



Thinking with Children: Climate Change and the Democratic Politics of Renewal and Risk

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Abstract

Climate change poses serious political challenges to liberal democracies arising from the problem of short-termism and the priority accorded to the vested interests of present adults over the vulnerabilities of children and future generations. This article aims to analyse the justifications, benefits, and policy implications of centring children in climate change politics in order to overcome these problems. The central argument is that ‘thinking with children’ introduces a normative vantage point for tackling climate change based on taking responsibility for future harms. Such a vantage point also produces new sites of contestation shaped by adult representations of the renewal and risk embodied in children. First, we outline what ‘thinking with children’ means for democratic politics, focussing on how child-as-method approaches centre the injustices faced by children and youth and the implications for the renewal of democracy. We then analyse how this normative shift to centre children addresses the problems of vested interests and short-termism by de-naturalising present adult interests, foregrounding impacts on young people as the future *demos*, and giving long-term priority to the affectedness of future generations. Finally, we analyse the policy implications that thinking with children offers, using a recent landmark court case in Australia to propose independent legal standing for children in public interest cases and the introduction of Child Impact Assessments in climate policymaking.

Keywords Children · Climate change · Democracy · Inter-generational justice · Representation · Australia

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Introduction

Climate change poses existential challenges to human societies that will be inherited by children and unborn future generations under worsening environmental conditions throughout this century. Global warming and the degradation of ecosystems threaten present and future livelihoods in uneven ways across space and time, raising fundamental questions about the capacity of liberal democracies to make just transitions to zero-carbon economies, enable adaptation to accumulating environmental impacts, and mitigate harms to vulnerable future generations. In liberal democracies, institutions tend to focus on short-term policy goals shaped by the interests and concerns of present adults when the problem of climate change extends across generations. Climate action is also prevented or weakened by those with vested interests in the fossil fuel status quo that provides them with wealth and power within the existing political system. Consequently, the imperative for liberal democracies is to overcome current political constraints to tackle the long-term impacts of climate change. These impacts not only threaten the individual livelihoods of present and future citizens, but also through their differential effects risk making societies more unequal, thereby eroding the social foundations and political legitimacy of democracy itself. In short, there is a *democratic imperative* to assume collective duties of social and inter-generational justice in tackling climate change.

Within this normative frame of inter-generational justice, addressing the political challenges of climate change commonly involves centring the perspectives and interests of young people. In this article, we are interested in *young people* as the emerging generation of soon-to-be adults and young adults who are beginning to assert their political claims in formal processes and institutions; and *children* who we define as those who are yet to gain full political status and concomitant rights (in Australia, those aged under 18). Young people, particularly children, will be more affected by the social and environmental impacts of climate change than the current generations of legislators, yet are either formally excluded from voting for their representatives or have little institutionalised presence in parliamentary processes (Nakata 2015; Runciman 2023). This heightened vulnerability warrants arguments for increased public engagement with their concerns and formal political inclusion in deliberative and decision-making institutions where they might even serve as proxy representatives of unborn future generations. In this vein, scholars have extensively documented youth-driven climate movements that seek to exert pressure on governments for more urgent action. Various institutional innovations seek to include young people in democratic processes, including increased involvement in consultative mechanisms and participation on advisory boards. Climate litigation led by children and youth have also sought to establish a legal duty of care for future generations and responsibility for future harms. Taken together, these developments suggest that centring young people in climate politics is widely viewed as a key remedy for the political and institutional roadblocks that stand in the way of urgent and far-sighted climate action.

Against this background, the aim of this article is to examine the key justifications and implications of centring children in climate change politics in Australia.

