

Social Contract Theory under Heterogeneous Subject Conditions: Membership, Representation, Mediation, and Shared Nomos

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Abstract

This preliminary paper investigates social-contract justification where subjects exhibit heterogeneous capacities for communication, decision-making, legal participation, collective organization and dependence. It distinguishes membership, protected interests, consent, legal capacity, supported agency, contractual authorization, representation, mediation, and the legitimate formation of shared normative orders. Hobbesian authorization, Rousseauian political association, Rawlsian representation and inclusive democratic theory provide distinct interlocutors rather than a unitary contractual canon. Selected legal illustrations include disability rights, children’s participation, Indigenous self-representation and the statutory legal personality of Te Awa Tupua, with their source-specific legal effects preserved. A three-level Generative Relational approach suspends ultimate ontological commitments, studies historically effective relations and institutional roles, and examines their context-dependent manifestations. AI participation and hypothetical extraterrestrial interlocutors are evaluated as speculative boundary cases; current legal obligations concerning AI systems govern identified human and organizational actors according to their applicable regimes. The paper proposes an open framework for comparing direct agreement, supported participation, delegated representation, mediated coordination and non-contractual duties of protection; the common analytical vocabulary does not presume identical legal status across these cases. The analysis covers membership, support, representation, power, institutional competence, temporal change, and counterexamples. It identifies source-specific criteria for assessing whether a relational arrangement supports authorization, contestable coordination, and independently grounded duties of protection, while specifying limits of the proposed formal representations.

Keywords: social contract; heterogeneous subjects; political representation; normative mediation; shared nomos

Research-series note. Paper XV in the Braid–Justice series. This paper extends the series’ questions of heterogeneous subjects from legal positions (Paper XIII) and adjudicative authority (Paper XIV) to membership, representation, mediation and shared norm formation. The present work is a preliminary philosophical and jurisprudential reconstruction. It does not state a legal doctrine governing AI or hypothetical extraterrestrial participation.

Notices

Status. Braid–Justice Series Paper XV, Revision R20, fifth integrated review of the complete Introduction and Sections 2–15. This research draft has undergone bounded legal-source checks, cross-sectional conceptual and formal-economy review, and technical PDF typesetting inspection. Bibliographic metadata and citation-key coverage are separate from verification that each source supports every attributed proposition. Comprehensive source-to-sentence auditing, jurisdiction-specific legal review, and independent expert assessment remain outstanding.

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Statement on the use of language models. OpenAI’s ChatGPT assisted with scholarly dialogue, retrieval of sources, comparative conceptual development and preparation of the $\text{\LaTeX}$ draft. The author retains responsibility for the research, legal and philosophical claims, final wording and independent verification. A verification ledger records the sources checked before citation and the scope of the checks.

1 Introduction

Social-contract reasoning concerns the grounds on which a political or normative order may claim authority over those whose conduct and prospects it structures. The familiar vocabulary of consent, association, public justification, reciprocal obligation, and collective authorship captures different answers to this problem. The present paper examines these answers where the potential participants in a normative order possess heterogeneous capacities for communication, deliberation, legal action, collective organization, and practical dependence. Its central object is the institutional formation of shared nomos: a historically situated arrangement of norms, roles, permissions, obligations, and procedures through which different parties can coordinate and contest their relations. The argument is philosophical and jurisprudential. It does not presume that contractual agreement is the historical origin of political society, that legal personality determines moral worth, or that every relevant being possesses a comparable capacity to consent. It asks how the justificatory work associated with contract theories can be reconstructed and evaluated when participation is unequal, mediated, or uncertain.

The formal representations employed below are comparative diagnostics of recorded authorizations, translations, institutional effects, practical contestation, and historical configurations. Each requires independently identified normative standards and competent legal sources. Membership in a modeled relation records an investigative attribution within stated evidentiary limits; it supplies neither a factual finding about consciousness nor a legal determination of status or legitimacy.

The term *heterogeneous subjects* is an analytical shorthand for different kinds of potentially relevant participants and affected positions. It is not an assertion that each included entity already possesses legal personality, subjective experience, political agency, or the standing of a party to a contract. The comparison distinguishes at least four research positions: a rights-bearing person or collective whose status has a source in applicable law; an affected being or environment whose interests or protection require independent argument or evidence; a representative, mediator, or technical system performing an attributed institutional function; and a hypothetical interlocutor used to test the premises of a theory. A single case may involve several positions, and the positions cannot be collapsed into a unitary scale of “subjecthood.” In particular, a proposed philosophical extension must be stated separately from a legally effective attribution. This typology governs the uses of *subject*, *participant*, and *representative* throughout the paper.

