Future proofing democracy:
The democratic case for an Office for Future Generations

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Very draft – quote with caution; comments always welcome

Is democracy necessarily myopic?

How can we explain the tendency of democratic systems to prioritize the short-term? Democratic myopia is typically associated with structural characteristics of the issues at stake, the political system and individual psychology of citizens.¹ Long-term issues tend to be highly complex in nature and exhibit a high degree of uncertainty: two characteristics that individually, let alone in combination, tend to exacerbate inaction. This interacts with structural features of the political system. First, the silo structure of governance is not well suited to coordinated responses to such complex and cross cutting issues; steering across administrative boundaries is a challenging enterprise. Second, and the most commonly cited structural impediment, is short-term electoral cycles that incentivize more immediate and strategic party-political motivations amongst political representatives, running counter to issues that transcend a number of such cycles. Third, the structural advantage that powerful interests enjoy enables them to defend the existing unequal distribution of resources. Theorists of collective action have long known that sectional vested interest (especially those organized around economic resources) are in a position of relative power compared to groups trying to organize around more generalized interests (such as the economic, social and environmental well-being of future generations). Such challenges are reinforced by a fourth structural characteristic of our political systems: the non-presence of future generations (and non-human nature) within our decision-making institutions. Feminists have been quick to point to the ways in which a lack of presence affects the manner and extent to which institutions respond to politically marginalized interests. Finally, a structural feature of individual psychology, the positive time preferences exhibited by

¹ This brief discussion draws on a range of sources, but most heavily on MacKenzie (2013).
citizens means they typically have a preference for short-term gains. This insight can cut two ways. First, decision makers have the same psychological orientation and hence tend to prioritize the short term (regardless of the structural characteristics of political systems that reinforce this prejudice). Second, political decision makers are well aware of this tendency within the population and as such develop policy that exploits such preferences.

According to Runciman (2013), the tendency of democracies to ‘muddle through’ – the capacity (arguably a virtue) that typically allows them to outperform autocracies – is one that enables such systems to deal with immediate crises, but is of less value when it comes to long-term challenges such as climate change that require more considered and planned responses.2

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

**Long-term thinking and democratic theory**

Democratic theory has relatively little to say about long-term thinking and the inclusion of future generations in political decision-making. Work on future generations has generally been dominated by justice theorists; whether philosophers or legal scholars. While this literature has generated significant insights around issues such as the non-identity problem, theories of intergenerational justice (or justice per se) often generate discomfort from a democratic perspective because they are typically motivated by the desire to

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2 Runciman’s *The Confidence Trap* is a sobering account of how democracies have muddled through a variety of crises in the 21st century. In the conclusion he highlights how the structural characteristics of climate change differ markedly from earlier crises, thus challenging commentators such as Al Gore who appeal to the capacity that democracies have exhibited to deal with earlier challenges. While he does not make this distinction, Runciman’s analysis suggests that democracies will be better placed (than other political systems) to adapt to the ravages of climate change, but poor at responding to the demands of mitigation.
provide a single theory of just action or organization towards the future: one that is prior to democratic engagement and outcomes. Democratic theorists tend to recognize that politics is a more messy enterprise and are driven by a different question of how a long-term orientation can be embedded within the activities of a polity.

Unsurprisingly (given its dominance within democratic theory per se) theorists of deliberative democracy have had most to say about future generations. Deliberation is perceived as being particularly sensitive to ‘other-regarding’ or ‘public-spirited’ preferences and perspectives and as such is taken to be more likely to incorporate the interests and well being of future generations. Green political theorists such as Dryzek (1997) and Smith (2003) have offered arguments as to why deliberative democracy may be particularly well suited for dealing with environmental sustainability, for example. Deliberation is a process through which the idea of belonging to a trans-generational polity can be reinforced and the currently existing demos can give an account of their actions to those who follow (MacKenzie 2013). Thus the more a political system embodies the deliberative ideal – so the argument goes – the more likely it will embed long-term thinking. For Fuji-Johnson (2007), a deliberative democracy that embeds consideration of the decisional agency of both existing and future persons will be one that realizes precautionary public reasoning.

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

While the deliberative perspective is in many ways compelling, practical and theoretical limitations emerge. Where authors have drawn on empirical evidence to support their conceptual contentions, it often comes from exercises in citizen engagement (often mini-publics, but also direct
legislation) where the issue under consideration has been one with explicit long-term implications. Participants are orientated towards the future by the very agenda of the initiative. Here evidence suggests that participatory forms of governance that promote deliberation outperform more traditional democratic institutions (Smith 2003) and that context and institutional design is significant for ameliorating positive time preferences. But what of circumstances where the issue at stake is not explicitly future-orientated; or where current discourse is failing to attend to long-term considerations?