It seeks to articulate a democratic ethic of ‘thinking with children’ with practical implications for legal reform and policy change. We choose the category of children here because it includes the newly born who will be most affected by future climate conditions. This approach advances critical understandings of emerging generations and the perspectives, actions and impacts of young people’s climate politics as they approach and newly enter formal political institutions. The central argument is that ‘thinking with children’ introduces a normative vantage point for adults based on affectedness and taking responsibility for future harms. This also produces new sites of political contestation shaped by adult representations of the renewal and risk embodied in children. First, we outline what ‘thinking with children’ means for democratic politics, focussing on how child-as-method approaches can make future harms present. We argue that it does so by focussing on the representation of children and the constitutive role they play in regenerating democracy. We then analyse how this normative shift addresses the problems of vested interests and short-termism through the development of a new representative landscape that displaces the interests of present adults, producing new sites of contestation over the representation of children. Finally, through a brief consideration of a recent Australian climate change case, *Sharma and others v Minister for the Environment* (2021 FCA 560), we briefly explore the institutional and policy implications that thinking with children offers. Our proposals — independent legal standing for children in public interest cases and the introduction of Child Impact Assessments in policymaking — are focussed on institutionalising adult responsibilities to children and future generations in democratic politics.

Child as Method: Centring Children in Democratic Politics

Our project to focus attention on children and childhood in democratic politics draws on a ‘child-as-method’ approach to political theory. In political theory, child as method aims to centre children in social and political contexts to understand how power relations specifically position children and childhood as the interpretive frame for addressing political issues that confront contemporary societies. Rather than seeking to discover and include an authentic child voice or experience, then, child as method is an investigative approach that aims to centre the ‘child’ as an object of study to (re)configure problems and develop analytical tools for addressing politically focussed questions (Burman 2023: 1026). Consequently, a key move of this approach is to situate children within politics instead of categorising them as separate, pre-political beings. This focuses attention on the current modes of injustice toward children, but also those enacted in the name of children — that is, how claims about children and childhood function in the service of other political agendas (Burman 2023: 1026; see also Wall 2022). In this approach, rather than developing a normative program based on centring a specific child subjectivity, political theory is directed toward using the categories of ‘child’, ‘children’ and ‘childhood’ to rethink political problems that implicate children, evaluate the political claims made in their name, and develop theories about the transformation of power relations in these contexts.

Taking this approach, the underlying premise for our analysis of democracy is that children enter the world as new individuals born into an ever-changing constellation of power relations that shape and limit their place in democratic politics. Children enter the world under conditions of *political becoming* rather than as pre-political beings tied to a stable and self-contained politics; they are born into a world in which democratic politics is continuously evolving in relation to wider geopolitical processes at multiple levels extending to the global. This conception of “becoming” postulates that our world as made up of complex and open systems in which multiple fields of agency interact and overlap without a linear trajectory or inherent purpose (Connolly 2011, pp. 17–42). Human agency in a world of becoming is thus an emergent phenomenon that interacts with a range of non-human processes and multiple open systems in uncertain ways that potentially act as forces of disequilibrium; forces that can trigger new events, processes, and modes of behaviour and self-organisation. As Donald Whitehead (1978 [1922], p. 222) put it, “the universe is a creative advance into novelty.” In this light, the stability of societies is viewed as a temporary equilibrium (for years or centuries) as multiple systems intersect and interstabilize in a complex conjunction with each other (Connolly 2011, p. 30). Children are born into this unfinished world as sources of potential disequilibrium and thus in an ambiguous and unpredictable relation to perceived current political stabilities.

This approach has several important implications that illuminate how centring children can reframe the challenges faced by contemporary liberal democracies. First, it helps us to appreciate how children and childhood help to constitute the political agency of liberal democratic societies. Children are viewed in political terms not only because they are subject to the inherited institutions and political action of adults. More fundamentally, children and childhood are central to politics because they condition the individual experiences of each present citizen, and normative debates about proper child–adult relations exert a profound influence on policies directed at both the stability and improvement of democracy. Children, as newcomers, produce an unending source of unique interruptions to the world that create new possibilities for action; new generations of citizens can initiate new beginnings that interrupt and change routine political behaviour (Bray and Nakata 2020; see also Arendt 1951; Vatter 2006; Runciman 2007). Children are thus at the centre of remaking democracy over time in response to changing needs, problems, and conditions at multiple levels. In this process of collective reproduction, the radical newness of children is conditioned and directed toward a future adult-citizen that must be educated to intelligibly operate within a democratic society. That is, children are politically significant as the constituents of an unknown future *demos*. This helps to explain why children and childhood appear in a range of political debates where competing idealisations of society are at stake, including those concerning Indigenous disadvantage, criminal justice, and climate change.