The social-contract tradition contains several distinct projects. Hobbes’s account of authorization and the commonwealth analyzes the institution of a public power able to address conflict and insecurity; the specific structure of authorization matters to his account of sovereign representation [17]. Rousseau’s discussion of the social compact connects political association to the problem of legitimate collective authority and the general will, including tensions between individual and collective authorship [30]. Rawls’s original position is a device of representation through which principles of justice may be assessed under specified constraints on knowledge and choice; it is not a report of an actual founding agreement [29]. These are substantively different theories with different pictures of agents, society, law, and justification. Contractarian bargaining, contractualist public justification, constituent authorization, and deliberative participation consequently deserve separate treatment. The present study retains their disagreements and tests particular conceptual resources against heterogeneous cases. Neither agreement nor reciprocity will be made into a single master criterion for all normative relationships.

A first difficulty concerns *membership*. A party may be bound by a common order, affected by its operation, protected by its rules, authorized to participate in its formation, and represented in its institutions in different ways. Membership in a political community can refer to citizenship, territorial subjection, collective affiliation, procedural standing, or an ethical relationship of inclusion. These senses are not interchangeable. Children, for example, possess rights whose institutional exercise can involve assistance or representation; Article 12 of the Convention on the Rights of the Child provides for the child's views to receive due weight and for opportunities to be heard in proceedings affecting the child [48]. This existing human-rights protection is neither contingent on independent treaty-making capacity nor a precedent automatically assigning analogous rights to a machine. The example nevertheless challenges any theoretical model that treats articulate bargaining between independent adult agents as the sole means of considering whose interests matter when a normative order is designed.

A second difficulty concerns the relation between *agency and participation*. Legal capacity, practical communication, informed authorization, and the power to exercise a political office are distributed through distinct normative arrangements. The Convention on the Rights of Persons with Disabilities expressly protects equal recognition before the law and access to support in exercising legal capacity, while Article 29 addresses participation in political and public life [49]. These treaty commitments provide a particularly important constraint upon speculative theoretical construction: disabilities and support needs are not grounds for withholding the human rights established by the Convention. A theory of heterogeneous social contracts must therefore resist a slide from observed differences in communicative performance to diminished normative standing. It must also distinguish the person's own decision, the assistance through which that decision is expressed, the institutional process that recognizes it, and the interests that an intermediary may independently pursue.

A third difficulty is the political construction of *representation*. The ability of representatives to speak for persons or collectives depends upon an account of their authorization, accountability, and scope of action. Representation can enable participation where direct presence is difficult; it can also distort preferences or consolidate the power of interpreters. Young's examination of inclusion, political communication, and social perspectives is relevant here because the procedures by which public reasons are presented and heard may disadvantage some participants even when participation is formally open [56]. The United Nations Declaration on the Rights of Indigenous Peoples recognizes participation in decisions affecting Indigenous peoples' rights through representatives chosen by themselves according to their own procedures, and calls for good-faith consultation concerning legislative or administrative measures that may affect them [50]. The Declaration has a distinct legal status from a ratified treaty, and particular domestic consequences require separate legal analysis. Its provisions nevertheless make the institutional question of *who selects a representative and under which procedures* impossible to treat as a minor detail of contract formation.

The statutory position of Te Awa Tupua provides another kind of institutional arrangement. New Zealand's Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 declares Te Awa Tupua a legal person and assigns the exercise of relevant rights, powers, and duties, and responsibility for liabilities, to Te Pou Tupua in the manner specified by the Act [24]. This specific settlement framework is situated in the history and relations of Whanganui iwi, the Crown, and the River; its significance would be misrepresented by describing it as a universal legal recipe for nonhuman membership. It does illustrate that attribution of legal position and practical institutional voice may be structured through multiple roles and relations. A river's statutory legal personality, however, does not entail that the river has entered a literal social contract, shares an independently verified consciousness, or meets an imagined general consent test. Such conclusions would demand additional and very different arguments.

The question becomes more speculative when prospective arrangements include artificial systems, animals, or hypothetical extraterrestrial beings. A highly capable artificial system may communicate offers, model parties' preferences, enforce an agreed protocol, or act as an intermediary. None of these technical functions establishes the legal validity of its alleged consent, its independent entitlement to membership, or its authority to impose rules on others. Nonhuman animals may have interests that institutions must consider without being capable of assent under ordinary contract procedures. An extraterres-

trial party, if ever encountered, might possess modes of communication, cooperation, and vulnerability that existing human institutions cannot presently characterize. The paper uses these cases as analytical stress tests. They are neither predictions of contact nor assertions that artificial systems presently hold political rights. They help identify which parts of a social-contract argument depend on characteristics of the negotiating parties and which depend on the responsibilities of the institutions that invoke an agreement.

A further difficulty concerns *mediation*. Cooperation can require interpreters, trustees, software, public agencies, advocates, or delegates that transform claims between partially incompatible communicative and normative systems. A mediator may facilitate mutual understanding without possessing the authority to determine whose interests prevail. Mediation may permit a bounded agreement on procedures while leaving important disagreements unresolved. It may also become a locus of concentrated power, as the mediator controls translation, agenda-setting, access to evidence, and the identification of a putative common interest. Accordingly, the present reconstruction distinguishes direct agreement, represented participation, mediated coordination, and protective arrangements justified independently of asserted consent. These modes may coexist within a historically changing order. Their legitimacy must be assessed through their own source-specific and normative conditions.

