# Representing the Unrepresented

**University of Fribourg**  
**14 & 15 September 2017**

## Programme

### Thursday

Room: 2122AB (Campus Miséricorde – Avenue de l'Europe 20 – see map below)

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
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<tbody>
<tr>
<td>9:00</td>
<td>Welcome</td>
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<tr>
<td>9:10</td>
<td><strong>Danielle Zwarthoed</strong>: Political Representation of Future Generations</td>
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<tr>
<td>10:15</td>
<td><strong>Fritz Gillerke</strong>: Revising the Representation of Future Generations: Challenges to the All Affected Principle</td>
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<td>11:15</td>
<td>15' Coffee Break</td>
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<td>11:30</td>
<td><strong>Alasdair Cochrane</strong>: Animal Representation and the Equal Consideration of Interests</td>
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<td>12:30</td>
<td>Lunch Break</td>
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<td>13:50</td>
<td><strong>Dan Hooley</strong>: Animal Representatives</td>
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<td>14:50</td>
<td>15' Coffee Break</td>
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<td>15:05</td>
<td><strong>Linda Barclay</strong>: The Special Human Dignity of the Vote</td>
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<td>16:05</td>
<td>20' Coffee Break</td>
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<tr>
<td>16:25</td>
<td><strong>Regina Schidel</strong>: The Representation of Cognitively Disabled Persons. Addressing Some Pitfalls of the Current Debate</td>
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<td>17:30</td>
<td><strong>Franziska Felder</strong>: Social, not (only) individual: Political inclusion and the case of cognitive disability</td>
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<td>18:30</td>
<td>End of Day 1</td>
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<td>19:00</td>
<td>Dinner</td>
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Friday

Room: Salle Jaeggi (Campus Miséricorde – Avenue de l'Europe 20 – see map below)
Please note that this is another room than on Thursday!

<table>
<thead>
<tr>
<th>Time</th>
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<tr>
<td>9:00</td>
<td><strong>John O’Neill:</strong> Who Speaks for Nature?</td>
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<tr>
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<td><strong>Alfonso Donoso:</strong> Towards an Assembly of the Living: Non-Human Representation of Interests</td>
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<td><strong>Claudio López-Guerra:</strong> Representation, Equality, and Future Generations</td>
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<td>15’ Coffee Break</td>
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<td><strong>Ivo Wallimann:</strong> Representing Future Generations or Concerns for Sustainable Development?</td>
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<td>17:30</td>
<td>End of Workshop</td>
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18:00: Optional dinner
Abstracts

Political Representation of Future Generations

Danielle Zwarthoed
Université Catholique de Louvain

At a first glance, a straightforward way to secure future generations’ interests is to represent them in the same way as presently living citizens are represented in the democratic decision-making process. In this paper, after having briefly expounded two real-world experiments, the Israeli Knesset Commission for Future Generations (2001-2006) and the Hungarian Ombudsman for Future Generations (2008-2012), I will focus on the philosophical arguments related to the representation of unborn generations’ interests. I shall distinguish justice-based justifications for the political representation of future generations from democracy-based ones and discuss their respective relevance and plausibility. Then I will address three of the most important challenges to the representations of future generations: (i) the objection that real representation is impossible without the representees being able to monitor the actions of the representatives; (ii) the "Münchhausen problem of motivation" (Jensen); (iii) an application of the non-identity problem to the representation of unborn generations. Finally, with these challenges in mind, I will discuss whether, and how, two philosophical proposals for representing future generations could address these challenges: first, Andrew Dobson’s environmental lobby as proxy electors and representatives; second, Ekeli’s proposal to reserve some seats in legislative assemblies for representatives of the future (the so-called ‘F-representatives’) and to give each citizen two votes, one for the regular representatives and one for the F-representatives.

Revising the Representation of Future Generations: Challenges to the All Affected Principle

Fritz Gilerke
University of Bayreuth

In this paper I investigate the claim that the All Affected Principle as a principle of democratic legitimacy can provide an argument in favour of the institutionalisation of representation for future generations in democratic states. Besides the principle’s general popularity in the debate on the boundaries of democracy, it has been argued that it will legitimise the inclusion of future people in the political decision-making process. In this article I discuss the particular challenges of the All Affected Principle in this context. My argument is twofold: Firstly, I distinguish between three predominant interpretations of the All Affected Principle in literature; the Principle of All Affected Interests, the All Subjected Principle and the All Causally Affected Principle. I then outline the particular challenges that each interpretation faces and discuss their implications for political decision-making. Secondly, I claim that all the aforementioned interpretations of the All Affected Principle fail to legitimise any strong forms of representation for future generations like veto powers or voting rights. Instead, the All Affected Principle only prescribes that future generations need to be considered, their arguments heard and their interests be taken into account. Hence, I conclude that any interpretation of the All Affected Principle will only support weak forms of representation for future people in democratic states.
Animal Representation and the Equal Consideration of Interests

