Future People, the All Affected Principle, and the Limits of the Aggregation Model of Democracy [1]

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Abstract: Contrary from what seems to be the received wisdom in political theory, there is no way that we can affect future people, at least not people who live several generations later than we do and who are not taken care of by our standard concern for our close descendants. This is good news for the all affected principle. The fact that we cannot involve future people in our present decision-making does not mean, then, that we have to depart from the requirements of the all affected principle. And this principle is natural to adopt if we conceive of democracy as a way of aggregating interests. So the principle remains a live option in that sphere of democratic theory. However, its role is limited by the fact that we have to make moral decisions about the future. Here an epistemic notion of democracy is more to the point than the idea of a method of aggregating interests.

1. DEMOCRATIC DECISION-MAKING

Democracy can be seen as a mere method of decision-making. On this notion of democracy, a decision is democratic, if it reflects the will of those who take it. If they disagree, the decision is democratic if it reflects the will of the majority among those who take it. If there is no unique will (if there is a draw or if there are cyclical majorities), then the crucial thing is that the decision is reached through a mechanism which is reliable in the sense that, had there been a unique majority will, then this will would have been decisive.[2] Given such a definition, it is reasonable to ask when and why decisions should be taken in a democratic manner. And the reason why they should, when they should, must be answered with reference to the correct moral theory. Once these questions have been addressed and answered, we could be said to possess an *ideal* of democracy, as well as a definition of the notion itself.

[1] Work on this paper was partially supported by the Swedish Research Council in connection with the project *Democracy Unbound.*

[2] This definition is given and defended at length in (Tännsjö, 1993). There are complications over which I gloss in the present context. In particular, when we speak of a decision "reflecting" the will of those who take it, we must understand this in a *causal* sense.

Printed from: *Hommage à Wlodek. Philosophical Papers Dedicated to Wlodek Rabinowicz.* Ed. T. Rønnow-Rasmussen, B. Petersson, J. Josefsson & D. Egonsson, 2007. www.fil.lu.se/hommageawlodek

However, even if there is no unanimity as to which moral theory is the correct one, and even if many different and mutually inconsistent answers have been given to the question which decisions should be taken democratically, and by whom, there seem to be mainly two lines of argument used in support of the claim that democratic decision-making is desirable, when it *is* desirable. One has to do with the fact that democracy seems to be a feasible method of aggregating, in an impartial manner, interests. I will speak of this as the aggregation model of democracy. And the other one has to do with the fact that democracy seems to be a feasible method of finding the right or best solution to a problem. The point of departure here is Condorcet's jury theorem, stating that, where the average chance of a member of a voting group making a correct decision is greater than fifty percent the chance of the group as a whole making the correct decision will increase with the addition of more members to the group. Crucial to the application of this model is that there is a correct solution at hand, that people can be brought to aim for it, and that on average they are more successful than chance in finding it. I will refer to this as the epistemic model of democracy. [3]

Focus in this paper will be on the aggregation model. In particular, it will be investigated if it can handle the boundary problem (to be explained below). Furthermore, it will be investigated whether it can deal in an adequate manner with the problem of future generations. In the attempt to answer this question something will be learnt about the limits of the aggregation model; we will se where it must give way to the epistemic model.

2. THE BOUNDARY PROBLEM

Robert Dahl has famously claimed that " ... how to decide who legitimately make up 'the people' ... and hence are entitled to govern themselves ... is a problem almost totally neglected by all the great political philosophers who write about democracy." (Dahl 1970, p. 60). However, since this claim was made, in 1970, the problem has been at focus of many discussions. And a usual answer to the question as to who should make up the people, with respect to a political question, at least among theorists who conceive of democracy as a method of aggregating interests, has been: *those who are affected by the decision*. There are many variations of this idea, of course. Some claim that all who are affected should have an *equal* chance of taking part in the decision, irrespective of their stakes in the issue, while

[3] For a recent discussion on the epistemic notion of democracy, see (Rabinowicz and Bovens 2004).

others say that each should have an influence that is *proportional* to the stakes he or she holds. The latter seems to fit best into the rationale behind democracy, if democracy is seen as a method of aggregating interests. The proportionality idea is then intended to cater for the need to take into account the strength of the interests that are involved in a decision.