Again, the feminist critique of non-presence has some purchase on deliberation. Against those who argue that we can imaginatively include the interests of those not present in our internal and collective deliberations (Goodin 2008), feminist theorists have highlighted the important difference between the politics of ideas and the politics of presence: if the politically excluded are not present, decisions are unlikely to fully respond to their concerns (Phillips 1995). Presence (and voice) is critical for political attention.

We cannot rely on the inclusion of the interests of future generations within deliberative exchanges; thus our reflections must turn to second-best solutions for ensuring voice for future generations and these will not necessarily be deliberative in character. Accounts of deliberative systems may well be one way to incorporate such institutions within a broader deliberative frame (Mansbridge and Parkinson 2012), although it is reasonable to question whether such overriding priority should be given to the ideal of deliberative democracy at the systemic level (Owen and Smith 2014).

Either way, our focus on deliberative solutions may be practically (and conceptually) limited since our existing democratic practices and institutions are typically not deliberative: not even close. It is not good enough to simply wish they realized the deliberative ideal. How are future generations to be included when we know that interactions within polities and demois are often far from deliberative; and hence the conditions for incorporating their interests are less than ideal?

One potentially productive theoretical strategy is to take a more conceptually ecumenical goods-based approach to analyzing democratic institutions. In earlier work (Smith 2009), I have suggested that the democratic qualities of single, combination or system of institutions can be judged to the extent to which they realize (through design or otherwise) a range of democratic goods – inclusiveness, publicity, considered judgment and publicity – as well as institutional goods such as feasibility. As such we can diagnose the limitations of a particular institution or set of institutions on the grounds that one or
more of these goods is poorly enacted – and on this basis be in a strong position to suggest potential institutional reform and/or restructuring. A similar strategy can be undertaken in relation to consideration of future generations. In other words, how the interests and well-being of future generations to be considered in relation to such democratic goods: to what extent and in what ways are their interests made present and voiced; to what degree are they able affect political decision making; how are considerations of the future integrated into political judgments; how are decision making processes made transparent to future peoples? And importantly what is feasible in responding to the limitations and dysfunctionalities of current institutional arrangements? We already know that no single institution can fully realize all of these goods; expanding our considerations to include future generations will only increase tensions. But that is the reality of democratic design.

**Future-proofing democracy: a quick overview of suggested reforms**

There are a broad range of suggestions for reforming and restructuring the institutions of democratic systems: some based on already established practices; others purely speculative proposals. No doubt a polity that was to more effectively embed long-term thinking would incorporate a range of such institutional designs and a more sophisticated analysis than can be offered here would analyze the interactions (positive and negative) between such institutions and how that effects the realization of democratic goods. Here we will briefly review different areas of democratic design where we find a particular concentration of proposals and actual practice, without wishing to give the impression that these are the only areas of the polity where institutional reform and restructuring could progress.

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

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

An idea that has gained particular traction within deliberative politics has been that of a randomly selected second (or even third) chamber (Thompson 2010: 31, MacKenzie 2013). This is not a purely future-orientated design proposal but one that has broader pedigree amongst democratic reformers (Barnett and Carty 2008). If we buy into the characteristics of deliberation to incorporate the interests and well being of future generations, evidence from mini-public experiments suggests that the consideration and promotion of long-term thinking would likely be one outcome. Additionally such a chamber could be specifically charged with promoting future generations in their considerations of policy and legislation. There are opportunities to promote such an idea in places where the constitution of the second chamber is under debate (e.g. UK House of Lords) or where we find unicameral systems (again devolved regions of the UK being one set of examples). Such a proposal deserves attention and draws on empirical evidence of deliberative mini-publics. But questions can be raised about how
such as assembly would operate on a day-to-day basis: would it remain deliberative in character if it were so central to the organs of power? Lessons drawn from one-off experiments such as the British Columbia Citizens Assembly on Electoral Reform (however impressive) cannot necessarily be generalized for a permanent body that has such extensive political powers.

Without changing the composition of legislatures, Ekili (2009) has offered an interesting proposal for how parliamentary procedures might be reformed: sub-majority rules to delay and/or require a referendum on a bill that threatens serious harm upon posterity. Since such a suggestion does not undermine the status and decision making power of existing representatives, it arguably has some potential political traction.