Second, because children embody new possibilities for politics, this approach allows us to identify how they present both renewal and risk to democratic society; how they can embody both hope and fear for democracy to come. Because democracy must be continually remade, the democratic conditioning of children must strike a balance between an *openness* to the new required to actualise each child’s

potential for originality and initiative in response to changing conditions, and a *closure* in laws and institutions that sustains communal values and protects the existing order against the constant influx of newcomers (Bray and Nakata 2020, p. 25). From this perspective, the renewal of democracy places children and childhood at the centre of the ongoing project to regenerate democratic freedoms and sustain a plural *demos*. The associated hope embodied in children often appears in progressive movements, including those linked to climate change, which seek to transform societies to redress injustices and make them better equipped to overcome societal problems. Indeed, in many political and cultural representations, the figure of the child does not appear as subordinate to adults, but rather as morally and intellectually superior to serve a particular agenda (Burman 2023, p. 1026). If democracy is not open to the renewal that children can provide, then it ossifies as it loses its responsiveness to changing conditions and its capacity to address the problems of new generations.

Conversely, in terms of risk, the unpredictable possibilities that the existence of children produce for politics can be viewed as a threat to democratic futures, both in terms of the political ossification outlined above, but also as more direct threats to the interests of present adults. Children are temporary outsiders that are excluded from formal democratic practices like voting, but after reaching a certain age cross into “adulthood” and become citizens that contribute to regenerating politics with the full array of political rights. In this crossing, the concerns, interests, and identities of the child are translated into the formal political realm in ways that can potentially conflict with older adults. In this sense, children can be viewed as ‘potential adversaries’: they are the ever-present source of novelty that could one day stand in adversarial relation to the interests, institutions, and envisaged futures of previous generations (Bray and Nakata 2020, p. 33). Politically speaking, then, children prefigure new bases of conflict and new risks to the established political order. From this perspective, inherited political and cultural systems shape the ways in which children and childhood are normatively framed and justify interventions aimed at producing model adult citizens. That is, children must undergo ‘development’ and education to convert the ambiguous, risky, and potentially adversarial child into an adult being consistent with established politics. For example, children are a key focus of colonial systems directed at the control and assimilation of Indigenous peoples through policies ranging from child removal to youth curfews. For democracies as much as other polities, these inheritances shape perceptions of risk and what kinds of children are deviant in the mitigation and management strategies that frame policymaking.

Third, recognising both the ever-presence and formal absence of children suggests that representation is the primary mechanism through which children figure in democratic politics. The participation of children and youth in democratic politics — in both acts of self-representation and as representatives of young peoples’ interests — is an increasingly important dynamic in exerting pressure on governments and shaping policymaking in many issues-areas, including climate change politics where activism like climate strikes prominently involve young people. Yet, this dynamic should not be conceived as the discovery and inclusion of the true or essential interests of young people as simply another policy-affected constituency.

Rather, it is part of wider processes of democratic representation in which adults also legitimately make and contest representations of children and childhood while struggling for their acceptance in the framing and formation of public policy. For example, elected parliamentarians, ombudspersons, child commissioners, public servants, NGOs, media corporations, and celebrities are in different ways empowered to make representations about children and their interests in the service of their social and political agendas. They make these representations in speeches and voting in parliaments, acting for individual children in legal cases, monitoring and publicising abuses of children's rights, the publication of reports on issues affecting children, submissions to parliamentary committees and judicial inquiries, media stories on various social issues, fundraising for charities, in protest messages and symbolism etc. In this sense, centring children in democratic politics is not simply about their inclusion in established institutional processes, but more fundamentally focuses attention on the constitutive function that the wider representation of children can play in transforming the agendas and institutions of policymaking. This involves processes of political representation that includes present children, but also the creation of institutional imperatives for adults to 'think with children' (rather than 'for' them) in addressing key societal challenges.