A related concern is the formation of *shared nomos*. The term is used here for an intelligible normative arrangement of practices, permissions, constraints, institutional competences, and procedures for dealing with disagreement. In some settings the nomos will be constituted through positive law; in others through organizational rules, diplomatic undertakings, social practices, or prospective cooperative protocols. A common order can contain local suborders and overlapping authorities. Agreement at a procedural interface does not imply convergence in ontology, conceptions of the good, or the evaluation of every disputed outcome. For example, two groups may share a mechanism for exchanging evidence and settling particular conflicts while retaining distinct systems of moral obligation. Their shared procedure might enable coexistence with disagreement, yet may need independent safeguards where one group lacks practical leverage or where interests of absent parties are affected. The paper therefore distinguishes *procedural coordination*, *normative convergence*, and *legitimately binding authority*. Connections among the three are to be argued, not assumed.

The earlier papers of the Braid–Justice research programme supply several neighboring inquiries that make this question more precise. Paper XIII addresses heterogeneous juridical positions: legal subjecthood, rights attribution, responsibility, sanctionability, and standing. Paper XIV addresses the independent question of competence to interpret, judge, and enforce within legally constituted institutions. The present Paper XV examines the formation and revision of the norms and membership relations to which those structures may be connected. A social-contract proposal is not made legally operative by its philosophical plausibility; jurisdiction, valid enactment, procedural requirements, and existing rights remain governed by the relevant sources. Conversely, a rule’s positive-law status does not by itself settle the political-philosophical questions of inclusion, legitimacy, and historical domination. The interfaces among the three papers are thus significant, while their objects remain distinct. Paper XVI will separately examine duties, permissions, and responsibilities in humanitarian protection, including circumstances in which assistance may be justified without any social-contract relationship.

The Generative Relational perspective contributes a provisional analytical language rather than a claim to have replaced historical social-contract theory. Its three-level discipline matters throughout. At the level of *ontological reality*, the ultimate constitution of persons, collective beings, artificial systems, and other entities is left open. At the level of *relational reality*, historically constituted and sufficiently stable relationships of dependence, communication, authorization, protection, and power can be investigated through their causal and institutional effects. At the level of *manifestation reality*, statements of assent, voting results, institutional decisions, technical messages, documentary records, and observed conduct express parts of those relationships under particular conditions of observation and interpretation. A manifestation of assent can be ambiguous or coerced; a technical signature can authenticate a message without establishing that a legally capable subject has consented; and absence of an accessible manifestation can coexist with significant protected interests. These distinctions prevent an inference from what

appears in one communicative channel to the complete structure of the relevant normative relationship.

The inquiry is historical as well as synchronic. Social-contract models frequently employ a stylized moment of association, but actually functioning institutions undergo continuing revisions of membership, competence, recognition, and representation. A rule established by earlier participants can structure the lives of people born later; a representative's mandate can expire; technological intermediation can change who effectively controls public speech; and the boundary of a political community can be contested. The relevant object is therefore a trajectory of norm formation, maintenance, interpretation, and repair. A reconstructed contract may consist of successive settlements, partial accommodations, periodic objections, and protected avenues of dissent. The normative significance of these processes cannot be inferred from their persistence alone. A highly stable pattern may reflect legitimate mutual accommodation, domination, exclusion, or mixed conditions. The paper will examine those possibilities through institutional criteria and examples rather than treating stability as proof of justice.

The distinction between *consent* and *legitimate constraint* is equally important. A prospective member's explicit assent is evidence relevant to some forms of authorization; it is neither the sole source of valid obligations in existing law nor a sufficient condition for every permissible political arrangement. Coercion, structural inequality, mistaken information, inaccessible alternatives, and defective representation may undermine an agreement's justificatory force. At the other boundary, the protection of an individual unable to negotiate can still be obligatory under existing law or on independently developed ethical grounds. The paper therefore proposes to assess four questions separately: whose interests and legal positions are at stake; which participants can authorize which actions under the relevant institutional conditions; which procedures mediate disagreement and revise norms; and which obligations are justified regardless of whether a purported social compact has been formed. The separation should help avoid an exclusionary inference from a failure of contract participation to an absence of protection.

Relations among different subjects also raise the problem of unequal resources. A technologically advanced participant can offer highly advantageous cooperation while monopolizing the means of communication, verification, or withdrawal. A vulnerable participant may nominally assent because alternatives have become inaccessible. A delegated artificial intermediary may claim to aggregate preferences while its evaluation criterion privileges the institution that owns it. Such asymmetries call for an analysis of agenda-setting, dependence, credible exit, review, independent advocacy, access to reasons, and remedies. They also reveal that participation can be formally distributed while effective control remains concentrated. The study does not infer that each difference in resources constitutes illegitimate domination; it asks what evidence and normative argument would support a claim of domination in a specified arrangement. In this way, power is treated as a relational condition whose effects must be established in context.

