on how to relate and engage with context, facts and with reality. Which facts about the immanent context are to be accounted for and which will not. It is possible to argue that principles are to be made without considering the real world at all, while political scientists should similarly divorce themselves from the theoretical aspects, perhaps "because it allows for a mutually convenient division of labour between them."[248] This is not the approach I have chosen.

I will start by reiterating that this work is written with the intent of acting as a critical conscience on democratic society, meaning there is an attempt at producing socially relevant results. This is done by treating the question of

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[247] Simone Chambers, "Democracy and Critique: Comments on Rainer Forst's *Justification and Critique: Towards a Critical Theory of Politics*," *Philosophy & Social Criticism* 41, no. 3 (March 2015): 213–17, https://doi.org/10.1177/0191453714559536. P. 213.
[248] Miller 2002, p. 30.

justification as simultaneously a theoretical and a practical question, and the analysis aims at a transformation of justificatory relations. A fundamental part of this framework is that we neither give up the transcendence of reason nor the immanence of historical conditions. This implies a complex relationship with context and usage of empirical fact in the text. And many considerations regarding when and how they are entered into the theorizing. Horkheimer describes criticism as an intellectual and "eventually practical" effort.[249] It needs to be translated from an intellectual effort to a practical effort for that specific society. As written by David Miller in *Justice for Earthlings*:

> "even the basic concepts and principles of political theory are fact-dependent: their validity depends on the truth of some general empirical propositions about human beings and human societies, such that if these propositions were shown to be false, the concepts and principles in question would have to be modified or abandoned. In other words, I am advocating political philosophy for Earthlings— political philosophy that is sensitive not only to general facts about the human condition but also to facts of a more specific kind, facts about particular societies, or types of societies."[250]

In learning from Miller, I discuss a lot of things that only hold for democratic regimes. I make no claims on how to "legitimately" rule a monarchy. I only speak on how to rule given certain facts regarding impact on the climate, and humanity's role in it. This is political theory designed to deal with our condition as it is now.

A vital consideration in bringing in contextual factors regards *feasibility constraints* on moral theorizing. There is an ongoing debate on to what extent and when the feasibility of implementation should limit our moral theorizing and the principles created. David Estlund makes the distinction between *concessive*

[249] Horkheimer 1972.
[250] Miller 2002, p. 31.

and *aspirational* theory, where one will concede more regarding context, and treats more of it as given whereas aspirational requires more. Here I will accept his stance that both are perfectly legitimate and can contain moral insight.[251] Pablo Gilabert outlines two main functions of feasibility constraints, the first one is to rule out principles on the basis of being too infeasible or even impossible to implement.[252] This is a very common line of discussion, going back to Kant and the adage that ought implies can.[253] Beyond that, we can imagine things that are technically possible but tremendously infeasible, due to various factors. For Buchanan, good theory is defined by accessibility meaning that there is some form of practicable route to its implementation and that it "is compatible with human psychology, human capacities generally, the laws of nature, and the natural resources available to human beings".[254] These types of constraints should play a role in what is considered democratically legitimate, in my view, as this seems like a precondition for it to be useful and practicable.

These hard feasibility constraints can be understood as applicable to the idea of an intergenerational democracy: children are not born with full faculties of thought; they are born with limited cognitive abilities. Any presumption based on a hypothetical change in the human condition is akin to moral theorizing for a separate species. Similarly, we will make presumptions that future humans, our ancestors, will require breathable air and potable water. In discussing future generations, I bring in anthropogenic climate change as a condition of moral application in general and democratic thought in particular as there is no means of avoiding it, and it constrains our avenues of action.

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[251] David M. Estlund, *Utopophobia: On the Limits (If Any) of Political Philosophy* (Princeton, New Jersey: Princeton University Press, 2020), p. 123f.
[252] Pablo Gilabert and Holly Lawford-Smith, "Political Feasibility: A Conceptual Exploration," *Political Studies* 60, no. 4 (December 2012): 809–25, https://doi.org/10.1111/j.1467-9248.2011.00936.x p. 812f.
[253] Immanuel Kant, *Critique of Pure Reason*, ed. Paul Guyer and Allen W. Wood, 1st ed. (Cambridge University Press, 1998), https://doi.org/10.1017/CBO9780511804649.p. 473.
[254] Allen E. Buchanan, *Justice, Legitimacy, and Self-Determination Moral Foundations for International Law* (Oxford: Oxford University Press, 2006). p. 61.

The second function proposed by Gilabert for feasibility constraints is in ranking the desirability of different institutional arrangements. If one principle is in theory a better approximation of justice but virtually unachievable, and another imperfect principle exists that is more achievable, there is reason to consider the second principle.[255] It is not the silver bullet of theorizing, but it bears consideration. I will not spend a lot of time with the second function, but in considering which policies that can best capture the normative principles discussed in this text, it will be discussed, albeit not to a full extent. I discuss that multiple institutional arrangements can be said to better approximate the values proposed than the status quo, and in the analysis I make some tentative estimates of accessibility. This is also true for all the articles, where I quickly discuss some institutional arrangements and make some notes regarding their accessibility.

Pablo Gilabert and Holly Lawford-Smith, further differentiate between *soft* and *hard* feasibility constraints, with the softer end being cultural, religious or economic constraints; and less clear cut: psychological and motivational constraints.[256] Gilabert states the risks of relying on soft constraints as well as the risks of ignoring them, means either falling prey to "a cynical realism capitulating to injustices that could be superseded" by placing weight on these soft constraints or by ignoring them risking "impotent idealism seeking desirable but extremely improbable outcomes".[257] It is difficult to know where to draw these lines.

We may argue like Estlund, that "The most realistic normative theory of all, of course, would recommend or require people and institutions to be exactly as they actually are already".[258] This is what may be referred to as *complacent realism*: "Even if we knew all the facts, including what everyone will do, unless every alternative is beyond people's abilities, all normative theory must be partly

[255] Gilabert and Lawford-Smith 2012, p. 818f.
[256] Ibid., p. 813.
[257] Ibid., p. 815.
[258] Estlund 2020, p. 115.

aspirational, purporting to recommend or require some things even if they will not be done."[259] I will try and note the level of likelihood of different arrangements in the analysis, but will not utilize feasibility constraints of this nature to disqualify principles.

The literature on the boundary problem often employs feasibility constraints, hard and soft, arguing that regarding institutional arrangements, a demos must be able to function as a demos. David Miller claims his approach is based on a simple question: "how is democracy possible? That is, under what conditions can a group of people accept democratic authority, in the sense of regarding decisions taken by a democratic procedure in which they have some role as having binding force for them – binding in the sense that they will normally comply with the decisions taken even when it is against their interest or their personal convictions to do so?"[260] Similarly, Eva Erman's framework starts with the claim that: "whatever solution we come up with, it must be compatible with the basic conditions of democracy".[261] She calls this a *functional approach* in that it responds to the functions of democracy, and ensuring that they can be carried out. This is the approach I have taken to these questions also. In chapter 5, I discuss these functions in detail. Similarly, I argue in the article regarding future generations, that if democracy is meant to allow for collective self-determination of a people, that we must consider whether this function can be achieved by multiple generations at once, and if so how many?

Mathias List and Christian Koenig-Archibugi differentiate between *compositional* approaches to the boundary problem, discussing who should be included or we may have a *performative* approach to the question, discussing what the role and functions the demos must perform.[262] An example of a performative approach, Michael Zürn and Gregor Walter-Drop when discussing the possibility of an international demos breaks down the parts of the demos

[259] Estlund 2020, p. 132.
[260] Miller 2009, p. 143.
[261] Erman 2014, p. 535.
[262] List and Koenig-Archibugi 2010, p. 5.

that may form prerequisites for democracy: "rights, trust, public spirit, public discourse, solidarity and association".[263] Antoinette Scherz, who derives the legitimacy of the people from the legitimacy of the state, lists a series of preconditions of the legitimate state and presumes that the jurisdiction of the legitimate state suffices.[264] Here, democratic ideals and functions form constraints on theorizing. I will continue inspired by this approach, and also look to specific functions that the demos must show that it is capable of performing to be legitimate.

A soft constraint, often argued regarding children, is *perceived legitimacy,* whether people consider this practice legitimate. This is a motivational or perhaps psychological constraint. Soft feasibility constraints like perceived legitimacy are inherently contingent on contextual discursive patterns that allow or disallow them. Having moral theorizing constrained by these types of constraints therefore undermines the capacity of the work to be useful. Gilabert and Smith write: "Just as social theorists in the 1950s probably disagreed about the feasibility of equal pay for women in the United Kingdom, and in the 1970s probably disagreed about the feasibility of civil rights for gay couples in the United States, so too today theorists disagree about the feasibility of a binding global agreement to reduce greenhouse gas emissions."[265]

Working only within the confines of what is socially desirable at the time of writing puts me in the position as one of "orthodoxy's most sophisticated defenders, assuming that the existing social consensus must be right, and articulating its theoretical 'justification'."[266] Transforming the critical conscience into a soothing voice to pacify the gnawing feeling that something may be amiss, assuring the reader that everything will be okay and they need not worry.

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[263] Zürn and Walter-Drop 2000, p. 267.
[264] Scherz 2013.
[265] Gilabert and Lawford-Smith, 2012, p. 809.
[266] James Rachels, "When Philosophers Shoot from the Hip," *Bioethics* 5, no. 1 (January 1, 1991): 67–71, https://doi.org/10.1111/j.1467-8519.1991.tb00145.x., p. 801.

Instead, I am here to say that maybe this is what it looks like when things are not going to be okay.

A contextual factor that looms over this whole work is climate change. I will argue that the capacity to alter the very climatic conditions we live under, changes the conditions of moral application. And from that I argue that many views on democratic governance only hold in a world wherein we do not have that capacity. I show in section 2.2 on the Anthropocene that this a condition that we cannot escape, and therefore we cannot disregard it when theorizing.

It is not meaningful to discuss the legitimacy of a demos that cannot function. What I add to this is the inter-generational view of the demos and claim it does not suffice to say that the demos functions in the very short term. But rather that it manages to survive over time and reproduce itself. If the democratic system as created will undermine the ability of the next generation to rule itself this would be a major issue. I will argue in upcoming sections that we need to consider, when drawing the boundaries of youth inclusion, to what extent this would foster effective democratic participation of those involved in the mid-term. If raising or lowering the age of inclusion would undermine or increase their capacity over their lifetime, this is telling.

4.3 Ideal and non-ideal theory

Ideal theory and non-ideal theory are in Rawls' theory of justice the product of a split in the concept of justice wherein ideal theory captures the perfectly just society, full compliance with these ideals and favorable conditions.[267] This perfect ideal is only restricted by basic facts of human existence and can be characterized as a realistic utopia. According to Rawls, the role of *non-ideal*

[267] A. John Simmons, "Ideal and Nonideal Theory," *Philosophy & Public Affairs* 38, no. 1 (January 1, 2010): 5–36, https://doi.org/10.1111/j.1088-4963.2009.01172.x., p. 7.

theory is to outline the mechanisms, procedures and means to gradually move closer to the ideal society conceptualized prior.[268]

It should be noted that ideal theory can be understood in many different interrelated ways. Ideal theory may be understood broadly as distinction between utopian or idealistic theory and realistic theory,[269] but in this section, I focus on the first understanding of ideal theory being outlining ideals and non-ideal theory regarding the mechanisms to get to that ideal. We discussed feasibility constraints at length in the previous section.

We may also discuss the concepts of partial or full compliance to principles in theorizing, as the ideal theory of Rawls assumes full compliance, when that is hardly to be expected in reality.[270] Again, we are faced with the same dilemma as before, potentially making critique toothless by allowing it to be tamed by the difficulty in achieving compliance, and therefore giving up before we start or we may place such onerous standards that it is in effect meaningless to even suggest them. In general, I will not discuss issues of compliance at depth in the analysis.

The core of this discussion for our purposes, regarding ideal and non-ideal theory lies in the distinction between "end-state" theorizing and "transitional" theorizing. We either focus on what the world ought to look like optimally or what the transition towards a more ideal world may look like.[271] This is the primary way in which I have utilized ideal theory. I will argue regarding future generations especially that the non-ideal theory written on that topic lacks a clear end-state, a clear ideal they hope to achieve. There are many texts outlining procedures to better represent future generations, but lacking clarity regarding how future-oriented democracy ought to be ideally, making it very difficult to evaluate the

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[268] Simmons 2010, p. 8ff.
[269] Laura Valentini, "Ideal vs. Non-Ideal Theory: A Conceptual Map," *Philosophy Compass* 7, no. 9 (September 1, 2012): 654–64, https://doi.org/10.1111/j.1747-9991.2012.00500.x.. P. 654.
[270] Ibid, p. 655.
[271] Ibid, p. 660f.

proposals. Without a measuring stick, it is difficult to determine whether any practice is under or overinclusive.

The utility of ideal theory is often questioned and there is "frustration with the subject's perceived lack of influence on real-world politics" and it has been argued that this way of working can offer little to no practical help if it does not give clear and actionable directions as it is "too detached from reality".[272] Read as a reminder of the potential instrumental value of political theory, it forces us to consider that it is supposed to be "eventually practical".[273] However, the argument against ideal theory as a methodology for achieving impact reads as simplistic and one-dimensional, and with a broadened understanding of *how political theory can have impact,* we can carve out niches for both ideal and non-ideal theory. We should resign ourselves to the fact that whatever impact we have will be typically indirect and mediated through various institutions and events outside of our control.[274]

The value of ideal theory is that it orders, sets goals, and clarifies our ideals. The value of ideal theory in the overarching project of political theory as a means for positive social development lies primarily in allowing us to make high-quality non-ideal theory that can guide our actions. In this regard, it is somewhat unfair of writers like Amartya Sen to criticize writers of ideal theory as if they are "remaining silent whenever some exacting institutional conditions needed for transcendental justice cannot be entirely fulfilled".[275] For while ideal theory may perhaps be relegated to answering a relatively small set of questions, this differs little from any other discipline. John Rawls in defending the usage of ideal theory, writes "until the ideal is identified (...) non ideal theory lacks an objective,

[272] Valentini 2012, p. 660f.
[273] Horkheimer 1972.
[274] Dan W. Brock, "Truth or Consequences: The Role of Philosophers in Policy-Making," *Ethics* 97, no. 4 (1987): 786–91.
[275] Amartya Sen, "What Do We Want from a Theory of Justice?" *The Journal of Philosophy* 103, no. 5 (2006): 215–38., p. 228.

an aim, by reference to which its queries can be answered".[276] Here he outlines the relationship between ideal and non-ideal theory. Ideal theory is given primacy and treated akin to a higher principle. This relationship seems reasonable, as guiding and illuminating the usage of non-ideal theory. In fact, this symbiotic intertextual relationship allows for non-ideal theory to become useful. Non-ideal theory gains a lot of strength by referring upwards to ideal theory.

Joseph Carens argues that we ought to be guided in these matters by what we hope to achieve by theorizing and that the level of idealization ought to be derived from there.[277] The articles are placed on different levels of ideation for this reason. In the article regarding youth within democracy in Denmark and Sweden, I focus on the actual practices of these countries, leaving the realm of ideal theory, and discuss suggestions for altering the methods of political justification that are commensurable with imminent norms in these societies, including ones that likely could be adopted by the countries in question. In the second article that deals with children and democracy in general, I go further into the ideal theoretical sphere, and discuss what ideals of inclusion and exclusion should be applied as it regards children, arguing that some of the ideals held as ideal end-states are insufficient. This is due to lessons learned in the article regarding children in Denmark and Sweden, and what I found lacking in the literature on a conceptual level. I found that no decisive arguments connecting autonomy and democratic inclusion that seemed to apply to children that were actually feasible. Thus, the needs of the literature itself necessitated articles of different levels of ideation.

Both in this monograph and in the articles, it will be clear that due to a higher degree of conceptual development and concrete cases of application, my writing and much of the discussion on the topic lean towards non-ideal theory in the

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John Rawls, *The Law of Peoples: With, The Idea of Public Reason Revisited* (Cambridge, Mass: Harvard University Press, 1999)., p. 90.
[277] Joseph H. Carens, "Realistic and Idealistic Approaches to the Ethics of Immigration," *International Migration Review* 30, no. 2 (1996): 156–70., 1996.

case of young persons and towards ideal theory in the case of future generations, specifically as it regards end-state theorizing. This is by design. The politics of the Anthropocene has only seen some nascent attempts at formulation in political language, and there is a distinct lack of clarity regarding some core questions of inquiry– at times even what the different sides of the debate look like. I note that the debate on children and democracy is much older, tracing back to ancient writing. The field of research has different needs because of this. In our modality of working, this means that the obvious truths have all been explicated and all the worst pitfalls of logical inconsistency have already been stepped in, been corrected and seen reformulation. We have no reason to presume this is the case for future generations. There, we are in need of figuring out even some of the basics. For future generations, we lack formulations of clear ideals, making non-ideal theory difficult to evaluate and ordering between different suggestions for altered democratic procedures fraught. I will note in chapter seven, that very rarely do writers on intergenerational justice and democratic innovations for future generations clarify how many generations they want to see represented, and how much stock should be placed on their interests. Without knowing what the ideal level of future-orientation of these institutions, how can we know if one is under-inclusive or over-inclusive?

I argue that while ideal theory may neither be sufficient nor necessary for the production of good non-ideal theory as argued by Amartya Sen, I disagree with his dismissal of ideal theory.[278] It is sufficient to show that the production of ideal theory can be a boon to and improve the outcome of the overall project of political theory. Ideal theory may not be sufficient nor necessary, but it suffices that it can be useful. Sen argues that "Mount Everest is the tallest mountain in the world, completely unbeatable in terms of stature by any other peak, but that understanding is neither needed, nor particularly helpful, in comparing the peak

[278] Sen 2006.

heights of, say, Mount Kilimanjaro and Mount McKinley."[279] We may accept this argument, that in many cases it is perfectly possible to write political theory without an ideal theory in the background. The idea is that we can compare two different states without reference to a clear ideal. However, his argument is far from strong enough to prove that ideal theory is not useful. Because that argument requires that ideal theory does not help the overarching project, that ideal theory is unhelpful in the effort of being action-guiding towards a more democratic world.

Ideal theory is unlikely to be directly action-guiding or immediately practicable. However, the value of a text in the larger corpus of political theory should not solely be measured by its direct impact on the reader, nor by its ability to be action-guiding as a standalone text. This is a naïve and strikingly far-fetched view of the potential impact of theory. It only captures one way in which a text may be impactful, by altering the behavior of the reader, but it does not capture the other ways in which a text may be impactful. To understand this, we must consider our work in an *inter-textual relationship* with other theory. For our purposes here, we may utilize a simplified view of intertextuality based on Julia Kristeva's writing on the topic.[280] Texts do not exist in a vacuum, and this line of thinking presumes only a horizontal relationship between writer and reader and ignores the vertical relationship between texts. Texts are read with a lot of baggage and form complex webs of intertextual relationships, speaking with each other, referencing, and building upon other texts. "Texts come before us as the always-already-read; we apprehend them through the sedimented layers of previous interpretations, or- if the text is brand-new through the sedimented reading habits and categories developed by those inherited interpretive

[279] Amartya Sen, *The Idea of Justice* (Cambridge, Mass: Belknap Press of Harvard University Press, 2009)., p. 102.
[280]Julia Kristeva et al., *Desire in Language: A Semiotic Approach to Literature and Art* (New York: Columbia University press, 1980).

traditions".[281] The meaning of a text, in this perspective, is not given, either by the intentions of the author, nor the reaction of the reader, rather, meaning is built through complex intersections of textual relationships. Kristeva writes that any word is "defined horizontally (the word in the text belongs to both writing subject and addressee) as well as vertically (the word in the text is oriented towards an anterior or synchronic literary corpus)" and continues to say that "any text is constructed as a mosaic of quotations; any text is the absorption and transformation of another."[282] This concept is distinct from intersubjective agreement on the meaning of texts, as this is relational between actors and their understanding. Intertextuality involves relationships between readers and writers but also between texts.

The symbol of the mosaic of texts is perhaps obvious in an academic text containing several hundred direct references to other text. The intertextual relations in political theory are especially prominent and easily seen as we cite countless contemporaries and several ancient writers in every work. Grant Ruth writes that the humanities are characterized by "uncertainty, disagreement, and lack of closure" and that this is inherent to our fields as this is reflected in historical and epistemological realities.[283] This is also why we tend to return so much to the ancient texts of Aristotle, Plato, and the like. As Grant writes "The best humanities research returns to old material in response to new circumstances when those circumstances cannot be adequately understood within the dominant conceptual regime in order to construct a creative and credible response to them."[284]

To argue that a text fails because its ideal form does not allow for direct action guidance, misses the obvious. For while a text on the ideals of justice that

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[281] David Norman Rodowick, *The Crisis of Political Modernism: Criticism and Ideology in Contemporary Film Theory*, 1st pbk. ed (Berkeley, Calif: University of California Press, 1994)., p. 286.
[282] Kristeva 1980, p. 36.
[283] Grant 2002, p. 551.
[284] Ibid., p. 585.

assumes full compliance or requires extremely costly moral actions may not be helpful in guiding you through your day, as it does not tell you what to do in cases of partial compliance or because it fails at guiding people in real cases. We consider what we add to the corpus of political theory, and how our text may be used in the further development of text. The aim of writing political theory ought not be in writing a text that impacts the reader, but in contributing to a wider corpus that impacts the reader and guides their actions.[285] Considerations of how to contribute to the end goal of emancipation should be considerate of the needs of the corpus of writing on the topic. The failure of a text, or a project of justice and emancipation does not rest on any one author: "The historical significance of his work is not self-evident; it rather depends on men speaking and acting in such a way as to justify it. It is not a finished and fixed historical creation."[286]

4.4 Immanent and external critique

This monograph serves as both a stand-alone work and as a summation and discussion of the articles within, including the methodological choices. I will come back to how the monograph and the articles differ regarding the division between immanent and external critique.

Much of the literature on critique is organized according to a division between internal or *imminent critique* and *external critique*. The difference between them is simple, immanent critique evaluates practices based on values that are already immanent in the context and external critique evaluates based on external principles, such as those created by the writer of that critique. Immanent critique has been called the core of critical theory. By situating the object of critique in a historical place and actual practice. Investigating the claims of democratic participation which remain ignored, is in this sense an act

[285] Furthermore, the ideal of maximizing impact, only holds as long as impact is deemed positive, which is ostensibly presumed.
[286] Horkheimer 1982, p. 220.

of investigating actual practices. This is a critique situated in a historical process.[287] This is a critique based on the premises of the criticized, where the premises and principles are faced with the actual practice, to showcase the inconsistencies between them: showing where the ideological frame and actual practice clash. It is a critical evaluation of "norms and social practices internal to some society or culture, together with the conviction that this requires assessing the rationality or worth of those conventional norms and practices by drawing on resources internal to the society or culture of which they are a part."[288]

There are some apparent benefits to this contextual method, most notably, since we are dealing with ideals that are already held by the object of the critique, they are more likely to be willing to adopt it. In this fashion, Carl- Göran Heidegren states that it disarms the "so what?" objection.[289] In the case of my article on the democratic exclusion of youth in Denmark and Sweden (summarized in more detail in section 7.4), the existence of immanent norms implying more inclusion for young people makes it more likely that they may alter practices based on this and similar criticism. In this way, immanent critique therefore may have a more direct way of making impact. By showcasing how the ideological frame in society differs from the real social practice, this can help us develop better processes that come closer to fulfilling our ideals. Michael Walzer, a proponent of internal critique argues that we ought to avoid "disconnected criticism" and that work in this field should act like an extension of the common critiques of ordinary people using conventional morality.[290] In

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[287] Robert J. Antonio, "Immanent Critique as the Core of Critical Theory: Its Origins and Developments in Hegel, Marx and Contemporary Thought," *The British Journal of Sociology* 32, no. 3 (September 1981): 330, https://doi.org/10.2307/589281., p. 332.
[288] Dan Sabia, "Defending Immanent Critique," *Political Theory* 38, no. 5 (October 2010): 684–711, https://doi.org/10.1177/0090591710372864., p. 685.
[289] Carl-Göran Heidegren, "Some Varieties of Normative Social Critique," *Nordicum-Mediterraneum* 8, no. 2 (2013), https://doi.org/10.33112/nm.8.2.5. P. 3.
[290] Michael Walzer, *Interpretation and Social Criticism*, 1. paperback ed (Cambridge, Mass.: Harvard Univ. Press, 1993). P. 55ff.

this way, he claims that good critique should transform normative frameworks by outlining and showing the internal tensions and contradictions in the system. This is what I argue regarding the actual practice in Denmark and Sweden, where there are clear norms established for children to be participants in democracy, but little practice.

Robert J. Antonio writes that for critical theory to remain vital, "critique of domination must be translated into historically concrete and regionally specific immanent critiques of bureaucratic domination."[291] He later writes: "analyses should investigate the possibilities for democratization according to the particular needs and concrete conditions of nations and regions at different levels of development and with varying histories, social traditions and material cultures." Which, in my view is a fair representation of a reasonable end goal for theoretical work. But I will argue that this type of critique is not the only needed form of critique. Immanent norms are not always clearly stated, but may require some level of reconstruction.[292] In the paper on Denmark and Sweden, I find that some parts of the ideological frame are clearly formulated, but also have to go in and do some "detective work", to uncover and reconstruct the immanent norms. In this process, I attempt to capture the actual norms immanent to the concept, under the belief that this is a fair and accurate representation.

However, much of this work is not any form of immanent critique, but a critique based on norms, principles and ideals that exist within the corpus of writing on this topic that may not be prominent in the political debate or may not have been guiding in actual policy, and thus constitutes an external critique. While the article on the democratic exclusion of youth in Denmark and Sweden contains a mix of immanent and external critique, the second article on children strays further from this perspective. As I note in the article, there is an increasingly common norm across the world of having a regime of childhood that attempts at developing the capacities for autonomy for children, that I connect my writing to.

[291] Antonio 1981, p. 341.
[292] Heidegren 2013, p. 5.

This norm was established with the United Nations Convention on the Rights of the Child. This constitutes a foothold for me, to argue for democratic rights to be considerate of the immanent norm to set age limits to enhance the development of autonomy. However, my writing outside of the paper on Denmark and Sweden goes beyond what is implied in the Convention. Most of the work in this monograph regarding children and in the second paper on children could then be classified as somewhere between immanent and external critique.

In my writing on future generations, including the article and within this monograph, there is a distinct lack of immanent norms to be used for this purpose. There is little to latch onto in any discrete context. As noted by Adorno, "The limit of immanent critique is that the law of the immanent context is ultimately one with the delusion that has to be overcome."[293] Rainer Forst, argues that the opposition between internal and external critique is artificial and that there is plenty of value in bringing forth critique that "goes far beyond the firmly established understandings of justifiability or ethical life." [294] I will let Seyla Benhabib speak on this in more detail:

> "In the second place I have argued that the vocation of social criticism might require social exile, for there might be times when the immanent norms and values of a culture are so reified, dead, or petrified that one can no longer speak in their name. The social critic who is in exile does not adopt the "view from nowhere" but the "view from outside the walls of the city," wherever those walls and those boundaries might be."[295]

At times, it can be very valuable to situate your critique explicitly from the outside. I have chosen to be methodologically eclectic and use different methods. I do this as I believe what is useful is determined by the existing literature and the wider corpus the text finds itself within. At the outset, I

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[293] Theodor Adorno, *Negative Dialectics*, 0 ed. (Routledge, 2003), https://doi.org/10.4324/9780203479605., p. 183.
[294] Forst 2017, p. 5.
[295] Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*, Reprinted (Cambridge: Polity Press, 2004)., Chapter title: Situated Feminism.

attempted to deal with these issues in an immanent way but noted the impracticality of continuing in this fashion. There simply is not room for building on widely accepted norms of how to treat future generations, as these are not present in wider society. There is no inconsistency between practice and ideal to latch onto.

The immanent critique of the first paper on children in democracy in Denmark and Sweden did much to inform the (mostly) external critique of the second article on children and democracy, where I discuss it in general terms. Without this deep dive into the immanent norms of these two countries, I could not have developed the second text. This is also a form of looking to the needs of the wider corpus. This is reminiscent of what Forst writes on the topic: "Although all of these questions begin as immanent ones, the demand for reciprocal and general justification cannot be restricted by appealing to 'prior ethical life.' Reason is at once the most immanent and the most transcendent faculty that human beings possess, and hence it is neither exclusively immanent nor exclusively transcendent."[296] I have started by first trying to understand the immanent context and the need for actual political justification that may exist, and then from there left the immanent norms as needed, whether it is because they simply do not exist as with future generations or because a closer inspection of the immanent norms highlighted serious issues, as it regards children's exclusion.

I have taken great care to read into the actual political debates on the inclusion of children and future generations. As noted, I aim to contribute to a real-world discourse of democratic justification. When possible in the analysis, I aim to connect my writing with the immanent norms of society to showcase inconsistencies with institutional practice. However, when there are no immanent norms in wider society, especially as it relates to future generations, I have relied on external norms established in political theory.

[296] Forst 2017, p. 3f.

5 KEY DEMOCRATIC CONCEPTS AND FUNCTIONS

In this chapter, I will discuss and clarify some core concepts related to democracy and what it means for a practice to be democratically legitimate. In sections 3.2 and 3.3 I discussed how principles related to democratic ideals can be utilized to evaluate different alternative demos formations, and in the methodological discussion I outlined the idea that a demos must be able to function as a demos for it to be legitimate. I argue that we may look towards the functions of democracy as we consider the legitimacy of exclusion of these groups. In this section, I will outline a series of fundamental functions of democracy. Point is, that if certain demos formations better allow for the execution of these functions, or if a demos formation undermines them – this demos formation would be rendered illegitimate. For the process of discussing children and future generations in democracy, I will utilize a perspective focusing specifically on *democratic legitimacy*, *justification* and *autonomy* as key concepts, as well as the idea of *justice as turn-taking*. I take these concepts to be core functions of democracy, and that if they are undermined, this would form a serious issue for any counterfactual demos formation.

I note here at the outset that the concepts of legitimacy, justification and autonomy are commonly used in writing on democracy, while the last section contains an unusual addition to the canon on democratic thought. I assert that this addition is required to understand what I have referred to as the inter-generational aspect of democracy, which will be discussed at some length in section 5.4.

5.1 DEMOCRATIC LEGITIMACY

We begin this discussion on key concepts with *legitimacy*, firstly as in the key question of this monograph: *who can we legitimately exclude?* When is exclusion a legitimate part of the day-to-day functioning of democratic decision-making? In

theories of the history of democratization, such as Huntington's well-discussed Wave theory,[297] it is accepted to regard male, white and landed democracy as adequate to consider a country democratic. If we consider women's suffrage to be a pre-condition for democratic rule, the first wave of democratization starts significantly later, in 1893 in New Zealand.[298] The assumption that a country could be democratic while women did not enjoy any of the benefits of citizenship, seemingly accepted.[299] It is equivalent to kicking in an open door to claim we should not consider a state arbitrarily excluding half the populace from the rights of democratic participation a democracy. Intuitively, most would not consider children and future generations as similarly placed to these historical exclusions. The purpose of this text is to understand why one exclusion may be legitimate while another is not. For this, we need a clear understanding of the multifaceted concept of democratic legitimacy. The question is, why is democracy as a system more legitimate than other ways of ruling; how does democracy create legitimacy?