Taken together, these insights can help to reformulate the challenges in addressing climate change (and other inter-generational problems), and therefore rethink the institutional responses required to meet them. Crucially, centring children not only focuses attention on the impacts and harms to vulnerable present children and unborn future generations under worsening environmental conditions; it also extends this analysis to the challenges that climate change presents to democracy and its prospects for renewal in this context. As will be explored below, the imperative to 'think with children' in policy areas like climate change involves a normative shift aimed at accepting responsibility for urgent action on climate change by making future harms present (i.e. representing them) in deliberative and decision-making institutions.

Thinking with Children in Climate Change Politics

The central challenge of climate change for liberal democracies (and indeed other regimes) is to ensure that political institutions accept responsibility for urgent action now in the face of escalating and cumulative impacts that extend beyond the life spans of current adults. Fundamentally, this challenge of inter-generational justice involves a *democratic imperative* to deliver a habitable environment for future citizens in ways that both fairly share the burden of transitioning to a zero-carbon economy, and regenerate the freedom and plurality that underpins democratic politics. That is, democracy must simultaneously deliver distributive justice across space and time, and sustain the democratic legitimacy of its political institutions. Climate change presents a severe challenge to the endurance of democracies when faced with increasing inequality and institutional failures at multiple levels that have produced profoundly inadequate climate responses. In this context, there is a large literature on the political obstacles that have hampered democracies from acting responsibly

(for example, Giddens 2011; Lindvall 2021). In this section, we examine the key problems of vested interests and short-termism. We argue that ‘thinking with children’ holds promise for transcending these problems through a normative shift in institutional and policy-making principles focussed on accepting collective responsibility for mitigating future harms to the *demos*.

Vested Interests

The problem of vested interests refers to citizens and corporate actors that maintain an interest in the ongoing use of fossil fuels and use their political influence to prevent action on climate change. This has been a primary obstacle in many countries, including Australia, where fossil fuel corporations based on extraction of oil, gas and coal have a powerful economic position and use well-financed lobby groups, close relationships with politicians and bureaucrats, and privileged media access to delay or halt climate action and maintain profits and advantages within the existing political system (Lucas 2021). A core strategy of these vested interests is to spread doubt on the scientific consensus and ‘keep the controversy alive’ by emphasising uncertainties and disputes in public debates (Oreskes & Conway 2010). In democracies, the lobbying of the fossil fuel industry has allowed economic actors to capture the policymaking process and mislead the public on scientific facts to maintain the status quo (Lindvall 2021, p. 51). While democracies generally have higher climate ambitions, countries like Australia with fossil fuel and especially coal dependency have been climate laggards (Tørstad et al. 2020). Moreover, climate mitigation and the transition to zero-carbon economies requires significant changes from citizens accustomed to fossil-fuel intensive lifestyles, which can challenge cultural values and ideological views (Lindvall 2021, p. 34). Indeed, research conducted by the Pew Research Center in 2016 has suggested that people in countries with high per-capita levels of carbon emissions are less intensely concerned about climate change than those in lower income countries (Wike 2016).

To address this problem, thinking with children involves a normative move to *de-naturalise* the status quo and *foreground* its impacts and harms. Thinking with children challenges the idea that children are naturally subordinate to the current political interests of adults. Recognising the imperative for children to remake democratic politics under worsening environmental conditions challenges the immutability of the status quo and the natural dependence on fossil fuels. Starting with children and their interests in the formulation of climate policy thus displaces the current economic interests of adults as a primary, and often exclusive, reference point for climate action. Furthermore, thinking with children is a device for foregrounding emergent harms of climate change to individuals, communities, and democracy itself. These should be front-of-mind issues at the core of the political agenda when all too readily they become back-of-mind in the political sphere and in the minds of citizens (Giddens 2011, p. 71). In this view, de-naturalising the status quo and foregrounding impacts on present children as the future *demos* are necessary to displace the political narratives of vested interests that make fossil fuels indispensable to future economic prosperity.

Short-Termism

The related problem of short-termism refers to the institutional and societal imperatives in liberal democracies that prioritise the immediate concerns of politicians and voters at the expense of the long-term problem-solving required to address climate-related issues over generational timespans.