The inquiry additionally addresses nonparticipating and future subjects. Norms are often produced by a restricted set of actors but affect children, future generations, natural systems, outsiders, or parties lacking recognized access to deliberation. Their interests cannot always be incorporated through literal advance consent. Protective representation, fiduciary safeguards, bounded delegation, and open procedures for later revision offer possible institutional responses, each with characteristic risks. The adequacy of those responses depends on who authorizes the representative, how claims are verified, whether affected interests can be identified without imposing unjustified anthropomorphic assumptions, and how errors can be contested. A general theory must therefore allow for *non-contractual standing within or alongside contract-governed relations*. Recognition of this possibility preserves the distinctive justificatory role of agreement without making agreement a prerequisite for moral or legal concern.

Methodologically, the paper combines close conceptual comparison, source-indexed legal illustration, historically situated relational reconstruction, and limited formal representation where formalism earns explanatory work. References to Hobbes, Rousseau, Rawls, and contemporary democratic theory identify specific arguments rather than a uniform contract tradition. Treaty provisions, declarations, and statutes are treated with their distinct legal authority and territorial or personal scope. Heterogeneous AI and extraterrestrial cases remain hypotheses, explicitly separated from the human rights of currently protected persons. Later sections will specify a relation-based account of membership and rep-

resentation, distinguish mediation from normative authority, examine the contestability and durability of shared nomos, and apply the framework to difficult comparative cases. The analysis is intentionally open to counterexamples, including nonreciprocal relations, coercive agreements, conflicting representatives, incompatible evaluative vocabularies, and the failure of purported common procedures to protect vulnerable parties.

The proposed contribution is an account of *contract-relevant relations* rather than an attempt to assimilate every ethical, political, and juridical relationship to contract. An agreement may be an important historical event and source of authorization. Representation and mediation may make inclusion practicable where capacities differ. A shared nomos may coordinate cooperation even with persistent disagreements over fundamental commitments. Yet the conditions of valid authorization, protected participation, adequate representation, and legitimate coercion remain heterogeneous and historically revisable. A preliminary Generative Relational social-contract theory should make those conditions more explicit, identify the consequences of their interaction, and preserve the possibility that some interests or obligations arise beyond the contract framework. On that basis, the following sections construct a disciplined comparison of membership, authorization, normative translation, power, and the institutional evolution of heterogeneous shared orders.

2 Contractual Authorization and Political Justification

The present section establishes the conceptual and justificatory vocabulary needed to investigate political agreements among heterogeneous subjects. It distinguishes acts of consent, authorization to act on another's behalf, the normative justification of shared rules, and the legal competence through which proposed arrangements acquire institutional effects. The discussion proceeds through a limited reconstruction of historical contract theories, a comparison of mutual-advantage and public-justification approaches, an examination of participation and rights, and a source-indexed analytical record. Its mode of inquiry is primarily philosophical and comparative, with selected legal provisions used to illustrate the practical separation of concepts rather than to derive a universal legal doctrine of social contract.

2.1 Consent, authorization, justification, and legal effect

Consent is an act or expression through which an appropriately situated participant assents to a specified proposal under conditions relevant to that act. The meaning and consequences of assent vary with the institutional setting: agreeing to a discussion procedure, authorizing a representative to negotiate, approving a treaty-like instrument, and accepting the terms of a private contract are distinguishable events. An expression may be genuine while lacking the competence required for the legal effect claimed for it; conversely, binding duties may arise under a valid legal source without proof of each affected person's contemporaneous consent. The analytic task is to identify the proposition assented to, the participant, the time, the medium, the surrounding alternatives, and the norm governing its effects.

Authorization concerns the recognized grounds on which an actor may exercise an identified power for a specified person, collective, office, or institution. Authorization is relational: its structure includes a purported principal or constituency, an actor, a type of act, scope, and conditions for continuing or revoking authority. Its strength may come from personal mandate, a constitution, a statute, a lawful appointment, or another source appropriate to the setting. A political representative's election, a caregiver's supportive assistance, a public official's competence, and a privately delegated function can involve materially different grounds of authorization. The word *representative* alone cannot establish that the actor is entitled to surrender the interests or decisions of those supposedly represented.

Justification concerns the reasons for treating an institution, principle, or constraint as acceptable or legitimate. Its object is evaluative and its audience need not be restricted to the persons able to authorize its creation. A democratic procedure may be lawfully instituted while its exclusionary consequences remain contestable; a morally attractive bargain may lack the legal competence or formal adoption required for implementation. Justification also has different levels. A participant can have prudential grounds for

joining a cooperative arrangement; the terms can be defensible to differently situated persons; and an institution can hold legitimate authority to decide a class of disputes. Each claim requires a specified normative standard.