The all affected principle has been important in discussions of transnational or global political affairs. For example, David Held has put forward the following rather elaborate version of the all affected idea, with different "tests" for how a people are affected by decisions:

> The test of extensiveness examines the range of peoples within and across delimited territories who are significantly affected by a collective problem and policy question. The test of intensity assesses the degree to which the latter impinges on a group of people(s) and, therefore, the degree to which national, regional or global legislation or other types of intervention are justified. The third test, the assessment of comparative efficiency, is concerned to provide a means of examining whether any proposed national, regional or global initiative is necessary in so far as the objectives it seeks to meet cannot be realised in an adequate way by those operating at 'lower' levels of decision-making. (Held 1995, p. 236).

The all affected principle has also come under attack, however. The most radical criticism against the all affected principle seems to follow from the idea that the principle is devised to solve a problem that has no solution. F.G. Whelan has argued in the following manner:

> ... democratic theory cannot itself provide any solution to disputes that may — and historically do — arise concerning boundaries. ... It may not be surprising that democracy, which is a method for group decision making or self-governance, cannot be brought to bear on the logically prior matter of the constitution of the group, the existence of which it presupposes. ... The boundary problem does ... reveal one of the limits of the applicability of democracy, and acknowledgement of this may have the beneficial effect of moderating the sometimes excessive claims that are made in its name. (Whelan 1983, p. 40, 42).

As has been shown by Gustaf Arrhenius, this criticism is too radical (Arrhenius 2005). Democratic theory may be seen as stating an *ideal*, and there is no problem in stating ideals such as the one that those who are affected by a problem should take part in democratic

decision-making about it. A political system, irrespective of how it has come about, may come more or less close to the requirements of this ideal. Furthermore, I submit, the solution to the boundary problem may well be reached in a democratic manner, if we have recourse to a model of democracy different from the aggregation-of-interest model, to wit, the *epistemic* model of democracy. Relying on this model we can select some founding mothers and fathers, to draw up the constitution for us. Here I consider the problem to be solved once a morally *correct* decision about who should constitute a certain demos has been reached.[4]

There are more genuine problems facing an advocate of the all affected principle, however. One is that it is vague, and probably evaluative, which means that it is difficult to make it operational. However, if viewed as an ideal, these objections are not decisive. They should challenge us to improve on our formulation of the principle, not to give it up. Vague terms can be given a more precise meaning, naturalistic terms should be exchanged for those that are evaluative, and so forth, and even a principle that cannot be applied in any simple manner may be of interest. Even if we cannot settle *all* disputes with reference to it, we may be able to settle *some*, and this may be interesting enough.

Contemporary trends towards globalisation have rendered the boundary problem even more acute. People do not take existing political boundaries for granted anymore. Inventions such as the European Union means that the question about who should constitute a demos cries out for an answer. And so do conflicts such as the one over Northern Ireland and Iraq. So we need some kind of principle helping us to answer how the boundaries are to be drawn. And it is hard to see that there is any serious alternative to the all affected principle, at least if we take democracy to be a method of aggregating interests, which I will do in the present context.

It is true that the all-affected principle can be developed in many different ways, but if we stick to a model of democracy as a method of aggregating interests, it is reasonable to opt for an interpretation according to which my say in a matter is a function of the stakes I hold in it. We can perhaps measure my stake as the maximum value difference for me between the possible outcomes of the decision.

But if the all affected principle is crucial to the aggregation model of democracy, then it is important to note that the principle can stand up to critical scrutiny. As noted above, the

[4] How can we find them? This may be a good idea. We take 15 people at random. They are allowed to reach a majority decision about who should be the founding mothers and fathers (or, perhaps we should repeat the procedure some times before we allow the selected group to draw up the constitution for us). Such a group may well come to arrive at the morally correct decision.

principle is not vulnerable to Whelan's criticism: democratic theory *can* solve the boundary problem. However, there is one more problem with the principle, which has not been explicitly discussed, but which merits our interest. This is the objection that, when we take future people into account, the principle leads to absurd consequences: it invokes us to do what is impossible.

If it were true that by our political decisions we affect future people in a straightforward manner, then the principle would be in deep trouble.

One may be tempted to argue that, if we cannot include some affected people in our decisions, we ought at least to include those who are affected and who *can* be included. But this is not a plausible revision of the principle, since it doesn't seem to respect the rationale behind it. Perhaps those who are *most* affected by the decision are not included in it, then, if this is so, why is it so important that all who are, to only some extent, affected should be included? By including only some who are affected we may create a bias in their favour. Quite to the contrary, if we cannot include all, it might be better to include none!

So let us see how the principle can handle the problem of future generations.

3. THE ALL AFFECTED PRINCIPLE AND FUTURE PEOPLE

I have never seen the argument to which I am here referring explicitly formulated, but there is much discussion that simply takes it for granted, at least by trying to avoid it. The argument is very simple:

(1) Everyone who is affected by a decision should take part in it (the all affected principle).
(2) By our ordinary political decisions we affect future people
(3) There is no way that we may include future people in our decision-making processes
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(4) Hence, the all affected principle must be wrong (or at least utopian).