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

Beyond constitutions and legislatures that have proved to be the favored sites for design attention, a series of suggestions for new policy appraisal methods and techniques have emerged that range from tinkering with the discount rate applied in economic techniques through to alternative methods such as posterity impact statements (Thompson 2010: 32-33). Relatedly, we find calls for increased use of deliberative forums and other participatory techniques in the decision making process, ranging from technocratic specialist bodies such as the Royal Commission on Environment and Pollution and the more innovative Climate Change Committee in the UK\(^4\), through to more participatory institutions such as mini-publics and direct legislation (Smith 2003; MacKenzie and Warren 2012; MacKenzie 2013). Practical questions of how such future-orientated participatory forums and initiatives are to be embedded and championed within a political system has had less attention, an issue we pick up below.

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\(^4\) The CCC has a formal role in assessing the government’s progress under the Climate Change Act (Benson and Lorenzoni, forthcoming).
The democratic case for an Office for Future Generations

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

The World Futures Council, having reviewed the practices of similar institutions across the world, argues that the key characteristics of such an Office are:

- independence
- transparency
- legitimacy
- access to information
- accessibility
- authority

(World Future Council 2014: 10; Göpel 2012: 13-14)

There is something pleasingly counter-intuitive in investigating this particular institutional design within the ECPR section on democratic innovations. For many, the idea of such independent oversight bodies has the ring of an anti-democratic reform: taking power away from traditional democratic institutions such as parliament. Without assuming that such an Office can ever be a silver bullet for realizing long-term thinking, there may be good democratic reasons for giving this institutional design serious consideration. I would go as far as to say that an OFG could itself be a significant democratic innovation, where that term is understood as an innovation to democratic architecture (rather than the more limited usage that is typically applied to

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5 A recent conference ‘Model Institutions for a Sustainable Future’ held in Budapest in April 2014 paid particular attention to these and other institutions that share a family resemblance: Committee for the Future, Finland; Parliamentary Advisory Council on Sustainable Development, Germany; Office of the Auditor General of Canada; Welsh Commissioner for Sustainable Futures; Parliamentary Commissioner for the Environment, New Zealand; former Commissioner for Future Generations, Israel; Norwegian Ombudsman for Children, Norway; and Ombudsman for Future Generations, Hungary.
participatory institutions – mea culpa, Smith 2009). That said, as I will make clear in the argument, it may also have an important role in promoting democratic innovations in the participatory sense; its legitimacy and institutional sustainability may rest on such a strategy. The democratic credentials of an OFG depend very much on how its role and functions are conceived.

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

At a recent Hungarian conference on model institutions (see earlier footnote for details), there was some disagreement as to the desirability of an independent body. Critics contend that such institutions should be formally embedded and connected to power: in other words part of the parliamentary (and/or executive) infrastructure. This also ensures explicit democratic legitimacy for the body.

But this is to misunderstand the democratic case for independent oversight. Such bodies have long been a critical part of democratic architecture – think of the overseers, auditors, supervisors and public ombudsman chosen by lot or elected in classical Athens (Rosenvallon 2008: 25). In Counter-Democracy, Rosanvallon offers a persuasive argument that the ‘organization of distrust’ within democratic settings has been a much-ignored topic within contemporary democratic thought:
a complex assortment of practical measures, checks and balances, and informal as well as institutional social counter-powers has evolved in order to compensate for the erosion of confidence, and to do so by organized distrust. It is impossible to theorize about democracy or to recount its history without discussing these organized forms of distrust. (Rosanvalllon 2008: 4)

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

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

This is to expect too much of a single institution. Our democratic imagination needs to extend to consideration of institutions that can oversee and regulate the activities of government and parliament – and in so doing potentially (indirectly) generating confidence in their practices.

As such, the call for internal monitoring of long-term considerations by parliamentarians, as in the Finish example, risks the danger of perceptions of self-serving bias (think of the expenses scandal in the UK) and further eroding confidence.6 It misunderstands the necessity of independent oversight where there are structural tendencies towards dysfunctionality. We may wish away such dysfunctionality and yearn for institutions of representative government that worked ‘perfectly’, but we are well aware of the negative impact on long-term thinking – and politics more generally – of electoral party-political motives and the covert influence of vested interests, amongst other structural dynamics. For Pettit, the ‘only hope of guarding against such influence requires setting up unelected agencies that are appointed by elected representatives but do not serve at their pleasure’ (Pettit 2012: 306). Similarly, following Rosanvalllon we can recognize that ‘democracy can

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6 Arguably one of the reasons why this institutional device may work relatively well in Finland is because this is a society with comparatively high levels of confidence in its political institutions and representatives. That experience is not generalizable across most democratic systems.
flourish only if it acknowledges the risks of dysfunctionality and equips itself with institutions capable of subjecting its own inner workings to constructive evaluation’ (Rosanvallon 2008: 74-5). An OFG is one such institutional remedy (although not the only one) for responding to aspects of the dysfunctionalities that constitute democratic myopia.