Legal effect identifies what follows under a valid and applicable positive-law source. The effect may concern a person's status, institutional competence, obligations, remedies, or the enforceability of decisions. The paper uses *political legitimacy* for contested justificatory assessments and reserves *legal validity* for questions determined under identifiable legal rules. The terms sometimes interact, as with constitutionally guaranteed participation rights, but an interaction supplies no warrant to infer identity. The distinction also prevents a hypothetical social compact from being mistaken for an enacted source of law.

The four concepts create an ordered research procedure, while allowing feedback between stages. One first determines who and what is affected; then identifies purported consents and authorizations, tests their procedural and substantive conditions, examines competing reasons for the arrangement, and finally investigates any claimed legal consequences by reference to a particular legal order. This is a sequence for *inquiry*, rather than a temporal formula under which every political order necessarily originates in actual consent.

2.2 Political authorship and collective constitution in classical contract theory

Hobbes's account of artificial persons and political authorship provides an influential grammar of representation. Chapter XVI of *Leviathan* distinguishes an actor who represents from an author to whom the represented act is attributed. Chapter XVII then connects authorization of a common power with the constitution of the commonwealth. Hobbes's reasoning addresses order and security within his account of political authority; it does not supply, unchanged, a modern rule governing the rights of persons with disabilities, children, or nonhuman beings [17]. The analytic value for the present paper lies in a structural question: under which conditions may an act performed by one entity properly be attributed to another? The answer in an actual legal case depends on the applicable sources and their safeguards. The historical conceptual distinction supports analysis without deciding the contemporary law.

A difficulty becomes particularly visible when the represented subject cannot issue the form of authorization ordinarily assumed by a bargaining model. In Chapter XVI, Hobbes also discusses the personation of inanimate things through actors authorized by others. That historical discussion is instructive for the difference between *being represented* and *having personally conferred the authority to represent*. It should be read in its seventeenth-century argument and institutional context. The modern statutory legal personality of an entity such as Te Awa Tupua arises through legislation and particular representative offices; it is neither an application of Hobbesian sovereignty nor proof that inanimate objects personally express political consent [24]. Contemporary representation must be investigated through its own authorization and accountability chain.

Rousseau presents a different account of collective political authorship. In Book I, Chapter VI of *The Social Contract*, the association creates a political body whose members occupy distinct relations as citizens and subjects. Book II's account of sovereignty as an exercise of the general will addresses the conditions of common political direction. Rousseau's distinction between sovereign will and government also cautions against treating a magistrate's administrative activity as the authorship of the sovereign itself [30]. In the present interpretation, the distinction invites inquiry into how a collective identity and common decision procedure emerge, how they claim authority over their members, and how their supposed common interest may be contested by those whose circumstances are obscured in the aggregate.

There is a substantive difference between attributing an act through a representative and constructing the conditions under which citizens jointly author a political order. The former requires attention to mandate and scope; the latter concerns collective constitution, membership, and common deliberative terms. Neither is reducible to the other, and both raise questions that historical texts leave open for heterogeneous populations. Who counts as a member of the constituency? Who defines the agenda? What status belongs to children, to persons requiring communication support, and to individuals outside

the polity who are affected by its laws? What institutions permit later entrants to contest an inherited settlement? These are questions posed by the current reconstruction rather than claims that Hobbes or Rousseau offered the present answers.

The contrast also limits a common genealogical shortcut. The appeal to a social contract can mean the rational authorization of a sovereign, the constitution of a collective political body, a device for choosing just institutions, a moral criterion of mutual justification, or an actual negotiating process. Similar vocabulary can conceal different justificatory purposes. Intellectual provenance is therefore part of the methodology: a contemporary relational formulation should specify what it borrows from each tradition, where it changes the original assumptions, and which normative conclusions require independent arguments.

2.3 Mutual advantage, hypothetical agreement, and reasonable rejection

A *contractarian* approach grounded in mutual advantage studies the terms of cooperation that strategically situated agents have reason to accept. It can illuminate stable bargains, credible commitments, enforcement and the distribution of cooperative gains. Yet the ability to bring benefits or impose bargaining costs often affects one's negotiating power. A bargain advantageous to its participants can externalize costs onto those excluded from negotiation, and the absence of reciprocal bargaining resources may weaken a subject's influence without diminishing its independent moral or legal interests. The distinction between Hobbesian mutual-advantage reasoning and contemporary contractualism is articulated in the philosophical literature; the present paper uses that distinction as a comparative typology, with its historical qualifications intact [2].

Rawls's original position performs a different function. The parties are situated under restrictions, prominently the veil of ignorance, intended to represent conditions of fair selection of principles governing the basic structure of society. The agreement is hypothetical and serves a justificatory purpose; it records no actual transfer of political authority by the persons subject to real institutions. The account concerns principles appropriate for free and equal citizens under Rawls's specified idealization, and interpretations of its boundaries require careful attention to the differences among editions and later developments [29, 12]. Within the present project, the original position illustrates how an agreement device can express public justification without claiming that an identifiable child, future person, or artificial entity literally consented to a currently enforced rule.