The decision-making of democratic governments and parliamentarians occurs in a political context where they have strong incentives to respond to the present, pressing, day-to-day issues that directly affect their voting constituencies to secure their re-election. More broadly, the agendas of political institutions, news media, and non-governmental organisations in civil society are generally focussed on economic and social problems of the here-and-now, rather than more distant, impersonal, and uncertain threats and impacts in the future. As it relates to climate policy, this tendency to ‘discount the future’ results in intergenerational injustices as democratic politics remains focused on prolonging the short-term benefits of existing emissions at the expense of ambitious mitigation and adaptation policies. This leaves an accumulating emissions debt to children and future generations all over the world that could eventually be insurmountable. That is, children and unborn generations in liberal democracies will have to live with the failure of their parents and grandparents to engage in adequate long-term planning to transcend their carbon-intensive economies and lifestyles.

At the heart of these issues of intergenerational justice, then, is the all-affected principle. The principle that all those affected by decisions should have a say in their making has been historically important in extending the franchise to working class men, women, younger men and women, and Indigenous people; and it remains a key democratic principle for thinking about what duties we owe to others when our actions impact across space and time (Hilbrich 2024, pp. 97–115; Saward 2000, p. 37; Bray 2011, p. 56). As a temporal principle, furthermore, it can be used to think about democratic justice in cases where present actions directly and significantly affect the life-chances of future constituencies. From this vantage point, children, youth, and future generations are in a position of considerable vulnerability because they currently have little to no say in the development of climate policies but will be increasingly affected by the policy failures of present adults and the worsening environmental impacts over time. In liberal democracies around the world, young adults under 35 years old are increasingly vocal in climate movements but constitute only a small minority of voters and “face an under-representation in legislatures by a factor of three, relative to their share in the population—and at a factor of ten in cabinets” (Stockemer & Sundström 2023, p. 2). Present children are not permitted to vote for the parliamentarians who are currently delaying responses, and when they are adults, it will be too late to hold most of these parliamentarians accountable. Unborn future generations are in the most vulnerable position because they will be most affected by climate change but currently have no physical presence in our world. As Hans Jonas (2022, p. 22) writes: “Only present interests make themselves heard and felt and enforce their consideration...But the future is not represented, it is not a force that can throw its weight into the scales. The non-existent has no lobby, and the unborn are powerless. Thus accountability to them

has no political reality behind it in present decision-making, and when they can make their complaint, then we, the culprits, will no longer be there.”

Using the all-affected principle, thinking with children is a normative vantage point that aims to overcome short-termism by ensuring that long-term future harms are accounted for in the political reality of present decision-making. Centring children ensures that the representation of long-term interests and impacts associated with climate change are central to current policymaking. Symbolically, children can be viewed as *temporal surrogates for future generations*: a present and physical embodiment of the people who will be most affected by climate change in the future. As surrogates, they stand for voices that cannot be heard and make them materially present so that they cannot be as easily discounted by politicians and voters. Practically, thinking with children concentrates the agenda and horizon of policymaking on the lifespans of present children, focussing attention on the projected harms to existing citizens and their democratic futures, and fostering a form of “surrogate accountability” to future generations outside of electoral contexts (Rubenstein 2007). Establishing these principles in political institutions would make the representation of children the central dynamic of climate policy and help to constitute a collective responsibility to account for and mitigate the harms to the future *demos*.

In addressing these problems, however, we are not attempting to transcend politics. Politically, thinking with children aims to open new democratic opportunities for including present children and youth in policymaking, but this also makes them a key focus of political contestation, including through the representations of older generations. As outlined above, these representations can position children as sources of both renewal and risk to existing politics. Those committed to strong action on climate change tend to represent the activism of children and youth in hopeful terms: for example, they are represented as “extraordinary heroes” that are admired and respected by adults in news coverage in places like Australia (Mayes and Hartup 2021, pp. 1010–1011). However, children and youth can also be characterised as risky and threatening when they engage in climate activism, particularly when they engage in disruptive and dangerous forms of dissent that threaten established political elites and investments (O’Brien et al. 2018). In the recent school strikes in Australia, for example, young strikers were variously characterised as “ignorant zealots”, “anxious pawns”, and “rebellious truants” (Mayes and Hartup 2021). As will be explored below, in judicial and legislative attempts to create duties to protect younger people against the future harms from climate change, activists have been criticised for “being controlled by lawyers, by their parents, by the renewable energy companies” (Scott et al. 2024). Rather than seeking to de-politicise these issues, centring children is aimed at shifting climate policymaking onto this representative terrain in ways that favour intergenerational justice and creating responsibility for future harms.