The extent and scope of the particular powers of an OFG and the relevant duties of public (and other) bodies to consider the interests of future generations will effect the strength and impact of the voice of future generations that is brought to bear on public debate and official policy making. A more considered comparative analysis of the powers and impact of existing institutions with a family resemblance will have to wait for a future iteration of this paper, but for now we can sketch some of the possibilities. Ombudsman-like powers allow an OFG to review legislation and policy in its own right and provide a vehicle for vigilant citizens (and groups) to make official representations. The scope of responsibility can be extended beyond the core state institutions (parliament, executive and administration) to public sector activity more broadly and even to the practices of private bodies. Typically such powers extend only to moral pressure: the presentation of official reports and an expectation that relevant bodies will respond publicly (and hopefully comply) within a given time period. But we can imagine an OFG having delaying powers (akin to Ekili’s proposal for parliamentary procedures), or more controversially powers of veto, under certain defined circumstances. Evidence from existing institutions indicates that at times such institutions have had informal veto power where they wield the threat of critical public judgment. Existing OFG-like institutions have also typically incorporated a prospective role, engaging in reviews of areas where it perceives policy or legislative developments may be necessary: the capacity to launch inquiries or investigations into areas that the government or parliament has not deemed to be worthy of consideration.

The legitimacy of oversight bodies tends to rest on their scientific expertise; their capacity to marshal technical knowledge. There is a real danger that independent agencies become highly technocratic institutions with relatively little resonance with the broader public: this is a particular challenge for an OFG that will deal with complex scientific and technical issues that are characteristic of long-term issues. While existing OFG-like institutions generally provide for petitioning from citizens, strong democratic arguments can be brought to bear for making citizen participation even more constitutive of the work of an OFG. There are a number of reasons for embedding participation in the development and assessment of future scenarios and coming to judgments on petitions from fellow citizens. Such
activities are not purely scientific or technical in nature; they involve normative judgments, often in areas of policy where public opinion is not well structured (MacKenzie and Warren 2012). Involving citizens in the work of an OFG provides evidence that citizens are willing and able to deal with complex issues and further enhances the democratic legitimacy of its activities and actions. Participation – and the broader public support this can engender – is one way for an OFG is to build a strong political profile. If the ‘default’ position of citizens is a positive time preference, then providing evidence that citizens are committed to long-term policy is critical – to ensure resonance with the public, counter sectional interests and build pressure on political decision-makers.

Thus OFGs could embed different modes of democratic engagement. Citizens would be enabled to take up a contestatory stance towards existing policy and practice that they believe undermine the interests of future generations through petitioning the OFG. This echoes the importance Pettit (2012) places on ‘contestatory courts’ within democratic systems. Second, specifically constituted mini-publics might allow citizens to play a more deliberative role in investigating and judging the veracity of such civic complaints; contestatory courts do not have to be the sole preserve of legal or technical specialists. Third, broader modes of citizen engagement, including the use of new technologies such as crowdsourcing, could be central to the policy reviews and assessments (whether retrospective or prospective) undertaken by OFGs. Finally, and arguably more radically, we might consider how citizens could play a role in the governance of an OFG. The Citizen Council that provides recommendations on the values that guide the activities of the independent National Institute for Health and Care Excellent (NICE) is one rare strategic body; the potential for more extensive and deeper citizen engagement in organizational governance is yet to be fully exploited by independent watchdog bodies. Taking on these kinds of engagement activities would see an OFG acting in line with the small, but growing number of what Bherer and colleagues (2014) term ‘autonomous public organizations dedicated to public participation’ (APOPPs) that have the right to define and implement participation exercises around controversial developments (Bherer et al 2014). Examples include the Tuscany Participatory Authority (TPA), the French National commission on public debate (CNDP) and the Danish Board of Technology – the latter being particularly well known for its engagement of citizens (typically through consensus conferences) in the public assessment of highly complex scientific and technical developments, many of which have had a strong element of

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potential future risk. The idea here is that an OFG acts as a champion for systematic public engagement on future-orientated policy assessment and in so doing increasing its legitimacy in the eyes of the public and political decision makers. Enhancing such an agency's standing is critical for its capacity to effectively challenge the myopic dysfunctionalities of democratic systems.

Conclusion

This is an early exploration into the challenging world of (re)designing institutions to embed long-term thinking. The argument is not that an OFG is the single institution that will fix democracies' ills in this regard; rather that with an extensive set of powers, an OFG would be enabled to respond to different dimensions of democratic myopia. And while the constitution of such an unelected body might not be the immediate choice of democrats, good democratic reasons can be offered to support such a design.

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

Bibliography