Scanlonian contractualism, developed in *What We Owe to Each Other*, evaluates the justifiability of principles through considerations of whether they could be reasonably rejected by those to whom justification is owed. Its central object is interpersonal moral justification, which differs from both strategic bargaining and Rawls's specifically political procedure for assessing basic institutions [33, 2]. These distinctions matter for heterogeneous relations. The fact that a participant accepts terms under constrained alternatives has limited force in a test concerned with the quality of reasons offered to others. Conversely, a model of reasonable rejection requires its own account of which beings fall within its scope and how their interests or reasons may be responsibly interpreted when ordinary linguistic participation is unavailable. The present paper leaves that scope contested rather than imputing Scanlon's theory wholesale to animals, technological systems, or hypothetical extraterrestrial agents.

Different contract approaches thus generate different *questions*. Mutual advantage asks whether a settlement provides participants with adequate incentives and gains under specified constraints. Actual authorization asks whether a party or representative validly conferred a power. Hypothetical choice asks what principles suitably modelled parties would endorse in a fair device of representation. Reasonable rejection asks whether the proposed principle can be justified to those within a theory's moral domain. Institutional validity asks whether legally competent actors enacted the rule through applicable procedures. None of these questions is answered merely by counting signatures, and passing one test does not establish the answer to every other test.

Two counterexamples indicate why the distinctions are productive. A firm might offer an advanced translation service to a marginalized community in exchange for exclusive control over the community's

negotiation platform. The exchange could be advantageous relative to the immediate alternatives while compromising the independent expression of preferences and access to later review. A different arrangement might pass a hypothetical fairness test but remain legally inoperative because its proponents lack the power to enact it. Each outcome identifies a distinct deficit. The first requires inquiry into dependency and the conditions of meaningful choice; the second requires inquiry into institutional competence and applicable legal procedure. Neither can be resolved through a single abstract measure of agreement.

2.4 Participation rights, supported agency, and limits of delegation

Contemporary rights frameworks show why contractual participation and protected standing require independent treatment. The Convention on the Rights of Persons with Disabilities establishes equal recognition before the law and requires access to support in exercising legal capacity under Article 12. Article 29 addresses political participation, accessible voting conditions, and freely chosen representatives in the circumstances specified there [49]. These are existing human-rights obligations within the Convention's scope; they are neither contingent upon a philosophical account of bargaining productivity nor a license to replace persons' decisions with third-party preferences. A relational social-contract account must preserve the person's rights, will, preferences, and access to suitable support while examining the institutional conditions of participation.

Support has multiple possible functions. An interpreter may make a person's expressed decision accessible to other participants. A communication aide may enable an individual to formulate and transmit a preference. A legal representative may undertake an act within an independently established mandate. A technical assistant may sort relevant options or draft explanations. The functions differ in their authority and in their susceptibility to errors, undisclosed filtering, conflicts of interest, or capture. Effective support may strengthen the opportunity to exercise agency while leaving ultimate authorization with the person or constitutionally competent institution. The actor providing support must therefore be distinguished from the holder of the protected legal capacity.

The Convention on the Rights of the Child, Article 12, protects the participation of a child capable of forming views in matters affecting the child, including an opportunity to be heard directly or through a representative or appropriate body in relevant proceedings [48]. Its text specifies due weight according to age and maturity and applicable procedural conditions. The provision does not make the existence of the child's rights conditional on full adult bargaining competence. The relationship between developing capacities, representation, and the child's own voice thus requires institutional design more discriminating than a binary division between contract-makers and outsiders. The present comparison does not conflate the legal regimes applicable to children and adults with disabilities.

For Indigenous peoples, Articles 18 and 19 of the United Nations Declaration on the Rights of Indigenous Peoples concern participation through representatives chosen by the peoples themselves and good-faith consultation with their representative institutions to obtain free, prior and informed consent in the specified circumstances [50]. The Declaration's status as a General Assembly declaration must remain distinct from the status of the two human-rights conventions and from the content of domestic laws implementing related rights. Politically, it supplies a salient example of why representation by a convenient external spokesperson is materially different from representation through the affected people's own institutions. The identity of the representative and the procedure for selecting that representative can be part of the very object of disagreement.

These examples concern human persons and communities within specific legal instruments. Their relevance to more speculative AI or extraterrestrial cases lies in the *questions* that they suggest, not in presumed legal equivalence. Before treating a machine-generated preference signal as assent, an investigator would need a defensible account of agency, authentication, representation, normative status, and the appropriate legal order. For hypothetical extraterrestrial interactions, assumptions about linguistic competence, collective organization, coercion, and reciprocal comprehension would remain provisional. Even where negotiation is impossible, inquiries into protected interests and duties of restraint can proceed under other moral or legal grounds. Later sections examine these limits with greater specificity.