Alasdair Cochrane
University of Sheffield

Much work in animal ethics endorses the idea that sentient animals merit ‘equal consideration of their interests’. Nevertheless, relatively little has been written on how such a principle might be realised. This paper argues that one important implication of this principle is that it imposes a duty on moral agents to create and maintain political institutions which represent the interests of sentient animals. The paper then addresses three difficulties with incorporating animals in this way. The first relates to which animals ought to be included: should it be wild or domesticated; should it be animals within existing state borders or all that are affected? Having argued in favour of the idea that ‘all-affected’ sentient animals ought to be incorporated, the paper moves on to the second challenge of animal representation: how ought we to properly identify and weigh animal interests? The paper argues that while ‘complete’ representation of animal interests might be elusive, that does not mean that objective animal interests do not exist, nor that there are no means by which we might reasonably capture and weigh them. Finally, then, the paper looks at what forms of institutional scheme are required for those interests to be incorporated. It proposes a multi-level form of cosmopolitan democracy with a range of representational mechanisms, including: the election of dedicated animal representatives to sit in legislatures; the establishment of deliberative fora to inform policy making in certain policy areas; and an entrenched list of judicially-enforceable animal rights.

Animals Representatives

Dan Hooley
University of Toronto

In this essay, I focus on how animals might be represented within a national legislature. I argue that a system involving designated Animal Representatives – where a certain percentage of seats are reserved within a national legislature for animal representatives, who run from distinct animal parties – is the best way to represent the interests of non-human animals. I defend this position in a couple of ways. First, I argue that there are multiple and overlapping normative grounds that demand the interests of other animals have representation within a legislature. I argue that there are more narrow grounds than the all affected principle that can justify a system of designated Animal Representatives. I also argue that domesticated animals have a distinct (and overlapping) claim to political representation. Second, I specify how a system of designated Animal Representatives could be designed, with focus given to what percentage of seats these representatives could have, as well as ways to ensure these representatives adequately represent the interests of other animals. I argue that this approach has important advantages over other ways of incorporating the interests of animals into our legislatures – such as a Surrogate Voting model. And I defend my proposal against a few important objections: that this system, if extended to animals and other groups (such as children and future generations), would lead to a problematic fragmentation of our democratic system, that epistocratic reforms are more likely to promote the interest of non-human animals, and that special representatives for other animals is not necessary to adequately promote their interests.
The Special Human Dignity of the Vote

Linda Barclay
Monash University

In this paper I argue that withholding the vote from adults with cognitive impairments threatens their social status. Only human beings can experience a loss of social status of the kind I describe. The vote is not only valuable for allowing individuals to secure their interests. For human beings, it is also a sign of social status. We have compelling reasons to enfranchise people with cognitive impairment that are not reasons for enfranchising animals or small children.

The Representation of Cognitively Disabled Persons. Addressing Some Pitfalls of the Current Debate

Regina Schidel
Goethe Universität-Frankfurt

My paper is concerned with the question of an adequate representation of cognitively disabled persons in liberal democratic societies. In this respect, the UN Convention on the Rights of Persons with Disabilities (CRPD) from 2006 is often deemed as crucial step towards the inclusion of disabled people into society. However, one can have serious doubts as to whether the explication of the human rights of disabled people in this convention provides the resources for a real political inclusion of cognitively disabled persons. In addition, the rights and demands postulated in the convention appear justified and appropriate with regards to physical (and to psychic and emotional) disabilities, but concerning decisive parts of the convention it remains unclear how the declared rights are realisable for severely cognitively disabled persons. In order not to risk being accused of "white magic" (a formulation of Raymond Geuss concerning human rights), it has to be clarified how the rights declared in the convention and their implementation can actually effect an enhancement of the position and the representation of mentally disabled persons in our society.

To explore this complex of problems, I proceed in three steps. First, I want to explain how the terminological difference of "integration" vs. "inclusion" also matters considerably in a conceptual respect regarding the norms of citizenship. Second, I focus on the problem of group membership and internal exclusion with regards to cognitively disabled persons drawing on Iris Marion Youngs analysis of structural injustice. Third, I develop the conditions of the notion of an advocatory representation of severely mentally disabled persons and address the question of its justifiability and problems of paternalism connected to it.