The validity of the argument is obvious. So we had better try to see if there is any way of rebutting one of the premises of the argument.

One way of trying to rebut this argument, which has been common, is to try to show that, after all, there is a way, if not to include, so at least to represent future people in our decision-making processes. Gregory S. Kavka and Virginia Warren have pioneered this idea (Kavka

and Warren, 1983) and it has been taken up more recently by Andrew Dobson (Dobson, 1996). They have all suggested that some seats in legislative assemblies should be reserved for representatives of posterity who are ascribed law-making competence. However, on a narrow and standard interpretation of political "representation", this is a non-starter. Such "representation" is problematic, since in no way can the representatives of the future generations be held responsible by their constituency.[5] So unless we become very fanciful (as we will do below) it is not any good idea to question this premise of the argument. However, there exists another possibility of rebutting the argument, by instead focusing on premise (2). It is a mistake to believe that, by ordinary political decisions, we do affect future people. At least this is so if we stick to an ordinary commonsensical notion of what it means to "affect" someone. So there is no need to have them represented, let alone included, if we stick to the all affected principle, or so I will argue in a first part of this paper. In a second part I will elaborate on some more fanciful interpretations of what it means to "represent" and to "affect" an individual.

4. FUTURE PEOPLE

We know from discussions in population ethics that there are three distinct kinds of future people, those who are (relative to a certain decision) necessary people, those who are actual people, and those who are (again relative to a certain decision) merely possible people. Let us see in what way we can affect these three kinds of future people.

a) Necessary people. A person is a necessary person, in relation to a certain decision, if, and only if, the person will exist, no matter which way the decision goes. Are there necessary future people? If there are it is obvious that we can affect them by our actions. And in relation to individual decisions, in a short run, there are obviously many necessary people. But it is hard to believe that, once we move a couple of generations down the road to the future, and

[5] Kavka and Warren argue that future generations can be represented in the manner that " ... lawyers, trustees of estates, etc., often represent deceased persons, or the interests of particular future persons (e.g., unborn descendants for whom trusts are established). (Kavka and Warren, 1982, p. 23). This does not strike me as a convincing move to make in a discussion about political democracy. Anyway, as we will see, even *this* kind of representation will be seen to be problematic when we consider problems discussed in population ethics (the non-identity problem and the different number problem).

focus on major political decisions, there are any necessary people. Who will live, and how many, depends on our actual decisions. For one, we are now capable of putting an end to the human race through nuclear war. Some governments can initiate such a war. Others can provoke it. And, as we shall see below, there are also more mundane ways of settling who, and how many, will come to live in the future. Perhaps in relation to some political decisions, there are some necessary people in the future, but, if there are, it is likely that they are not affected by the decisions in question. They live, say, at some very isolated place with little contact with the rest of the world. If there is a causal chain, from the decision, to the future person, with some significance to the person, then the person probably owns his or her existence to the decision. So, when important political decisions are to be taken by governments of the real world, there is no need to bother with necessary future people. There is hardly no such people and if there is some rare exception to this rule, the person in question is not affected by the decision anyway, at least not in any significant manner. Thomas Schwartz has made this observation (Schwartz, 1979, p. 181), and Derek Parfit (Parfit 1984, p. 361) has elaborated on it in the following way:

> Suppose that we are choosing between two social or economic policies. And suppose that, on one of the two policies, the standard of living would be slightly higher over the next century. This effect implies another. It is not true that, whichever policy we choose, the same particular people will exist in the further future. Given the effects of two such policies on the details of our lives, it would increasingly over time be true that, on the different policies, people married different people. And, even in the same marriages, the children would increasingly over time be conceived at different times. ... We can plausibly assume that, after three centuries, there would be no one living in our community who would have been born whichever policy we chose.

b) Actual people are people who will as a matter of fact come to live because of the decisions we and future people make. Is there any way that we can affect them? It seems that there is none. These people have our decisions to thank for their existence. Had we acted otherwise, what would have happened is not that the very same people would have lead better or worse lives, but that *other* people would have lived instead of them. This is probably not true of all

individual decisions made by most individual persons.[6] But it is certainly true of political decisions of any magnitude.