2.5 Public justification under coercion, exclusion, and changing membership

A social compact can arise through formally recognizable acts while the conditions of choice differ sharply among participants. Threats, dependence upon essential infrastructure, restricted information, unequal access to intermediaries, and the concentration of agenda-setting authority may shape the terms available to negotiate. These conditions do not automatically determine that an agreement is void under law or unjust in philosophy. They instead locate evidence that must be evaluated under the relevant doctrine and normative standard. In particular, formally equivalent assent procedures may offer substantially different capacities for refusal, counterproposal, and later correction.

Public justification becomes more demanding when rules govern those who did not participate in their formation. Children grow into legal and political roles structured by inherited institutions. Residents arrive after constitutional arrangements have been established. Members can lose the capacity to use a previously accessible form of communication while retaining their rights. Outsiders and future persons may bear costs that the parties drafting a settlement did not represent. The proper normative response need not consist in fabricating retrospective consent. It may require rights constraints, public reasons, periodic review, representation with identifiable fiduciary duties, revision procedures, compensation, or independently justified obligations. Different cases may require different combinations of those arrangements.

An institutional design for heterogeneous subjects should therefore provide a continuing relationship between *formation*, *operation*, and *revision*. The terms of an agreement shape future participation, while subsequent participants and technical systems reshape how the agreement is interpreted. The process is recursive: rules help constitute the actors and forums that will later evaluate those rules. This creates a risk of self-validating authority, where an institution treats the participation rules it controls as conclusive evidence that its constituency has consented. Independent channels of contestation and reasons open to affected parties can interrupt that circularity. They also create costs and possible delays, which the analysis must account for rather than assuming that maximal procedural complexity is invariably beneficial.

A second risk arises when a mediator claims to offer neutral access to a shared norm. Mediation may make different justificatory vocabularies comparable while filtering out meanings that are difficult for the mediator's system to encode. A more powerful party may control the classification of interests, the admissibility of objections, or the schedule for revision. Such an intermediary can increase communicative efficiency while reproducing disparities in control. Source-indexed records of who chose the mediator, who may challenge its translations, and which concessions are reversible offer a starting point for assessing these risks. The fuller account of mediator nomos formation belongs to a later section of this paper and is not presupposed here.

2.6 A source-indexed diagnostic of authorization and justification

A preliminary formal representation can help prevent multiple senses of *agreement* from being collapsed into one verdict. Let o be a proposed normative arrangement, s an identified legal or institutional source regime, and t the time at which the claim is evaluated. The analytical record in Equation 1 distinguishes five questions, each of which requires its own documentary evidence or philosophical justification.

$$\mathcal{Q}_{s,t}(o) = (C_{s,t}(o), A_{s,t}(o), J_{s,t}(o), L_{s,t}(o), P_{s,t}(o)), \quad \mathcal{Q}_{s,t}(o) \in \{0, 1, ?\}^5. \quad (1)$$

In this record, a value of 0 is an assessment supported by case-specific grounds, whereas ? indicates that the available material does not warrant either resolution; the categories remain independently contestable. In particular, the justification component J is relative to an articulated normative argument, and the legal-effect component L must be evaluated within an applicable legal order. The vector does not induce an ordering of legitimacy.

Here C records whether the specifically claimed act of consent has been adequately established; A whether the relevant representative or institutional authorization has been established; J whether the

Table 1: Distinct claims within heterogeneous authorization and political justification

Configuration	Principal question	Source or limitation to retain
Adult’s actual political mandate	What act and institutional rule authorize the representative?	Applicable constitutional or electoral law; claims of full constituent consent require separate support.
Hypothetical fair agreement	Are proposed principles defensible under the stipulated device?	Rawlsian original position supplies a justificatory model, not an historical consent record [12].
Supported participation	Has the person’s own agency remained exercisable?	CRPD Articles 12 and 29 protect legal capacity and political participation under their applicable regime [49].
Child affected by collective rule	How is the child’s perspective heard and weighed?	CRC Article 12 specifies participation and hearing rights; full bargaining participation is a separate issue [48].
Indigenous collective consultation	Are representatives chosen by the people, and is consultation conducted in good faith?	UNDRIP Articles 18–19 provide a declaration-based framework, with separate domestic and treaty questions [50].
AI-mediated agreement	Whose intentions, authority, and legal competence are evidenced by the output?	Technical authentication alone cannot establish new AI legal subjecthood or autonomous authorization.

specified *normative argument* for the arrangement has been adequately made within a declared evaluative framework; L whether its claimed legal effect follows under the relevant positive-law source; and P whether independently applicable protections for affected parties have been addressed. The values 1, 0, and ? denote, respectively, an affirmatively supported finding, a finding adverse to the specified claim, and an unresolved or insufficiently assessed claim. The distinction between 0 and ? matters especially when no competent body has determined the issue. The model records *research status*; it neither computes legal validity nor determines which normative reasons should prevail.