The standard framing of the debate over inclusion in democracy is that some *boundaries* are more legitimate than others, and that some inclusions/exclusions are legitimate while others are not, for instance, Dahl makes the example of the Southern states of the United States only including the white population as an illegitimate practice,[300] but does not make any similar claims for children. In chapter 7 where I discuss the inclusion of children, we will see arguments for inclusion based on the idea that it is illegitimate to exclude children as they are substantially affected by political decision-making,

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[297] Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, The Julian J. Rothbaum Distinguished Lecture Series, v. 4 (Norman: University of Oklahoma Press, 1991).
[298] Archives New Zealand Te Rua Mahara o te Kāwanatanga, "The Women's Suffrage Petition," n.d., https://www.archives.govt.nz/discover-our-stories/womens-suffrage-petition.
[299] Georgina Waylen, *Engendering Transitions: Women's Mobilization, Institutions, and Gender Outcomes*, Gender and Politics (Oxford ; New York: Oxford University Press, 2007)., p. 4.
[300] Dahl 1990, p. 65.

and arguments against inclusion that it is legitimate due to their supposed lower cognitive ability. Evaluating these claims requires a clear notion of legitimacy that is decoupled from the public perception of legitimacy. Speaking of legitimacy in a normative sense, presumes that there is more to acting in a legitimate fashion beyond whether this behavior is accepted by others or not, and that the determination of what is and is not legitimate requires *reasoning*, and not solely measurement.

The first distinction I will make is between *normative legitimacy* and *perceived legitimacy*.[301] While this text is preoccupied with normative legitimacy as its object of study, it is also important that we contemplate perceived legitimacy. Again, we return to the complicated relationship between critical theory and reality, it is important to understand what is accepted as legitimate and why. Perceived legitimacy is the idea used mostly within the empirical sciences, which is related to the public acceptance of a practice. We may here speak of the measures meant to track levels of belief in the democratic system, the perceived legitimacy of the rule amongst the populace as measured in the World Values Survey[302] or the European Social Survey.[303] Where questions like asking whether "having a democratic political system" is good or bad, and other less explicit questions like if it is good to have "a strong leader who does not have to bother with elections or parliament"[304] or "How acceptable for you would it be for [country] to have a strong leader who is above the law?".[305] Of course, in a

[301] Peter Fabienne, ed., "Political Legitimacy," in *The Stanford Encyclopedia of Philosophy*, Summer 2017 (Metaphysics Research Lab, Stanford University, 2017), https://plato.stanford.edu/archives/sum2017/entries/legitimacy/
[302] Christian Haerpfer et al., "World Values Survey Wave 7 (2017-2022) Cross-National Data-Set" (World Values Survey Association, 2022), https://doi.org/10.14281/18241.20.
[303] "ESS Round 10: European Social Survey Round 10 Data (2020). Data File Edition 1.2. Sikt - Norwegian Agency for Shared Services in Education and Research, Norway – Data Archive and Distributor of ESS Data for ESS ERIC. Doi:10.21338/NSD-ESS10-2020.," 2020.
[304] Haerpfer et al.
[305] European Social Survey (2020). ESS Round 10 Source Questionnaire. London: ESS ERIC Headquarters c/o City, University of London.

democracy, it is both principally and empirically important that the people accept the system and see it as an extension of their own will. But as we can see, this notion of legitimacy is decoupled from democracy, as many indeed find that having this strong leader unencumbered by the need for elections would be perceived as more legitimate than a democratically elected leader.

Many systems of governance have historically been perceived as legitimate, for one reason or another and democracy is hardly the only game in town. Birthright, God's mandation or brute force have been bearers of legitimacy of political leadership throughout history. Mao Tse Tung famously said "political power grows out of the barrel of a gun"[306] and King Arthur's rule was purportedly legitimate by virtue of being handed the sword Excalibur from the enigmatic Lady of the Lake. While I may be predisposed, due to the near-hegemonic view of democratic rule as the standard of legitimacy in my immanent context, to believe that "Strange women lying in ponds distributing swords is no basis for a system of government."[307] And that "Supreme executive power derives from a mandate from the masses, not from some farcical aquatic ceremony."[308] In a society wherein birthright is the hegemonic view of legitimate rule, many would consider democracy illegitimate. Therefore, we ought to treat legitimacy as a *normatively dependent concept*[309] that requires a *higher principle* to give it substance. Rainer Forst writes that "by legitimacy we mean in general the quality of a normative order that explains and justifies its general binding power for those subjected to it".[310] In this constructivist view, legitimacy is how we explain ourselves in a social context, it is something we build together. He continues to argue that the sources of order are heterogeneous. Things only become legitimate or illegitimate when placed in a normative system and evaluated

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[306] Ze dong Mao, *Selected Works of Mao Tse-Tung*, 1st ed (Oxford New York: Distributed throughout the world by Pergamon Press, 1961). "Problems of War and Strategy" (November 6, 1938), p. 224.
[307] *Monty Python and the Holy Grail* (United Kingdom, 1975).
[308] Ibid.
[309] Forst 2017, p. 133.
[310] Ibid.

therein.[311] Similarly to the legitimacy of King Arthur, or the real monarchs of history, or the leadership in any non-democratic system, legitimacy is derived from some wider system of ideals. In the case of the monarchies the idea of divine right helped play the role of a legitimizing ideal – it was legitimate rule as God had ordained the monarch to the position.[312] In this sense, I treat legitimacy as a concept with no normative value of its own. When discussing democratic legitimacy then, this is wholly reliant upon the load-bearing power of democracy.

This is to say that we are not discussing *legitimacy proper*, if such a thing exists. Doing so would fall a bit too close to the Socratic error, in assuming that there is one legitimate means of governing and that we simply must figure out the true meaning of legitimacy. It is entirely possible that in some cases, an institutional arrangement or a decision-making structure may be fairer as it regards the allocation of resources and therefore be more legitimate from a perspective of fairness. It is also likely that some institutional arrangements better fit with the ordained word of a religious figure and derive some manner of legitimacy from their blessing. Outlining what is more or less democratically legitimate is but the first step in understanding what we ought to do. This is especially important to understand as we discuss democracy in the Anthropocene, as it creates "problems of such magnitude that issues of personal liberty pale into insignificance".[313] We may very well agree that one arrangement of inclusion is more democratically legitimate, but that there are other interceding and in some cases perhaps more important values outside of

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[311] Forst 2017, p 134.
[312] James I of England in a speech to the English Parliament in 1610: "The state of monarchy is the supremist thing upon earth: for kings are not only God's lieutenants upon earth and sit upon God's throne" in Arthur Lyon Cross, "The Political Works of James I. Reprinted from the Edition of 1616. With an Introduction by Charles Howard McIlwain. (Cambridge: Harvard University Press. Pp. Cxi, 345.)," *American Political Science Review* 13, no. 2 (1919): 320–21, https://doi.org/10.2307/1946216..
[313] David J. C. Shearman and Joseph Wayne Smith, *The Climate Change Challenge and the Failure of Democracy*, Politics and the Environment (Westport, Conn: Praeger Publishers, 2007)., p. 2.

democratic legitimacy. Therefore, explicating that inclusion or exclusion of a group from the democratic process is illegitimate from a democratic standpoint, is not always sufficient cause for a change in institutional framework. For instance, we may consider that democratic legitimacy may be less important than maintaining a habitable planet, access to breathable air or potable water – and if this more important value is not achieved, arguing over how we rule is little more than re-arranging the deck chairs on a sinking ship. A task of political theory is to consider how we rank various ideals, and place them against each other, as we noted in the methods section discussion on ideal theory. However, it remains important to note when the ideals of democracy are broken and people are not treated in a democratically legitimate way: "We do not claim that the standing afforded by constitutional democracy is some supreme benefit that outweighs all other goods. We simply say that it is wrong for some to have a standing that others do not have, and that constitutional democracy is the only form of government that affords all members equal standing as co-rulers."[314]

This text primarily concerns *democratic* legitimacy. When discussing the inclusion and exclusion of people, what is legitimate or illegitimate can be understood as pertaining to the legitimate *functions* of democracy such as accountability amongst lawmakers,[315] it may regard the attainment of democratic ideals such as political equality, it may regard the practical implementation of specific forms of governance[316] or it may regard the relationships and responsibilities formed by citizenship.[317] These have all been used to construct coherent answers to the question of inclusion in various ways. This may take many different forms and may include the attainment of varying degrees of different values and functions.

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[314] Christian F. Rostbøll, "Democracy as Good in Itself: Three Kinds of Non-Instrumental Justification," in *Constitutionalism Justified*, by Christian F. Rostbøll (Oxford University Press, 2019), 235–64, https://doi.org/10.1093/oso/9780190889050.003.0011. P. 260.
[315] See Erman 2014.
[316] Bauböck 2018.
[317] Smith 2008.

We may differentiate between *output* and *input*-focused varieties of democratic legitimacy. Output legitimacy is the perspective that democracy is legitimate due to creating good output in terms of policy. Here I want to clarify that this is not the meaning of democratic legitimacy I use, but rather that the form in which the system takes input from its constituents is the core. Forst writes that "A purely "output- oriented" form of legitimacy, therefore, can hardly be called "democratic," even if it claims to achieve outcomes "for the people."[318] This will prove important as we discuss children's inclusion in more detail. In simple terms, I will treat democratic legitimacy as contingent upon how democracy is formed rather than whether it achieves "good" outcomes. Or more specifically, I will focus on the relationships formed by democracy, a relationship "in which every member enjoys a status of independence and co-ruler".[319]

In the analysis I consider the core function of democracy to be the justification of political decision-making to *avoid domination* and *arbitrary rule*, and that this function is required in attaining the ideal of personal autonomy. This largely is inspired by the work of Rainer Forst. I will follow Forst, and work from the assumption that the core moral claim of democracy lies within the act of justifying political decision-making between political equals. He asserts that "nobody may be subjected to actions or norms that cannot be justified to him or her as an autonomous and equal justificatory authority."[320] This means that the wider normative order itself must be justified to every person as an equal and autonomous subject, through reasons that can be equally justified to all. This is partially due to this being the only means of retaining personal autonomy while also having rules and laws that are all expected to follow. We will return to autonomy as a concept later in the text. This means that the order "must not only protect but also express, the autonomy of individuals."[321] This is how the ideal of political equality becomes *collective self-determination.*

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[318] Forst 2017, p. 134.
[319] Rostbøll 2019. P. 236.
[320] Forst 2017, p. 134.
[321] Ibid., p. 135.

Collective self-determination can be understood in this way:

> "[T]he aim is to reach decisions that everyone can identify with, that is, can see as in some sense their decision. This cannot mean, obviously, that the decision reached represents everyone's first choice; if that degree of consensus existed, a political procedure for making decisions would hardly be needed. But the process by which the decision is reached—process here encompassing not only formal voting procedures and the like, but also the manner in which the debate between alternatives is conducted—is such that each person feels that he or she has had a chance to influence the outcome, and that the outcome itself is at least a fair compromise between competing interests or rival convictions."[322]

Note that this is a *collective process*. Democracy is inherently a cooperative discursive project. What it means to live in a democracy cannot be reduced to the individual, because we are creating democracy by taking part. Democracy is not only the procedure to take decisions, but also the act of creating a society. Forst claims that political liberty is created by participating in this self-rule, and that this is a liberty we "can claim as citizens and that they must grant each other as citizens."[323] In this way, it is a discursive process.

We take decisions on how our world ought to be ordered. This is reminiscent of what Thomas Cristiano calls *being at home in the world*. Feeling that the world inhabited is one wherein you fit in, a world in which you can find meaning.[324] Collective self-determination can be seen as the collective act of creating a space where we feel at home. An analogy Cristiano uses is the difference

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[322] Miller 2009, p. 205f.
[323] Rainer Forst, "Political Liberty: Integrating Five Conceptions of Autonomy," in *Autonomy and the Challenges to Liberalism: New Essays*, ed. Joel Anderson and John Christman (Cambridge: Cambridge University Press, 2005), 226–42, https://doi.org/10.1017/CBO9780511610325.012., p. 226.
[324] Christiano 2008, p. 61f.

between a hotel room and your own home. A dictatorship could feasibly be run well, and treat the citizenry with some respect, just as a hotel room may have amenities you lack in your home. However, the fact that you may not change or control how the hotel room looks, and you may not repaint it. This is not your world, you are but a guest. Derrida notes that inherent in the concept hospitality there is hostility, a clear demarcation that this is not your home and you are not its master. He creates the neologism "hostipality" to denote this idea.[325]

As noted, there are many understandings of political legitimacy and they may intersect in interesting ways: if a system fails to live up to its normative legitimacy claims, it seems unlikely that it will be perceived to be legitimate. From the generational view, we already see protest and frustration of the young generation, and how they are not adequately respected in climate policy. Can we really expect them to consider and view democracy as legitimate if it fails them in this very important regard? If we fail at considering the plight of future generations and create a less habitable planet for them, why would they work to maintain democracy? Similarly, as considered by Francis Schrag: "Many adults might feel less bound to honor decisions in which young people's votes were counted. This may be true, but the legitimacy argument cuts both ways: why should adolescents accept laws that profoundly restrict their freedom if they were not party to the process?"[326] Following the second world war, old ideals of legitimacy died an unceremonious death. Many democratization theorists argue that the collapse wrought by the war lead to increased democratization,[327] as the old way of doing things was no longer legitimate. Why would our greatest ideals survive a similar collapse? If we pay no mind to the future, and do not

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[325] Jacques Derrida, "Hostipality," *Angelaki* 5, no. 3 (December 2000): 3–18, https://doi.org/10.1080/09697250020034706.
[326] Francis Schrag, "Children and Democracy: Theory and Policy," *Politics, Philosophy & Economics* 3, no. 3 (October 2004): 365–79, https://doi.org/10.1177/1470594X04046248., p. 367.
[327] Goran Therborn, "The Rule of Capital and the Rise of Democracy," in *Classes and Elites in Democracy and Democratization*, ed. Etzioni-Halevy Eva, 1st ed. (Routledge, 2020), 134–41, https://doi.org/10.4324/9780203765173-21., p. 18ff.

consider democracy through the logic of generational care, can we expect democracy to outlive us? We cannot neglect the responsibility of raising the next generation and give them a fair chance of taking care of themselves. And if we do not do this, we have let down our children greatly, and our grandchildren immeasurably.

I argue that democracy can only be legitimate if it maintains its function generationally. This must be institutionally translated for the legitimacy of the system, for this process of legitimation is not solely theory but it is also practice. I am not sure, what the answers ultimately are for the full picture of legitimacy, leading to any very straightforward answers to what we should do at every turn of event. I believe, however, that I have outlined a few relevant points in how we justify political decisions now and how we justify them as legitimate systems. And I argue that they have significant issues both in practice and in theory and suggest some solutions that may better deal with these issues, albeit imperfectly in practice.

5.2 Democracy as justification

In the previous section we discussed legitimacy through many avenues. In this section, I want to discuss democracy as *political justification*. In this manner, I tie democratic legitimacy to the function of justification. The concepts discussed in this section are commonly discussed in democratic theory but have largely not been applied to children and future generations before. Attempting this application is one of the contributions of this monograph, as it creates new understandings of the issue of exclusion for this group and, as I will argue, explicates new potential solutions.

I follow the tradition of considering justice to be primarily a question of the fundamental structures and processes of society, rather than a question of the distribution of goods. I treat justice as mainly pertaining to the fundamental institutions in society, rather than the allotment of resources or goods within

that society. Democracy, in this understanding, is the political form of justice, and legitimacy is contingent on the democratic process of legitimation.[328] Therefore, exclusion and inclusion are vital issues of justice as it involves being kept away from the process where justice is enacted. Rainer Forst calls this the first question of justice: the justifiability of social relations in a political context: "In short, the basic question of justice is not what you have but how you are treated."[329] He argues that justice is a political accomplishment of the people, constructed by them through *discursive* processes.[330]

These processes are people-led and in their hands, and processes of justification can look differently, as we see different constitutional frameworks across the world. A central aspect of democracy is that there must always be self-reflection on the basic structure of society, and this must always be open to change from the citizenry. I proceed from the idea that democracy is not a static institutional model but rather that "it must be understood as a process of criticism and justification, both within and outside of institutions, in which those who are subjected to rule become the co-authors of their political order."[331] This means that there is no finality or closure to any of these questions opened here, and no final evaluation of any practice. There will always be counter-claims and reasons for alteration. Democracy in Chantal Mouffe's view begets *radical indeterminacy* in "Power, law, and knowledge"[332] as that is something that must be determined by the people discursively. Democracy is inherently fluid, and never a closed process. Democracy itself, and the fundamental institutions of it are always under scrutiny from the people. Claude Lefort talks about democracy

[328] Forst 2017, p. 11.
[329] Forst 2014, p. 2.
[330] Ibid., p. 1f.
[331] Forst 2017, p. 10.
[332] Chantal Mouffe, "Radical Democracy and Modernity," *Filozofski Vestnik* 9, no. 1 (January 14, 2016), https://ojs.zrc-sazu.si/filozofski-vestnik/article/view/3583. p. 81.

as the undermining of certainty,[333] the very institutions, ideals and even who get to take part are always open for critique and in need of justification. There cannot be finality, an end to the discourse surrounding it. Mouffe writes:

> "This is why a project of radical and plural democracy recognizes the impossibility of the complete realization of democracy and the final achievement of the political community. Its aim is to use the symbolic resources of the liberal democratic tradition to struggle for the deepening of the democratic revolution, knowing that it is a never-ending process."[334]

This process of justification may never end; never harden and congeal to the point it cannot be altered or become too rigid for questioning or re-thinking in light of new conditions, new people and new ideals. By restricting the democratic right to create and recreate its own institutions, it dies. Once it is solidified to the point that its active participants cannot change it, they are no longer truly the authors of their political system: "When a tree is growing, it's tender and pliant. But when it's dry and hard, it dies. Hardness and strength are death's companions."[335] A static, settled and closed system, is no longer a democracy. The conditions needed for the creation of political identities, renders any final consensus of the people an impossibility.[336]

Simply, democracy must be "meaningfully democratic"[337] in the context of application. Meaning, that so long as new people are born and others die, and their circumstances shift, whether through technology or reasoning, through

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[333] Claude Lefort and John B. Thompson, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism* (Cambridge [England]: Polity Press, 1986)., p. 305ff.
[334] Mouffe 1992, p. 72.
[335] *Stalker* (Mosfilm, 1979).
[336] Chantal Mouffe and Elke Wagner, *Agonistics: Thinking the World Politically* (London ; New York: Verso, 2013)., p. 4f.
[337] Jan Aart Scholte, "Reinventing Global Democracy," *European Journal of International Relations* 20, no. 1 (March 2014): 3–28, https://doi.org/10.1177/1354066111436237., p. 17.

decades of abundance and safety or in times defined by scarcity and vulnerability, people will never reach a final consensus on how to rule. This is especially important if we consider democracy as intergenerational, as a generation's understanding of the world will be defined by those in the past, and we must be wary of attempting to impose our worldview upon the future.

In *Normativity and Power: Analyzing Social Orders of Justification*, Rainer Forst argues that "democratic practices of justification always involve an inherent critical- reflexive dimension that questions these procedures and their results as regards their justifiability. This critical reflection is both immanent to democracy (corresponding to its idea) and transcends its concrete, practical manifestation. Therefore, democracy, properly understood, is necessarily a self-critical practice."[338] This integral self-critical work cannot be disregarded, and a functioning democracy allows for it. In a democracy we are not only allowed but encouraged or even publicly funded to be stubborn critics, considering every argument from each side. The challenges we are facing cannot be dealt with, if there is no set of incorrigibly obstinate nerds spending all their time and energy carefully considering the morality of our actions. It is this self-critical practice that this monograph takes part in. I wrote earlier on how the role of critical theory in society is to critique societal processes with the aim of being part of a transformative project.

I am utilizing a conceptualization of democracy as a self-given, discursive project of its citizens. It is continually created by the people. Arash Abizadeh connects multiple important concepts to explain the importance of democracy belonging to the people: "the constructive autonomy of free and equal subjects of justification which manifests itself in the fact that the persons are able to regard the principles of justice as morally self-given; hence, the citizens view the social basic structure which is grounded in this way as the social expression of their self-determination. The essential conception of autonomy is the autonomy

[338] Forst 2017, p. 134.

to actively determine the basic structure "[339] In this way I treat the citizen not only as a holder of rights, but a person "with the capacity both to accept and contest conceptions of citizenship".[340]

This is to say that it is a specific form of injustice we are speaking of. This is important to demarcate, because it is easy to point to a large amount of very serious injustices wrought against children and future generations, whether it is corporal punishment of children or leaving future generations saddled with debt. But this is not a text about the general, structural injustices faced by children or future generations, it is the lack of *justification* that is the focus. This is a prior and separate injustice. Much of the literature on democracy and climate change assumes that the injustice is to be found in the poor climatic conditions, perhaps unfit for a decent life, and democracy being a tool to avoid that. This is not my approach to the problem, as we will see in more detail soon.

The injustice in focus is the deprivation of the right to justification within the system. The general injustices that children and future generations may face, cannot be boiled down to the repressive actions taken by the state nor the actions of individuals. In cases like the child being legally struck by their caregivers, the injustice is multiplied, in that the order in which this was accepted allowed or even welcomed was not justified to them. I am not treating democracy as a tool to achieve a specific policy outcome here, such as disallowing any violence against children or more active climate policies. The issue at hand is that children may risk being treated as if decisions regarding their well-being require justification.

Justification is core to the role of democratic institutions. It is how we motivate and provide reasons for our decisions and actions. We may understand debates about democratic rule through the lens of what counts as good justification. The

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[339] Forst 2014, p. 3.
[340] John Christman and Joel Anderson, eds., *Autonomy and the Challenges to Liberalism: New Essays* (Cambridge: Cambridge University Press, 2005), https://doi.org/10.1017/CBO9780511610325., p. 16.

reason to treat the core of democracy as justification is in the inverse of democracy: arbitrary rule or domination. Domination in this understanding can be defined as rule without justification.[341] Here I want to make clear, again the connection between the practical and the philosophical, for the assent of these justifications is not only hypothetical as in many frameworks, but an ongoing reciprocal discursive process.[342] It is by providing justifications for our decisions, even in those cases where the outcome is not favorable to us, and for us to accept them that this ideal exists. The opposite of democracy is arbitrary rule, or rule without proper justification: "The basic impulse that opposes injustice is not primarily one of wanting something, or more of something, but is instead that of not wanting to be dominated, harassed or overruled in one's claim to a basic right to justification".[343] Accordingly, we understand why the right to justification is absolute whenever political power is wielded and that it applies to all power-wielders, this is to allow for the personal autonomy of individuals in a system of collective self-determination. In essence: "The moral claim on which democracy rests (…) that nobody may be subjected to actions or norms that cannot be justified to him or her as an autonomous and equal justificatory authority."[344]

I delve into the value of autonomy in the next section. When discussing children, I consider that many values we presumed to be important for adults, such as autonomy, may not hold the same importance to children, or that it must be understood differently when discussing children. We may assume that prima facie, it is unjust to rob an adult of their autonomy, but this does not apply to children in the same way.[345] I will argue that for children and the young, autonomy must be limited in some ways and that therefore justification may look

[341] Forst 2014, p. 21f.
[342] Ibid.
[343] Ibid., p. 3.
[344] Forst 2017, p. 134.
[345] Tamar Schapiro, "What Is a Child?," *Ethics* 109, no. 4 (July 1, 1999): 715–38, https://doi.org/10.1086/233943., p. 715.

different for them, and similarly, that future generations' autonomy cannot be maintained without ensuring that we have some basic justificatory mechanisms.

In the upcoming section, I aim to discuss why justification is important, concerning autonomous beings, as it is the only way to maintain that autonomy and still take binding decisions: "the claim to be respected as a person with a right to justification, which implies that the political order must not only protect, but also express, the autonomy of individuals."[346]

5.3 AUTONOMY

The concept *autonomy* has been at the forefront of democratic theory since the early liberal theory-building of the 1800s. The initial writing in this tradition dealt with the transformation of the subject to a monarch into a democratic citizen. While the former is simply an object of power, the citizen is both ruler and ruled, they are both the granters and the user of freedom, "the *authors* and the *adressees*"[347] of liberties. This can largely be understood as a transformation from a subject to arbitrary and absolute power, into a free citizen.[348] The keyword in understanding the role of citizenship as a transformative and emancipatory idea is *autonomy*. We can understand democracy as the political manifestation of autonomy and "True alienation consists in failing to see oneself and others as socially, morally, and politically autonomous subjects of justification or as authorities within a normative order."[349]

The most fundamental notion of autonomy is being one's own person, a "being with its own life to live",[350] a person that is "directed by considerations, desires,

[346] Forst 2017, p. 135.
[347] Forst 2005, p. 227.
[348] Arneil 2002, p. 70f.
[349] Forst 2017, p. 11.
[350] Isaiah Berlin, "Two Concepts of Liberty," in *Liberty*, ed. Isaiah Berlin and Edited by Henry Hardy (Oxford University Press, 2002), 0, https://doi.org/10.1093/019924989X.003.0004. p. 175.

conditions, and characteristics that are not simply imposed externally".[351] Forst writes that "a person acts autonomously (…) when she acts intentionally on the basis of reasons. She is aware of the reasons for her action and can 'respond' when asked for those reasons and is thus 'responsible' for herself".[352] We may also refer to this as self-government, to tie it in nicely with the idea of collective self-governance. From this, we may understand that it is prima facie unjust to encroach upon someone's autonomy without justification. A key question as we discuss children in democracy will be to what extent that holds for them.

There is an inherent tension in a society filled with autonomous actors, wherein our social embeddedness and legal frameworks will always in some ways limit our room to act and consequently limit our autonomy. It is in this that we may understand the role of democracy, mediating between autonomous individuals in a society, legitimizing laws that apply to all. It is only within a legal framework that autonomy can be achieved on a larger scale, as one's autonomy may encroach on others. Consider here the connection with the principles outlined in sections 3.2 and 3.3, the all-subjected and all-coerced principles to autonomy, as they attempt to connect autonomy with democratic inclusion.

Early conceptions of autonomy were commonly used to legitimize keeping people outside of democracy. Historically, some groups have been categorized as incapable of autonomous living and therefore unfit for democratic participation.[353] Kant used the concept of autonomy to exclude women, workers, and the landless among others, based on lacking autonomy.[354] So, what is the conception of autonomy that allows these exclusions? We have to understand

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[351] Christman 2005, p. 3.
[352] Forst 2005, p. 230.
[353] John Wall, "Can Democracy Represent Children? Toward a Politics of Difference," *Childhood* 19, no. 1 (February 2012): 86–100, https://doi.org/10.1177/0907568211406756. P. 91f.
[354] Immanuel Kant, "On the Common Saying: That May Be Correct in Theory, but It Is of No Use in Practice," in *Immanuel Kant: Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1793), https://doi.org/10.1017/CBO9780511813306.. P. 8: 295.

this as a view discussing autonomy as *substantive independence*. Someone who must care for someone else, as a mother in Kant's writing is not independent as they must care for the child. Similarly, if you rent your home, you are not substantively independent as the landlord holds power over you. John Adams, United States "Founding Father" claims on the idea of giving women and children the vote: "Besides, their attention is So much engaged with the necessary Nurture of their Children, that Nature has made them fittest for domestic Cares. And Children have not Judgment or Will of their own."[355] Neither were considered sufficiently independent, and women were not seen as independent because their attention was taken by nurturing children.

This has led to a lot of critique of the concept of autonomy, with Sarah Hoaglund calling it a "thoroughly noxious concept" that "encourages us to believe that connecting and engaging with others limits us".[356] In this view, autonomy is freedom from binding and meaningful relations with others. The idea of autonomy as incompatibility with dependence on others makes it difficult to apply, especially for our purposes here. Dependence is so core to understanding the subject positions inherent in the experience of a child and the issues facing future generations. Children depend on their caregivers and society at large to create a conducive environment for their growth and development into adults, their safety and similarly there is a dependence on future generations on the past as it regards our actions, especially concerning the climate.

Modern conceptions of autonomy typically move away from the idea of substantive independence, and several understandings have been proposed that allow for binding and even dependent relations without undermining

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[355] John Adams to James Sullivan, 26 May 1776; from Charles Francis Adams, ed., *The Works of John Adams, Second President of the United States* (Boston: Little, Brown, and Company, 1854).
[356] Sarah Hoagland, "Lesbian Ethics Beginning Remarks," *Womens Studies International Forum - WOMEN STUD INT FORUM* 11 (January 1, 1988): 531–44, https://doi.org/10.1016/0277-5395(88)90107-0., p. 144.

autonomy. I would like to utilize the framework of *social autonomy;* the ideal of being a person who is self-determining by acting intentionally based on reasons; that can be explained and justified to others.[357] This explicates the social nature of autonomy. It is discursively formed autonomy, wherein the reasons given form the outlines of autonomy. As argued by Forst, in a moral context, we can only be autonomous in treating others like morally autonomous beings and giving them reasons from that standpoint.

Autonomy in this social view is part of the fabric of society. Joseph Raz, in *The Morality of Freedom*, argues that there are some conditions that must be fulfilled for autonomy to be possible, the person must have sufficient mental capacity to formulate their own personal projects and pursue them, they must have sufficient options and be free from subjection to anyone else through coercion and manipulation. These could be both internal as it regards capacities or external in the form of absence of coercion.[358] Michael Blake argues that any autonomy is contingent on state institutions, even coercive institutions that can then be justified on account of themselves being necessary to uphold the ideals of autonomy.[359] Clearly the state formation and the modes and structures of political rule will greatly impact the level of autonomy of the people.

In section 7.3 of this text, I discuss the need for children to have their autonomy limited and I discuss various frameworks for justifying this *paternalism*. I claim that this is motivated by the child's need to develop autonomy in the future. Whereas an adult needs autonomy in the present, children require balancing their needs for autonomy now and in the future.[360] We can make a very similar argument for future generations as well. Limitations of

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[357] Forst 2005, p. 230.
[358]Joseph Raz, *The Morality of Freedom* (Oxford University Press, 1988), https://doi.org/10.1093/0198248075.001.0001..
[359] Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy & Public Affairs* 30, no. 3 (July 1, 2001): 257–96, https://doi.org/10.1111/j.1088-4963.2001.00257.x. p. 265f.
[360] Harry Brighouse, "How Should Children Be Heard?," *Arizona Law Review* 45, no. 3 (2003): 691., p. 10.

autonomy in the present may in many cases allow for more autonomy later. This ties into the literature that I will be discussing in section 7.2 where constitutional limitations on democracy to preserve climatic conditions, which is a limitation on collective self-determination and autonomy are discussed in this manner.