My claim is that up to now we are caught between two unsatisfactory models: an autonomy enhancing model and an advocatory model which both are not sensitive to the fact that "cognitive disability" is not a monolithic concept but covers a wide range of highly diverse persons with different capacities. Just if we overcome the shortcomings of our theorizing about "cognitive disability" we can find a path towards an inclusive representation of those persons in political processes.
Social, not (only) individual: Political inclusion and the case of cognitive disability

Franziska Felder
University of Zurich

The philosopher Martha Nussbaum argues that the fact that people with cognitive disabilities are among our fellow citizens poses two challenges for philosophical theories of justice: First, there is a challenge to design theories of justice that address the needs of people with cognitive disabilities. Second, theories of justice can be tested against how they care for people with cognitive disabilities. Nussbaum introduces her own capabilities approach as an alternative to e.g. utilitarian accounts that in her view are not able to deal well with both challenges. Starting from the claim that Nussbaum’s arguments rather presuppose what they want to deliver and nevertheless being sympathetic towards her claim that we should include all people with cognitive disabilities in the political sphere, I will show that John Dewey’s political and philosophical theory is better able to deal with the case of cognitive disability than Nussbaum’s capabilities approach.

Who speaks for nature?

John O’Neill
University of Manchester

Who speaks for nature? With what legitimacy can they speak? The questions have real political significance in at least two distinct ways. First, they are at the heart of a series of disputes concerning the legitimacy of claims to represent or speak for nature. For example, nature conservation bodies and institutions who claim to represent nature’s interests find their claims contested by those who live in areas designated as natural parks and who have a distinct working relation with the natural world. Second, they are at the centre of arguments about the legitimacy of procedures for representation in environmental decision making, in particular their problems in representing the voice non-humans and future generations. Market based procedures for decision making are particularly problematic in this regard, but deliberative alternatives also face large problems of representative legitimacy. In this chapter I explore these problems and ask to what extent deliberative models of environmental decision making can overcome them.

Towards an Assembly of the Living: Non-Human Representation of Interests

Alfonso Donoso
P. Universidad Católica de Chile

The representation of non-humans in courts, parliaments and other institutions reflects the (generally) recurrent human tendency to enlarge its legal and political constituencies. Its supporters see it, correctly, as a promising strategy to respond to the illegitimate exploitation of the non-human natural world. In this article, I focus on one specific question concerning the kind of institution that might be in charge of representing non-humans, namely, who should be the representative of nonhuman nature? After laying the ground by presenting an account of the kind of non-human interests that ought to be represented and the limits of such a representation, I offer an account of a plausible and defensible institution of the representation of non-human interests, namely, the Assembly of the Living. Contrary to more restrictive proposals of representation of nature in the legislature, I contend that the representative members of this Assembly should satisfy two
conditions: first, they must recognise the existence of interests on the part of non-human organisms and, second, they must recognise the obligations entailed by that recognition, that is, the obligation to represent those non-human interests. The general aim of this work is to provide an account of the philosophical grounds for the Assembly of the Living, including its constitution, legitimate scope of action, and basic internal functioning.

Justice for Animals and Turning Principles into Practice: an Australian Case Study

Siobhan O'Sullivan
The University of New South Wales

Writing in 2003, the idea that the equity principle, so prominent in liberal democratic thought, might rightfully be applied to the way we manage the lives of nonhuman animals, was seemingly radical. It was argued by some that the notion of moral pluralism might appropriately limit the state's intervention on the part of animals. It was claimed by others that it is not self-evident that equity should be applied to the lives of animals. Fast-forward a little more than a decade and the intellectual landscape is very different. Theories positing citizenship models for nonhuman animals have emerged. The so-called 'Political Turn in Animal Ethics' has gained prominence, and discussions about justice for significant others is increasingly part of academic life. Yet, there is little evidence that this intellectual sea change has translated into applied political practice that serves the interests of animals. In Australia, the living conditions for agricultural animals remain exactly the same as they were in 2003. This is despite considerable evidence that the community is concerned about animal welfare and that current regulatory frameworks are out of step with community values. More often than not, Australian animal welfare agencies ask concerned citizens to act in defence of animals when they are at the checkout, not the ballot box.

In this paper I will present early findings from recent work undertaken with Dr. Peter Chen. We seek to answer three interconnected questions: 1. Why is community sentiment not better reflected in animal law? 2. Why are animal welfare agencies not more effective in influencing animal welfare regulation? 3. Why are pluralistic models of issue mediation not better able to mediate between diverse interests, as in the case of animal welfare and animal-use industries? We therefore start with the assumption that our political and policy making systems already have the capacity to incorporate the interests of animals. But, that animal welfare reform is being obstructed at strategic and significant points in the policy cycle. We conclude that rather than seeking to establish new institutions, we should work within the existing frameworks to identify the points at which the system fails nonhuman animals and from there, how animal welfare values might be more effectively translated into improved life chances for domestic animals.