c) Merely possible people are people who, given a decision, could have come into existence, had the decision gone another way. Is there a way in which, through a decision, we can affect merely possible people? Well, if we had changed our decision we could have brought other people into existence, instead of those who actually came through our decision (and other future actual decisions) to exist. But it is hard to believe that not bringing people into existence is a way of *affecting* people. These people who could have come into existence do not exist. Then how can we affect them? Suppose we have to decide between three options leading up to three different scenarios. In one scenario there are no people any more, in the second scenario there are a few extremely happy people, and in the third scenario there are many moderately happy people. Whatever way our decision goes there will be no future people who would be inclined to protest. If there are no people then, clearly, there is no protest. If there are a few extremely happy people, these people are not likely to protest, at least not with reference to their own best interests. But the same is true if there are many moderately happy people. These people may have wanted to be happier, but this was no option. The only option with respect to them was one, which would have meant for them not to be around at all (either because there are no people around at all or because there are a few happy people around, different from them).

What then if we add the following (fourth) possibility. By our decision we can see to it that many *miserable* people will come to exist. If we do, then these people will lead lives that are worth not experiencing and they are hence likely to protest: why did you do this to us? Suppose we do produce these people. Then they are actual, not merely possible future people. And it is true that we could have avoided bringing them into existence. But had we done that, this would not have meant an *improvement* of their situation (first they were miserable, then they were fine). Not even does it mean that, in a different possible world, they are better off. It would have meant that they had never existed. It is hard to conceive of this as a way of *affecting* these people.

[6] Alan Carter has argued that at least individually we may become responsible for harm we do to future people by damaging the environment in particular ways. This is convincing (I could, for example, put a can with poisoned food at a secret place where, many generations hence, it is found and eaten by someone who is consequently poisoned to death, and I have then harmed this person) but of little relevance in the present *political* context.

But is not this argument too narrow, in its focus on identifiable future people. I have met the following objection:

> Do present decisions on the disposal of nuclear waste, for example, really turn on the identifiability of very particular future people existing or not? I am not convinced that the answer is yes. Is it not the case that future people, whoever they are in all their individuality, will have sufficiently common and persistent interests such that present actions can affect them, and that their interests ought to be factored in?[7]

This argument, in spite of its intuitive appeal, is fallacious. It is not true that future people, whoever they are in all their individuality, will have a common interest in our not disposing nuclear waste in a manner that means a low quality of life for them. Certainly, if my argument is right, then each and any one of them, provided he or she lives a life worth living, albeit of low quality, must be *happy* that we disposed of the nuclear waste in the manner we did. Otherwise, he or she would not have been around. And it is hard to believe that they share any *common* interest, held by none of them individually, in our not disposing of the waste in the manner we did. It might be morally wrong of us to dispose of the waste in the manner we do, of course, but, if it is, as I believe it is, then the wrongness of our disposing of it must be explained without reference to the *interests* of future people. The wrongness of our action can be explained with reference to a moral view such as total utilitarianism, or any other moral view, not relying on a person affecting idea of wrongness. If we want to claim that our action is wrong, then we must accept that our actions can be wrong, even if they do not wrong anyone in particular. We can easily adopt such a stance in a moral theory, but it sits ill with an aggregation model of democracy.

5. A MORE FANCIFUL VERSION OF THE NOTION OF REPRESENTATION OF FUTURE GENERATIONS

Of course, we may revise our language and speak of our affecting people, of harming them, or of violating their rights, also in cases where they owe their existence to our interventions. We could say, for example, that we harm a person when we cause this person to exist at a level

[7] Raised several times in conversation, when I have presented the paper at conferences.

below a certain limit.[8] Or, we may say that we benefit a person when we put him into existence, granted that he lives a life worth living, and that we harm him, if we put him into existence, granted that he lives a life worth not living.[9] Then it may seem as if the all-affected principle is in deep trouble. However, if we are fanciful when we allow for all sorts of ways in which we may affect future people, we may be equally fanciful when we conjure up ways of representing them. A way of doing so would be to assign some advocates of them in the legislative assembly, in the aforementioned manner indicated by Kavka, Warren, and Dobson. Let me elaborate on this possibility.

At first sight, this may seem to lead to strange results. Suppose we have a choice between two policies, A, and B. If we opt for policy A, then ten billion people will live very happy lives in the future. If we opt for B, then instead eleven billion other people will live lives barely worth living. Suppose there are representatives of a kind of future people. If we go for A, and ask the representatives of the future people what their constituency has to say about our decision, they will bring home the news that those whom they represent are happy with our decision. This is fine as far as it goes. However, if instead we opt for B, and ask the representatives of the future eleven billion people what their constituency thinks about our decision, they too will bring home good news. Those they represent are happy with our choice. So, irrespective of our choice, we will end up with people who are happy with our decision, and so must their "representatives" be as well. Does this mean that we may do as we see fit? This seems to be the wrong answer.