5.4 DEMOCRACY AS TURN-TAKING

This section outlines the understanding I will use for treating democracy as *inter-generational*. While the previous section focused on how democracy ought to function for the presently participating. Here, I look at some ideas in inter-generational justice with a particular focus on climate change and discuss how they could be used in democratic theory. Here I will argue that the best way of looking at this problem is the under-discussed idea of *justice as turn-taking.* I will treat democracy itself as something we do not own by ourselves, but as something we are allowed a single turn with. The question of the subsequent parts will be: *when should a turn start*? as it regards children in democracy and *what constitutes a fair turn with democracy?* as it regards future generations. Here I start the act of transforming a concept as applied to justice, into a democratic concept.

An oft-cited and perhaps paradigmatic work on inter-generational justice, and the duties we owe future generations was outlined by John Rawls in *A Theory of Justice*. By utilizing his concept of the *original position*, claiming that if all generations were to step behind the veil of ignorance, unaware of their social position as well as which generation they belong to,[361] they would agree to a principle of *just saving*s. This entails monetary savings, as well as education, knowledge, culture techniques and skills, to establish and preserve "just institutions and the fair value of liberty."[362] His principle has often been interpreted as a principle of distributive justice, but as argued by Roger Paden,

[361] John Rawls, *A Theory of Justice: Original Edition* (Harvard University Press, 2005), https://doi.org/10.2307/j.ctvjf9z6v., p. 118.
[362] Ibid., p. 285ff.

this is largely a misunderstanding.[363] We could in this framework, imagine that if the costs of adapting to climate change, and maintaining just institutions in light of these changes, that if we leave behind sufficient funds and tools to do so we have done enough. The core of his argument is not that we have to attempt to apply *the difference principle* intergenerationally, and that any inequality could only be permitted if it benefited the least advantaged generation.

In the wake of Rawls, many writers would treat intergenerational justice as an issue of distributive justice, presuming he argued for an inter-generational difference principle, often citing him directly.[364] The idea being that the issue is that the currently living take too much of their share of the goods of nature. The inheritance of accumulated wealth can then act as a replacement for the costs incurred by adaptation policies. It is in this way that sustainability becomes distributive justice because all generations seemingly have a right to the goods of nature. This is justice modeled the same way as sharing a pizza, you simply divide the amount of goods by the number of dinner guests and proceed to give everyone their slice. A contemporary example of this could be Peter Singer's principles of how to share the climate sink, where he considers different levels of emissions and through division figures out how much every person is owed according to various principles.[365] Much of the intergenerational justice debate is presented in this way, in terms of reaping the gains of economic development but passing along the costs, what Stephen Gardiner calls inter-generational buck-passing.[366] A good example can be found in the applicatory political theory of Kristin Shrader Freshette, calculating the costs and benefits for each

[363] Roger Paden, "Rawls's Just Savings Principle and the Sense of Justice," *Social Theory and Practice* 23, no. 1 (1997): 27–51.
[364] See footnote 2 in Paden 1997, p. 49.
[365] Singer 2016, p. 34
[366] Stephen Gardiner, "Protecting Future Generations: intergenerational Buck-Passing, Theoretical Ineptitude and a Brief for Aglobal Core Precautionary Principle," *Handbook of Intergenerational Justice*, January 1, 2006, 148–69.

generation as it regards different methods of storing nuclear waste.[367] As it regards the depletion of natural resources and non-renewable goods, Allan Holland argues that this can often be dealt with via substitution of the good. This has raised debates about what constitutes a fair share, and to what extent we can discount costs for future generations. The argument is understood in different *currencies* that need to be divided up fairly across generations: such as welfare, resources, and human capabilities.[368]

In some scenarios, of course, it is quite simple, if Q are the costs of adaptation strategy P, but the costs of mitigation would have been R. If R is lower than Q, this would be a simple example of buck-passing. In scenarios like this, one could argue like John Locke, we may compensate for this by leaving an abundance beyond what we found, so "there is enough, and as good, left in common for others".[369]

The view of stocktaking of these goods and dividing them works in simple cases, as above. Habib writes that the "problem for the physical stock view is one of comparisons across different shares of the world. The natural world is a buzzing, blooming confusion of things, and one that is in constant flux. How then will we be able to determine how one generation's share of the natural environment compares to another?"[370] What is adequate compensation for the loss of a species? How many human dollars do we owe all subsequent generations for this loss? Consider the Great Barrier Reef in Australia, as of now, 50 percent of the corals are already wiped out, and projections from the Government of Australia claim that "the overall outlook for the Great Barrier

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[367] K. S. (Kristin Sharon) Shrader-Frechette, *Environmental Justice Creating Equality, Reclaiming Democracy*, Environmental Ethics and Science Policy Series (Oxford ; Oxford University Press, 2002). P. 95ff.
[368] Allen Habib, "Sharing the Earth: Sustainability and the Currency of Inter-Generational Environmental Justice," *Environmental Values* 22, no. 6 (2013): 751–64. p. 753.
[369] John Locke, *Two Treatises of Government* (Indianapolis, Indiana: Focus, 2016).§ 27.
[370] Habib 2013, p. 754.

Reef's ecosystem will remain very poor".[371] Two questions arise: what is adequate payment to compensate for the already lost half of the Great Barrier Reef? Those who were born after the actions leading up to the mass bleaching events that lead to the death of parts of this ecosystem may be owed compensation today by the older generation. And seemingly, all subsequent generations as well. The second question is how much we need to set aside right now, to pay for the continuing collapse of the ecosystem. On the presumption that this loss is permanent, would this mean that we owe this restitution to all future human generations? Holland notes that it Is difficult to put a valuation on the various goods of nature.[372] In a similar vein, Fritsch writes:

> "[I]ncreases in the rate of productivity, or in overall GDP, do not count as appropriate equivalents for impoverished democratic institutions, for instance, those dominated by private interests, or for a polluted environment or much hotter climate. This is so not simply because democracy or a clean environment is more valuable than economic growth, at least at a certain threshold of well-being, but because what contemporaries owe the future is a fair turn with the governance of these institutions in the public and long-term interest, and the inhabiting of the environment."[373]

What I will argue is that the model of distributive justice does not fit this problem. Treating the environment as a collection of resources to be fairly distributed does not suffice, and later I will argue that neither does it seem to make for a reasonable understanding of democracy. Instead, Rawls'

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[371] Great Barrier Reef Marine Park Authority, *Great Barrier Reef Outlook Report 2019* (Townsville: Great Barrier Reef Marine Park Authority, 2019).
[372] Alan Holland, "Sustainability: Should We Start from Here?," in *Fairness and Futurity: Essays on Environmental Sustainability and Social Justice*, ed. Andrew Dobson (Oxford University Press, 1999), 0, https://doi.org/10.1093/0198294891.003.0003. p, 58f.
[373] Fritsch 2018, p. 171.

understanding of leaving just institutions can be an inspiration, and as I will argue democracy should be understood as taking separate turns with institutions.

To connect back to democratic theory, often democratic representation is understood in similar terms to the stock-taking view. As we will see when discussing the democratic inclusion of children and future generations, we struggle with understanding the issue if we treat the problem as distributing equal shares of votes amongst those affected. Attempting to build institutions meant to represent future generations and children is but one alternative. An alternative may be to consider institutional design in terms of turn-taking and ensuring future generations get a fair turn as well. Instead of attempting to cut up a slice of our democracy and present it to them, to compensate for the fact that we have undermined their ability to self-govern democratically, we may instead look to turn-taking.

Here I am building primarily on Allen Habib's and Matthias Fritsch's writing on *justice as turn-taking*. Habib remarked in 2013 this concept has been completely absent from this discussion until that time.[374] To explain the difference between turn-taking and distribution, I will use a biblical example: the Judgement of Solomon. In the story, King Solomon is tasked with adjudicating between two women claiming a small boy is their child, both wanting to be declared the mother of the boy. To resolve the matter, the king orders his guard to simply cut the child in half and give each woman an equal share of the boy. One prospective mother gladly accepts the compromise while the other protests: "Your Majesty, I love him very much, but give him to her. Just don't kill him."[375] Solomon determines that she must be the mother (or perhaps, simply that the woman who objects to the compromise of cutting the child in two is better fit for parenthood) and hands the boy to her. Contrast this with real conflicts over

[374] Habib 2013, p. 755.
[375] *Holy Bible: English Standard Version* (Wheaton, Ill: Crossway Bibles, 2001). 1 Kings 3:16–28.

custody of children, wherein a fair arrangement is typically that the child will spend half the time with one guardian and the rest of the time with the other. Some things cannot be shared in parts and retain their function, such as a child or the natural environment, or as I will argue, intergenerational democracy.

The democratic tradition of turn-taking goes back to ancient Athens in practice. Ruling a land of political equals, cannot possibly be done by the whole people at once, for simple practical reasons. Therefore, all would take turns with power. This is the principle behind the idea of *sortition*, drawing lots at random to see who would take different roles in government, instead of dividing up power into small increments of voting power. In contemporary societies, this is the principle used in determining who will sit on a jury in a trial.[376] Similarly, I view different generations occupying the political offices of their polity as a form of democratic turn-taking. The power-sharing of modern representative democratic systems can be understood as sharing power, by dividing the democratic power into equal parts, or votes. Understanding our responsibilities to future generations, by giving them equal votes to us seems impossible due to the sheer numbers of all-affected generations.

If instead of treating all the goods of nature and democracy as divided into parts and consider it as a matter of turn-taking, we must relate to the problem differently. Habib's example is that of a bicycle. You may disassemble the bicycle and hand people equal shares of bike parts, but this would undermine the ability to use it for its intended purpose. While a more reasonable approach would be to decide that half the week, one person gets to use the bike while the other half, someone else does. As this would allow for the retention of its function. However, as he argues, there is no ontological reason for choosing either understanding, everything can be shared by turns or by parts.

If society is understood as an intergenerational project, wherein the very conditions, institutions and resources at hand are always given by the previous

[376] Bernard Manin. *The Principles of Representative Government*, Cambridge, Cambridge University Press, 1997, p. 9.

generation, we are in some ways indebted to our ancestors, just like our children to us. Much of the literature focuses here on reciprocity and how the relations between the present and the future does not engender reciprocal relations as the currently living cannot gain or lose anything from actions taken in the future, this has been a core issue in Rawls' discussion on the topic, and the reason his arguments have altered over time.[377] Time only moves in one direction, and while we may harm or help future generations, there are no means for them to harm or help us. Often conceptions of justice are built on an idea of mutual advantage, which clearly cannot occur between generations.[378] But what Fritsch argues is that if we instead consider justice as turn-taking, and that this changes the normative question from "What kind of equivalent do we owe forward?" to "What is it to take a fair turn with X?".[379] Accepting turn-taking, as it regards both our rule and the environment, means "accepting that I receive power from previous others and will leave it to others"[380]

As discussed in the methods section, I have employed a functional approach to the question of inclusion, meaning that evaluative standards are based on whether the demos can function legitimately. Habib notes that often turn-taking is based on function in a similar way. If we want to understand what a fair turn means, it makes a lot of sense to consider what level of maintenance and work is needed to ensure the continued function: "In these relations maintenance is largely a matter of preserving proper function."[381] This is what I take to be the core of the meaning of intergenerational democracy. The preservation of its function through time. A fair turn with democracy cannot involve destroying it for the next turn-taker.

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[377] Roger Paden, "Reciprocity and Intergenerational Justice," *Public Affairs Quarterly* 10, no. 3 (1996): 249–66.
[378] Ibid., p. 256ff.
[379] Fritsch 2018, p. 150.
[380] Ibid., p. 167.
[381] Habib 2013, p. 761.

The questions then become: what does it mean to have a turn with democracy? And following that, when is it fair for the next turn to start? What are we restricted from doing with our turn? I have discussed Cristiano's view of democracy as being-at-home in the world, and his metaphor comparing democracy to one's home and a well-run autocracy to a hotel. Continuing this metaphor, if you raise children and they live with you, at what age do they get an equal say in how to maintain the house? When do they get to take decisions on the color of the walls? And when do they need to start paying bills? Similarly, what do owe the future inhabitants of this house we temporarily call our home? To what extent do we need to consider their wants? Can we repaint the house in any color we want, or do we need to worry about whether they will like it? Can we destroy it? Rebuild it? If we are tasked with maintaining the property, to what extent does that entail considering their wants?

6 CHILDREN AND INCLUSION

It is time to analyze the first discrete case of exclusion dealt with in this monograph, the issue of children's democratic exclusion. If democracy is indeed an inter-generational project, seemingly the next generation is most crucial in sustaining that project. We will soon hand over the reins to them, to rule as they see fit. How we treat them today, as well as how and when they fully enter democratic society will have ramifications for all subsequent democratic generations. How well prepared they are for life as a full democratic citizen will be crucial for the sustainability of any democratic rule. It is not only how we leave the institutions for them, but also how we prepare them for the institutions.

In contemporary political discourse, likely the most common argument for youth involvement in democracy stems from concern over climate change. After all, children will have to live with worse issues and for longer than we can expect to. At face value, it seems like a clear violation of the all affected-principle – and a particularly egregious one considering the devastating impact of climate change. A global study of 10 000 young people between 15-25 years old found that 83 percent think people have failed to take care of the planet and, that they feel betrayed and anxious about the climate.[382] As discussed in section 2.1 on the costs of exclusion, being excluded from democracy means not being sure that your interests will be respected. Of course, many adults are anxious about the climate as well. Polling from the US indicates this is common among all age groups, but more so for the younger generations.[383]

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[382] Caroline Hickman et al., "Climate Anxiety in Children and Young People and Their Beliefs about Government Responses to Climate Change: A Global Survey," *The Lancet Planetary Health* 5, no. 12 (December 2021): e863–73, https://doi.org/10.1016/S2542-5196(21)00278-3.

[383] Sophie Bethune, "Majority of US Adults Believe Climate Change Is Most Important Issue Today," *American Psychological Association*, 2020.

Let us explicate the consequences of adopting any general principle of democratic inclusion at face value. Children are typically just as affected by political decisions as adults. In most general principles of democratic inclusion, it seems as if children and youth ought to be included. Clearly, young people are affected by the laws of the society they live in. In the broadest understanding of the all-affected principle, where all potentially affected interests give rise to rights of participation, it seems children, regardless of age must be widely enfranchised. One might go so far as arguing that this right may even need to be extended onto the as-yet-unborn as they will soon be affected very directly by the healthcare system during their birth. In fact, given the extreme levels of variation across the world in infant mortality, and with the assumption that this is in large part a consequence of differing quality and availability of quality healthcare services – it seems we are bound to include all, regardless of age.

Yet, still, most political theorists do not argue for children's inclusion. On the other hand, it is notable that most writers of political theory do argue for the disenfranchisement of young persons (perhaps from the age of 18 years old). Andrew Rehfeld quips sardonically: "Children are a nuisance to most adults; they are a particular nuisance to the democratic theorist who wishes to exclude them from having a voice in the direction of the policy with as much vehemence as he wishes to include every adult".[384] In the following subsections, we will discuss how they have reached these conclusions in the face of the principled arguments above. In the final bit, I will suggest what I consider a more feasible alternative way of dealing with the inclusion of children, where the exclusion may not be termed arbitrary.

As we discussed, remaining outside the demos comes with many potential issues: "young people would assert that their interests could not be considered secure in a polity that excluded them from participation. It is equally doubtful

[384] Andrew Rehfeld, "The Child as Democratic Citizen," *The ANNALS of the American Academy of Political and Social Science* 633, no. 1 (January 2011): 141–66, https://doi.org/10.1177/0002716210383656., p. 142.

that any group of citizens (including children) would consider it likely that public deliberation on matters affecting their interests would be sufficiently well informed and open to a wide enough range of views if they knew that their own participation was barred".[385] We may note that in terms of budget allocation, children tend to receive significantly less funding per person than their older compatriots[386] and that only 63 nation-states at this moment have banned corporal punishment of children.[387] There are both good reasons theoretically and empirically to believe children may be underserved by political institutions, whether regarding arguing for funding of their interests or ensuring they are safe from violence.

People below the age of 18 are aware of their lacking voice in politics. In the European Union today, 60 percent of young people between the ages 16-30, feel they either have no say at all or not very much of a say regards important decisions, laws and policies in their country, with even worse numbers for EU politics.[388] Asking people below the age of inclusion specifically, in the *European Values Survey*, on the question: "How much would you say the political system in [country] allows people like you to have a say in what the government does?" The most common response with 32 percent of respondents claimed they had no influence at all, and about 57 percent claimed to have no or very little influence, compared to 35 percent who claimed either to have some

[385] Schrag 2004, p. 368.
[386] Steven Lecce, "Should Democracy Grow up? Children and Voting Rights," *Intergenerational Justice Review* Vol 4 (November 1, 2009): No 4 (2009): Children's and Young People's Rights-with a Focus on the Right to Vote, https://doi.org/10.24357/IGJR.4.4.510., p. 136.
[387] "Global Progress towards Prohibiting All Corporal Punishment" (End Corporal Punishment, 2022), http://endcorporalpunishment.org/wp-content/uploads/legality-tables/Global-progress-table-with-terrs-alphabetical.pdf.
[388] European Parliament. Directorate General for Communication. and Ipsos European Public Affairs., *European Parliament Youth Survey: Report.* (LU: Publications Office, 2021), https://data.europa.eu/doi/10.2861/60428., p. 14.

influence or a lot. Not a single respondent chose to answer that people like them had a great deal of influence.[389]

The question of how we justify inclusion and exclusion of youth, and how we justify decisions that involve them, will have long-term ramifications. If we think of democracy as a long chain of generations, democracy's survival is contingent on the next generation, and they require the tools and resources to maintain that project. As we discussed earlier, I treat turn-taking as a function of the democratic system. In the methodology section, I noted a common line of argumentation in the boundary problem literature is that a demos must be functional in terms of key democratic ideals. In this section, I will be employing a similar argument, as it regards youth and children and an inter-generational logic. What age limit of inclusion best preserves and protects democracy for the future? What age limit best conditions young people into being effective democratic citizens? In the previous section I outlined a conception of democracy focused on legitimacy, justification and autonomy – at what age does it benefit children to be included to effectively fulfill the roles needed for legitimate rule, justified policies and the attainment of autonomy? At what age is it better for the continuation of the legitimate function of democracy?

While I consider the exclusion of youth a core concern to justice and democratic theory, it is not well-discussed within the field. As discussed in section 5.2 *Democracy as justification*, democracy is how political decisions are justified, and thus being excluded from democracy is a question of basic justice. Children seem almost disregarded from most discussions on democracy, as if they were presumed to not belong. Regarding political theory, John Stuart Mill stated that it is "hardly necessary to say (…) we are not speaking of children".[390] A study of 30 political philosophy textbooks found that most contained no

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[389] European Social Survey European Research Infrastructure (ESS ERIC). (2022). ESS20 - integrated file, edition 1.2 [Data set]. Sikt - Norwegian Agency for Shared Services in Education and Research. https://doi.org/10.21338/ESS10E01.
[390] Mill 1992, p. 13f.

mention of children at all.[391] There is a history of treating children as outside the realm of justification altogether, John Locke wrote that there is no law over children and "nor are they capable of the title just or unjust" because they cannot join agreements or understand their consequences.[392]

Robert Goodin and Diane Gibson have discussed to what extent children should be treated as subjects of justice and are in a position to demand rights. They argue that being capable of enforcing your rights cannot be a precondition for having rights, and that there is some value in treating them as if they had rights.[393] They differentiate between two distinct points of departure surrounding rights for children, *will-based* and *interests-based* rights. Will-based rights are small areas of personal sovereignty wherein their role is to protect the rights-holder from interference in their choices and free will; the idea being that they are allowed to express and follow through with their will. Interest-based views on rights deal with the furthering of a rights-holders interests in life, whether through the allocation of goods or services, or institutions. As noted by Mhairi Cowden, will-centered conceptions of rights have not had trouble excluding children from a rights framework due to lacking capacities[394] (something we will discuss in significantly more detail). Interest-based approaches however seem significantly more useful for understanding the rights of children given that "Those people who may lack the power to obtain these goods for themselves, who lack competencies, are often those that need the protective force of rights the most".[395] And therefore "the interest theory

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[391] Will Kimlycka and Sue Donaldson, "Metics Members and Citizens," in *Democratic Inclusion: Rainer Bauböck in Dialogue*, Critical Powers (Manchester: Manchester University Press, 2018)., p. 697f.
[392] Thomas Hobbes, G. A. J. Rogers, and Karl Schuhmann, *Leviathan*, A critical edition (London: Continuum, 2005)., p. 317.
[393] Robert Goodin and Diane Gibson, "Rights, Young and Old," *Oxford Journal of Legal Studies* 17, no. 2 (June 1, 1997): 185–204, https://doi.org/10.1093/ojls/17.2.185.
[394] Mhairi Cowden, "Capacity, Claims and Children's Rights," *Contemporary Political Theory* 11, no. 4 (November 1, 2012): 362–80, https://doi.org/10.1057/cpt.2011.43., p. 369.
[395] Cowden 2012, p. 369.

appears most promising to children's rights theorists because it proposes to resolve the problem of having a right without the present ability to exercise it".[396] In upcoming sections, I will discuss the right to vote and participate more broadly in democracy through both lenses, and naturally more from the perspective of interests, and their attainment.

It is reasonable to believe that children do have interests that should be equally respected, but that this does not mean they should be treated equally. Equal consideration of the interests of children may require a different set of rights when considering their social status.[397] This is to say that children are owed *equitable*, rather than equal treatment. Establishing that children have a right to justification whenever political decisions are taken that impact them is not sufficient grounds to claim they are owed equal democratic rights as adults. It is possible to argue that children are owed representation of their interests without also claiming this would grant the right to vote or otherwise participate in democratic decision-making. It would just mean that in some way, their interests would be respected in the same fashion. However, even if we accept this, we may have to concede that youth and children are not treated equitably: "The interest in 'equitable treatment' is violated when institutions are designed in such a way that some citizens can reliably predict that their interests would be unfairly placed at risk."[398] But that could be solved potentially be solved without allowing children access to democracy. For instance, Paul Demeny would like children's interests to be represented by giving more votes to parents in their stead, proposing half a vote for every parent to represent children.[399]

This chapter will proceed in the following way. First I will discuss how childhood has been defined and conceptualized previously, clarifying the different

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[396] Federle, 1994, p. 352.
[397] Clayton 2006, p. 183.
[398] Schrag 2004, p. 367.
[399] Paul Demeny, "Pronatalist Policies in Low-Fertility Countries: Patterns, Performance, and Prospects," *Population and Development Review* 12 (1986): 335, https://doi.org/10.2307/2807916.

philosophical status of different views (5.1). Following this, I will discuss the most common argument for the exclusion of children from democracy, based on their allegedly lacking capacities. I will present four different arguments from capacity and argue that they do not help us in drawing an exact boundary of inclusion and exclusion (5.2). I go on to discuss children as developing into citizenship. I focus especially on the development of autonomy and needs for both paternalism and increased opportunities to exercise their autonomy, and what this means for their democratic rights (5.3). I end the chapter by claiming that we can look to the paternalism justified by the needs of children to allow for growth into autonomy, and that in the domains where children are not able to exercise their autonomy (so long as this is justified) they do not have a strong claim for democratic inclusion. However, whenever they are treated as autonomous and responsible actors, they are in a strong position to argue that they have not received the democratic justification needed (5.4) I end the chapter by summarizing two articles written as a part of this dissertation regarding the inclusion of youth, first in the immanent context (specifically in Denmark and Sweden's political systems) and the second in a general sense. These two articles are summarized and contrasted with the monograph and their contribution to this general discussion is highlighted (5.5).

6.1 What is a child?

Before we can attempt to settle whether children are to be democratically included, we must first dispense with some definitions. There is no globally agreed or acted-upon definition of childhood.[400] The meaning of the term childhood differs greatly between different societies and times; according to cultural traditions.[401] The *United Nations Convention on the Rights of the Child*

[400] Helen Brocklehurst, *Who's Afraid of Children?*, 0 ed. (Routledge, 2017), https://doi.org/10.4324/9781315234106. p. 1.
[401] Philippe Ariès, *Centuries of Childhood: A Social History of Family Life* (New York: Vintage Books, 1962).

defines children as "every human being below the age of eighteen unless under the law applicable to the child, majority is attained earlier".[402] Today, people below the age of 18 are nearly universally excluded from democratic participation across the world. People under the age of 18 constitute roughly one-third of most democracies.[403] 86 percent of the world's countries use 18 as the age of enfranchisement and very few place it below.[404] There is little variation in practice as it regards inclusion within the democratic sphere, at least as voting is concerned. Clearly, voting has a very important role in a democratic system especially in terms of who gets their voice listened to and who exerts influence on politics. We discussed the value of being a part of the demos in section 2.1, *The costs of exclusion*.

In the coming sections, I will differentiate between a *legal, social* and a *biological* conception of childhood, all defined in opposition with adulthood. This is for the purpose of differentiating between often conflated ideas of what it means to be a child. Clearly, these three views interact in many ways and inform the other. However, for our purposes, it is important to differentiate the three as we can ascribe different weight to the consequences of a legal view of childhood from a biological understanding.

Childhood is first a *legal construct*. Below the *age of legal majority*, which in most of the world is 18 years old, a person is legally considered a minor. Before the age of majority, they have limited legal responsibility and will be limited in entering contractual agreements. They are the responsibility of a guardian, in terms of health, safety and development, including their housing and nutrition. After the age of majority, the person takes on all the responsibilities of adulthood, and is now considered a full member of society. This does not mean that there cannot be any age limits placed above the age of majority, though they are less common. The connection between the age of majority and the legal

[402] Convention on the rights of the child (1989), Article 1.
[403] Kymlicka and Donaldsson 2018, p. 697.
[404] ACE Electoral Knowledge Network, "Voting Age Data," n.d., https://aceproject.org/epic-en/CDTable?view=country&question=VR001.

voting age is very common internationally, as 18 has become the most common age for both. There is a level of consistency here. We will return to why it is common for these ages to coincide.

Childhood is also a *social construct*. Childhood is a social position signifying distinct responsibilities and social codes. As we have noted, these differ wildly in time and space. Tamar Schapiro's framework of childhood presents childhood as separate from adulthood without focusing on measuring certain biological criteria – but rather as a moral status akin to "citizen" and "alien".[405] We place different weight upon the words of a child and place distinct responsibilities and expectations on them that differ from adults. To refer to someone as a child then, is a *normative claim*. We expect that an adult is acting independently, in their own voice with their own reasons but not always as it regards children. In this understanding of childhood, we may look to other aspects of what it means to be a child. Marc Auge asks: "Did I truly stop being a 'minor' at the age of twenty-one? Does this transformation really take place three years earlier nowadays?"[406] Age is a mess of informal rules and expectations, and it "enters into and shapes everyday social interactions, even in subtle and unconscious ways, affecting how we judge and act toward the people we encounter in our daily rounds."[407] It encompasses so much beyond the legal realm. Research from the United States of America indicates that youth consider the ages at which they receive different rights and responsibilities to be arbitrary and inconsistent,[408] and that in many cases youth consider chronological age as meaningless in determining when someone reaches adulthood.[409] Ostensibly,

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[405] Schapiro 1999, p. 717.
[406] Marc Augé, *Everyone Dies Young: Time without Age*, European Perspectives : A Series in Social Thought and Cultural Criticism (New York: Columbia University Press, 2016). P. 18.
[407] Mary C. Waters et al., *Coming of Age in America: The Transition to Adulthood in the Twenty-First Century* (Berkeley, CA: University of California Press, 2011), https://doi.org/10.1525/9780520950184., p. 170.
[408] Ibid., p. 129.
[409] Ibid., p. 130.

these children consider adulthood to be something besides reaching a legally determined age of majority.

Thirdly, childhood is a *biological construct*. Archard states, "the underdevelopment of children is a biological given, a brute fact of human existence".[410] We are born into the world, understanding nothing, only capable of base human function and reliant on adults to provide for our every need. In comparison with many other animal species, humans are particularly underdeveloped at birth. A medical definition of childhood can be the period between birth and puberty.[411] However, for our purposes it is relevant to note, as many writers on democracy and children have before me, that neuroscientific evidence indicates the brain continues developing until around the age of 25.[412]

What is interesting is the different status of these three conceptualizations in terms of drawing the border of inclusion. In chapter 3, we discussed the need for a pre-political boundary of inclusion. If the outcome is contingent on a political decision, it falls into issues with legitimacy, no better than just voting to say: "this group does not get rights". If children are excluded on the merit of the social or political view of childhood, that drapes a veil of arbitrariness over the whole arrangement. It is only if brute, unchangeable biological facts hold as the response that we can indeed claim that children are excluded on pre-political grounds. Of course, we may argue that the legal or social view of childhood is rooted in biological fact, but I will take issue with this view and showcase that it only holds to a quite limited extent. This does not mean, however, that we can prima facie say that exclusion based on social or legal definitions of childhood are illegitimate; rather, we can look at the issue from the perspective discussed in section *4.2 Political theory and context, the functional approach*, to what

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[410] Archard 2014, p. 25.
[411] Mary O'Toole, ed., *Mosby's Dictionary of Medicine, Nursing & Health Professions*, Eleventh edition (St. Louis: Elsevier, Inc, 2022). "Childhood".
[412] Sara B. Johnson, Robert W. Blum, and Jay N. Giedd, "Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Adolescent Health Policy," *Journal of Adolescent Health* 45, no. 3 (September 2009): 216–21, https://doi.org/10.1016/j.jadohealth.2009.05.016.

extent different prospective demoi uphold various democratic ideals and functions.

We could imagine that there is some prima facie legitimacy in connecting the legal status of adulthood with democratic rights. Presumably, this would entail connecting democratic responsibilities and rights. We may imagine that since children are not responsible for their own actions, they cannot themselves demand responsibility. Perhaps the intuition is that "there is something amiss in the idea that our children might be considered competent to make decisions affecting millions of fellow citizens, but not competent to take charge of their own lives. Decisions to exercise certain rights, such as the right to purchase a firearm or marry and bear children, no less than exercising the right to the franchise, have the potential to affect others profoundly."[413]

However, if we connect the age of majority with voting rights, it seems that then the age of majority itself needs a justification. Simply pushing the age of enfranchisement to coincide with the age of majority does not justify anything if the age of majority itself is not justified. Consistency alone is poor justification.

Similarly, the social view is hardly pre-political and runs into similar issues. Typically, the social position of a child changes quite dramatically during the period between birth and reaching adulthood. As noted: "A young person just below the age of majority is less like an infant and more like an adult. Yet its legal status remains that of the former."[414] In the upcoming section, we will instead of focusing on children as potentially undeveloped, look at their status as being in development, and democracy's role in that development.

6.2 Children as undeveloped citizens

Following these clarifications on the concept of childhood, we shall now discuss some core arguments against the democratic inclusion of children. What unique

[413] Schrag 2004, p. 373.
[414] Archard 2014, p. 12.

feature of children may disqualify them from participation in a way it does not for any adult?

The most common argument against including children is quite intuitive. My experience when informing people of my work, is that they inevitably respond with some variation of: "children should not get to vote, they are not mature enough". Steven Lecce summarizes the discussion: "One need not be a pediatrician or psychologist (or, parent, for that matter) to appreciate the fact that, especially when they are very young, children are often emotionally unstable, ethically immature, and cognitively under-developed and, thus, typically ill-equipped for discharging the rights and responsibilities of democratic citizenship."[415] We can connect this with will-based theories of rights. While children likely will have their interests better served by some political outcomes than others, as noted previously, a view of rights is in having an area of personal freedom over which you are allowed to exercise your will. To have rights in this view, you must be able to use those rights. The idea being, that you cannot have a right you cannot exercise. If children cannot participate in democracy, they are fairly excluded.