The normative distinctness of children's political representation and political equality

Attila Mráz
Hungarian Civil Liberties Union, Head of Election Monitoring Program

In this paper, I wish to answer three questions by offering a new methodological approach to children’s political representation: (1) What is the normative function of children’s political representation? (2) Is children’s political representation justified for the same reasons as that of adult citizens? (3) If adults’ interests in political representation are in conflict with children’s like interests, how should they be reconciled? First, I analyze two different approaches to children’s representation: what I call the Natural Subjection
Approach and the Rights Specification Approach. While the former conceives of children as not under the normative authority of the state, and hence rather its subjects than its citizens, the latter approach acknowledges the status of children as equal citizens. Yet on both approaches, I argue, the political representation of children serves a distinctive normative function. Children's and adult citizens' political representation, I show, rest on different normative grounds in liberal egalitarian democratic theory. Second, I argue that both the Natural Subjection and the Rights Specification Approaches are radically incomplete: they underspecify representative institutions as neither offers an account of how practical conflicts between the two functional units of representation—that of adults and that of children—should be resolved. Standards of political equality are also of little help here, as they focus on requirements of adult political representation only. Finally, then, I propose a principle which reconciles these two normative functions—the representation of children and adults—into a coherent theory of political equality applicable to both adult citizens and children.

**Representation, Equality, and Future Generations**

Claudio López-Guerra  
Center for Research and Teaching in Economics (CIDE), Mexico City

Representatives are allowed to partially "exit" the political community by obtaining in the market, or in special public facilities, the goods and services that they often fail to make available for everyone: high-quality health care, education, security, legal representation, and so on. Is this license justified? Representation should not be understood only as a matter of bringing the represented closer to the decision-making process, but also as a matter of bringing the representatives closer to their own decisions. Representatives ought to be active users, on an equal footing with the represented, of the goods and services that constitute the state's raison d'être. This novel conception has the potential to steer the debate about political representation to more fertile grounds. I shall illustrate this through a discussion of the case of future generations.

**Representing Future Generations or Concerns for Sustainable Development?**

Ivo Wallimann  
University of Zurich

Policy decisions in democracies tend to be short-termed. As a consequence, there is a high risk that they will infringe upon the interests of future generations. This provides good reason to consider institutional reform in democracy. Institutional reform can take many different forms and most often concerns legislative bodies. This paper focuses on proposals to represent future generations. These proposals seem to be most legitimate and promising to grant future generations their interests because they allow taking these interests into account most directly by using common democratic procedures. However, the paper argues that models suggesting reserving some seats for members in parliament to represent future generations are wanting. They are wanting because viewed through a normative-democratic lens they are neither legitimate nor are they promising regarding the transparency needed to assess the performance of representatives. For this reason, the paper closes discussing alternative models demanding the representation of the currently living's interests in sustainable development. The paper argues that both these approaches can be deemed legitimate because they fulfil the two conditions for legitimate representation suggested. However, since according to both these proposals it is the currently living deciding what sustainable policy should be, they both come at high costs.
Information

How to get here

If you have to take the plane, you can fly to Basel, Geneva or Zurich. They are all situated about 90 minutes by train from Fribourg. Swiss trains are usually frequent (you should have a connection to Fribourg every 30-60 minutes), reliable, and (unfortunately) quite expensive. Timetables for trains and local buses can be found on www.sbb.ch.

Note that Fribourg is the town’s french name. Some people refer to it by its German name Freiburg. Just make sure not to accidentally take the train to the German town of the same name where Heidegger was a professor.

You can easily walk to most places in Fribourg (it takes for example 4 minutes from the trainstation to University). Alternatively, there are buses and taxis (for example, Fribourg-Taxis under +41 26 424 24 24 or Eco-Taxi under +41 79 690 90 06).

Maps

Here’s the link to the google map.

Center of Fribourg:
Miséricorde campus of the university where we hold the workshop:

Contact details of the organizers:

Angela Martin: angela.martin@unifr.ch +41 79207 92 84
Dominic Roser: dominic.roser@unifr.ch +41 76 546 80 85
Hotel de la Rose: Rue de Morat 1
1700 Fribourg
info@hoteldelarose.ch
+41 (0)26 351 01 01

Those of you who stay at Hotel de la Rose will be picked up in the lobby at 8:30am on Thursday.

Some veg-friendly restaurants in Fribourg:

Pizzeria Molino (Italian)
Rue de Lausanne 93
1700 Fribourg

Café Restaurant Ararat (Turkish)
Rue de Lausanne 44
1700 Fribourg
Tam’s Kitchen (Thai)
Grand-Rue 36
1700 Fribourg

Here’s where we will eat our lunches:
Mensa de l’état de Fribourg
Rue Joseph-Piller 13
1700 Fribourg

The workshop is generously funded by the following units of the University of Fribourg:

- Lehrstuhl für Ethik und politische Philosophie, Departement für Philosophie
- Pôle éthique
- Institut interdisciplinaire d’éthique et droits de l’homme (IIEDH)
- Fonds d’action facultaire, Faculté des lettres
- Collaborateurs & collaboratrices scientifiques / Wissenschaftliche Mitarbeiter & Mitarbeiterinnen (CSWM)