Thinking with Children in Australian Climate Change Litigation: Identifying and Remediating Institutional Gaps

Harnessing these normative justifications, analysing recent climate change litigation provides insights into the limits of legal and political institutions in responding to the future harms of climate change. In this section, we briefly discuss an Australian court case that ‘thinks with children’ and reveals how the status of the child is uniquely positioned to ‘bring forward’ future harms to the present, but not necessarily with transformative impact in the law or public policy. The case, *Sharma and others v Minister for the Environment* (‘*Sharma*’, 2021 FCA 560) and its appeal, *Minister for the Environment v Sharma* (‘*Sharma appeal*’, 2022 FCAFC 35), related to the ministerial approval for an extension to coal mine operations in New South Wales (known as the Vickery extension project). In this case, the school aged child litigants alleged that the Minister held a duty of care to avoid causing future harm from the impacts of further carbon emissions on climate change. This case reminds us of the lack of independent standing that child litigants have in Australian law, as well as the difficulty courts have in balancing their responsibilities for judicial review with respecting the role of the legislature and executive to set “high public policy” (Allsop CJ, *Sharma appeal*, 97). We consider how this decision helps us to understand the complexity of thinking with children in legal and political institutions, and briefly propose two specific remedies that can strengthen how children and young people are represented within them.

On the Legal Standing for Children in Public Interest Litigation

The *Sharma* case was brought by eight high school students “on behalf of young people in Australia”. The lead litigant, Anjali Sharma, like other school students named in the proceedings, lacked independent legal standing before the Federal Court of Australia and so required an adult litigation guardian. This role was fulfilled by 86-year-old, Sister Marie Brigid Arthur, who has a long history of undertaking this role for claimants who otherwise lack standing in a range of strategic litigation. In Australia, litigation guardians are generally appointed by courts or tribunals when a person lacks capacity to provide legal instruction. In Australia, this lack of capacity is presumed for all persons aged under 18 and prevents children from being parties to civil litigation (Australian Law Reform Commission 1997, Sect. 4). This is the case even though in some jurisdictions children as young as 10 are able to be lawfully detained and prosecuted under criminal law. In the case of *Sharma*, Sister Marie can perhaps be best understood as a guardian who ‘thinks with’ and ‘stands in’ for young clients who are otherwise perfectly capable of providing instructions to their legal team. This is distinct from a litigation guardian who might need to ‘think for’ the child by substituting her own assessment of the best interests of the child. This is the necessary role of a litigation guardian in many family law settings, particularly as it relates to very young children and the newly born.

While the function of a litigation guardian may not be an overly burdensome requirement for school children to obtain in public interest cases, we argue that it

is an example of how the law is presumed to be an adult domain, instituting additional hurdles for children and young people to have their interests heard, notwithstanding the fact that the majority of children involved in the courts are present not of their own volition but due to adults bringing them into the system (Australian Law Reform Commission 1997, Sect. 4.16). Given the ability of the courts and legal system to hold children and young people criminally culpable, we suggest that the requirement for a litigant guardian is based on an arbitrary rather than principled justification. Removing the presumption against independent standing for children in public interest litigation would position children such as Sharma as the direct litigants in climate change cases, which symbolically and politically decouples their standing from adults in matters of public interest.