The arguments below use age as a heuristic for democratically relevant capacities. There is as far as I am aware, no writer that believes that children transform like Cinderella at midnight of their 18th birthday from inadequate, politically immature beings to ideal citizens. As such, there will always be a tension between ideal and reality – age will never perfectly capture any value relevant for democratic inclusion.

The main thread of consistency from the early accounts of antiquity, through the early liberal theory[416] until contemporary debates is surrounding capacity. Concepts used to describe the ways children lack the prerequisites for being active members of democratic society include cognitive capacity, moral and

[415] Lecce 2009, p. 133.
[416] Arniel 2002, p. 75f.

emotional development,[417] reason, autonomy, and the capacity for having authority over oneself,[418] rational maturity,[419] lacking the competency for being a rights holder,[420] and so on. Starting with Aristotle's claim humans are a political animal because of our ability to speak, and therefore children who could not speak were naturally excluded from the political sphere.[421]

While the needed capacities differ from the early theory until more modern accounts, the logic of excluding based on lacking capacities has held historically, to exclude youth and children. This is what Stacy Clifford termed the *capacity contract*.[422] She created this concept based on John Locke's contract theory and its relation to capacity, mostly based on his writings on what he refers to as "idiots". As with Aristotle, membership is only gained by those who have the prerequisite capacities, though typically in political theory we have higher demands of participants than the capacity for speech. The Lockean view is that the social contract can only receive consent from those of adequate mental capacity, and therefore only they may enter the political community.[423] The capacity contract is often championed by writers who disagree with Locke's application, claiming that he misapplied it by attributing lower capacities to women, non-whites and the poor but that it may be applied to children and others.[424] In this text, I use the term quite broadly, as a blanket term to describe those who argue that a level of capacity ought to be a prerequisite for entering the political community.

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[417] Rehfeld, Andrew. "The Child As Democratic Citizen". *The ANNALS Of The American Academy Of Political And Social Science* 633, no. 1 (2010)., p. 146.
[418] Arniel 2002, p. 71.
[419] Ibid., p. 81
[420] Goodin 1997.
[421] Aristotle, *Politics*, trans. Benjamin Jowett, Dover Thrift Editions (Mineola, NY: Dover Publications, 2000)., p. 6.
[422] Stacy Clifford, "The Capacity Contract: Locke, Disability, and the Political Exclusion of 'Idiots,'" *Politics, Groups, and Identities* 2, no. 1 (January 2, 2014): 90–103, https://doi.org/10.1080/21565503.2013.876918.
[423] Clifford 2014.
[424] Carole Pateman and Charles W. Mills, *The Contract and Domination* (Oxford: Wiley, 2013)., p. 134.

In democratic theory, the role of the capacity contract is to intercede to exclude children and youth from democracy, when applying principles that seemingly would include them. An explicit example can be found in Rainer Bauböck's writing. He utilizes a mixture of the all-affected, all-subjected and all-citizen stakeholder principles, all of which in my reading would call for the inclusion of many young persons. Bauböck notes that the principle calls for the inclusion of children, however, he claims the capacity contract intercedes to exclude them.[425] He stipulates that the all-citizen-stakeholdership principle applies to all who have their fates bound up with the flourishing of the state, which clearly also applies to children. However, he writes that while a benevolent dictatorship ruling over adults is degrading, there is "nothing degrading about treating children as children".[426] Ostensibly, he claims that children, were they capable should be included but due to their lacking capacities, they must not be – despite fulfilling his criteria of inclusion.

I must clarify that what is meant by capacity constraints is not typically that young people are incapable of voting in the strictest sense, in that they would be incapable of grabbing a ballot and putting it in an urn. There are two reasons for this: firstly, voting is very easy, and this only disqualifies from a very young age, who could not be instructed to place a ballot into a box. Secondly, and more importantly, the ability to assert their rights or take part does not in itself disqualify them from having these rights – in analogy, "that the paralyzed man cannot stop the thief's hand from closing on his gold watch does not make it any less his own, morally or legally either. Neither does the inability of the mentally infirm old or very young to haul themselves into court to articulate a complaint deprive them of their capacity to have rights."[427] The perhaps most absurd argument against women's suffrage in Sweden, during a parliamentary debate on the issue, was that due to fashionably wide skirts of the time popular in the early 1900s, women would not fit into the cramped hallways of the parliament

[425] Bauböck 2018, p. 46.
[426] Ibid., p. 46.
[427] Goodin and Gibson 1997, p. 186.

building.[428] If this was a genuine concern (it was not), this calls for relocating the parliamentary facilities or changing the dress code. Similarly, many countries have special provisions to help the illiterate to vote, whether by receiving assistance at the polling booth or by teaching them which symbols on the ballot symbolize each party.[429] If we find that children and youth should be allowed the vote, and are currently unable to, this seems to indicate we ought to change some features of the process.

An alternative to using age as a proxy could be *capacity testing*, where people would qualify for the vote. Philip Cook proposes that anyone capable of reading, comprehending and signing a document outlining the rules of the election ought to be included. He argues that unlike other tests of competence, this is non-discriminatory, fair and would not lead to undue exclusion.[430] Cook's proposal merits more research, but this may have some radical effects on the demos. The age at which people learn to read is likely to be impacted by many different factors, including social background. Competency tests have been used in various democratic settings, and often to exclude people unjustly. Capacity tests have a grim history of being used to exclude competent people, often on racial lines, and even if they were designed from a well-meaning position there are many difficulties needed to be overcome to design them in a fair manner.[431] These factors make capacity tests a dubious proposition for proponents of capacity-based exclusion.

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[428] Barbro Björkhem, Lena Wängnerud, and Peter Kjellerås, *Rätt Att Rösta : 1919-1994 : Så Fick Kvinnor Politiskt Inflytande* (Stockholm: Sveriges riksdag :, 1994)., p. 12.

[429] For a partial run-down on how countries have dealt with this issue constitutionally, see: ACE Electoral Knowledge Network, "Legal Provisions for Illiterate Voters," n.d., https://aceproject.org/electoral-advice/archive/questions/replies/520476619.

[430] Philip Cook, "Against a Minimum Voting Age," *Critical Review of International Social and Political Philosophy* 16, no. 3 (June 2013): 439–58, https://doi.org/10.1080/13698230.2013.795707.

[431] For a discussion on these see Cook 2013, p. 442.

On the presumption that testing qualifications for voting is not the solution, age remains the only game in town. It allows for *universal enfranchisement* in an equal and non-discriminatory fashion. To explain, unlike other exclusions from democratic participation, age is temporary and transitory, and we age out of it. During a normal lifespan all are treated equally – unlike other forms of exclusion. [432] Therefore, we may understand age limits as more legitimate in comparison with historical exclusions of other groupings. It may also have the purported benefit of carrying no stigma or not being harmful to self-confidence, unlike capacity tests.[433]

However, if we presume that testing for capacity is not an option and we stick to age limits, we will face an obvious issue. There will be children who reach higher levels of capacity than some adults, and there is no level of competence that would work to exclude all children while not excluding some adults. The question has been asked: if lower capacities regarding political wisdom does not function to exclude adults, why does it for children?[434] Adults are allowed to be immature and ill-informed and retain their democratic rights for the most part. In the immortal words of United States Senator Mark Lunsford, "You don't have to pass an IQ test to be in the Senate".[435] In many countries, some adults may lose their voting rights due to some understanding of mental incompetence, in fact, only eleven percent of the countries in a 2016 study, were found to have no restrictions regarding mental health and voting rights.[436] There is some level of consistency here, perhaps. Though, I cannot speak for the level of congruence

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[432] Matthew Clayton, *Justice and Legitimacy in Upbringing* (OUP Oxford, 2006)., p. 188f.
[433] Harry Brighouse and Marc Fleurbaey, "Democracy and Proportionality," *Journal of Political Philosophy* 18, no. 2 (June 2010): 137–55, https://doi.org/10.1111/j.1467-9760.2008.00316.x., p. 149.
[434] Lecce 2009, p. 135.
[435] *Religulous* (Lionsgate, 2009).
[436] Dinesh Bhugra et al., "Mental Illness and the Right to Vote: A Review of Legislation across the World," *International Review of Psychiatry* 28 (August 8, 2016): 395–99, https://doi.org/10.1080/09540261.2016.1211096.

between the criteria for disenfranchising adults based on incompetence and the standards normally achieved by 18.

An issue with age acting as a proxy for competence or political maturity regards the children that develop quicker and attain the level of competence before reaching the age limit. These mature children are then arguably excluded on the base of morally arbitrary criteria.[437] This has been the base of opposition to age limits, since as they claim, those who display the capacities needed should not be discriminated against based on age.[438] This discrimination may be unavoidable if we accept there may not be a good way to test for capacity. In this manner, proponents of age requirements may accept that this is an imperfect solution, but the best solution available, all things considered.[439] Likely, proponents of capacity constraints would bite the bullet and claim that while ideally, none who is qualified should be excluded and none who is unqualified would be included, it is not feasible to devise a solution to perfectly achieve that ideal.

In this section, I will discuss three distinct arguments from *capacity*, claiming that children lack the prerequisite capacities to participate: the *argument from role consistency (*arg. 1*)*, the *argument from political outcome* (arg. 2), the *argument from political maturity* (arg. 3). Ultimately, I will show why these do not sufficiently help us draw the line of inclusion, and claim that only the third argument has some legitimacy.

Let us now look at the discrete argument for exclusion on the basis of the capacity contract. The arguments are sometimes conflated and seldom separated, and often you will see vague references to being incapable of taking part. I have devised a more specific and rigorous typology here, to clarify that we may refer to different things as we discuss capacity. The first argument from

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[437] Richard Evans Farson, *Birthrights* (Harmondsworth, Eng: Penguin Books, 1978).; John Caldwell Holt, *Escape from Childhood*, 1st ed. (New York: E. P. Dutton, 1974).
[438] Farson 1974; Holt 1974.
[439] Cook 2013, p. 442.

capacity I have termed the *argument from consistency of roles (*arg. 1*)*. This argument stems from the thought that we want a balance between ruler and ruled, and that in representative democracy, there are many roles unfitting for children. Some parts of the democratic system are squarely unfit for most children, such as administering the role of a parliamentarian. It is common to see parity between who gets the right to vote, and who is allowed to be elected for political positions. This was used as an argument against including children in parliamentary debates on the voting age in the United Kingdom.[440] I have argued against this balance holding much weight as an argument against children's inclusion, as the capacities needed for holding office and the capacities needed to participate in other ways are quite different.[441] There are many adults lacking the requisite capacities to be successful in adjudicating the role of a parliamentarian. But being sufficiently capable to fulfill that separate role, seemingly should not keep you away from another one entirely. As noted, "Being represented in the political sphere should not depend entirely on how competently one can argue for one's interests or how effectively one can struggle against others for power."[442] It should also be noted that many countries have uncoupled voting age from the age of electability and that international recommendations tend to accept this.[443] While it is common to see the voting age and the age of electability to be the same, I fail to see any strong claim that it would need to be so. I therefore will leave this argument and move on to stronger versions of the capacity constraint.

The second argument I want to highlight is what I call the *argument from political outcome* (arg 2). Formulated by opponents of enfranchising the youth is that their lacking competence will lead to poor decisions taken by the polity, termed *output legitimacy*. In section 5.1 *Democratic legitimacy,* I do not discuss

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[440] House of Commons. (2017). Representation of the people (young people's enfranchisement and education) bill. 3 November 2017, Volume 630.
[441] Sjöstedt 2021, p. 74f.
[442] Wall 2012, p. 94.
[443] Alex Folkes, "The Case for Votes at 16," *Representation* 41, no. 1 (January 2004): 52–56, https://doi.org/10.1080/00344890408523288., p. 18.

democratic legitimacy on these terms, but rather focus on a view of democracy focusing on input legitimacy. As discussed in section 5.1, some argue the legitimacy of democracy is to be understood instrumentally and is derived from the quality of the decisions taken, termed output legitimacy or output efficiency.[444] In this perspective democracy is made legitimate as better decisions are taken whenever the people are included.

On the basis of output legitimacy, it is easy to argue for excluding children and other "idiots" to avoid poor outcomes. We can trace this argument back to the concept *Epistocracy*, or rule by the wise. Its most famous proponent was Plato, who argued for rule by so-called philosopher kings, as they were most knowledgeable and therefore would be best served to take good political decisions. Similarly, JS Mill contended more votes should be allotted to the well-educated (but that all would be given at least one vote).[445] David Estlund who has written on this subject showcases several limitations of this view, and its application. Firstly, no one is wise enough as a ruler that they are not helped by involving others in the deliberation process.[446]

Plato used the argument against democratic rule in general, not to exclude children from it, and the idea of epistocracy is a serious challenge to democracy in general. In theory, the logic is simple – smarter leaders mean better decisions, which is preferable to all. The important finding of Estlund's writing is that there is no direct line to argue from wisdom to authority. Just as the level of comparative expertise any political scientist has developed regarding the specifics of any policy area does not grant them the power to correct for the "mistakes" of the people.[447] The equal vote amongst adults is predicated on the idea that despite differing levels of knowledge and capability, we still have the

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[444] Fritz W Scharpf, *Governing in Europe: Effective and Democratic?* (Oxford University Press, 1999)., p. 6ff.
[445] Mill 1950, Chapter VIII.
[446] David Estlund, "Why Not Epistocracy?," in *Desire, Identity and. Existence: Essays in Honor of T. M. Penner,* ed. Naomi Reshotko, 2003., p. 55f.
[447] Walzer 1981, p. 385.

same rights. [448] As he writes, "some-one's knowledge about what should be done leaves completely open what should be done about who is to rule. You might be correct, but what makes you boss?" [449] As observed by Lecce it seems this line of argumentation would undermine the argument against children's inclusion in the same way.

Malcolm Finlay who argues there is a competence obligation for voting, to avoid unsound or harmful politics, notes the obligation of competency is significantly lower if all options are sound. If all alternatives for voting are politically sound, and the vote is a choice between good alternatives the obligation of knowledge is significantly lower, and he uses this as an argument for keeping universal suffrage while maintaining that there is an obligation towards competence. [450] That is to say, if political parties all present decent alternatives, the risks of including lower-competence voters decrease. Seemingly, this argument holds as well for including children.

If we accept the argument from political outcome theoretically, the empirical claims backing the exclusion of older teenagers on this basis are mixed. Research in the United States indicates that "16- and 17-year-olds are generally indistinguishable in their capacities to function as citizens and to vote responsibly from the youngest adults (18-year-olds) who are entitled to vote. The implication is that to deny 16- and 17-year-olds the right to vote is arbitrary. [451] Similarly, the findings of Wagner et al deal with the idea of lowered output legitimacy does not seem to hold: "a key criticism of lowering the voting age to 16 does not hold: there is little evidence that these citizens are less able or less

[448] Lecce 2009, p. 135.
[449] Estlund, 2008, p. 3.
[450] Finlay Malcolm, "Democratic Legitimacy and the Competence Obligation," *Moral Philosophy and Politics* 8, no. 1 (2021): 109–30.. P. 187.
[451] Daniel Hart and Robert Atkins, "American Sixteen- and Seventeen-Year-Olds Are Ready to Vote," *The ANNALS of the American Academy of Political and Social Science* 633, no. 1 (January 1, 2011): 201–22, https://doi.org/10.1177/0002716210382395., P. 220

motivated to participate effectively in politics."[452] However, a study in the United Kingdom indicates lower political maturity among 16-year-olds than among 18-year-olds.[453] Following trials of a lowered voting age in municipal elections in Norway, findings indicate that 18-year-olds are more interested in politics, and slightly less knowledgeable.[454] Assessing the state of the research on this topic, limited as it is, does not at this point paint a clear picture and more research would be useful in these discussions.

At this point, it is imperative we make some further distinctions regarding capacity that will greatly alter the argument, and showcases some of the most important issues with the capacity contract. Here I will recognize the distinction between *capacity* and *competence*. Competence denotes the actual ability to do something, while capacity is a counterfactual ability to attain that ability. A simple analogy of a student and a turtle can explain the difference: "Neither the turtle nor the student is currently capable of speaking Russian; however, while the student can take Russian lessons and will one day be able to speak the language, the turtle will never be able to, no matter how many lessons he takes. In this way both the turtle and the student currently lack the *competence* to speak Russian; however, the student has the *capacity* to one day be competent".[455] Continuing, I will note that more often than not, what is measured is competence rather than capacity when arguing against youth inclusion, and that this has some important consequences for that argument.

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[452] Markus Wagner, David Johann, and Sylvia Kritzinger, "Voting at 16: Turnout and the Quality of Vote Choice," *Special Symposium: Generational Differences in Electoral Behaviour* 31, no. 2 (June 1, 2012): 372–83, https://doi.org/10.1016/j.electstud.2012.01.007., p. 380.
[453] Tak Wing Chan and Matthew Clayton, "Should the Voting Age Be Lowered to Sixteen? Normative and Empirical Considerations," *Political Studies* 54, no. 3 (October 1, 2006): 533–58, https://doi.org/10.1111/j.1467-9248.2006.00620.x.
[454] Johannes Bergh, "Hva Skjer Når 16-Åringer Får Lov Til å Stemme? Resultater Fra Evalueringene Av to Forsøk Med Nedsatt Stemmerettsalder Rapport 2016:19" (Institutt for samfunnsforskning, n.d.)., p. 45.
[455] Cowden 2012, p. 366.

Clearly, competence is not only a matter of harsh biological truth. Often, what is measured in the empirical texts on children's inclusion (such as those above) is not capacity but competence. They may have the capacity to learn the prerequisite skills of democratic participation, but currently are incompetent. As discussed in the previous section, this alters the status of the argument. It alters the grounding of exclusion from the facts of brain development to the level of the current social order of things. Children's competence is contingent upon the quality of education as much as anything else. Arguments on the basis of capacity would have to show that certain levels of abilities cannot be achieved to be pre-political (or at least cannot be achieved following reasonable effort). If more hours of social education and moral reasoning in the schooling system could achieve the same levels of political knowledge among 16-year-olds as contemporary 18-year-olds, then we have justified nothing. The decision to not have the education system ensure these competencies is one we took unilaterally, without those excluded from the democratic process.

If specifically looking at capacity and not competence, through a biological lens. It is common to use the facts of brain development to argue against inclusion,[456] such as including 16-year-olds in the political process. However, seemingly, no neurological evidence has been put forward to prove this point, and there is some evidence that late teenagers have consistent cognitive abilities with young adults.[457] So while we can likely point to the developing brain to exclude the very young, in cases like 16-year-olds that it is not helpful as we have no reason to believe it would lower output quality and that this is questionable ground for exclusion anyhow.

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[456] Daniel Hart and Robert Atkins, "American Sixteen- and Seventeen-Year-Olds Are Ready to Vote," *The ANNALS of the American Academy of Political and Social Science* 633, no. 1 (January 1, 2011): 201–22, https://doi.org/10.1177/0002716210382395. P. 219f.

[457] Laurence Steinberg et al., "Are Adolescents Less Mature Than Adults? Minors' Access to Abortion, the Juvenile Death Penalty, and the Alleged APA 'Flip-Flop,'" *The American Psychologist* 64 (October 1, 2009): 583–94, https://doi.org/10.1037/a0014763.

However, it is certainly in line with basic intuitions about democracy that we may in some forms limit aspects of democracy to ensure the efficacy of the political process. I term this the *argument from function (arg 3)*. We discussed in section 4.1, how arguments have been used as it regards demos formation, with the legitimate functions of a demos. Instead of focusing on the general lowered quality of decision-making, we may discuss it instead in terms of undermining core functions. The difference here is important, it is not a generally lower or higher quality decision-making as in the argument from political outcome, rather, this argument would intend to show that the functions of democracy would be undermined by the inclusion of children. The grounding for this can be laid by Dennis Thompson, who is actually speaking about future generations: "Popular control is ultimately valuable only insofar as expresses a genuine will, not transient impulses or uninformed preferences. The principle should permit only constraints that are necessary to make a majority at any particular time competent in the sense of having the capacity to express a sufficiently settled and an adequately informed judgment."[458] Capacity in this view, is a matter of being sufficiently capable for the proper function of voting.

Consider one of the discussions within political science on this issue. There is a hypothesis that lowering the voting age will have a positive effect on overall voter turnout. The idea is that if you get someone to vote while young, when they live with their parents and are still in school they are more likely to build habits of voting, and if the voting age is lowered to 16 (the most common age suggested) this would lead to higher voter turnout in the future.[459] This is tied to the idea of a *crisis of representation*, that lowered voter turnouts are a sign of lower democratic legitimacy; a part of a wider understanding of democracy in

[458] Thompson 2010, p. 14.
[459] Eric Plutzer, "Becoming a Habitual Voter: Inertia, Resources, and Growth in Young Adulthood," *American Political Science Review* 96, no. 1 (2002): 41–56, https://doi.org/10.1017/S0003055402004227.

crisis.[460] Here, the argument is that the functioning democracy can be preserved by the inclusion of children, but this presumes that the function of democracy is undermined by lower turnout.

Whether a marginally higher turnout rate is actually that important for democracy is perhaps less clear. It seems odd to argue that a marginal shift in turnout ought to be a determining factor in deciding for and against inclusion of any grouping, especially considering the option of compulsory voting. Studies like in Norway indicate that while 16-year-olds tend to vote more than their slightly older compatriots, it does not seem to lead to higher overall turnout or long-term increases in turnout.[461] However, in Britain, it has been noted since younger citizens vote at a lower rate than older citizens, the overall turnout would decrease slightly if including 16-year-olds.[462] And considering that typically youth are less likely to participate, overall participation rates would likely be lower. Again, the scientific literature does not seem to produce a cut-and-dry answer on the effects of a lowered voting age.

However, there is something fundamentally problematic about increasing the turnout percentage by restricting the vote. It is not surprising that by making the voting pool larger, we will see an overall net increase in people voting. However, a larger voting pool will often lead to a lowered percentage of voters, provided this group is not more likely to vote than the average. But arguing for the decrease of the size of the electorate on this basis seems immediately absurd. As has been shown before, this line of argumentation is dubious.[463]

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[460] See Simon Tormey, "The Contemporary Crisis of Representative Democracy," *Democratic Theory* 1, no. 2 (January 1, 2014), https://doi.org/10.3167/dt.2014.010211.
[461] Bergh 2016.
[462] Chan and Clayton 2006, p. 535.
[463] Ibid., p. 536.

Many of the oft-studied topics like the propensity to vote for "non-centrist" political parties[464] or voting volatility[465] seem very limited in asking the question of whether young people ought to be included. I have yet to see a text on democratic theory claiming any of these as even relevant to whether or not a person is owed democratic rights, and I cannot imagine that these factors would undermine a function of democracy, broadly understood, and clearly not any of the ones discussed in this work.

As discussed, a purpose of this text is to critique how we conduct this debate and how we study it. It is of course, relevant to anyone interested in this topic to consider these issues. Findings regarding increased voter turnout and increased volatility amongst at least a fifth of the young cadre[466] are interesting and surely must guide and impact both policy and theory, but it does not do much to answer the question of inclusion. Henry Milner in Political Knowledge, Civic Education and Voting at 16: end with the conclusion: "At this point, thus, we cannot say that allowing 16- and 17-year-olds to vote enhances democracy, though we certainly cannot state the contrary either."[467] He argues this due to the limitations of the data. He calls for more natural experiments like we have seen in Norway where they allowed 16 and year-olds to vote in select municipal elections in 2011 and 2015.[468] However, I believe that furthermore, even if we

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[464] Laura Bronner and David Ifkovits, "Voting at 16: Intended and Unintended Consequences of Austria's Electoral Reform," *Electoral Studies* 61 (October 1, 2019): 102064, https://doi.org/10.1016/j.electstud.2019.102064.
[465] Mark N. Franklin, "Consequences of Lowering the Voting Age to 16: Lessons from Comparative Research," in *Lowering the Voting Age to 16*, ed. Jan Eichhorn and Johannes Bergh (Cham: Springer International Publishing, 2020), 13–41, https://doi.org/10.1007/978-3-030-32541-1_2.
[466] Mark N. Franklin, "Consequences of Lowering the Voting Age to 16: Lessons from Comparative Research," in *Lowering the Voting Age to 16*, ed. Jan Eichhorn and Johannes Bergh (Cham: Springer International Publishing, 2020), 13–41, https://doi.org/10.1007/978-3-030-32541-1_2.
[467] Henry Milner, "Political Knowledge, Civic Education and Voting at 16," in *Lowering the Voting Age to 16*, ed. Jan Eichhorn and Johannes Bergh (Cham: Springer International Publishing, 2020), 65–79, https://doi.org/10.1007/978-3-030-32541-1_4.
[468] Bergh 2016.

had more data, and more natural experiments were done, we would still not be much helped in answering the key question. Several measures of youth's political engagement seem questionable as measures of quality, such as their willingness to vote for "radical" political parties outside of the political center, and their liability to change their opinions, do not form arguments that the functions of democracy could be undermined.

A fourth argument from the capacity contract focuses on *input legitimacy*. I term this the argument from *political maturity*. This argument finds its basis in the function of democratic participation. If children do not have a formed will, or a formed preference and their will is not sufficiently stable to be termed their own; the expression of their preference in the form of laws is no longer democratically legitimate. If their preferences change arbitrarily, then the political system is no longer an expression of their will. The input legitimacy of a decision is determined if it reflects the will of the people: "that is, if they can be derived from the authentic preferences of the members of a community"[469] An argument of this kind can be found in Lau et al: "votes freely given are meaningless unless they accurately reflect a citizen's true preferences".[470] John Rawls argues similarly that citizens must be able to explain "the principles and policies they advocate and vote for",[471] and therefore that only adults should be enfranchised. I consider Rawls' view a variation and expansion of the previous argument, with an added need to understand and be able to articulate their principles.

The argument from political maturity certainly holds true for the youngest in society, such as infants. Without a stable sense of self, formed preferences and the ability to prioritize between different outcomes, you cannot take meaningful choices. However, can we exclude all underage people on this basis? It seems questionable considering what we have already discussed about the capacities

[469] Scharpf, 1999, p. 6.
[470] Richard R. Lau, David J. Andersen, David P. Redlawsk, An Exploration of Correct Voting in Recent U.S. Presidential Elections 2008, p. 396.
[471] Rawls 2005, p. 217.

and voting patterns of older teenagers. Surely, children at a fairly young age have formed preferences. Perhaps, one could argue that they are not sufficiently stable to be treated as "authentic preferences", but they are not to be dismissed as arbitrary. In Rawls' words, one is to be able to explain the policies you vote for – of course, we may draw this line differently, in terms of our requirements. It is from this, clear that the youngest children could be excluded on this basis. It certainly does not seem feasible to exclude older children such as teenagers on this basis.

Common measures to decide if children are sufficiently politically mature include: interest in politics, willingness to participate, party identification, and political knowledge.[472] These are explicitly discussed as regarding input legitimacy. I want to note that it seems that a clear factor hampering young persons' interest in politics, party identification, and political knowledge is the lack of voting. This has been noted before, there is no rational incentive to gain this knowledge, beyond personal curiosity. Having the right to vote may instead lead people to gather the information and become more politically active.[473] Without the right to vote, and without the need to make a choice, why would you identify with a party? It seems likely that permanent residents without voting rights would spend less time information gathering on political parties than naturalized immigrants, in this manner. However, these claims also do not seem to hold up empirically, youth are not politically unmotivated or incapable of participating, and therefore we may argue that it is not a negative impact on *input legitimacy*.[474]

Any understanding of cognitive development is gradual and moving at different paces and are not hard-encoded biological truths but dependent upon environment, nutrition, and so on.[475] What is perhaps more significant, as I

[472] See Chan and Clayton 2006.
[473] Wagner et al., p. 375.
[474] Ibid., p. 380f.
[475] Barry, Brian (2005). 'Why Equal Opportunity?' i Why Social Justice Matters, Cambridge: Polity Press. P. 47ff.

have discussed elsewhere, is that this is largely dependent upon political decisions – in cases with lacking access to healthcare, nutrition, schooling and proper guardianship, children develop these capacities slower.[476] As noted by Brian Barry, a lot of the disadvantages faced by people start before birth, due to the nutrition of the mother, access to prenatal care, and they tend to be cumulative and snowball, with students struggling in the first year of school, having an even larger mountain to climb in the second year.[477] The realization is that not only is competence contingent on societal institutions, but so is capacity. This means that the boundary of inclusion is at least partially contingent upon prior political decisions. This means that it is not solely the product of brute biological facts (as it regards excluding the older) but of societal decision-making.

Perhaps we could accept that small children do not have an established will as discussed in the previous section, Goodin and Gibson argue this point as it regards suckling infants,[478] and therefore cannot make meaningful choices – but where do we draw this line? Clearly, even fairly young children have a defined will and we would be forced to radically lower the age of inclusion on this basis. There are certainly writers arguing that the cognitive abilities of younger underage people are of a higher level than most consider, and that due to this fact, they have the type of stable wills and priority formulation stipulated as necessary for democratic inclusion. Certainly, drawing the line of when is enough is difficult, and I have not yet seen a convincing account showing that at 18, you have developed this bundle of cognitive abilities. In this sense, I recognize the argument from political maturity for young children in general, but consider it incomplete in actually drawing the border between inclusion and exclusion. It is

[476] William Sjöstedt, "Att Växa in i Demokratin: Autonomi Och Rättfärdiggörande För Unga i Danmark Och Sverige," *Politica* 53, no. 1 (February 16, 2021): 63–81, https://doi.org/10.7146/politica.v53i1.129870.
[477] Barry 2005, P. 47ff.
[478] Goodin and Gibson 1997, p. 187.

easy to apply this to the unformed ideals of a two-year-old, but it does not help us regarding older children.

I consider the final argument, the argument from input legitimacy the strongest – and I concede that it seems to play a reasonable function as it relates to the very youngest and excluding anyone without a formed will from democracy. However, I do not consider this a full account of the problem.

6.3 CHILDREN AS DEVELOPING CITIZENS

In the previous section, we considered the evidence for arguments of exclusion based on children's' alleged lacking capacities, and showed that at least, they do not help us in the most difficult cases of boundary-setting, and seemingly only obviously hold for rather small children (barring significant conceptual development and empirical study). It is feasible on the basis of input legitimacy, that small children who have not developed stable preferences, may not be voters as that seems to undermine the core function of democratic justification. Here instead, I wish to move into discussing childhood as a process of development, from the early childhood state into the full autonomy of adulthood. I will argue that children have particular rights because they are simultaneously "beings" and "becomings"[479] and that we may move closer to an argument regarding democratic inclusion. From an interest-based understanding of rights, children may have rights connected to their ongoing development, which may lead us to either disqualify them from the franchise or offer arguments for inclusion.