We could then be even more imaginative, of course. We could see to it that all the *possible* future people have representatives. But now it seems as though the eleven billion people would out-vote the ten billion people, so we ought to go for option B. Again this seems to be the wrong answer. This answer seems even more wrong than the answer that we may do as we see fit. However, here the proportional understanding of the all-affected principle may come to our rescue. We could say that the stakes of the ten billion possible people, who would lead very happy lives, are greater in our decision, than the stakes of the eleven billion possible people, who would lead lives that are barely worth living. Our baseline for the comparison would then be the situation of not being around at all. In our figurative manner of speaking we would say that we benefit people when we bring them into existence above the level where

[8] For a defence of this view, see Lukas Mayer, "Intergenerational Justice" in *Stanford Encyclopedia of Philosophy.*
[9] (Holtug, 1996).

lives become worth not living and that we harm them when we bring them into existence below the very same level.

So perhaps the representatives of the ten billion possible people should be granted more votes than the representatives of the eleven billion possible people? This may seem to give us the right decision in the present situation. However, it also seems to give us the decision that we should opt for an enormous population, living lives barely worth living in the future, rather than a considerable population leading an extremely good life (Parfit's repugnant conclusion).

Some may want to object to this and say that, some interests (of those who live lives barely worth living) should count for less than the interests of people above a certain limit. Others yet may make the opposite claim, arguing that there is a diminishing utility of well-being (advocates of the Priority View). However, these objections seem to have as their source special moral outlooks that seem to be irrelevant from the point of view of the aggregation model of democracy.

Personally, I would not object to accepting the repugnant conclusion. I have given my reasons for accepting it in many places.[10] And yet, it seems to me that the argument in the present situation has been much too fanciful. Instead of pursuing this line of argument, I suggest, we should realise that, in decisions about the future, we have reached a limit where the aggregation model of democracy should give way to an epistemic model. The important thing, when the future is considered in political decision-making, is not to have future (possible) people represented, but rather to have the present generation to opt for morally *correct* solutions. We need to have recourse here to the *epistemic* model of democracy, then.

6. CONCLUSION

It is crucial to a defence of the all affected principle that, in our political decisions, we do not affect a great many people who cannot take place in the decisions. In particular it is important to show that we do not affect future people for, pace Dobson and others, there is no way of having them genuinely represented in our decisions. And if my argument is sound, contrary to what seems to be the received wisdom in political theory, in our political decisions we do not affect future people. If Parfit's argument is correct, then there is no way that we can affect future people, at least not people who live several generations later than we do and who are

[10] See for example (Tännsjö, 2002). See also (Ryberg, Tännsjö, Arrhenius 2006) for an introduction to this subject.

not taken care of by our standard concern for our close descendants — my concern for my children, and their children, and at most one or two more generations. But if this is true, and so it seems, it is no problem for the all affected principle that we cannot involve future people in our decision-making. The all affected principle is still a live and promising conjecture in democratic theory.

This is not to say that there are no fanciful ways of conceiving of how we can "affect" future possible people, but, then, there are equally fanciful ways of conceiving of how we could "represent" them in our decisions. In particular, we could take the interests of possible future people into account by having them represented in proportion to their stakes in being alive. We will then have our democratic institutions working in accordance with total utilitarianism.[11] Being a total utilitarian, I have no principled objection to this, but I think many people would think otherwise. Anyway, rather than stretching our imagination in this manner, when we speak of how we affect and represent future people, we had better resorting to a different notion of democracy, when it comes to decisions such as these. We should resort to an epistemic model of democracy rather than the aggregation model, or so I have argued.

The fact that, in a straightforward sense of the word, we do not "affect" future people, does not mean that, in our actual democratic decision-making, we should not care about the *future*. The future poses difficult *moral* problems to any actual generation of decision-makers.

These problems cannot be solved unless we resort to a view of moral wrongness allowing that our actions may be wrong, even if they are not wrong *for* (do not wrong) anyone in particular. But this means a partial breakdown of the view of democracy as merely a method of aggregating interests. In decisions about the future we need to rely an epistemic notion of democracy, helping us to come closer to a *correct* answer to moral questions.

How such an epistemic model should best be developed, in order to render likely that it will really work in line with the rationale behind it, is no little problem, but it is a matter for another day.

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[11] I say this with one caveat. We should also find a manner of representing sentient, non-human beings, in order to arrive at a solution in line with total hedonistic utilitarianism.

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