On Duty of Care and Future Harms: Child Impact Assessments

This direct representation in deliberations about the public interest is particularly important because the Sharma case involved establishing (and alleging breach of) a *duty of care to avoid causing future harm*; that is, a harm that extends beyond the lifespans of present adults. The political authority for the approval of the Vickery coal mine extension sat within the power of the Federal Minister for Environment. The litigants alleged that the Minister held a duty of care to avoid causing future harm arising from further carbon emissions. They argued that, if approved, the extended period of mining would burn an anticipated 100 million tonnes of carbon, and that it was reasonably foreseeable that these additional emissions would result in climate impacts and harm to the claimants in breach of this duty of care. The original judgment of Justice Bromberg, at the Federal Court of Australia, found in favour of Sharma and her fellow claimants (2021 FCA 560). The decision was internationally significant, representing the first declaration of any court in the world to establish that a present-day government held a duty of care to children and young people about likely future harms related to climate change (Rochford 2022; Peel and Markey-Towler 2021). Justice Bromberg (2021 FCA 560, 293) observed that:

It is difficult to characterise in a single phrase the devastation that the plausible evidence presented in this proceeding forecast for the children...As for the human experience – quality of life, opportunities to partake in nature’s treasures, the capacity to grow and prosper – all will be greatly diminished. Lives will be cut short. Trauma will be far more common and good health harder to hold and maintain. None of this will be the fault of nature itself. *It will largely be inflicted by the inaction of this generation of adults, in what might fairly be described as the greatest intergenerational injustice ever inflicted by one generation of humans upon the next* (our emphasis).

However, the decision was quickly overturned on appeal to the Full Court of the Federal Court of Australia (2022 FCAFC 35). While the Full Court was unanimous in its view that the Minister for Environment held no such duty of care to young people for likely future harms, each member of the bench provided distinct reasons. Among the reasoning offered, a few points are worth identifying for how they

demonstrate the difficulty for courts in ‘thinking with children’, and the challenges that children and young people face in realising effective climate change action. We particularly highlight Allsop CJ’s concern that the duty of care “would call forth at the point of assessment of breach the need to reevaluate, change or maintain high public policy” in a manner that exceeds the responsibility of the judicial branch (Allsop CJ, 97). Allsop CJ further remarked that: “To the extent that the evidence and the uncontested risks of climate catastrophe call forth a duty of the Minister or the Executive of the Commonwealth, *it is a political duty: to the people of Australia*” (97, our emphasis). In highlighting the political rather than legal nature of this duty, Allsop CJ returns the question of responsibility back to the executive and legislature.

While Justices Beach and Wheelahan JJ address more technical interpretations concerning tort law and the specific legislation under which the claimants argued the duty arose, their reasoning similarly highlights the importance of proximity between the Minister’s executive authority and the nature of the (future) harm. For example, Justice Beach expressed concern about imposing a duty that would give rise to what overseas courts have described as a “liability in an indeterminate amount for an indeterminate time to an indeterminate class” (Beach JJ, 200). The reasoning that follows sets out the somewhat paradoxical challenge of establishing future climate change harms: the indeterminate reach of those likely to be affected (global population, born and unborn) and over an expansive temporal horizon (past and present greenhouse emissions effecting future harms) may strengthen the moral case for climate change action but also works to weaken the precision needed by courts to determine liability. Wheelahan J further highlights the need for this precision in describing the empirical challenge of establishing future harms. He reasoned that even if there was a sufficient closeness to establish a duty of care to young people for likely future harm, he was not persuaded that it was reasonably foreseeable that the approval of the extension to the coal mine could cause personal injury to the respondents or those they represented, thereby failing to meet the standard of causation required.

Legal scholars can provide more cogent summaries and legal analysis of this case (see Rochford 2022; Peel and Markey-Towler 2021). In political terms, however, the *Sharma* case and its appeal demonstrate the ways in which courts of law are spaces in which there is an opportunity to ‘think with children’ by hearing their claims and grievances on problems that affect them in ways distinct from the adult community. Yet, at the same time, the case highlights the limitations of these judicial spaces and how ‘thinking with children’ needs to be translated into executive and legislative (i.e. political) institutions where there are significant opportunities to determine new boundaries of responsibility in law and policy.