This section serves two purposes, first it discusses the right to *an open future* and development, and what these concepts tell us about children's inclusion. Following that, it discusses when paternalism can be justified. The reason for this second focus is to set up the final subsection, where I will argue that if we have justified paternalism in the form of limited autonomy for children, we can exclude children from democracy on that basis. If we have an already justified

[479] Terminology borrowed from Arniel 2002.

regime excluding children from the wider scope of social autonomy, we need not also justify exclusion from democracy, as the function of democracy is justifying political decisions to autonomous actors. But before this, let us do the groundwork of how childhood can be understood as a process of development and how that can be used to understand the rights of children.

Childhood involves a process of cognitive development, and children can be distinguished from adults as having needs now and developmental needs for the future.[480] But this is a slow process of change: "In terms of becoming a reasoner, or knowledgeable, the passage from childhood into adulthood is continuous and cumulative. In terms of acquiring citizenship, the same passage is discontinuous and abrupt."[481]

I suggest that looking at the rights of children as based on their interests is most meaningful here. Particularly, I will be discussing it from the perspective of the *right to an open future*.[482] I will claim that the duties imposed on us is "to provide adequate conditions for a child's emerging autonomy."[483] I will look at whether these rights may be helpful in understanding what political rights ought to be granted to children. Because, if democracy is to reproduce through time, it seems a precondition that the next generation develops the capacities needed to ensure its survival.

It should be noted at the outset, however, that the literature on the right to an open future often focuses on the duties imposed in parenting. I will be speaking more widely about the *regimes of childhood*: defined as the "norms, practices and social arrangements guiding ideals and criteria of thresholds that determine

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[480] Brighouse 2003.
[481] Archard 2014, p. 12.
[482] Joel Feinberg, *"The Rights of Animals and Unborn Generations" in Environmental Rights*, ed. Steve Vanderheiden, First edition (London: Taylor and Francis, 2017).
[483] Mianna Lotz, "Feinberg, Mills, and the Child's Right to an Open Future," *Journal of Social Philosophy* 37, no. 4 (December 2006): 537–51, https://doi.org/10.1111/j.1467-9833.2006.00356.x., p. 546.

the status of individuals".[484] This intersects with the idea of a social understanding of childhood discussed in section 6.1 *What is a child?* We can treat the regime of childhood as the overarching view of childhood in that society. This is what determines who belongs in the social categories of 'child' and 'adult' and how this alters responsibilities between them. This concept of childhood as a normative category rather than a biological category can allow for many different views of what childhood normatively should look like and what the ends of childhood ought to be. Instead of focusing on what young people are capable of doing, we instead ask what the costs and benefits for the youth are if we allow them more and broader rights at an earlier age, for their development.

Here I focus mostly on the development of autonomy, as we noted in the previous section, I take undeveloped autonomy as the most serious issue of lacking capacity, as I titled it in the previous section – political maturity. But as discussed, autonomy development is not only the product of brute facts of human development, but also contingent on social processes and political decision-making. As discussed in section 5.3, *Autonomy* is both a matter of a person's capacity but also of external factors including state institutions.

Joel Feinberg differentiates between two sets of rights for children, both stemming from their interests rather than their will. Firstly, the rights stemming from *dependency*, where they would have rights to food, shelter and similar. We discussed earlier how dependency has been used to exclude from democracy, so we need not linger on this point.

What is interesting for our purposes are the *rights-in-trust*. Specifically, the right to an open future. On the presumption that as the child grows into an adult, they will want a wide range of options available to them. While they cannot use the rights of autonomy today, we must ensure that they retain the options required to be autonomous in the future. The idea is to firstly avoid "that when the child is

[484] Joel Anderson and Rutger Claassen, "Sailing Alone: Teenage Autonomy and Regimes of Childhood," *Law and Philosophy* 31, no. 5 (2012): 495–522., p. 508.

an autonomous adult, certain key options will already be closed to him."[485] If children cannot make informed decisions on some aspects of their lives today, we must maintain those options for them in the future. This does not have to mean simply maximizing the range of available options, as argued by Mianna Lotz, but rather that these options or meaningful and adequate for an autonomous life.[486]

The right to an open future implies duties connected to both positive and negative rights. As noted by Joseph Raz, "there is more one can do to help another person have an autonomous life than stand off and refrain from coercing or manipulating him."[487] These may include: "help in creating the inner capacities required for the conduct of an autonomous life. Some of these concern cognitive capacities, such as the power to absorb, remember and use information, reasoning abilities and the like. Others concern one's emotional and imaginative makeup. Still others concern health, and physical abilities and skills. Finally, there are character traits essential or helpful for a life of autonomy. They include stability, loyalty and the ability to form personal attachments and to maintain intimate relationships."[488] The right to an open future, then implies duties to adults "to develop in their child the skills and capacities for information seeking, critical reflection, deliberative independence".[489] Simply put, leaving a child alone to practice their autonomy freely may not be conducive to their development and later in life it may undermine their abilities to act autonomously.

The role of these rights in trust is to ensure that they can become autonomous adults and can act freely in a democratic society. This is what Lecce calls *anticipatory autonomy*.[490] After all, childhood is a temporary predicament, soon

[485] Feinberg 2017, p. 125f.
[486] Lotz 2006, p. 546.
[487] Raz 1986, p. 407.
[488] Ibid.
[489] Lotz 2006, p 547.
[490] Lecce 2009.

to be overcome. Rights for children must therefore be understood differently according to Goodin and Gibson: "With reference to the very young, serving their interests amounts simply to opening up options."[491] They continue to write "The fact that the very young and immature have no settled will to assert, no stable preferences or firm desires or persisting life plan, means that we cannot tailor our analysis of their interests to their particular plans or projects, to their preferences. But without knowing anything specific about particular individuals, we can safely say that certain sorts of general resources (good health, a comprehensive education) will prove useful to young people, whatever they eventually come to do with their lives."[492]

This aligns with an increasingly common regime of childhood in the wake of the United Nations Declaration on the Rights of the Child, based primarily on Article 12 stating that "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."[493] This new regime focuses on helping the development of autonomy of the child.[494] In this way, these are already immanent goals in many contexts, ensuring the development into good democratic citizens is often a stated goal, for instance in education.

Here it is important to note that autonomy is not only a question of capacity and competence but also of *ableness*. In simple terms, a twelve-year-old may have the capacity to learn how to drive, and if supplied with a closed track to practice, may develop the competence to do so. However, that same twelve-year-old, regardless of if they are capable are not, is unable to drive freely on public roads, for want of a driver's license or a car. Ability requires the conditions

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[491] Goodin and Gibson 1997, p. 191.
[492] Ibid.
[493] "Convention on the Rights of the Child (1989) Treaty No. 27531. United Nations Treaty Series, 1577, Pp. 3-178. Available at: Https://Treaties.Un.Org/Doc/Treaties/1990/09/19900902%2003-14%20AM/Ch_IV_11p.Pdf (Accessed: 3 July 2020)." (1989).
[494] Andersson and Claasen 2012, p. 509.

of actualization, "the external resources and opportunities one needs to complete an act".[495] Even in cases where children are sufficiently competent, it may be in their best interest to not be able to do so. Anderson and Claassen make this argument, based on the real case of Laura Dekker, a teenage girl who wished to sail across the world alone, and was considered sufficiently competent to do so safely. She was also able to receive the education required by law through reading alone and speaking over satellite phone with a tutor. However, they argue that capability is insufficient for showing she should be allowed to do so. They claim that she should not be allowed to "graduate" out of the childhood state. She may lose out on important parts of being a child, impeding her social, emotional and personality development, by being in total isolation instead of with her peers, and the loss of parental supervision may also impede her development.[496] Her technical competence in sailing alone is not the only relevant facet in determining whether she should be allowed.

While paternalism is prima facie wrong for adults because it robs them of their autonomy (as discussed in section 5.3 *Autonomy*), this does not hold for children, who may benefit by having less autonomy now if it protects them from losing their autonomy in the long run. Removing decisional authority in matters of education is a clear example. Compulsory schooling clearly limits the autonomy of children, deciding where they should spend most days, what they are to learn and when. The breadth of subject matter, unchosen by the student, is also part of the process of opening options. We presume that the autonomy of a person over a lifetime is enhanced by learning to read, reason and calculate. Many children would choose not to go to school if the option was available, and many would likely skip some subjects: but both mathematics and language, as well as a good understanding of society, physics, religion, music and so many other things can be important for the capacities of autonomy. Not every person needs the ability to calculate the Pythagorean theorem, but learning it is useful so that options that require it are open in the future. Similar arguments can be

[495] Cowden 2012, p. 366.
[496] Anderson and Claasen, p. 519.

made for many legal restrictions such as limiting the consumption of alcohol among children who in the context of ongoing brain maturation may be at risk for various disruptions and long-term issues of cognitive function;[497] and may develop an addiction before they can understand the potential consequences of drinking. Similarly, limiting their abilities to take loans, so they are not forced to live the rest of their lives in debt, serves to ensure that their options remain open.

The right to an open future does not only motivate paternalism. It also motivates increasing opportunity to make choices and participate in various situations. Paternalism is justified by whether the limitations on autonomy are useful in terms of attaining securing the right to an open future, but many limitations have the obverse effect. Limitations need to be balanced with the needs of becoming increasingly more autonomous in their lives as they grow. In essence, we need to balance the needs of children as both "beings" and "becomings".[498] Children are unique as they require both some levels of personal autonomy as well as anticipatory autonomy. The question becomes how we balance these values. As the anticipatory needs of a developing person may be at odds with the rights of an autonomous person.

Let us now turn to what this means for questions of democratic inclusion. The value of an open future does not provide a one-sided argument as to whether younger people ought to be given the right to vote, or otherwise participate in democracy. Just as we can use it to argue for exclusion, it can also be used to highlight the need for inclusion in democracy. Let us first discuss the inclusionary pull of the right to an open future. We may imagine that lack of representation may lead to increased poverty, poorly funded schools and other ways in which the future options of the person are closed. [499] There is a

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[497] Tammy Chung et al., "Adolescent Binge Drinking: Developmental Context and Opportunities for Prevention," *Alcohol Research : Current Reviews* 39 (August 22, 2018): 5–15. P. 12.
[498] Arniel 2002.
[499] Lecce 2009, p. 136.

correlation between "disenfranchisement and heightened levels of poverty and its concomitant miseries. Since the young are so disproportionately powerless relative to the elderly, law and policy-makers have very little incentive to take young people's interests and preferences seriously. As a result, they are neglected along various dimensions – health, education, and day care (...) Children's anticipatory autonomy is damaged by adults/parents choosing to fund education inadequately".[500] Perhaps, as argued by Lecce, their needs would be better protected if they were included, better securing the right to an open future.

A second inclusionary pull here is that the skills needed to take part effectively in politics need to be practiced. As argued by Lecce, "we should not be too quick to point to children's relative disabilities to deny them voting rights which we currently grant to adults. Why not? Because, if Mill is right, capacities will likely be developed and subsequently improved only by regular use. Therefore, one familiar objection can be turned on its head: we shouldn't exclude children because they are incompetent; we should include them so they become less so, and much sooner."[501] Similarly, Roger Hart argues that children develop the needed social competencies and social responsibility to be good citizens through increased participation and highlights that "involvement of young people in projects leads to a sense of responsibility for the maintenance and protection of those products which are created."[502] Likewise, Tamar Shapiro argues that the state of childhood should be overcome as quickly as possible and we have previously noted that there is no rational incentive to learn about the political process if you are not included. Perhaps there is an incentive to learn these skills in other parts of life such as having some democratic decision-making in school or through mock elections and similar, and this may form a part of how capacities could be developed without actual inclusion.

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[500] Lecce 2009, p. 136.
[501] Ibid.
[502] Roger A. Hart, *Children's Participation: From Tokenism to Citizenship* (Florence, Italy: UNICEF International Child Development Centre, 1992)., p. 35f.

However, I find an aspect of this argument unconvincing; the presumption that it is preferable to end the predicament of childhood quicker. In the quote above, Lecce cites Mill, who spent his childhood alone, away from school, reading books of philosophy all day and developing certain capacities of reason much earlier than most children who may never develop these faculties at all. However, Mill felt this stunted his growth in other areas of life, and would have a crisis early on in life, growing suicidal, and at that moment he considered his education a failure.[503] He claimed that without the contact of peers, and the feelings of sympathy developed from it, he writes that he felt as if: "left stranded at the commencement of my voyage, with a well-equipped ship and a rudder, but no sail; without any real desire for the ends which I had been so carefully fitted out to work for".[504] It is entirely likely that at least in the limited domain of political decision-making, that through increased schooling in matters of political philosophy and the consequences of political policy, that children could develop their own wills, their own understanding and their own ideology much quicker than today, as well as learning about the different parties and so on. Reducing the time for play, the time for bonding with others and so on may be the cost. I do not think that it is obvious that maturing quicker is better, especially not if it comes with the cost of lower maturation in another area, as discussed in the story of Laura Dekker. Anderson and Claassen, who base their view of childhood on Schapiro's argue that the length of the period of childhood should not be minimized. Rather they argue that the length of the state of childhood should be determined by how well it produces autonomy.[505] Perhaps this limits the inclusionary pull of the right to an open future.

It is time we look to the exclusionary pull of looking at this from the perspective of development of autonomy and the right to an open future. The question can be transformed to ask whether it is good for children to be burdened with this

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[503] John Stuart Mill, "John Stuart Mill: A Biography," *John Stuart Mill: A Biography*, January 12, 2004, 1–436, https://doi.org/10.1017/CBO9780511498053. See chapter 5.
[504] Mill 2004, p. 139.
[505] Anderson and Claasen 2012, p. 510f.

level of responsibility. We discussed Shapiro's framework of childhood as a social state defined by limited responsibility. Let us discuss this in a bit more detail. Schapiro describes childhood as a time of what she calls normative instability, and that all normative claims are provincial and unstable. In playing children are allowed to try on different identities, different selves, and test out the identities of autonomous adults, figuring out what they are.[506] The goal of a regime of childhood is the attainment of autonomy: "Our ends as adults cannot be to control children; it must be to make them free to control themselves".[507] Play acting, and with it, experimenting with different identities and ideas is key to the formation of autonomy. This process demands that children are not held responsible for their actions, that they are free to try on different identities, and that they are allowed to act in a sphere of limited consequence. This is a crucial stage of development. A stage of constant experimentation with new viewpoints, personalities and life choices. This is how autonomy is created. It is only within a sphere of limited consequences of actions for young persons, we allow experimentation and growth.

Is the state of childhood, understood in this way, compatible with full democratic rights? Of course, children are not fully disconnected from the world, as noted by James and Prout, they are "actively involved in the construction of their own social lives, the lives of those around them and of the societies in which they live".[508] But the question regards the extent they should be allowed their own autonomy, and when.

It is entirely likely that the responsibility of taking part in politics is one that is incompatible with the state of childhood understood as a period allowing for the growth of autonomy. Elections are complex and consequential decisions.

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[506] Tamar Schapiro, "What Is a Child?," *Ethics* 109, no. 4 (July 1, 1999): 715–38, https://doi.org/10.1086/233943., p. 732.
[507] Ibid., p. 736.
[508] Allison James and Alan Prout, eds., *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*, 1st ed. (Routledge, 2015), https://doi.org/10.4324/9781315745008., p. 4.

Whether dealing with the horrors of climate change, pandemics, or war. When do we place the responsibility of understanding and taking decisions on these matters? Consider climate change, I have no doubt that a teenager can learn to understand these things at a basic level, develop their own moral understanding of it and vote for a candidate that fits their preferences. But should we place that burden on them? What is the cost of having them, instead of playing and staying in this space of limited responsibility, having children face the issues of society and being burdened with handling them? Is that not incompatible with the state of childhood?

However, can we really claim that we are sheltering children by removing them from the role of authorizing political decision-making? Are young kids not gravely aware of the horrors of climate change already? In a recent survey of youth between 15-25 year old's in ten countries across the world found that 59 percent of respondents were very or extremely worried and 84 percent were at least moderately worried.[509] They report that "More than 50% reported each of the following emotions: sad, anxious, angry, powerless, helpless, and guilty."[510] The writers of that study note that there is a stark need for more research on how climate anxiety affects young people.

In the democratic sphere. This is an area well-positioned for more empirical research: when is the responsibility of political participation harmful for development? And to what extent do we see enhanced capabilities of children when they are included? In my view, this would greatly complement the vast literature on children's voting habits, political maturity and capacity. Instead of looking at what children would do to democracy, instead of asking what democracy would do to childhood. In the upcoming section, I will try and see whether we can find a balance between the responsibilities of adulthood and democratic rights. The idea being that children can be excluded only when they

[509] Hickman et al 2021, p. 368.
[510] Ibid.

are de facto not allowed autonomy, and that we can base the level of inclusion on the level of responsibility demanded of them.

6.4 Balancing the rights and responsibilities of autonomy

In the two previous sections, I hinted at the idea that autonomy may be a stronger candidate than political maturity for excluding children. Now I want to go into what I consider a feasible framework for using autonomy as the guideline for justifying exclusion. I propose not focusing on capacity for autonomy, but *ableness* and that this implies a significant departure.

An argument that is poorly developed in political theory, but very common in political advocacy around the topic resides within the connection between responsibilities of *autonomy* and democratic rights. [511] It is common in political advocacy for the inclusion of children to highlight the responsibilities placed on them legally or taxation-wise. The argument is usually that if children are responsible enough to have a job, pay taxes, drive a car or any manner of responsibility, they should also be allowed democratic rights. Philip Cowley & David Denver calls this a spurious argument and write: "there is no inconsistency in arguing that different ages should apply to different spheres of activity, given that there is no logical connection between them. For example, there is little logical connection between having the right to participate in sex and having the right to vote."[512] They further argue that arguments from consistency fail to showcase this link in general. This is the contribution of this section, attempting to better show that the connection between responsibility and voting rights can be utilized to argue for inclusion in a non-spurious way. I

[511] Debating Europe, "Arguments For & Against Giving 16-Year-Olds the Vote," n.d., https://www.debatingeurope.eu/focus/arguments-for-against-giving-16-year-olds-the-vote/#.YxYnULRBxPY. National Youth Rights Association, "Top Ten Reasons to Lower the Voting Age," n.d., https://www.youthrights.org/issues/voting-age/top-ten-reasons-to-lower-the-voting-age/.

[512] Philip Cowley and David Denver, "Votes at 16? The Case Against," *Representation* 41, no. 1 (January 2004): 57–62, https://doi.org/10.1080/00344890408523289, p. 59.

will return to discuss arguments critical of this approach at length later in the section.

In section 5.3 *Autonomy*, we discussed how democracy is a political system designed to protect the autonomy of the people while they are subjected to legal norms and political decisions. Democracy is a system of justifying political decisions to autonomous agents to avoid undermining their autonomy. It is arguably not an issue that children are excluded so long as their ability to be autonomous is already limited and that limitation is already justified. If the initial paternalism is justified, there is no need for a secondary justification of democratic exclusion. If the function of democracy is to allow for the autonomy of its people, and constraining their autonomy is justified prior, there is no tension here. With this simple reasoning, we can start drawing lines of justified exclusion. Children are not robbed of their autonomy by virtue of their exclusion, their autonomy was limited by the legal and social practices and norms of childhood, prior to democratic exclusion and this is not justified with a democratic decision but by the needs involved in autonomy development.

I argue that the borders of when and where children are to be included can be understood in relation to when they are treated as autonomous and free to act within that sphere. That they are owed democratic justification as autonomous actors, on the basis of the fact that they are de facto treated as such. But when they are not allowed autonomy there is no democratic issue. This is important to grasp. The general treatment of children is of course in need of some justification by merit of being a political decision, but democratic justification is only needed for autonomous subjects. The order which excludes them can be justified with the prior step of justifying limitations on autonomy. If children's interests can be understood as their right to an open future, then we can justify paternalism and limitations on autonomy.

As it is noted, paternalism is prima facie wrong towards an adult as it encroaches on their autonomy. Yet, this does not hold for children. I suggest that democratic rights, therefore, should be a function of the level of actual

autonomy allowed in society for children (rather than the capacity for autonomy). So long as the paternalism of reduced autonomy is justified.

This framework of autonomy-based inclusion would both clarify that exclusion can be justified, but only in cases wherein children are not *able* to be autonomous. I am using the term able, rather than capable or competent here. Many young persons are likely competent to be responsible lenders but if they are legally disallowed from borrowing money, they are not able to do this. Of course, competence and capacity are necessary conditions for ableness, but not the only conditions. I am *capable and competent enough to* get married, but it is only under certain conditions of actualization that I am able to, specifically I need a person consenting to the arrangement. Without this, I am capable but not *able* to get married. Similarly, many 16-year-olds are likely competent enough to earn an income, borrow money to buy a house and so on. But if compulsory schooling and child labor laws, restrictions on loans and children are not allowed to sign legally binding contracts, then they are not able to be autonomous in these domains. And these considerations need to be based on the needs of the children and their development.

The framework of treating democratic rights as contingent upon ableness of autonomy at first glance seems to support tying the age of majority to the age of enfranchisement. However, this does not simply lead us to accept the legal view of childhood as a good basis for exclusion and that the age of majority and the voting age ought to be connected. However, after closer consideration, I note the legal connection between the age of majority and substantive autonomy is limited. For instance, the median age of criminal responsibility globally is twelve.[513] The *Convention of the Rights of the Child* states that all countries need to establish an age "below which children shall be presumed not to have

[513] Penal Reform International, "Justice for Children Briefing No.4: The Minimum Age of Criminal Responsibility" (Penal Reform International, 2013), https://www.penalreform.org/resource/justice-children-briefing-no4-minimum-age-criminal-responsibility/.

the capacity to infringe the penal law".[514] Slightly more guidance on what they mean by this can be found in the so-called Beijing Rules where they claim that the minimum age of criminal responsibilities "shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity".[515] In simple terms, this means that the median age of being responsible enough to know the law, and act accordingly, and that you can clearly delimit that it is their will and their will alone that is supposed to be guiding. The median age of being coercively ruled is 12 but the median age of getting to rule is 18. In Europe today, only three countries have the same age of criminal responsibility as the right to vote,[516] only two in the Americas,[517] and none in Asia[518] or Oceania.[519]

Note how the argument above connects twice-fold with discussed ideas of autonomy. Firstly, the reasons for excluding children from legal repercussions are very similar to the argument for excluding them from democracy. Their actions and their will cannot be said to be their own, they are not fully autonomous beings, and therefore their vote is not their own and their crimes are not their own. Note also how this connects with the all-coerced principle, in that you can be allowed a 'get out of jail free' pass due to lacking autonomy and you may also be bereft of voting rights for the same reason. The UN in a comment to the Beijing Rules: "the modern approach is to consider whether a child can live up to the moral and psychological components of criminal responsibility; that is, whether a child, by virtue of her or his individual

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[514] Convention on the rights of the child 1989, 40(3).
[515] "United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('The Beijing Rules'): Resolution /," December 1985. Rule 4
[516] Penal Reform International 2013.
[517] *Juvenile Justice and Human Rights in the Americas* (Washington, D.C.: Inter-American Commission on Human Rights, 2011).
[518] "Minimum Ages of Criminal Responsibility in Asia" (Child Rights International Network, n.d.), https://archive.crin.org/en/home/ages/asia.html.
[519] "Minimum Ages of Criminal Responsibility in Oceania" (Child Rights International Network, n.d.), https://archive.crin.org/en/home/ages/oceania.html.

discernment and understanding, can be held responsible for essentially anti-social behaviour" and the rules advise "that in general there should be a close relationship between the notion of criminal responsibility and other social rights and responsibilities (such as marital status, civil majority, etc.)."[520]

However, it is not so simple, even if we accept that all-coerced principle, to simply state that the age of criminal responsibility should be the same as the voting age. Nearly all countries have limited legal liability for younger citizens, including more lenient punishments, more focus on care and rehabilitation than punishment. Similarly, many countries allow for youth below voting age to enter the workplace, but with significant additional protections and limitations on working conditions including regarding working hours. The responsibilities of autonomy are given gradually, but not the rights of citizenship. There is no clear-cut line here. I concur with Scharg that "the problem of striking a fair balance between rights and responsibilities in the public domain is a real and difficult one."[521] But the general idea of finding and maintaining a balance between them is reasonable. As Schapiro writes: "Where they have achieved sovereignty in some domain of discretion, we are not to subject them to our control".[522]

While children are in many ways limited in their autonomy, in many crucial ways they are not. This is to say, perhaps they are not owed the same level of justification, or democratic voice as adults. We could imagine lower levels of democratic influence for the youngest, gradually increasing with the level of autonomy allowed. For instance, by first allowing them the right to vote in local or municipal elections at a lower age and then graduating to the higher levels. We may also imagine that considering the lower level of responsibility of children, justification of political decisions could be done through mechanisms like more direct influence for *youth organizations in civil society*, *youth councils, ombudsmen for children, citizen proposals* and similar. As noted in Hart's

[520] 'The Beijing Rules', Paragraph 46, General Comment No.10.
[521] Scharg 2004.
[522] Schapiro 1999, p. 736.

framework, the ladder of inclusion, often children's influence on politics devolves to tokenism and decoration, making a full adult-led and controlled process look more legitimate. He writes that "Children are undoubtedly the most photographed and the least listened to members of society." In a telling example of the typical role of youth inclusion.[523] I would argue that the discussion above can help us in determining what level of inclusion is appropriate and in what forms it should take, based on the level of responsibility and autonomy required of children at various ages.

Let us return to the critics of arguing for inclusion on the basis of responsibility. They are correct that there has been a lack of comprehensive arguments balancing the levels of autonomy and corresponding responsibility with democratic rights, although perhaps the all-coerced principle could be argued to provide that role. This is what I have attempted to do here. Before ending this section, I wish to discuss some of the critiques against connecting the general responsibility of autonomy and rights.

The most common argument, and in my view strongest is that these responsibilities are unconnected with democracy. For instance, Chan and Clayton use having children as an example. One might argue that if 16-year-olds are sufficiently responsible to have children and raise them, they would also be mature enough to vote. They claim not: "the observation that granting the right to have sex to sixteen-year-olds might be an acknowledgement, not of the sexual maturity of that age group, but of the difficulty of prohibiting sex. That problem of enforceability does not translate to the exclusion of sixteen-year-olds from the franchise."[524] I find it curious that they choose sexual maturity as their example and do not discuss any of the other areas where children are presumed to be mature. As their article is focused on the United Kingdom, it would be more convincing if they discussed that youth from the age of 13 in the United Kingdom are subject to income tax and therefore would be taxed but not

[523] Hart 1992, p. 11.
[524] Chan and Clayton 2006, p. 541.

represented, and that a large proportion of the United Kingdom armed forces are 16 and 17-years old while not a part of the electorate and therefore not a party in the decision to declare war. I suggest these would be better arguments as they are arguments used by advocates for lowering the voting age,[525] unlike sexual maturity – and since this is the only argument from maturity they mention, it seems odd to mention the only one that seems to have these difficulties of enforcement. While it would be nearly impossible to stop teenagers from having sex, this does not apply to the state drawing income taxes or sending underage people to war. And it should be noted that in the aftermath of World War 2, this was a widely used reason for granting 18-year-olds the vote.[526]

Cowely and Denver tackle the more difficult cases of taxation and military conscription. Both taxation and military service have famously been rallying cries in demanding democratic rights in the past. They dismiss this on the basis that very few children are conscripted into the military or pay income taxes: they write: "This latter group is extremely unlikely to be married, are unlikely to pay income tax, and have about as much chance as dying for their country as they have of walking on the moon."[527] As for the argument regarding income tax, they note that in the 2001 census in the United Kingdom, only 5 percent of 16 and 17-year-olds were employed full-time. We may contrast this with another group, those over 65 years old, in the same year, approximately 5 percent were full-time employees.[528] This highlights an issue with the argument, it places higher demands on children to qualify than it does for adults. We do not scrutinize subsections of the adult population and consider whether they are generally affected, for instance as it regards income taxes. In a similar vein, it would be

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[525] Tom Burke, "16 for 16, 16 Reasons for Votes at 16 With an Introduction from Julie Morgan MP" (Votes at 16 Coalition, 2008), https://www.electoral-reform.org.uk/wp-content/uploads/2017/06/16-reasons-for-votes-at-16.pdf.
[526] Constitutional Convention Commission 1968, P. 54.
[527] Cowely 2004, p. 60.
[528]"Employment Rate 65 + People: % Source Dataset: Labour Market Statistics Time Series (LMS)" (Office For National Statistics, 2022), https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/timeseries/lfk6/lms.

simple to argue that those who do not pay income taxes regardless of age are not to be granted voting rights. Point being, they are under a coercive regime, whether they pay income taxes or are just subject to paying taxes on all income under threat of coercion. The cry of "no taxation without representation" holds even if not all citizens pay income tax. The second argument that very few 16-year-olds will die in combat holds worse considering 20 percent of the United Kingdom armed forces is below the age of 18.[529] Clearly, youth are allowed a level of autonomy in both of these cases, they are de facto autonomous in these areas, and whether or not a small proportion decides to utilize that autonomy or not, is hardly relevant.

Chan and Clayton also argue that a precondition for being an effective democratic citizen is to hear the voices and opinions of others, and therefore it would be odd to have censorship laws in place, for instance regarding movies, television and video games and still allow for the vote, again citing the United Kingdom as an example. [530] This is a stronger argument, in that there is a direct connection between voting rights and actual functions of democracy; a direct link between autonomy and democracy. While it is unlikely that any of the material restricted for those below 18, such as violent or sexual movies and video games have any impact on democracy, as very little policy discussion is held in that form of media. There is some strength to this argument.[531] This limitation of their autonomy, makes for a limited but reasonable argument for limiting children's inclusion in some regard. A simple argument would be that at least in terms of laws regarding the production, selling and distribution of pornography, violent video games and similar, that those too young to legally attain them are not the correct people to legislate it.

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[529] Ben Quinn, "Recruitment of Under-18s to British Military Should End, Ministers Told," *The Guardian*, 2021, https://www.theguardian.com/uk-news/2021/jun/23/recruitment-of-under-18s-to-british-military-should-end-ministers-told.
[530] Chan and Clayton 2006, p. 541.
[531] Perhaps not for the United Kingdom as they inexplicably allow children to go to war but not play video games simulating it.

An argument has been raised that in a democratic system, there are often forms of manipulation targeted against voters, and we would also invite this towards children if the voting age was lowered.[532] There is a risk that actors with political interests from whom we tend to want to protect children "including tobacco companies, the military, credit card companies, and extremist groups. Nonetheless, these entities have political interests that drive political campaigns, and they have thoroughly protected rights to communicate with voters."[533] However, I question whether this implication holds true. Let us take tobacco companies as an example first. We want to shelter children from advertisements for tobacco, and often limit how tobacco companies are allowed to advertise. The World Health Organization advocates for a complete ban on any tobacco advertisements.[534] But, this does not mean that tobacco companies are not allowed to communicate politically, for instance by opposing such bans, and this would be available for children as well. In effect, children's inclusion in democracy would leave this unchanged. The other examples on this list have the same weakness but may be even weaker in that they are most likely not limited in their ability to communicate with children, as it is. Credit card companies are unlikely to be allowed to sell their products to children but consider their communications. For instance, VISA is a sponsor of the World Cup in football, an event watched by all ages. Military parades, military airshows are common communications from the military, perhaps less insidious than the US military providing funding for movies such as Top Gun (with an age rating of 13+) with the expressed goal of driving military recruitment[535] or direct

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[532] Katharine Baird Silbaugh, "More Than The Vote: 16-Year-Old Voting and The Risks of Legal Adulthood. Vol. 100, No. 1689," *Boston University Law Review,* 2020., p. 1705f.
[533] Baird Silbaugh 2020, P. 1714.
[534] World Health Organization, "WHO Report on the Global Tobacco Epidemic, 2008: the MPOWER package," *Rapport de l'OMS sur l'épidémie mondiale de tabagisme, 2008 : le programme MPOWER*, 2008, p. 329.
[535] Lieutenant Sandy Stairs, who helped guide the direction of the movie Top Gun is quoted as saying: "We are getting what we want out of it, which are recruits," In Ralph Vartabedian, "Pentagon Gets Into Act : Films Give Image

advertisements targeting the youth. Children are already allowed to be targeted by political messages by these exact groups, perhaps excluding tobacco companies, but not in a politically relevant sense.

As we have noticed at every turn, even when children are responsible, it is still limited compared with adults. Giving children their fair share of democratic impact and voice in the political sphere, may entail maintaining that their impact ought to be less than that of adults. In these cases, where children's responsibility in front of the law, in the workplace and so on, is less than that of an adult, but still well above the freedom from consequences inherent in childhood, we can imagine a smaller role in governing is fair. However, in cases where children are expected to pay taxes, spend time in prison, go to war, raise their own children and take on all manner of heavy burdens of responsibility, it is clearly a case of arbitrary rule and political domination. We have not justified their full exclusion from the political system, given these facts. They have a strong claim to be included significantly more in the political system and to claim that power wielded over them is a form of arbitrary rule in that they have not received adequate justification within the political system for their exclusion.

6.5 SUMMARY OF ARTICLES ON THE DEMOCRATIC EXCLUSION OF CHILDREN

This monograph, besides being an original work also contains sections dedicated to summarizing and discussing articles I have written for the dissertation and how they pertain to the general questions of the monograph, contrasting their findings and adding context. Two out of the three articles written for this thesis regard the democratic legitimacy of excluding children and youth from democracy. They conceptually overlap to a great extent, and it was through writing the first article that I understood the need for theoretical clarification on some key issues, that I follow up on in the second article. Here I summarize both and discuss them in relation to each other.

Boost to Military," *Los Angeles Times*, September 4, 1986, https://www.latimes.com/archives/la-xpm-1986-09-04-mn-13964-story.html.

Both texts start by noting the tension between practices of exclusion found in most democracies and the principles of inclusion often found in the theoretical literature on the boundary problem, a similar framing to this monograph. I outline the *all-affected*, *and all-subjected* principles (discussed in detail in chapter 3 of the monograph), and note that they seem to indicate that children at younger ages ought to be included. I proceed to say, in both articles that I work from an understanding of democracy as a justification of the public order to autonomous actors (this view is outlined in greater detail in sections 6.2 and 6.3 in the monograph). Both texts argue that previous discussion centered on exclusion based on lacking the capacity for autonomy needs a lot of conceptualizing, as it only seems to obviously hold for small children. I argue that this is a common line of argument in policy discussions as well as in the philosophical debate. Below I will discuss both articles at length and contrast them with each other.

The first article titled: *Att växa in i demokratin: autonomi och rättfärdiggörande för unga i Danmark och Sverige* (To grow into democracy: autonomy and justification for youth in Denmark and Sweden)[536] focuses on the immediate context where it was written, in an *immanent* and *external critique* of Denmark's and Sweden's democracies and the exclusion of youth. I discuss the democratic legitimacy of excluding youth based on the supposition that democracy and personal autonomy must be connected, and that inclusion is justified on the basis of preserving autonomy as discussed in great detail in sections 6.2 and 6.3 in the monograph. I do this from a perspective of contextual political theory.

In the article I conduct a policy analysis on youth inclusion in democracy as well as the general level of autonomy afforded to youth in society. I consider these matters from a critical perspective, wherein the justification of the moral order is the main goal. In attempting to analyze the legitimacy of the exclusion of

[536] William Sjöstedt, "Att Växa in i Demokratin: Autonomi Och Rättfärdiggörande För Unga i Danmark Och Sverige," *Politica* 53, no. 1 (February 16, 2021): 63–81, https://doi.org/10.7146/politica.v53i1.129870.

children, I look at the immanent understandings on children's inclusion in society and focus especially on various forms of autonomy. To do this I look at various policy documents, legislation and preparatory documents for these laws, steering documents for the application of policy as well as public investigations and commission reports.

I break it down using Rainer Forst's framework of autonomy discussed primarily in *Political Liberty: Integrating Five Conceptions of Autonomy*, with some modifications, focusing on the unique social position of children.[537] There he develops the framework of *social autonomy;* being a person who is self-determining by acting intentionally based on reasons; that can be explained and justified to others.[538] Social autonomy combines five conceptualizations of autonomy that together form the full concept. This explicates the social nature of autonomy. These five conceptualizations are *moral autonomy*, *ethical autonomy*, *legal autonomy*, *political autonomy and social* autonomy. These are to be useful in different contexts of justification. This granular framework allows for an in-depth discussion on when and where children are allowed or not allowed to be autonomous actors – instead of painting a simplified binary image of either autonomous or not. This is a more granular perspective on autonomy than presented in the monograph, to allow for a deeper contextual analysis of the forms of autonomy allowed in the context.

In the text I utilize a mixture of *theoretical contextualism* and *applicatory contextualism*. I utilize a form of theoretical contextualism in looking at the level of autonomy in these countries – this is due to the very different levels of autonomy afforded to youth in different contexts, and I hold that my critique is only applicable given the social position of children as understood in this specific context. Meaning that I presume that the level of inclusion should be dependent on how autonomous youth are in that context. In essence, the level of justification needed in this context is altered by the level of responsibility

[537] Forst 2005.
[538] Forst 2005, p. 230.

required. It is a form of applicatory contextualism in that the text attempts to understand whether the view of justification outlined in the text (and in section 5.2 in the monograph) can help us answer questions of inclusion. This marks both a step away from immanent and applicatory critique, this is due to the lack of a clear internal norm of where to draw the lines of inclusion regarding groups without voting rights within the context. This justificatory framework has not been used to discuss children before, and therefore also can be seen as a test of the framework developed by Rainer Forst, thus explicating its usages.

The analysis demonstrates that in the immanent context, the primary purpose of inclusion in democratic procedures lies in the development of autonomy. I note that in both countries, the main goal of these regimes is looking at autonomy as under development and treating youth as "becomings" rather than beings. I show that in general most cases of limiting autonomy can be explained by looking at preserving the development of autonomy and the capabilities to take part in democratic society. For instance, as it regards legal liability, working conditions, access to loans, access to alcohol, driving and so on. I find that to a significant extent, the right to ethical autonomy is respected unless it threatens the development of future autonomy, for instance as it regards freedom of speech and religion and respect for personal identity in general.

However, in terms of the responsibilities of autonomy, there is a wide set of legal and social responsibilities placed on young people in both countries, including regarding legal autonomy, where children are expected to take a lot of responsibility without any corresponding democratic rights, often not unlike the responsibilities of adults. These have very limited corresponding democratic rights.

I note that it takes between 2-7 years between the end of compulsory schooling and the first year the person can be allowed to vote. I note that young people's legal and moral autonomy is limited without corresponding democratic justification, even though within the context there is a clear norm of connecting responsibility and democratic participation, and the exclusion of youth is

motivated by connecting the age of majority to the legal voting age. This connection appears weak as youth in both countries are expected to live with the consequences and be responsible for ethical, moral and legal autonomy. And it is due to their purported incapacity to deal with responsibilities of this kind that they are excluded from democracy. In this, I uncover a clear discrepancy between the immanent norms of the countries and the practice within them. Therefore, I argue that youth in these countries, if we accept the view of democracy as a form of public justification, has a valid demand for further forms of democratic justification.

I end the paper by discussing that due to lower levels of responsibility taken by youth as compared to adults, and argue that perhaps, due to the unique social position of youth, that they could see other forms of justification from adults as both countries have adopted various institutions to listen to children but not give them actual power, including youth civil society organizations, youth councils, citizen initiatives, and ombudsmen for children. I note at the end of the paper, these do not seem to be effective in general for children, with the caveat that there is a lack of research on the extent they actually affect policy.

The second article, *Regimes of childhood and the democratic inclusion of children: A framework for delimiting legitimate inclusion and exclusion of young persons (forthcoming),* continues from the findings of the first article based on what I noted as lacking in the literature. The article deals with much the same issues as the first, but instead of focusing on a specific context it deals with these issues generally. I argue that the most commonly applied principle to exclude youth and children, what has been termed the *capacity contract (discussed at length in section 7.2 of the monograph)*, does not seem adequate in determining who is to be included in democracy. Simply, the capacity contract stipulates that anybody below a threshold of competence ought to be excluded from democracy. I also note that the alternative argument based on *responsibility* has been treated as inadequate in much of the literature. Arguments based on showing that children are responsible in other walks of life, means they would be sufficiently responsible to take part in the democratic

process. But as noted by Chan and Clayton and others, these rights are not connected with voting.[539] While I have seen the argument that since youth are allowed to drive cars, have jobs and pay taxes they are also responsible enough to vote. But as noted by Chan and Clayton and others, this argument fails due to the lack of an obvious connection between these responsibilities and the act of voting itself. I argue that "Arguments for more inclusion of youth often focus on the increasing responsibilities held by young persons in society but fail to adequately showcase why these specific responsibilities require inclusive democratic processes while others may not."[540] The text has two aims, firstly in showing the inadequacies of the capacity contract and then showcasing the feasibility of the argument from responsibility.

I claim that in the capacity contract view, exclusion is always contingent upon an interceding *social regime of childhood,* rather than resting on biological or evolutionary grounds for exclusion, for anyone but the youngest of children: meaning anyone capable of choice. If the line is drawn by result of a historical-political process, there is still a need for justification. I highlight this by showing that the level of development is heavily impacted by political decision-making processes. Therefore age-based exclusion based on the capacity contract is contingent upon prior political decisions, which I highlight is not seen as acceptable within the literature on the boundary problem.

I showcase that arguments based on *political knowledge among children* used to exclude youth and children are not pre-political. I am using the logic that the level of understanding of political processes differs greatly between countries, mostly due to differing political regimes. Evidently, the level of knowledge is contingent upon the schooling regime most critically, but by a host of other political institutions. I note that there is a sizeable amount of political science writing about comparing the level of knowledge about politics within the cohort

[539] Chan and Clayton 2006.
[540] *Regimes of childhood and the democratic inclusion of children: A framework for delimiting legitimate inclusion and exclusion of young persons (forthcoming)*

just below voting age and comparing this with other cohorts to understand the consequences of a lowered voting age and that these have limited bearing on the question for this reason. I clarify the low normative value of these studies for answering the question of whether exclusion is justified. I state that if more hours of social education, political science and moral reasoning in the schooling system could achieve the same levels of political knowledge among 16-year-olds as contemporary 18-year-olds, then we have justified nothing. The decision to not have the education system ensure these competencies is one the adult population took unilaterally, without those excluded from the democratic process.

I then move on to discuss more complex understandings of capacity for reasoning that I bundle as *political maturity:* meaning a "bundle of cognitive, emotional, communicative, and agency capability that justifies a claim to citizenship rights within any democratic society".[541] I argue that they are also contingent on political decision-making. I argue we immediately run into similar issues as we did with political knowledge, where we understand simply that if instead of allowing children the time to play and socialize and instead forced them to study the history of philosophy, formal logic and so on, we may again find that capacities are sufficient at a lower age. Similarly, even if we understand these capacities as a biological process of brain development, we must still reconcile that this is not a process outside of political justification as it can be hampered by environmental factors like air pollution, nutrition and lack of healthcare.[542] Again, if the age of majority is determined by factors like these, it must be understood that this is not pre-political and thus fails in the same way as theory on the boundary problem devised for adults.

Through a similar argument, I show that autonomy cannot be used as an independent criterion either, as both actual and potential autonomy is

[541] Rehfeld 2011, p. 146.
[542] Barry 2005, p. 47ff.

contingent on the subjugation of the overall legal framework, and again a historical contingency.

I summarize these points as such:

> "By basing our understanding on who ought to take part on capacity, we presume the legitimacy of our regime of childhood, and we require no justification for it from those who we exclude with it. In this view, a twenty-five-year-old who has been deprived of education and thus fail to reach a certain level of capacity, should also be deprived of the means of advocating for an education within the political system."[543]

As such, I proceed by arguing that we "that any exclusion rests upon presumptions about the social position of young people." And that the best path forward is to take inspiration from the writing of Sofia Näsström and regard this as a constructive area of contestation. She argues that due to the impossibility of a final closure of the demos, due to the demos paradox makes it a place of unending albeit productive contestation (this is discussed in section 4.0 *Methodological considerations*). If it is indeed impossible to overcome the political, contingent nature of the problem, we must instead justify the *regime of childhood*: the "norms, practices and social arrangements guiding ideals and criteria of thresholds that determine the status of individuals".[544] This is what determines who belongs in the social categories of 'child' and 'adult' as well as how this shifts our responsibilities. Instead of focusing on what young people are capable of doing, we instead must ask what the costs and benefits for the youth are if we give them more autonomy at an earlier age, and as I posit that paternalism can be legitimized by having a forward-looking view of ensuring the development of autonomy in the future (discussed in section 7.3 of the monograph). Therefore, it may be argued that even when children are capable of taking part, that there may be grounds for excluding them on the basis of

[543] Sjöstedt (forthcoming).
[544] Anderson and Claasen 2012, p. 508.

protection. While paternalism is prima facie wrong for adults because it robs them of their autonomy, this is the case for children, who may benefit by having limited autonomy now if it protects them from losing their autonomy in the long run.

I argue that this framework allows for a clear baseline of when children must be allowed participation in the democratic system for policies to be justified. I argue similarly to this monograph that if we treat childhood as a social state with limited responsibility, there is no need for a second justificatory act as it regards democratic participation. By this, I mean that the exclusion is justified at the same moment we justify the wider regime of paternalism. I continue to argue that when the child is given ever-increasing levels of responsibility and leave behind the state of childhood (understood as a time of limited consequence, play and protection of the goods of childhood) – they must be given more and more access to the democratic institutions of justification in society.

In the text I argue in three steps, first we legitimize paternalism as it regards limited responsibility. Secondly that legitimizes limited rights to democratic justification. Thirdly, the limited right to justification in turn allows for a limited right to democratic participation. However, this only holds for as long as they are de facto in this stage of limited responsibility as we cannot "at the same time legitimately rule over them without justificatory mechanisms akin to the ones adults live under."[545]

I make two points to summarize: "Firstly, elections are consequential and are to be treated as a responsibility. It stands to reason that some 'goods of childhood' may be undermined if children had to bear the responsibility of sending troops to war, knowing that you elected representatives who are tasked with mitigating climate change, handling a pandemic or other consequential tasks. This however, does not mean that we are to discount their opinion, their needs and preferences in as much as they exist. However, this level of

[545] Sjöstedt (forthcoming)

responsibility is incompatible with childhood as a social state of limited responsibility and the development of autonomy. Secondly, we also come closer to understanding when it is illegitimate to exclude based on age. I argue it is not when a person is capable of taking a reasonable decision regarding politics, but when they are laden with responsibilities of autonomy and its burdensome consequences."

In the text, I argue that the role of a regime of childhood ideally is to help children develop into autonomous adults and develop the capacities needed for substantial participation and that this perspective is more helpful than the more common focus on capacity, as the question on age limits for voting becomes one that focuses on whether or not democratic inclusion is ultimately helpful for the child and their development.

There are many familiar concepts and ideas used in these papers that also take root in this monograph. The view of democracy as justification, and the steps of motivating paternalism to limit democratic participation are the clearest. However, this monograph does not have the applicatory and immanent focus of the first article, and it has a broader focus than the second article, which does more to undermine the capacity contract.

Neither of the papers discusses the intergenerational aspect of democracy beyond noting the need for children to develop into autonomy. I attempt to discuss the consequences of failure and success more in the monograph, what it means for democracy and its future if we fail the task of facilitating the move from childhood into adulthood, and what it means for the children themselves. In the second paper, I discuss many concepts that return in this monograph – these include an extensive discussion on the capacity contract. In the paper, I discuss this only to showcase that we cannot avoid the political nature of exclusion by leaning on the supposed brute facts of brain development, or at the very least that this is not how contemporary exclusions work. In the monograph, I go into significant detail and look and discrete versions of the capacity contract

and how they function. I allow myself more time to discuss the empirical work on this topic and broaden the critique beyond the sphere of political theory.

7 DEMOCRACY AND FUTURE GENERATIONS

The core claim of this monograph is that democracy is an inherently intergenerational project, wherein the conditions of society are secured by past generations and that this requires that we consider who we involve in our decision-making. The previous section dealt with the democratic issue of excluding the most nearby future generation, children. Now we move to the upcoming generations, which present a whole set of new complications.

With the advent of the Anthropocene, we are living in a time where the conditions of life are so evidently determined by the actions of past generations, and as noted, we have not yet fully come to terms with this responsibility. Stephen Gardiner writes that discussions on climate change and justice tend to stop at an "initial diagnosis", noting only that climate change is potentially unjust for future generations without clearly outlining the specific ways in which this is unjust.[546] A burgeoning literature is attempting to bring the discussion to the second stage – outlining the specific form of the injustice and sketching out a reasonable response, which I aim to contribute to.

Paul Crutzen who coined the term Anthropocene and Will Steffen, write that the "earth currently operates in a state without previous analogy."[547] Ewa Binczyk argues that core facets of the political problem of climate change lie in its unprecedentedness and its irreversibility.[548] We are reminded that the values and norms of democracy "evolved in low-population-density and low-technology societies, with seemingly unlimited access to land and other resources"[549] and as Robyn Eckersley reminds us, the seminal thinkers of democracy "forged their political ideals in a bygone world that knew nothing of the horrors of

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[546] Gardiner 2011, p. 244.
[547] Paul J. Crutzen and Will Steffen, "How Long Have We Been in the Anthropocene Era?," *Climatic Change* 61, no. 3 (December 1, 2003): 251–57, https://doi.org/10.1023/B:CLIM.0000004708.74871.62., p. 213.
[548] Binczyk 2019.
[549] Jamieson 1992, p. 148.

bioaccumulation, threats of nuclear war, Chernobyl and Bhopal, mad cow disease, and global warming."[550] It is high time to leave the stage of the initial diagnosis.

This section deals with three discrete literatures to merge understandings and form a dialectic between them. These include the literature on *inter-generational justice* and specifically the idea of *justice as turn-taking* (as discussed in section 5.4), the literature on *democratic representation* (chapter 8) as well as the *boundary problem in democratic theory* (chapter 3). Three literatures that seem to give different answers to this problem and seem disconnected from each other.

This section is written as ideal theory in terms of end-state theorizing. It is ideal theory in the sense of attempting to outline an ideal that we can then start building non-ideal theoretical accounts around. As discussed in section 4.3 *Ideal and non-ideal theory,* the primary role of ideal theory is to establish clearly what the ideal world is given the human condition and to allow for high-quality non-ideal theory that outlines the procedures, mechanisms and means to actually move closer to this ideal.[551] This is to meet the demands of a growing literature discussing various political arrangements to better deal with future generations democratically. Several suggestions for institutionalized forms of representation have been presented, including the addition of designated future-oriented parliamentarians,[552] participatory or discursive democracy initiatives,[553] ombudsmen for the future, [554] age quotas bringing younger people in as proxies

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[550] Robyn Eckersley, *The Green State: Rethinking Democracy and Sovereignty* (The MIT Press, 2004), https://doi.org/10.7551/mitpress/3364.001.0001., p. 108.
[551] Ibid, p. 8ff.
[552] Andrew Dobson, "Representative Democracy and the Environment," *Democracy and the Environment*, 1996, 124–39.
[553] Robert Goodin, "Enfranchising the Earth, and Its Alternatives," *Political Studies* 44 (December 22, 2006): 835–49, https://doi.org/10.1111/j.1467-9248.1996.tb00337.x.
[554] Ludvig Beckman and Fredrik Uggla, "An Ombudsman for Future Generations," in *Institutions For Future Generations*, ed. Iñigo González-Ricoy

for future generations, [555] citizen assemblies[556] and so on (all of which will be discussed in more detail). As I will argue, there is insufficient clarity regarding the measuring sticks for these arrangements due to a lack of clearly defined ideals of what is to be achieved. My goal is to help us figure out the basic question of who should be included in the demos, and who we may exclude. What I mean by this is that we need to have a specific understanding of who ought to be included, to be able to discuss whether the suggested institutional arrangements are indeed improvements. I wish to come closer to an understanding of how future-oriented democracy should be ideally so that we can claim any specific institutional arrangement is sufficiently inclusive. We discussed in section 4.3 *Ideal and non-ideal theory*, that ideal theory is useful in clarifying goals, so we can begin the difficult process of moving towards them. Without these clarifying ideals, it is incredibly difficult to evaluate differing proposals – for instance as it regards the many proposed "fixes" to make democracy more future-oriented. It is unclear which of these could be termed under-inclusive or over-inclusive, whether they do too little or too much to represent future generations.

It should be noted that I depart ideal theory in accepting the Anthropocene as a condition and working within many feasibility constraints regarding this (see section 4.3 for a fuller discussion on feasibility constraints). In this sense, the writing could be labeled non-ideal in that it is realistic rather than utopian and written for a non-ideal world. In this way I depart from understandings of ideal theory that presume ideal conditions of the application of ethical concepts. As we cannot leave the Anthropocene, I think it stands to reason that political theorizing, no matter whether ideal or non-ideal should incorporate the basic conditions of life in this epoch. It just so happens that the Anthropocene does not constitute an ideal condition for the application of democracy.

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and Axel Gosseries (Oxford University Press, 2016), 117–34, https://doi.org/10.1093/acprof:oso/9780198746959.003.0007.

[555] Bidadanure 2016.

[556] Thompson 2014.

The following sections in this chapter will discuss the Anthropocene as the condition of our species. I have argued that this implies not a problem to be solved, but a permanent shift in humanity's condition and with that, the boundaries and purview of democracy. This in turn, has significant impact on how we justify political decisions, and the role of democracy. I will focus particularly on the complex issue of *time in the Anthropocene* and what this means for our decision-making-processes, I discuss the many issues in attempting to represent future generations as a part of our institutions, including often discussed problems such as insecurity regarding the interests and preferences of future generations and the lack of insight we have into the future. I focus especially on the impossibility of democratic authorization of decision-making. I claim that we cannot speak of representation beyond those that can authorize a decision, even if it is retroactive (8.1). Following that, I discuss what could be seen as an attempt at representing future generations, 200 years ago when Sweden planted 300 000 oak trees for the production of large warships. I use this to highlight that being forward-looking when taking decisions is not equivalent to representing future generations as we have lifetime transcending interests. I use this to highlight when a turn should begin and end, specifically when we can receive retroactive authorization of a representative claim. I argue this means we can represent all partially overlapping generations (on average three generations forward from the youngest with voting power today). I finish the section discussing the institutional arrangements that could help in this task (8.2). In the next section, I go on to discuss non-overlapping future generations, those that the currently living will never share a world with. For them, I claim that as we cannot represent them, but we can impact their world. Therefore, I will argue that our responsibility to them is much more limited, and simply involves a turn with democracy, meaning we must preserve just institutions and avoid undermining their right to self-determination (8.3) In the final section of this chapter (8.3). In the last chapter, I will summarize an article written for this dissertation regarding future generations that discuss this topic in similar terms (8.4).

I will treat the arrival of the Anthropocene as fundamentally altering the human condition, and therefore substantially changing the conditions within which democracy can be applied. However, I posit that the need for political justification of public power for all those subject to it as discussed in part 5.2 *Democracy as justification,* holds just as well in Anthropocene, and only alters the conditions of justification but not the need for justification. However, with the extended timelines of potential impact of our political decisions, justification must be understood differently.

7.1 TIME IN THE ANTHROPOCENE

For our purposes, one issue looms longer than any other. I want to zero in on a specific change a bit closer, the issue of *time*. The time horizons of our decision-making have drastically shifted, and we face the fact that actions taken now will have an impact stretching many generations forward –in a way unseen in the past. In this section, I will discuss the complex issue of *time in the Anthropocene*. Bińczyk calls this "a shocking confrontation of two dramatically dissimilar timeframes: human history versus geological history".[557] We have discussed many differences between life in the Holocene and in the Anthropocene, especially in section 2.2 *The Anthropocene as a condition*, where I discussed how the great ontological divide between nature and society has been undermined. One of the most important aspects of this can be found in the divide between the timelines of society and the timelines of the earth system. Bonnuiel and Fressoz, call this a "reunion" of historical and geological time.[558] Consider that several political theorists argue for extending the all-affected principle to future generations, greatly inflating the demos.[559] We risk impacting all future generations with our actions, for instance regarding biodiversity, as an extinct species remains irrevocably gone. Any political decision-making process,

[557] Bińczyk 2019, p. 4.
[558] Bonnuiel and Fressoz 2017, p. 32.
[559] See Eckersley 2011, Goodin 2006, and Shrader-Freshette 2002.

including democracy would struggle under circumstances like this. No system designed prior to the Anthropocene would be fit for these expanded time horizons. They were created to deal with relatively short-term social processes, not long-term geological impact.

There is no better symbol for humanity's altered role in the earth system than our relationship with mountain ranges. Traditionally symbolizing the eternal stability of nature, they were formed millions of years ago and any subsequent change to their form happened imperceptibly slowly, marking a point of stability between generations. All major religions have holy mountains, Olympus, Sinai, Kailash. These were often seen as being closer to God.[560] Today, human activity has accelerated mountain erosion by 10-40 times.[561] "And now: without any shame, we construct machines that can make a mountain disappear."[562] These symbols of stability towering above us are literally crumbling.

We noted that the Anthropocene began the moment the first nuclear weapons detonated in the New Mexico desert. Let us shift to another nuclear scar of recent history, the Chornobyl disaster. I was born after this catastrophe, but its effects on the environment and the people living in it will far outlive me. In *Chernobyl Prayer*, the "epic chorus" mixing thousands of interviews with the narrative of its writer, Svjatlana Aleksievič, she tells the story of perhaps the first inter-generational death of the Chornobyl meltdown. The wife of a firefighter called to stop the fires at the Vladimir Lenin Nuclear Power Plant outside of Pripyat, tells the horrific story of trying to care for her husband in his final two weeks – as his flesh rotted away in front of her. At the time, she was six months pregnant, and the child would be born with cirrhosis of the liver, dying almost

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[560] Arne Naess, "Mountains and Mythology" Trumpeter: 12, 4., *Trumpeter Journal of Ecosophy* 12, no. 4 (1995).
[561] Markus Dotterweich, "The History of Human-Induced Soil Erosion: Geomorphic Legacies, Early Descriptions and Research, and the Development of Soil Conservation—A Global Synopsis," *Geomorphology* 201 (November 1, 2013): 1–34, https://doi.org/10.1016/j.geomorph.2013.07.021.
[562] Stuart Hyatt, *The Scars of Recent History*, vol. Cedars, Field Works (Temporary Residence Limited, 2021).

immediately. She believes that she survived by virtue of the pregnancy; her daughter acting as a lightning rod. Both the body of her husband and her child remained contaminated after their death and were buried beneath plates of zinc and concrete to avoid further contamination, mirroring the sarcophagus built above the site of the disaster. The sarcophagus covering the immediate site has been steadily leaking uranium, plutonium and cesium as it was only meant as a quick and temporary measure, to last at most 30 years and recently it was covered in a dome meant to hold the seeping death inside for 100 more years, at which point it will need to be covered again.

What makes the Chernobyl disaster unlike other disasters of history, is not the immediate death but the aftermath. Alexievich calls it a *time-catastrophe*: as the radionuclides flying across the world will remain there for hundreds of thousands of years. In this sense, she calls the event a black box, signifying the future for all of us.[563] In Belarus today, a country that never had nuclear power plants, 2.1 million live on contaminated land, over 250 000 hectares of land is completely unusable. Before the disaster the country saw 82 cancer patients per 100 000 inhabitants, and in 2003 that number was 6000 per 100 000 inhabitants, indicating a 74-fold increase.[564] The Soviet Union famously developed five-year plans for its development. Similarly, in democratic societies, planning is typically centered around terms of office where the sitting government plans for their mandate period. It has been noted that politicians in democratic systems do not face accountability from the future and results are measured in real-time: "Short election cycles, for instance, supposedly make it far more attractive for politicians running for office to pursue immediate goals and quick-fix solutions."[565] How could political thinking be transformed to deal

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[563] Svjatlana Aljaksandraŭna Aleksievič, *Chernobyl Prayer: A Chronicle of the Future*, trans. Anna Gunin and Arch Tait, Penguin Classics (London: Penguin Books, 2016). p. 38ff.
[564] Aleksievič 2016, p. 16ff.
[565] Anja Karnein, "Can We Represent Future Generations?," in *Institutions For Future Generations*, ed. Iñigo González-Ricoy and Axel Gosseries (Oxford University Press, 2016), 83–97, https://doi.org/10.1093/acprof:oso/9780198746959.003.0005., p. 83.

with timelines like this? Not the standard four or five years in the typical electoral cycle but in timelines outstretching modern history.

In the fifth and sixth Intergovernmental Panel on Climate Change (IPCC) assessment reports the timelines are divided into three: short-term, mid-term and long-term, with long-term indicating the year 2100.[566] However, many decisions will have a significant impact beyond the "long-term". An important example of this regards rising sea levels – an issue that will be a persistent problem for the foreseeable future. The rising seas lag behind temperature increases, which in turn lag behind carbon and methane emissions. By 2100 we risk sea-line rises of between 0.8 and two meters.[567] Likely this will have a tremendous impact on life, especially for low-altitude countries forced to adapt to these changes. Adding fifty years to the timeline, we risk raised sea levels of between 7-14 meters.[568] And if we were to extend the timeline to 500 years, we may see an increase up to 50 meters, and any recovery will take thousands of years.[569] The global response to climate change is built upon the IPCC reports, and as such, the timelines are largely adhered to in the political plans made with little to no discussion on what is on the horizon beyond.