Consequently, we propose adopting a device that is used in both judicial and public policy institutions to aid deliberations and reach decisions: impact assessments. Impact Assessment Tools already operate in courts to determine criminal sentences (victim impact statements), and in public policy to strengthen alignment of policy design and decision-making processes to statutory human rights, environment, and cultural heritage responsibilities. Each of these public policy domains — human rights, environment and cultural heritage — concern interests that are not well represented in politics due to vested interests and short-termism. We propose that this

is similarly the case for children and young people who lack effective forums for political representation due to voting age restrictions, and who are currently represented by a federal Parliament whose members have a median age of 51 (Priestly 2023; see also Stockemer and Sundström 2022). While we accept that these impact assessment tools are not a guarantee of positive and favourable decision-making regarding those groups, we maintain that they serve an important democratic practice in strengthening the ability of a wider range of interests to be identified, considered and accounted for in a transparent and reviewable manner. By requiring Child Impact Assessments in the formation of policy and laws, children can function as *temporal surrogates for future generations*, and in so doing policy design and decision-making is likely to be more attuned and responsive to climate change and future harms. Outside of formal institutions, these assessments can also be used by civil society groups to focus attention on intergenerational injustices in a range of settings, including in public debates and protests where they provide information to hold governments accountable for their inaction and the foreseeable harms they knowingly inflict on young people.

Conclusion

The imperative to address climate change transcends the present generation of adults, extending into the future where children and unborn generations will most acutely feel its impacts. We have proposed ‘thinking with children’ as a normative vantage point from which we can consider remedies to enable present-day adults in legal and political decision-making institutions to accept responsibility for future harms and be more responsive and accountable to children and young people. Addressing the challenges of vested interests and short-termism requires a deliberate effort to de-naturalise the fossil fuel status quo, foreground emergent climate impacts, and make the all-affected principle meaningful for children and future generations. By centring children, whose existing lives and experiences are uniquely vulnerable to climate change, we can make future harms more tangible, but also allow them to function as temporal surrogates for future generations in ways that give courts and policymakers new grounds to consider the long-term implications of their actions and prioritize intergenerational justice. Yet, our discussion of the *Sharma* case identified key challenges that persist: the acute moral imperative that children present for climate action does not easily translate into strong present-day legal and political imperatives. Thinking with children provides a new vantage point from which we can reevaluate the institutional mechanisms required to better address these concerns.

We have proposed that the requirement for child litigants to rely on adult guardians is an unnecessary systemic barrier to public interest litigation on matters that uniquely concern children and young people. Moreover, the appeal courts’ reluctance to impose duties on government bodies for future harm shows the delicate balance between judicial review and the legislative and executive branches’ policymaking prerogatives. Our proposals for enhancing children’s representation in legal and political processes, including independent legal standing and development of child

impact assessment tools, each emphasise how to make adult decision makers more responsive and responsible to children and young peoples' claims. This shift towards 'thinking with children' not only holds the potential to overcome political barriers to climate action, but also reinvigorates democratic processes by expanding the scope of representation and accountability. Our approach holds open broader and more inclusive avenues for children's legal and political involvement, including direct participation in policymaking and lowering voting ages. What we wish to emphasise here is the importance of institutionalising adult responsibility to ensure future harms are mitigated now in the interests of children and their democratic future.

Author Contribution 1 Both authors jointly conceived the conceptual design of this research article, which draws upon previously co-authored research together (as cited).

2 Both authors are jointly responsible for the review and analysis of the democratic politics literature drawn upon throughout the article (including literature on children in democratic politics).

3 Sana Nakata led the analysis of the case law presented in the third section of the article.

2 Daniel Bray led the writing of the sections titled 'Child as Method: Centering Children in Democratic Politics' and 'Thinking with Children in Climate Change Politics'.

3 Sana Nakata led the writing of the section titled 'Thinking with Children in Australian Climate Change Litigation: identifying and remedying institutional gaps'.

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Declarations

Ethical Statement This article is based on a political theory method and includes textual analysis of court cases. No research with human subjects has been undertaken.

Conflict of Interest The authors declare no competing interests.

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