A term that has become important in discussions of democracy and the future is *presentism or short-termism.* The concept denotes a political system that systemically prioritizes the present or the nearby over the future, even in cases where future generations are just as *affected* by decisions taken.[570] The claim is

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[566] The Intergovernmental Panel on Climate Change (IPCC), *Global Warming of 1.5 °C: IPCC Special Report on Impacts of Global Warming of 1.5 °C above Pre-Industrial Levels in Context of Strengthening Response to Climate Change, Sustainable Development, and Efforts to Eradicate Poverty*, 1st ed. (Cambridge University Press, 2022), https://doi.org/10.1017/9781009157940.
[567] IPCC 6.
[568] Singer 2016, p. 20.
[569] Robert DeConto and David Pollard, "Contribution of Antarctica to Past and Future Sea-Level Rise," *Nature* 531 (March 30, 2016): 591–97, https://doi.org/10.1038/nature17145.
[570] Ben Saunders, "Democracy and Future Generations," *Philosophy and Public Issues - Filosofia E Questioni Pubbliche*, 2014.

that there is "a bias in the laws in favor of present over future generations."[571] This is similar to the bias exhibited in public expenditure as it regards children, where their needs are prioritized lower than older citizens. Similarly, ecological costs are externalized to future generations.[572] Much like with children, future generations do not a have democratic vote nor priority when policies are designed. It is argued that the present generation is reaping the benefits but not dealing with the costs of their actions. We can see this as an extension of how things function already: "privileged social classes have been able to remain remote (spatially, temporarily, epistemologically, and technologically) from most of the ecological consequences of their decisions."[573]

The causes of presentism may be numerous and may include short-sighted voters, short-term incentives for politicians, special interest actors with short-term interests and most notably for us the fact that we cannot include future generations in the decision-making.[574] Here, we are not worried about the effects of these decisions, but to what extent these create new responsibilities from our democratic system. For our purposes, presentism is not a problem that leads to poor outcomes, but one that undermines democracy.

If we plan on mitigating presentism and attempting to represent future generations, we must be clear regarding which generations we hope to represent, as different generations are impacted in unique ways. I note that typically references to the representation of future generations neglect to differentiate between more than two generations, the currently living and all

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[571] Dennis F. Thompson, "Representing Future Generations: Political Presentism and Democratic Trusteeship," *Critical Review of International Social and Political Philosophy* 13, no. 1 (2010): 17–37. p. 1.
[572] Robyn Eckersley, *"Representing Nature" in The Future of Representative Democracy*, ed. Sonia Alonso et al. (Cambridge ; New York: Cambridge University Press, 2011).
[573] Eckersley 2004, p. 10.
[574] Michael K. MacKenzie, "Institutional Design and Sources of Short-Termism," in *Institutions For Future Generations*, ed. Iñigo González-Ricoy and Axel Gosseries (Oxford University Press, 2016), 24–46, https://doi.org/10.1093/acprof:oso/9780198746959.003.0002.

future generations. I argue we need a principled understanding of just how presentist democracy ought to be (as presentism may not be a wholly unwelcome feature of democracy[575]), and who gets to be included in the demos proper. The two most intuitive options are either representing solely those alive or all future generations. We are reminded of the difficulty faced in the wider literature on the boundary problem, with the only obvious delimitations being all of humanity and the individual. We can imagine any lines drawn between these, any amount of presentism or long-termism, from the incredibly short-sighted to the fully inclusive of all generations. I note that generally the feasibility of representing future generations seems higher as it regards the close-by generation. The shorter the temporal divide between us and the generation the more closely we can replicate the type of representation we see regarding the currently living. As noted, the timelines implied by the IPCC reports ending at 2100 are a far cry from the timelines of impact discussed. In terms of mitigating presentism, we are barely making a dent in the presentist nature of the system when decisions like building a nuclear power plant are concerned if the risks include a hundred thousand years.

I note four major issues with attempting to rectify the issue of presentism through means of representation of future generations, all discussed quite frequently in the literature on democracy and future generations: *Lack of insight into preferences and interests of future generations*; *no means of accountability between generations*; *lacking capacities to predict changes in the climate*; and lack of *control over how the climate changes in the future* (all of which will be discussed at length).

The first major issue is that we have limited insight into the *preferences* and *interests* of future generations. Several writers have noted that we cannot have any crystal-clear insight into the preferences of future generations.[576] However,

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[575] Thompson 2016, p. 17.
[576] Robert Goodin, "Enfranchising the Earth, and Its Alternatives," *Political Studies* 44 (December 22, 2006): 835–49, https://doi.org/10.1111/j.1467-9248.1996.tb00337.x.

some interests such as access to non-toxic air and potable water are likely to remain for all future generations,[577] and that we may have a responsibility to maintain the physical base required to ensure basic physiological needs.[578] Democratic systems typically represent subjective preferences created socially, but perhaps we could attempt to preserve objective interests instead, as argued by Robert Goodin.[579] Dobson has written to show that a species itself might have an interest in "its survival and flourishing".[580] From this logic, we may like Karnein, speculate that we could represent the interest in autonomy and political rights may remain indefinitely. But she notes that this is a precarious step, especially as any reasonable level of autonomy reliant is on the fulfillment of subjective interests.[581]

Proponents of representation of future generations accept there are inherent difficulties with representing the interests of future generations, as we struggle with figuring out what they may be. Robyn Eckersley who argues for the implementation of the all-affected principle intergenerationally claim that we should act as "if those representatives who do engage in decision-making with risk implications for others proceed *as if* all those affected were present, well informed, and capable of raising objections"[582] Instead of representation she utilizes what she refers to as *representative thinking*: "the imaginative representation to ourselves of the perspectives and situations of other in the course of formulating, defending, or contesting proposed collective norms"[583] I suggest that this is a reasonable strategy for the nearby future, for the coming decades, for our children and our grandchildren. But when applying it to further-off generations, I would not consider acts of representative thinking as

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[577] Goodin 1996, p. 22.
[578] Kristian Ekeli, "Green Constitutionalism: The Constitutional Protection of Future Generations," *Ratio Juris* 20 (August 5, 2007), https://doi.org/10.1111/j.1467-9337.2007.00366.x. p. 387.
[579] Goodin 1996.
[580] Dobson 1996, p. 137.
[581] Karnein 2016, p. 86f.
[582] Eckersley 2004, p. 111.
[583] Ibid., p. 116.

conferring any of the legitimacy we tend to connect with representation, for I cannot see how that would connect to the functions of democracy as discussed earlier.

In an upcoming section, I will look at a historical example of an attempt at representing the interests of future generations, 200 years ago in Sweden, showing among other things the difficulty of disentangling our interests in the future from their interests. It is well-documented that due to cognitive bias we will often conflate our own interests with those of others.[584] There is a fear that representatives of future generations may be using the language of representation for the future while actually representing self-interested values.[585] If we do not know what their interests are, it is difficult to avoid conflating our own interests in the future with the interests of future people.

The second major issue is that we do not only struggle with predicting the interests and preferences of future generations, we are also unable to predict the consequences of our actions in the long term. Our climate models are by their nature insecure and inexact, and thus predicting the consequences of our actions becomes more difficult for longer time periods. Jaimeson poetically argues: "our insults to the biosphere outrun our ability to understand them".[586] As much as we wish it were so, we do not have powers of prediction for the far-off future: "Science cannot accurately forecast the future regarding climate change; there are too many variables, too many unknowns, too many 'ifs', for it to do that. Scientists themselves tell us that they cannot tell us this. They readily acknowledge that they cannot give us exact figures and precise scenarios."[587]

Nature is unpredictable, and with our great impact and agency, any prediction of natural processes requires a complementary prediction of the actions of our species and our actions. How we will act in the coming years will have a great

[584] Christiano 2008, p. 4ff.
[585] Karnein 2016, p. 87f.
[586] Jaimeson 1992, p. 142.
[587] Machin 2013, p. 9.

impact on how the climate evolves. Any model of the future climate requires a complementary model predicting our actions and how they may impact the climatic system. And even then, we are dealing in probabilities and likelihoods, never certainties. In the timelines such as those of the IPCC, they present different scenarios based on different human conduct – different scenarios based on how much emissions of greenhouse gasses we continue to emit. But any such prediction for the longer term becomes a lot more difficult. The simple and obvious truth is, we do not know what will happen next or what we will do next, both of which are unknowable.[588]

The third major issue with representing future generations is that there is no means of *accountability* toward future generations. It is only after future generations come into being that we can discern whether we succeeded in representing them. By that point, we will be dead. Any claim of representing them is unable to be proven until it is too late. There is no mechanism for correction if we fail at representing them. There are no means of constructing accountability as they have no means of sanctioning or rewarding us. Thompson discusses these issues of accountability and highlights that accountability can be done democratically toward the presently living – and that perhaps this can

[588] Roy Scranton writes: "We do not know the future. We do not know when the next war will start. We do not know when the last glacier will melt. We do not know when the last coral reef will bleach. We do not know how much oil we might still burn. We do not know when the last Javan rhinoceros will die. We do not know how nation-states will cope with millions of climate refugees. We do not know what policies economic crisis will be used to justify. We do not know when Amazonia will collapse. We do not know how many more concentration camps will be built. We do not know when the Colorado River will go dry. We do not know toward what insidious ends the righteous hate of the downtrodden will be turned. We do not know when the Arctic Ocean will be ice free. We do not know what politics looks like in a world of catastrophic ecological collapse. We do not know when the Gulf Stream will slow to a stop. We do not know what we are capable of getting used to." *in* Roy Scranton, "Beginning with the End," *Emergence Magazine*, 2020, https://emergencemagazine.org/essay/beginning-with-the-end/.

be a form of ensuring that institutions geared toward future generations do not fail in their tasks.[589]

The fourth issue we face in attempting anything akin to representing future generations is that we are *not in control*. Even if we could predict the future, that does not mean that we can control it. The subsumption of nature into societal processes is far from complete. As argued by Richard Deese the shift to the Anthropocene concerns *agency* and *impact* but crucially *not control,* and while *"*it is quite likely that we have had such a profound impact on the planet that we have set in motion a new geological epoch, it is far less likely that we are in any position to guide how that epoch will unfold. In all probability, the best we can do is seek to limit our impact, and to mitigate the damage we have already done*."*[590] Which is to say that we have to adapt to the climate, like we have always done – rather than expect to control the climate.

I will borrow an analogy from Deese to illustrate the difference between agency and control. Three monkeys in a pick-up truck certainly have the agency to affect a complex system beyond their understanding. If the truck is barreling down a steep hill, regardless if they crash or if they somehow manage to coordinate to stop the truck, we would be hard-pressed to call them in control.[591] In that vein he writes: "Most of the collective impact of our species upon the earth and its ecosystems has been entirely haphazard." [592] It is absurd to assume that just because our actions brought about this new geological epoch, that means we can control it and shape it however we wish. I am able to unscrew every little bit of a wristwatch, take every piece out and completely disassemble it. But if you expect me to put it back together in a functioning state, you would remain gravely disappointed. The Anthropocene does not imply control over our natural

[589] Thompson 2016, p. 193f.
[590] R. S. Deese, "Nationalism and the 'End of Nature,'" in *Climate Change and the Future of Democracy*, ed. R. S. Deese (Cham: Springer International Publishing, 2019), 15–32, https://doi.org/10.1007/978-3-319-98307-3_2. P. 16.
[591] Ibid., p. 17f.
[592] Deese 2019, p. 16.

conditions. In fact, it implies new layers of complexity and risks of unintended consequences. I think theoretically, we have only begun thinking about what this might mean for us – the tremendous complexity we are faced with and the inadequacy of our tools to deal with it.

I write in a forthcoming paper connected with this dissertation (summarized at the end of this chapter) that "We are not in this sense, all-powerful Gods, creating nature in our image. Rather, we are like clumsy children slowly coming to understanding our own strength, with gangly limbs, attempting to reign control of our changing bodies, hoping to avoid causing permanent harm to ourselves."[593] This might be termed *powerful impotence*.[594] In the process of freeing ourselves from nature, we have destroyed the climatic stability that allowed us this level of development. We have not wrested control over nature, clearly; we are increasingly beholden to its whims. As the climate grows more and more unstable, we are losing control, while our impact and agency grow. In a piece of cosmic irony, by attempting to gain our freedom from nature, we undermined the conditions required for freedom. By attempting to control nature, we have lost control over the climate.

The difference between agency and control has significant ramifications for our capacity to represent future generations, and much of the literature ignores these issues. As Jaimeson writes:

> "It should be obvious, unless we are completely lost in theory, that it is not possible to know the full extent of these risks and damages; and even if we were to know them, it would not be possible to value them using standard economic tools. To put the point bluntly: It is downright ludicrous to suppose that we can do a reliable benefit-cost analysis of a climate change that could be catastrophic and will in any case affect virtually everything we value over the entire planet for many centuries to come. Of

[593] Sjöstedt (Forthcoming)
[594] Bonnuiel and Fressoz 2016, p. 24.

> course we know this, but we often go on as if we did not, especially in the community that is supposed to think rigorously about how to manage these problems."[595]

While the issues presented above – the unknowability of the preferences and interests of future generations, the lack of accountability between generations, the inability to predict the future and the lack of control of the climate – are all serious issues. What I consider the most crucial issue for representing non-overlapping future generations is that there are no means of *authorization* of political decisions, which is a crucial aspect of both classic theories of representation such as Hannah Pitkin's seminal account[596] and modern theories like those of Michael Saward. In Pitkin's institutional view of representation, she presumes a direct principle-agent relationship, wherein the vote allows for the representative to act in the stead of their constituency. She writes that there must be "a relative equivalence between the representative and the represented, so that the latter could conceivably have acted for himself instead, and the representative is in that sense a substitute".[597] Obviously, this model cannot be applied to any person not yet born. The future cannot directly authorize a decision-maker to act in their stead.

In Michael Saward's theory of the representative claim, anyone can claim to represent anyone else. The claims of representation need to be evaluated, whether the claims hold. If representation typically is seen as making someone present who is absent, his approach "looks at claims that give the impression of making present."[598] His framework of representation does not require an institutional setup. This allows for representation in a wider set of situations and

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[595] Dale Jamieson, "Responsibility and Climate Change," *Global Justice: Theory Practice Rhetoric* 8, no. 2 (2015)., p. 24.
[596] Hanna Fenichel Pitkin, *The Concept of Representation*, 1. paperback ed., [Nachdr.] (Berkeley, Calif.: Univ. of California Press, 1972).
[597] Pitkin 1972, p. 140.
[598] Saward 2010, p. 42.

settings. Today, future generations are often evoked by political parties and civil society organizations claiming to speak for them.

Saward's framework separates between two groups that for our purposes are important to understand the legitimacy of the representative claim: the *audience* and the *constituency*. The audience of a claim are those who hear the claim. Many Green Parties claim to represent future generations, and in this case their audience is the present generation of voters. This is separate from the constituency of the claim, those who are claimed to be represented. In this case, the constituency would be the future generations they claim to represent. Saward claims that the legitimacy of a representative claim can only be found in the constituency and not the audience. Any legitimacy derived from representing someone must come from authorization from the constituency. Authorization from an audience that does not include the constituency is false representation. For a simple example, a colonial power may have a representative for the colony they rule, but if that representative is chosen only by the leaders of the colonial power, without any semblance of authorization by the group they "represent", we cannot speak of democratic representation. We cannot speak of representation in cases where the audience of the claim to represent a group does not in any way overlap with the constituency.

Anja Karnein discusses the problem of relying on the audience to determine whether or not someone is a representative and argues that we may gleam some legitimacy by having a non-arbitrary but not democratic choice of who is the representative – perhaps by relying on some background norm of legitimacy in the hope that it is shared with future generations.[599] This is likely the best possible means of dealing with this. However, is this a feasible idea in the Anthropocene? We may look toward the past, here. As discussed, legitimacy has relied on many higher concepts historically. A few hundred years ago, we are much more likely to see political legitimacy as derived through God's mandation. The contemporary norms of legitimacy are unlikely to remain unchanged, this is

[599] Karnein 2016, p. 89ff.

not the end of history. I would not hedge the legitimacy of a representative on the assumption that norms remain unchanged in a way that is unlike our recent history.

This means that the theoretical limit for representation can be placed where the constituency can authorize the representative – if this is not possible, we cannot speak of representation. What is very interesting for our purposes is that Saward allows for retroactive authorization, which would also likely allow for some forms of accountability for the representatives. I propose that this means that we could have mechanisms of representation for nearby generations, more specifically those that will overlap with the decision-makers. Due to this issue, I take it that the idea of sharing power in the traditional democratic sense, and representing future generations beyond the overlapping, cannot execute the functions of a demos. A demos must be able to authorize the decisions taken, otherwise they are ruled but not rulers. Attempting to represent future generations beyond the overlapping, nearby generations, is futile for this reason. Giving them a slice of our democracy now, by for instance allowing designated future representatives in parliament is not in this view, a form of representation of future generations.

With that, we have a strict limit for how long any form of democratic sharing of power can continue. There is a theoretical opportunity to create institutions of retroactive authorization only between overlapping generations, which given average lifespans is about three generations. Democracy can indeed be made to represent the near future. But, as I will argue in the next section, for generations beyond the nearby, we must look at this issue differently. I will claim that by looking at this through the lens of turn-taking, the issues of time in the Anthropocene can be handled democratically. In the upcoming section, I will discuss the issues of disentangling the interests we have in the future with the interests of future people and discuss the possibility of representing overlapping future generations.

7.2 How long is a turn?

Much like the borders on maps, telling us where one people begin and end, we need to have a discussion of *when* the existence of a people begins and ends. For how long can we speak of "one people"? Is the future "another country?"[600] As the previous section implies, we cannot treat all future generations as part of one people, one giant demos to be represented today. If we accept democracy as turn-taking, we must accept that turns are limited in some ways. I will in this section argue that overlapping generations can share a turn, and that we could do much more to care for the interests of the nearby future generations (approximately three generations forward).

In this section, I want to further clarify what I consider a turn with democracy. For this, I will use two symbols: trees and ships. Trees have often been used to symbolize the inter-generational nature of society. A popular adage of unclear origins, dating back at least to ancient Rome, states that a society prospers when the old plant trees they will never sit in the shade of.[601] In this way, caring about and working towards a better world even after our death is a familiar virtue. However, this virtue, I will argue, should not be conflated with representation.

There is some convenient symbolic overlap here as trees make up the building blocks of the second symbol of this section, ships. Democratic peoples are reminiscent of the ship of Theseus. As legend has it, Theseus sailed from harbor, and through wear and tear, and ongoing repairs, the wooden planks of his ship were replaced, and by the time it reached a new harbor, no planks of the original ship remained. If all parts are replaced, and no planks of the ship remain, is it still the same ship? I do not aim to present the history of the philosophical problem and its relation to questions of identity. But only use it as an example –

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[600] Eric A. Posner, "Agencies Should Ignore Distant-Future Generations," *The University of Chicago Law Review* 74, no. 1 (2007): 139–43, p. 143.
[601] Quote Investigator, "Blessed Are Those Who Plant Trees Under Whose Shade They Will Never Sit," 2020, https://quoteinvestigator.com/2020/04/29/tree-shade/

looking at some analogies to solutions presented by Thomas Hobbes who used the problem to discuss matters of personal identity.[602]

Heraclitus proposed it is impossible to step in the same river twice,[603] as clearly the water will be different every time. It is possible to view democracy in the same way, the people are those alive today, and if new people reach the age of majority or are no longer eligible to vote, this is a new people. Similar to Heraclitus, we may imagine that the people at any given moment are the sum of all the humans within the jurisdiction, and that adding or removing one person makes it a different people. But then, a law would become quickly illegitimate, as new people are born and creating a new people.

From the perspective of Antoinette Scherz, the people are constituted by the state and not vice versa,[604] and perhaps, thus, the timeline of the people is tied to a specific state. Hobbes writes regarding the city that even if new buildings are destroyed or erected, so long as the city retains a "continuous order and motion", it is the same city.[605] From this, the grounding of the people may be found in a constitution or other founding documents, and this acts as the blueprint of the Ship of Theseus. Even if all the parts were replaced, they are still following the same plan, and even if all the planks are replaced, it is functionally the same ship. We can find some level of continuity in places with largely unchanged constitutions going back long time periods. However, issues arise with fluid and easily changed constitutions. It would create an unintuitive result regarding the people in countries where the constitution is altered or replaced. If a state outright replaces its constitution, does that mean a new people is formed on that day, even if the same citizenry remains? Especially if the majority of the

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[602] Thomas Hobbes and Harold Whitmore Jones, *Thomas White's De Mundo Examined* (London: Bradford University Press in association with Crosby Lockwood Staples, 1976).
[603] Plutarch, "Moralia. The E at Delphi," trans. Frank Cole Babbitt (Harvard University Press, 1936), https://doi.org/10.4159/DLCL.plutarch-moralia_e_delphi.1936.
[604] Scherz 2013.
[605] Hobbes and Whitmore 1976, p. 191.

legal framework remains unchanged, and it remains largely democratic, this seems counterintuitive.

Some may suggest the nation as a candidate for delimiting the people through time, the flag of the ship. Using the nation as the basis for drawing the geographical borders is common, and rife with issues regarding the currently living, as discussed in chapter 3. *The boundary problem*. Reliance on the nation is even less useful looking forward, as we can only know when the project of creating a national identity started, but not when it will end. The Soviet Union pushed for a unified national identity across its vast territory using language policies and other means. This national identity no longer exists following the end of that project. This would imply that the environmental policy of the Soviet Union ought to have attempted to represent all people within its territorial boundaries until 1989. But, it is only after the fact that we know how long the appropriate timeline is. The nation as a basis is therefore entirely unhelpful as we discuss the future. However, if we accept that neither the blueprint nor the constituent parts remain, nor the flag of the ship remains, what constitutes this connection, through time? Below I will discuss what I consider a reasonable view of understanding the continuity of the people through time.

In this section, I will look at a historical example of a political decision taken with future generations in mind; aiming to explicate some basic intuitions about representing future generations. What should be noted at the outset is that this is a decision with a comparatively short time horizon, spanning 200 years.

The historical perspective is important as we must act within the boundaries that were produced by decisions taken before our birth, and the emissions already produced as well as the path dependencies that were created regarding infrastructure, economics and politics. We are, much in the same way as our children will be, in a position of dealing with the fall-out of centuries of environmental degradation while simultaneously responsible for the environmental conditions of our ancestors. These are the conditions for all generations in the Anthropocene and to understand our own responsibilities I will use an example of an attempt at large-scale geoengineering at the behest of interests in the future.

In 1819 the Swedish state ordered an inventory of the Swedish oak supply. During this time oak was used in the construction of large warships, requiring approximately 2000 trees per ship. It was therefore an important strategic commodity, to the point that anyone caught illegally cutting them would receive hefty fines, and repeat offenders received the death penalty. Following the inventory, they realized that future interests were threatened. For instance, in maintaining the Swedish colonies at the time and maintaining or taking territories from the neighboring countries, as the previous hundred years had seen plenty of conflict. 300 000 oak trees were planted in 1834 on a small island to ensure that there was a steady supply, and that Sweden maintained their capacity to make these large ships.

The trees would be ready for harvest in the 1970s, and the Swedish navy was informed that they were allowed the lumber.[606] Long after the hydrogen bomb had been invented and used – the lumber for large wooden warships was made available to the navy. The only ships built with the wood was a recreation of a classic Viking-era ship in 1994 and a currently ongoing process of creating a replica of a ship based on blueprints from 1766 of a ship used in the Sweden-Russia war of 1788 to 1790.[607]

This could serve as a reminder of the aspirations of another country, that was here before this new people. If this was an attempt at representation, it failed both regarding *interests* and *preferences*. This was an act of fundamentally altering the natural conditions of a small island, permanently changing the natural surroundings with imported trees. The interests of the people were clearly not represented in that, as it turned out, there was no need for wooden warships during the Cold War. The preferences that they attempted to represent were not those of the modern Swede either. The ships were used for endless wars fought with their neighbors and to maintain colonial rule – and today, the

[606] Statens fastighetsverk, "Ekskogen På Visingsö," n.d., https://www.sfv.se/vara-fastigheter/sok/sverige/jonkopings-lan/ekskogen-pa-visingso/.
[607] Mats Carlsson-Lénart, "Kronans Ekar Används På Nytt," *Kulturvärden*, 2018, https://www.sfv.se/media/epjlnweq/kulturva-rden-nr2-2018.pdf., p. 32ff.

idea of attacking neighboring countries or colonizing other nations is absent from the discourse. It seems at odds with basic intuitions that we would consider this an act of representation of the interests or preferences of the people of 1970s Sweden.

This is 200 years of ideological and historical change. The life-world of the 1830s was much different from the contemporary. At this time, the monarchy would reign for almost another 100 years, women had no right of inheritance, and the germ theory of disease would not be published, let alone accepted for decades. Can we expect representation, by a group consisting solely of those living in a whole separate world? Must we not admit that when it comes to representation, the people of the past do not fare better than the people of a different country? Is it not likely that a well-meaning set of representatives from France would fare much better at representing the interests of contemporary Sweden, than a set of 17th-century Swedes, and would certainly have a greater capacity to receive authorization and face accountability?

There were associated costs with planting all these trees, but no benefits for the presently living. This is why it seems like an act of representation. I argue that often, what is construed as attempts at representation are in actuality attempt at the *lifetime transcending aspirations* of the time. Today, following planned cuttings and storms felling trees, oak are replanted in the same area for their cultural significance, experiential value and conservation purposes,[608] and the plan is to have this be a productive forest for producing material for the coming 100-200 years.[609] Mimicking the timeline of their original planting. And we are, again, taking decisions regarding the natural environment in this area. I posit that this is not representing future generations but conserving what we find important. We consider these to be significant trees, with historic and experiential value. We preserve things that we find valuable, we give our children heirlooms to treasure, we preserve things for them to enjoy. For we cannot appear in the future, but we want something of ourselves to live on.

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[608] Statens Fastighetsverk.
[609] Carlsson-Lénart 2018.

An act of representation is to appear in the place of another. In this case, the past is represented in the future, and not the obverse. Planting 300 000 trees is a representation of them, in our world, leaving a bit of their values for the future. With this, interests from the 1800s emerge in the modern era. Just like contemporary values are the reason for continued replanting and conservation of this oak plantation for the coming 200 years.

As noted by Janna Thompson often the writing on inter-generational justice presumes that we have no *lifetime transcending values.*[610] But, of course, this is incorrect. Parents leave an inheritance for their children because they have interests in the world they leave behind. Levinas has highlighted this idea, of living for something that exists beyond our lifetime, as "being-for-beyond-my-death"[611] meaning that we structure our lives around the idea of a world that outlasts us. Recently, Martin Hägglund argued that meaning in many religious contexts is derived from permanence and that our lives are made meaningful in the afterlife, through the reward of a deity. But in a secular world, meaning is derived from impermanence.[612] Things like the wooden areas we roamed as children, and democratic institutions are meaningful to us because they require our care and because we recognize they are fragile. But this realization cannot be used to argue that the maintenance of these impermanent things is a form of representation of future generations. These are our values represented in the future.

Without any form of authorization from the future, we may not be able to tell the difference between our interests and the real interests of the constituency. We cannot then, presume, that we are representing future generations just because we are acting with the future in mind. This may be due to well-researched tendencies to conflate your own interests with that of the wider

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[610] Janna Thompson, *Intergenerational Justice: Rights and Responsibilities in an Intergenerational Polity* (Routledge, 2009).
[611] Emmanuel Lévinas, *Collected Philosophical Papers* (Dordrecht: Martinus Nijhoff Publishers, 1987). P. 92.
[612] Martin Hägglund, *This Life: Secular Faith and Spiritual Freedom* (New York (N.Y.): Pantheon books, 2019).

group or it may stem from bad faith arguments that find "speaking in the name of future generations a convenient and self-righteous way of avoiding their duties to contemporaries, by putting the alleged interests of future generations first."[613]

We die in a world that will live on without us. This permits us to have goals and aspirations beyond our lifetime. The world is something we inherit, and someone will inherit from us. But how do we determine the difference between acts of representation and our lifetime transcending values? How can we ensure that we do not conflate our interests in the world beyond our death with those we claim to represent? Without authorization, I think that ultimately, we are incapable of making this distinction.

As discussed, in Sawards theory of representation, he starts with a representative claim, rather than as Pitkin, with an institutional arrangement. Many actors claim to be representing future generations. While a claim to represent future generations may be accepted by the audience, this will always be done on their conditions. Merely being accepted by an audience, especially one composed solely of people outside the grouping in the representative claim, seems dubiously legitimate if the audience can be said to live in a whole different world from those they claim to represent.

However, as I have also noted, Saward opens for the possibility of getting retroactive authorization of a representative claim. This means that we can in actuality represent nearby future generations, those that will overlap with us. On the presumption that three generations typically will live to overlap, that would mean that we can receive retroactive authorization by three generations beyond the youngest currently eligible to vote. We can therefore, speak of actual representation and make claims of legitimacy when we speak of representing the nearby generations. They will have the opportunity to tell their representatives that they failed, they can create institutions geared towards accountability and lodge complaints. Tentatively, I believe that accountability mechanisms are less feasible in terms of actual implementation, it is more

[613] Karnein 2016, p. 87.

difficult to build on familiar concepts here and more conceptual work would need to be done for how this would even work.

The interests and preferences of nearby generations are much more predictable, as are the consequences of our actions. We can imagine parliamentary functions geared towards their representation, including parliamentarians attempting to represent them[614] as well as ombudsmen for future generations speaking for them. [615] We could imagine discursive democratic forums to explicate the preferences of children and build policy. [616] We could imagine independent commissions with the right to delay or veto legislation could be one way of representing children by delaying the decision until those that will be affected by them are ready to take the decision themselves. [617] We may also consider ecological councils with a similar role. As noted, there is growing literature on institutional arrangements for the representation of future generations, so there are good resources for this task at hand.

I discussed the idea that we could elect representatives for the future based on some background norm of legitimacy that we hope is shared by them, and I dismissed this idea for further of generations as infeasible due to the legitimacy being an empty concept that derives its power from a higher principle, and that these have not been stable historically. However, in the task of representing the nearby and overlapping generations, our odds of success are much greater and again, there is an opportunity for retroactive authorization of that representative. Other solutions, like representative thinking are also significantly more reasonable as it regards the near future.

As noted, I have claimed that many institutional solutions seem commensurable with the task of representing overlapping generations. I want to

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[614] Andrew Dobson, "Representative Democracy and the Environment," *Democracy and the Environment*, 1996, 124–39.
[615] Beckman and Uggla 2016.
[616] Robert Goodin, "Enfranchising the Earth, and Its Alternatives," *Political Studies* 44 (December 22, 2006): 835–49, https://doi.org/10.1111/j.1467-9248.1996.tb00337.x.
[617] Thompson 2014.

caution against the idea of using children as proxies as a general solution. While the chapter on children and democratic exclusion claims children need to be included more in the democratic decision-making process, I also argue that the most important thing is to allow for children to be children, to live in a world of limited responsibility. Placing the burden of having to safeguard the very climatic conditions needed for their, and their children's survival is unlikely to be commensurable with children's social state of limited responsibility.

In a speech to the United Nations, Greta Thunberg, the de-facto leader of the youth movement of climate activists trying to use their democratic voice to argue for more active climate policies, said: "This is all wrong. I shouldn't be up here. I should be back in school on the other side of the ocean, yet you all come to us young people for hope."[618] From this perspective, her loss is twofold: she was robbed of her future as well as her childhood. We may consider it obvious that an injustice is occurring regarding the climate and who will bear the burdens and who receives the benefits. We may agree that our democracies have inadequately defended her interests, but a second part of the statement is often overlooked: she claims she *should* not have to do this. Being responsible for the future is a burden and not a privilege. She has become a symbol for many arguing for the inclusion of children. If we want to use children as tools for combating climate change, to achieve these goals, we must be reminded that the often-chosen symbol of competence and affectedness justifying the inclusion of youth claims her childhood was stolen by being forced to take on this responsibility. I named section 2.1 *The costs of exclusion* – I feel perhaps we may speak of costs of inclusion.

Growing up is hard enough, without receiving the thankless and difficult task of being responsible for dealing with climate change. In the literature, there are those that regard children as possible proxies for future generations and argue

[618] Valerie Volcovici and Matthew Green, "'How Dare You': Greta Thunberg Gives Powerful, Emotional Speech to the UN," *Globalnews.Ca*, 2019, https://globalnews.ca/news/5940258/greta-thunberg-speech-un/.

that their inclusion may help in combating climate change.[619] But what has not been discussed enough is what happens if we place this tremendous burden on them at this early age. And not only are we proposing that they should be included as we are; they should be brought in specifically to help solve a problem we are unable to deal with. It seems unfair, to place our hope in them. But perhaps the depressing truths that we all come to terms with, in this new epoch, will weigh on them regardless.

In this section, I claimed that a turn with democracy can at most be elongated to include all overlapping generations, and that representation of that group is a theoretical possibility with many institutionalized means of representation that could serve that role. Now, I turn to the non-overlapping generations.

7.3 Democracy as turn-taking

Given the discussions in the previous section, what does this mean for democracy and far-off generations? Those that we will not overlap with. What do these conditions mean for how we rule democratically, and what can we do, considering just how many generations will be affected by our actions?

The previous section points me in one direction, it does not seem feasible to extend the demos temporally to include the far-off future and represent them here and now, which is what is implied by those utilizing the all-affected principle generationally.[620] Instead, I suggest that treating this as a matter of turn-taking has a lot more promise. Instead of attempting an act of representative thinking,[621] where we would imagine ourselves in the shoes of non-overlapping future generations, to try and create policies they would prefer – I suggest they are owed their turn. In this section and sketch out what it means for democracy to be a matter of turn-taking. While we could attempt to divide up our

[619] Bidadanure 2016.
[620] This includes Eckersley 2011; Goodin 2006; and Shrader-Frechette 2002.
[621] Eckersley 2004, p. 116.

democratic power in such a way that future generations are given a slice of influence in contemporary democracy, I think the previous section shows why this might not be the best strategy. I discussed the literature on justice as turn-taking in section 4.4, here I want to elaborate on *democracy as turn-taking*, a perspective that is severely under-discussed.

What is interesting in treating this as a matter of turn-taking is how it transforms the relevant questions to be asked. The question becomes: what constitutes a fair turn with democracy? If we get one turn, what are we allowed and disallowed to do with it? What must future generations be allowed to do with theirs? Answering these questions will set the parameters of this discussion. I will simply argue that a turn must at least imply *self-determination*. The functions of democracy; a discursive, self-created achievement of the people cannot involve all who are affected temporally. Future generations must be allowed to rule themselves, if for no other reason than the fact that we cannot rule with them. If a turn implies self-determination, we must discuss what this involves. There is a lot of debate concerning the exact meaning of self-determination, but the core is that "human beings, individually and collectively, should be in control of their own destinies and that the structures of government should be devised accordingly."[622] "Much like with children, we must see their democratic rights as rights in trust. In this case, turn-taking simply implies that we retain the function of democracy, meaning we avoid undermining their ability to rule themselves.

If we accept that non-overlapping generations deserve a discrete turn with democracy, this temporal separation of peoples functions in preserving their right to self-rule without our interruption. This is of course a more limited right than that of being included today and being part of our demos. As we discussed in section 2.1 *The costs of exclusion*, the very core of democracy is the idea that nobody gets to rule another, and in section 5.1 *Democratic legitimacy* we saw

[622] S. James Anaya, "International Human Rights and Indigenous Peoples: The Move Toward the Multicultural State," *Arizona Journal of International and Comparative Law* 21 (October 7, 2009)., p. 50.

that democratic legitimacy is primarily practical and is derived from discursive justification and must be meaningfully democratic in the context it is to be applied. None of this could be meaningfully applied to all affected generations. Instead, I suggest we look to turn-taking, and to allow each discrete time slice of the people to achieve democracy by themselves. Our responsibility then, mostly lies in retaining the function of the object we take turns with.

The idea of democracy as turn-taking has many intersections with the literature on the democratic representation of future generations, such as Dennis Thompson's ideal that we must act as the stewards of the democratic system and ensure its continued flourishing.[623] Or Genevieve Johnson's argument that we have an obligation to secure the "conditions necessary for future persons to engage in informed and uncoerced dialogue about policy."[624] Consider also Paul Wood's democratic argument for protecting biodiversity as any policy that harms it would exert "pre-emptive tyranny over future generations' by eliminating the range of options for that polity in the future, and thus undermine their ability of self-rule."[625] This argument is reminiscent of the argument used for children in asserting that they have rights they cannot yet utilize, but instead have rights-in-trust or the right to an open future. It is notable that some of the oldest theories of environmental justice, as those found in the Bible and the Quran, are based on models of stewardship, based on the idea that the world was given to us by God to take care of and any defilement of it is an act against God.[626] In this way,

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[623] Thompson 2010.
[624] Genevieve Fuji Johnson, "Discursive Democracy in the Transgenerational Context and a Precautionary Turn in Public Reasoning," *Contemporary Political Theory* 6, no. 1 (February 1, 2007): 67–85, https://doi.org/10.1057/palgrave.cpt.9300253., p. 69, 77.
[625] Paul Wood, "Intergenerational Justice and Curtailments on the Disciplinary Powers of Governments," *Environmental Ethics* 26 (December 1, 2004): 411–28, https://doi.org/10.5840/enviroethics20042646.
[626] Geoffrey E Roughton, "The Ancient and the Modern: Environmental Law and Governance in Islam," *Columbia Journal of Environmental Law* 32, no. 1 (2007): 99. p. 102ff.

our responsibility is simply to make sure that democracy is still in a shape that they can take their turn with it.

To further conceptualize democracy as turn-taking, I want to look to Thompson's model of trusteeship where: "present generations should act to protect the democratic process itself over time. They should try to ensure that citizens continue to have competent control over their collective decision-making. The principle implies that the independent body at any present time should seek to preserve a democratic process that gives future citizens at least as much capacity for collective decision-making as the present citizens have."[627] I largely agree with the caveat that we can only ensure that the next upcoming generations are left with these institutions of the same quality. For any generation after that, it is contingent on all interceding generations to ensure that these institutions are well-kept. We can undermine their ability for collective self-determination, but we cannot preserve it beyond the immediate future. Preservation then, cannot be the only responsibility, as that is only interacting with the next generation, but some of our actions may, due to the time-lag of climatic impact, only undermine unconnected generations, generations we do not overlap with at all. That means that preservation is but the first duty, with the second being to not undermine the ability of future generations, including non-overlapping generations.

There are many issues in ethical reasoning regarding future generations, and there is an especially concerning one that I have yet to discuss, the *identity problem* as conceptualized by Derek Parfit.[628] Climate change is "world-constituting", in a way that is not limited to altering the circumstances of life for future generations – it will also lead to the creation of entirely different people, who cannot claim to be wronged, for it is only because of these decisions that they exist. Parfit asks: "How many of us could truly claim, "Even if railways and

[627] Thompson, 2016, p. 186.
[628] Derek Parfit, "Energy Policy and the Further Future: The Identity Problem," in *Climate Ethics*, by Derek Parfit (Oxford University Press, 2010), https://doi.org/10.1093/oso/9780195399622.003.0015.

motor cars had never been invented, I would still have been born?"[629] And similarly, anyone in the future may ask "whether they would have been born had the world not gone down the path of emitting more than 30 billion tons of carbon dioxide per year." [630] Therefore, we have not deprived them of the climate they would have had, because if it were not for climate change, they would not have existed.

A reasonable objection to the identity problem formulated by Joel Feinstein is that the ethical evaluation of an action is not always contingent upon knowing someone's identity.[631] Some actions may always be wrong and apply regardless of identity. In this, I argue that the right to self-determination holds for every possible future generation in this way. The right to self-determination is not contingent upon a preference for self-determination – the right to have political decision-making justified to yourself in an equal and reciprocal way should hold for everyone regardless of identity (see chapter 5 regarding key democratic concepts for a thorough discussion).To be clear, the right to self-determination would not be affected by the identity problem, but I think it is likely that in most cases of representation of future generations, it would be an issue. The interests and preferences will be formed by the environmental conditions they were born into. But the right to self-determination is not contingent upon preference. Note also that the right to self-determination is less open to the issues of insecurity described in section 7.1, as we need not know what their interests or preferences are, we simply know that this is up to them to decide.

Why does the right to self-determination hold for every generation? They too have a right to create their own world, to have political power justified towards them, to live autonomous lives. There is no comprehensive reason to treat future generations with less concern than those closer by, as argued by Shrader-

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[629] Dobson 1996, p. 137.
[630] Jaimeson 2015, p. 32.
[631] Joel Feinberg, *"The Rights of Animals and Unborn Generations" in Environmental Rights*, ed. Steve Vanderheiden, First edition (London: Taylor and Francis, 2017).

Freshette.[632] There is no reason to assume we are owed rights that do not hold for others. However, we are limited by the basic facts of our context. We cannot represent them here, today, in a democratic process. It is not a process that can be led from the outside. Self-determination is not something we can provide for them, by adding a couple of parliamentarians "representing them". This is a process that must be morally self-given. The only thing we can do is make sure that the conditions for their self-rule are not undermined.

This would mean that if we attempt to take decisions for future generations, as we represent them, we are undermining their right to self-determination, by imposing the parochial aspirations of the present in a world where these goals and ideas have no place, in a cultural generation where it does not fit. And in this fashion, we act with an almost imperialist logic, undermining the self-determination of future generations. We risk undermining their turn to rule. Our responsibility to the far-off generations is simply to allow them their own turn.

How to best ensure this right to self-determination institutionally is a difficult question. The literature on constitutional limits regarding environmental degradation could provide some possible means.[633] Turn-taking may be conceptualized as limiting of how we legislate for the future, especially as it regards constitutional law regarding the environment. While constitutional mandates on climate policy can be used as a means of ensuring that future turns with democracy are possible, it also may undermine their right to self-determination. Constitutional laws are typically difficult to change and alter, and it is not only this generation that are likely to be bound by these. For the most part, I consider the all-subjected and all coerced principles to be irrelevant for non-overlapping future generations, as most laws are easy enough to alter and are unlikely to be still in effect beyond the relative near term. However, this does not apply to constitutional laws, as discussed previously by Beckman, we must not only consider that they limit our ability to self-govern, but that it will also

[632] Shrader-Freshette 2002, p. 24ff.
[633] Ekeli 2007.

have that effect for future citizens.[634] Constitutional law regarding these issues seems like an accessible and feasible alternative, so long as the effect on future generations, limiting their self-rule is adequately balanced.

Thompson's suggestions for preserving the conditions of democratic rule: independent commissions and citizen assemblies[635] could form reasonable options. We may also consider ecological councils,[636] or ombudsmen.[637] These institutions could likely play a role in ensuring that we (as best as possible) avoid making the type of irrevocable damage that could undermine the continued function of democratic self-determination for any future generation.

Democracy takes many forms. Most likely, many institutional arrangements could be designed to deal with the dual role of ensuring that non-overlapping generations are not undermined in their right to self-determine while also potentially trying to represent the overlapping nearby future generations. However, as noted in the opening of this monograph – the question of who is to be included is prior to the question of how we rule. Establishing the ideal to strive for, is immediately helpful in determining whether any actual institutional practice is indeed fulfilling its role.

7.4 Summary of article on democracy and future generations

This dissertation contains one article on the potential of democratic inclusion of future generations from democratic processes titled *How Future-oriented should*

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[634] Ludvig Beckman, "Democracy and Future Generations. Should the Unborn Have a Voice?," in *Spheres of Global Justice*, ed. Jean-Christophe Merle (Dordrecht: Springer Netherlands, 2013), 775–88, https://doi.org/10.1007/978-94-007-5998-5_62.
[635] Thompson 2016.
[636] Jörg Tremmel, "Parliaments and Future Generations," in *Governing for the Future: Designing Democratic Institutions for a Better Tomorrow*, ed. Jonathan Boston, vol. 25, Public Policy and Governance (Emerald Group Publishing Limited, 2016), https://doi.org/10.1108/S2053-7697201725.
[637] Ludvig Beckman and Fredrik Uggla, "An Ombudsman for Future Generations," in *Institutions For Future Generations*, ed. Iñigo González-Ricoy and Axel Gosseries (Oxford University Press, 2016), 117–34, https://doi.org/10.1093/acprof:oso/9780198746959.003.0007.

democracy be? Representation and self-determination for future peoples in light of the Anthropocene. In the paper, I discuss the concept of *democratic presentism*, the notion that democracies tend to place an undue level of care into handling contemporary problems while ignoring the issues of the future – especially as it regards future generations. I note that there is a distinct lack of clarity regarding the level of ideal presentism in a democratic society, as it has been noted that presentism may also have positive aspects. The goal of the paper is finding some grounding for a specific notion of how presentist democracy should be.

Typically, in the literature, all future generations are aggregated as one block, with the same needs and interests, I challenge this in order to uncover whether our democratic responsibilities are different for nearer generations than those further off. The need for having a clarified stance of how presentist democracy ought to stem from difficulties in evaluating different practices. I note that many suggestions have been levied on how to make democracy more future-oriented, but it is difficult to determine which of these is more appropriate as we do not know what the ideal end-state would look like.

I argue that we best understand the issue of presentism on the basis of the *all-affected principle*[638] (discussed at length in section 3.2 of the monograph). Simply understood, presentism can be seen as an issue that future generations often will be more affected by political decisions taken today, than the people taking this decision. From this, political theorists have devised various forms of democratic representation of future generations, such as adding parliamentarians representing the interests of the future, having ombudsmen with powers to delay or veto legislation, citizen assemblies, lowered voting ages, maximum voting ages and other suggestions of this nature. What is lacking however, is a clear ideal of how much representation they are to be given in

[638] This is also the understanding presented in Ben Saunders, "Democracy and Future Generations," *Philosophy and Public Issues - Filosofia E Questioni Pubbliche*, 2014.

comparison with the presently living. We do not have a sufficiently specific ideal end-state clarified, making the evaluation of different practices difficult.

I note in the paper, that the timelines of climate action seemingly stop at the year 2100, with the United Nations' climate goals all coalescing around this round number. They explicitly term this as "long-term". I continue to note that many issues of Anthropogenic climate change have much longer-term impact, including actions already taken, and that focusing on the year 2100 is altering our system slightly, from presentism to short-termism, ignoring that some decisions will continue affecting us much longer.

I argue that a part of the issue is that climate change is regarded as a looming problem to solve, and that we better understand the Anthropocene as a condition that we cannot leave. Though abbreviated, this is very similar to the discussion in section 2.1 of this monograph. In this section I argue that while there is a need for quick, decisive action as it regards to the immediate climate issues, regarding mitigation and adaption – meeting our goals as stipulated in international treatise like the Paris Accord does not mean a change in the conditions of decision-making in the Anthropocene.

I note that as we entered into the new geological epoch in the 1940s, and therefore we are not the first generation of the Anthropocene, and we will not be the last. Regardless of how we deal with the immediate climate crisis, we must remain in this epoch. Thus, our current situation is less unique than we often consider it. I take this to mean that we can see ourselves as but one link in a long chain of generations of the Anthropocene. The currently living were largely born into a world where human impact on the climate had already done irreparable damage to the Earth system, and they also do this damage. This chained concern is core to the text.

I argue that an issue in much of the literature on democracy and future generations is that we do not disaggregate future generations and instead treat them as one solid block, with undifferentiated interests in the climate. I argue that we cannot assume that their interests will align and that it is just as likely that nearby generations would have similar interests as the present generation. Any economic gain today will likely be inherited by our children and their

children, and they may like us prefer economic benefit over long-term climatic stability.

I then go on to argue that the problem of treating future generations as one block is compounded as our impact on the future beyond the immediate next generation is mediated. If our actions impact generation 5, that means that generations 2-4 will likely either help in adaptation towards those actions, or not, or they may have failed at mitigating their own emissions and thus compounded the negative effects of our action. or in some other way altered the impact.

Another aspect that shows itself once you disaggregate generations, is that if we have responsibilities to the near future generations, those same responsibilities will be held by coming generations as well. If we stipulate that generation-one has responsibilities to generation-two, three and four, then generation-four will have the same responsibility going forward.

I then start discussing the problems previously identified in the literature on democracy in applying these concepts to future generations. I highlight four issues in particular: *issues of uncertainty in determining the interests and preferences of future generations; uncertainty with regards to the actual impact of our decision-making; while our actions will impact the climate, we retain limited control over it; and the non-identity problem*. I also go on to discuss some of the proposed ways in which these issues can be minimized. I argue these are imperfect, but that any democratic representation of the inexorably non-present must be.

I add one novel argument outlining a problem for the representation of future generations. The issue of *authorization*. Here I build first on two theorists of representation, first the writing of Hannah Pitkin who stipulates that authorization must happen prior to representation, which clearly would make representation impossible for future generations. Then I discuss the modern framework of representation, such as Michael Saward, and note that they also stipulate some form of authorization. I delve deeper into Saward's concept of the *representative claim* and note a couple core features of it. Firstly, the act of authorization of a representative must happen within the represented group, what he calls the constituency. While any idea of adding parliamentarians to

contemporary parliaments would only need to justify itself to what he calls the audience of the claim. It is not up to the audience whether this is a legitimate representative claim. I use a simple analogy to show this, if parliament was composed solely of men, anyone could claim to represent women. And if that claim's legitimacy was only determined by the other men in parliament, that would be equivalent. Therefore, there is no democratic legitimacy in acceptance of the representative claim by the audience, only by the constituency.

I go on to note that Saward stipulates that if you claim to represent someone the constituency can authorize that retroactively. I argue this is similar to how a parent can act as a representative for their child, but it is only after that child has grown up that the child can confer authorization in any meaningful way. Therefore, I argue that democratic representation has a theoretical limit in how forward-looking it can be and still be referred to as representation, and that this is when generations are overlapping due to the natural restriction of retroactive authorization. Any person you will actually overlap with could make the claim that they were or were not adequately represented. Furthermore, they could implement means of accountability such as sanctions and rewards.

I go on to say that the issues listed above, insecurity regarding preferences and interests as well as outcomes of decisions, are not nearly as serious for the nearby, overlapping generations, and that these theoretical issues can likely be overcome. On this basis, I argue that we can and perhaps should attempt to represent the nearby, partially overlapping generations.

I go on to argue even further against the inclusion of non-overlapping generations on the basis of self-determination. Here I take a functional approach to democracy, and stipulate that if democracy's function is self-determination, that we stand at risk to undermine their right to self-determine as we include them in our decision-making today. If we think we represent them, and take decisions for them, that is a case of other-determination, and domination from the past. What we owe them is to let them rule alone, and not pretend we can rule for them, here.

I argue instead that the far-off future, should be treated as a different country. Meaning while we do not get to claim to represent them, we also may not

undermine their ability to self-determine. We may not undermine their right to be sovereign and determine their own destiny. This, I argue, is a quite demanding stance, more so than it first appears. Because it implies, due to the chained concern discussed earlier, where our responsibility to the nearby generations also implies not undermining their ability to fulfill their responsibilities.

I claim this means that different forms of institutional arrangements can be legitimately applied to the nearby, partially overlapping generations. Meaning that proposals like adding parliamentarians or lowering the voting age may be feasible. I argue that for the further of generations solutions suggested by the likes Thompson and Johnson, in building institutions that help us preserve the conditions of legitimate rule are more appropriate. This means that we have good reasons for treating different generations differently, starting from democratic values. The values of democracy can help us understand why we have more specific and stronger responsibilities to nearby generations, those that overlap with us, than the rest.

8 CONCLUDING REMARKS ON THE INTERGENERATIONAL DEMOCRACY

I started this monograph by noting the lack of attention which the inter-generational nature of democracy has been given in democratic theory. We are in so many ways inheriting a world, already in progress – "We stumble into life well after the party started, and are forced to leave long before it ends".[639] As noted through-out, this is especially true in the Anthropocene, in this epoch defined by human action. We should not in our thinking on democracy neglect the tremendous impact we have on the conditions of life to come. The boundary problem in democratic theory, of who should be included in a democracy becomes more complex under these conditions. In this monograph I have looked specifically at whether this implies a claim for children and future generations to be allowed to be somehow included in democratic decision making. I attempt to understand what it means for democracy to be *intergenerational*.

The proposed starting year of the Anthropocene, 1945, reminds us that this is not a unique moment in time or a temporary problem. The defining issue of our time, climate change, saw its trajectory defined before I was born; even before my parents were born. I do not belong to the first or even the second generation of the Anthropocene. In this way, our efforts as it regards the climate today, are very similar to the challenges of our children and future generations, who must both live within the confines of a climate forever altered by past generations and with the knowledge that they will impact the future in the same way. Therefore, it is high time for us to have these difficult discussions of how democracy can function under the conditions defined by a new geological epoch.

With this background, let me summarize some core findings and connect the two cases discussed, extrapolating how they are tied together. I started with the question of who must be included for democracy to be legitimate. I have taken

[639] Scranton 2020.

the challenge of children and future generations' absence to the legitimacy of democracy seriously. While these groups are often ignored, their exclusion are core issues to democratic thought – just as pressing as other more well-discussed boundary problems. There is much at stake regarding questions of inclusion and exclusion. Ultimately, who gets a vote determines who is listened to, to whom accountability is geared, where money is spent and who is expected to pay. Both children and future generations have good reasons to believe that they are not given a fair consideration of their interests in comparison with the rest of us. We saw regarding both groups that public expenditure tends to focus on those with voting power, and that climatic costs tend to be pushed forward onto children and future generations.

Much discussion around the boundary problem has coalesced around three principles of inclusion, which often seem to call for the inclusion of children and future generations. Both groups are clearly affected by decisions taken today, and children (especially older children) are also coerced and subject to the same legal system as adults. Future generations are for the most part not subject to our legal system (perhaps except for regarding constitutional law) and rarely can they be understood as directly coerced by us. However, as I discuss in this monograph, I take a functional approach to the boundary problem, and evaluate the demos based on whether it allows for the legitimate function of democracy. I claim there seems to be a conflict between the principles of inclusion and the legitimate function of democracy in some cases. This is a central tension in the work – that the principles of inclusion seem to call for inclusion of those that either cannot be meaningfully included or may be harmed by it.

I argue that an intergenerational democracy must do several things to remain legitimate: justify decisions taken in a reciprocal and equal way, maintain the ability of its people to be autonomous and self-governing, and it must be able to maintain this project and reproduce itself intergenerationally. I argue that we can understand this in terms of taking turns with democracy. A core contribution to the field of discussion is the further conceptualization of democracy as turn-taking. A concept that was on the forefront of ancient democracy, where lots

were drawn and people took turns with power, that concept deserves a renaissance. While I do not advocate for drawing lots, I argue that we should view ourselves as having our turn, and that we should leave things in order, so that future generations can have their turn, and that this includes several responsibilities to children.

The dominant view of children in democracy is that they are simply not capable of taking part in democracy. I have found that what is typically discussed and measured is not capacity but competence. That is to say, there is very limited evidence that children cannot learn to be decent democratic citizens at a younger age, but their inadequate knowledge is used as evidence for exclusion. Looking at the level of knowledge of the political processes or their level of ideological stability misses the distinction. It is in a sense arbitrary whether the voting age is moved or if more is invested into civic education and other initiatives to develop the competence of children to take part. Instead of treating children as too incompetent to take part, I look at whether democratic inclusion can be helpful in the development of these competencies, and the development of autonomy.

It is possible to base the line of inclusion for children upon the general level of autonomy and responsibility that has been socially afforded them. In many ways, children are treated as adults and taking on the responsibilities of adults, but without corresponding democratic rights. I attempt to connect the responsibilities of autonomy with the right of participating in democracy. This line of argumentation has largely been disregarded in the theoretical literature, claiming that the responsibilities children face are unconnected with democratic rights. While much of the literature has argued this is a spurious argument. They claim that rights such as the right to enter the workplace or have children are unconnected with voting rights, and that there is no reason age limits in different domains may be placed at varying ages. I have pushed back on this. I have argued that we can motivate paternalism and a reduced right to participate for children by looking towards their interests – and that this allows for limited autonomy of children. This in turn, allows us to exclude children whenever they

are unable to be autonomous as democracy is meant to be a political system that allows for the people to retain their autonomy.

It seems that children have a strong claim that they have not received sufficient democratic justification for their exclusion in cases where they are expected to be responsible in the same way as adults. I argue that we often treat children as if they are autonomous beings responsible for their actions, and that therefore it is illegitimate to fully exclude them. However, they are typically quite limited in what autonomy they are allowed, so it is reasonable to allow for more limited forms of democratic participation for the young, including voting in local elections and other forms of bespoke institutions meant to represent their interests. In this way, I believe that to a large extent, children are not being given the democratic voice that they are owed. They have not been given sufficient democratic justification to be simultaneously heavily affected by political decision-making, under a coercive regime and often nearly full legal subjects, but with no corresponding democratic rights. This is a clear example of arbitrary rule. However, I believe I have also shown that this can be solved either by motivating limitations of autonomy or by giving them more democratic rights. The question of which benefits them more is not yet fully answered, and would require more empirical study.

Similarly, regarding future generations, I try to answer the question: when should our turn be over and done and the turn of future generations begin? When is it appropriate to speak of one people, and when does the future become a different people? I present the view that we should consider all generations that will overlap, and therefore can have the decision made retroactively authorized, and could theoretically enact processes of accountability in our decision making. This involves, in some key respects, treating overlapping generations as one people.

Regarding future generations, I showed that we must do more to attempt to represent the interests of the partially overlapping generations, specifically three generations forward from the youngest adults with voting powers. This implies

that children today must be represented more clearly by the political system, due to the anthropogenic impact on climatic systems. I come to similar conclusions in all the writing on children as well – they have strong claims for more democratic representation, whether within the immanent norms of Denmark and Sweden's political system, or the norms formed following the ratification of the Rights of the Child – or radically through the norms of democratic thought. Here the findings of both the writing regarding children and future generations point unanimously for children to gain more influence and be more actively represented by the political system they must live in. However, as we deal with future generations, we must be humble. As much as all political decision-making may have unpredictable consequences, this effect is compounded as time passes.

However, the writing on children's exclusion also highlights some serious issues with suggestions of letting children be proxies for future generations in political decision-making – putting our hope in them to solve these issues may have a negative effect on them and their development. I ultimately argue for only limited inclusion into the democratic system, specifically to allow for a childhood without much responsibility and limited consequence – placing the burden on children to stand in for future generations, something adults cannot seem to figure out – seems like a disservice to these children and their development, which ultimately may be harmful to democracy's long-term survival. The social position of a child as someone in need of having very limited responsibility means they should not be forced to take the responsibility to mitigate and adapt to a changing climate, but the crushing weight of these issues means that they have a strong claim to be represented more. They are already often treated as bearers of great responsibility in life, typically reaching the age of criminal majority long before they are allowed to set the laws of the land. Dealing with a changing climate is a burden – and we need to think twice before pawning it off to the youngest – using them instrumentally to achieve certain policy outcomes. While we should do more to include children, this must be done in a way that ultimately benefits them and their ascension into democracy.

I have found that in many ways, children and future generations are similar, but they must not be conflated. They are similar, first in that their democratic rights are to be understood primarily as rights-in-trust. While a four-year-old may be more easily incorporated into the political processes than the as-yet-unborn, we can consider this a difference of degree rather than a difference of kind. Undoubtedly, a four-year-old can put an X next to the name of a party or a candidate – but this achieves very little unless they grasp the decision and what it entails. What ultimately is much more important is that they receive the childhood needed to develop into a fully autonomous person capable of participating in a democratic setting. What unites the two groups is that their right to rule themselves democratically in the future must not be undermined – and that their turn with democracy requires that we carry out the maintenance to retain its function. Looking at democracy intergenerationally means recognizing that we have our turn, and soon we will be replaced – but we are responsible for the conditions under which democracy will continue – both as it regards developing the capacities to rule, as it does for children. and having the general pre-conditions allowing for self-determination, as it does for future generations. And, if we have responsibilities to our children as it regards their anticipatory autonomy, that means they will have the same responsibilities to their children. Creating a chain of concern towards the future. We have special obligations and responsibilities to those closest to us and soon they too will have these responsibilities towards following generations.

In this text, I have contributed by forming new dialectics between literatures, built inter-textual relationships and applied frameworks on cases they have never been applied on. The clearest example is in helping the development of democracy as turn-taking, which is an idea that has seen very little discussion so far but constitutes fertile ground for further discussion. Similarly, the framework of justification and autonomy mostly developed on the basis of Rainer Forst's writing has not been applied systematically in this way to children and future generations, and this explicates a lot of interesting findings. The section on future generations discusses three different literatures, the boundary problem

literature, the representation literature and justice as turn-taking, again creating new dialectics between literatures.

I have shown that democracy has many forward-looking responsibilities that are created by virtue of democracy. A key insight is in helping clarify to what extent our responsibilities shift as we move further away from the present. While we have a responsibility to care for the nearby generations to a greater extent, for the generations we do not overlap with our responsibilities can be understood as being guardians of future rights. Neither small children nor future generations have formulated wills or clear preferences, they cannot move through the world autonomously. Much of our responsibility is in maintaining that they themselves get the choice of how to live, how to rule and be sovereign. In the short-term, that entails ensuring the development of certain capacities for children, maintaining legitimate institutions and attempting to reach the goal of avoiding arbitrary rule or domination. This means more inclusion of young people, as we treat them as responsible and autonomous, letting them grow into that role. This is just our turn with democracy, and it is our role to ensure that the next turn is not hindered. For further off future generations, we cannot have this level of direct, unmediated impact. This means that any direct attempt at representing them can always be undermined by an interceding generation. Instead, we must simply avoid burning down the house, so they get a chance to live in it as well. Attempting any act of representation regarding non-overlapping generations is fraught with issues, we do not know their interests, we cannot predict the consequences of our actions, we cannot be held accountable, and most importantly, there will never be any validation or authorization of our attempts of representative thinking. Practices like this do not confer any democratic legitimacy.

If we understand democracy as turn-taking, the core of that is maintaining function. Whether it means ensuring that children are allowed the goods of childhood needed to develop into autonomous citizens or avoiding undermining the ability of the far-future generations to self-determine. We cannot simply grant every child and every future person an equal vote for our parliaments. This

does little good for the child and would more likely undermine the ability of future generations to self-determine than help them. Instead, I suggest that democracy as turn-taking is a matter of maintenance and preserved function. If we attempt to understand our role in the world, it is not that we should attempt to alter our institutions to allow for future generations to be represented in daily politics, but rather that we should ensure the continued functions of democracy, so that they may also have a turn.

We are unlikely to leave the condition of the Anthropocene within the foreseeable future, and therefore untold generations will grapple with these questions. I can only hope my efforts may play a small role in these early days of learning to live in the Anthropocene.

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ISSN (online): 2794-2694
ISBN (online): 978-87-7573-716-1

AALBORG UNIVERSITY PRESS