The diagnostic is deliberately typed by source and time. The same document may constitute sufficient authorization for an internal organizational consultation but fail the requirements for the purported enactment of a public law. A credible argument about fairness may leave a competence question unanswered. An apparent failure of assent may coexist with binding human-rights obligations that derive from an independent source. For this reason the five entries should be accompanied by the claimed scope, participants, evidence, dissenting accounts, and the identity of the reviewer. The entries are unsuitable for summation into a legitimacy score: differences among philosophical arguments, legal doctrines, and institutional procedures are substantively important.

A determination in one component of Equation 1 supplies no default determination of another component. In particular, $C = 1$ does not imply $A = 1$, a source-supported $A = 1$ does not imply $L = 1$, and a defensible $J = 1$ within one declared philosophical account does not establish the independent protections registered by P . This is a methodological rule for research records, not a logical theorem about all possible legal systems: particular sources may make selected relations between these questions legally relevant. The record should therefore identify the proposition assessed in each component, its source or normative standard, the person making the classification, and the disposition of materially contested evidence. Coding a question as ? acknowledges a limit of present warrant; it does not license its treatment as a negative finding.

Table 1 presents six diagnostic settings. Each row identifies a likely analytical emphasis rather than a legal conclusion. The examples also show where a source-based determination can coexist with uncertainty about broader political legitimacy.

Two hypothetical tests show how the record is used. Suppose residents authorize a human intermediary to negotiate access to a public resource, and an AI tool drafts the negotiated text. The relevant questions include the scope of the residents’ mandate, the source governing ratification, the accuracy of

the tool’s translation, the treatment of dissent and third-party interests, and the opportunity for review. Reliable automated drafting may support evidence about the process while leaving *A* or *L* unresolved. Suppose, alternatively, a coalition’s proposed arrangement passes a carefully argued ethical assessment but an affected child has no meaningful opportunity to be heard under an applicable participation rule. The normative argument then requires explicit reconsideration of protected positions; a favorable *J* classification should not erase an independently adverse or unresolved *P* finding. The analysis is qualitative and contestable at each stage.

2.7 Three reality levels and the institutional boundaries of contract reasoning

The Generative Relational reconstruction of authorization is confined by its three-level research discipline. At the *ontological level*, the ultimate constitution of persons, collectivities, artificial systems, and their apparent capacities remains suspended. No conclusion about an artificial subject’s moral status or subjective experience follows from the use of contractual vocabulary or from the appearance of agreement. Similarly, the existence of politically effective human collectives does not settle philosophical debates about collective ontology.

At the level of *relational reality*, the analyst examines historically reproduced relations that have sufficiently stable generative and causal effects: mandates, institutions, participation channels, dependence upon mediators, protective obligations, shared expectations and practices of public justification. Their constitution is partially historical. A rule can change who may speak, a representative’s performance can alter the future credibility of an institution, and access to information can change the set of feasible agreements. Relations among such mechanisms are themselves legitimate objects of investigation. Their durability, however, requires normative appraisal; persistence is compatible with both justified association and exclusionary power.

At the level of *manifestation reality*, consent forms, ballots, assembly minutes, signed instruments, translated statements, AI-generated recommendations and official decisions become available as context-bound evidence. Each manifestation is mediated by recording conventions and interpretive practices. A ballot documents a certain formal event under election rules; a text token expresses a model output; a court ruling evidences a legal decision with a particular jurisdictional scope. None transparently reveals the totality of the relevant subject’s intentions or the legitimacy of the resulting order. Source-indexed interpretation connects the manifestations to relational roles while retaining uncertainty about meaning, coercion and representativeness.

The section’s resulting research obligation is discriminating rather than exclusionary. Political participation, representation, prudential cooperation, moral justification, and legal effect should be examined as potentially interacting but partially independent relations. The analysis must respect positive rights already recognized for human persons, identify the limits of historical contract arguments, and describe speculative heterogeneous subjects without treating uncertainty as grounds for withdrawing established protections. These distinctions prepare the treatment of membership and affected interests in the next section, and they remain open to revision when better legal evidence, political arguments or empirical knowledge becomes available.

3 Membership and Affected Interests in Heterogeneous Communities

The present section examines the constitution and limits of political membership when collective decisions affect subjects whose capacities, institutional positions, and relationships to authority differ. Its immediate objective is to distinguish membership in a decision-making body, interests affected by that body’s action, subjection to its exercises of power, and the specific opportunities for participation, representation, and remedy available to particular subjects. The analysis combines democratic theory with selected human-rights instruments and domestic legislation, and develops a source-indexed record for comparing difficult cases. Its scope is deliberately preliminary: identifying an affected subject establishes a reason to investigate relevant obligations and institutions, while an entitlement to a particular

mode of political participation requires further normative or legal grounds.

3.1 Political constituencies, social association, and institutional subjection

A social-contract argument frequently presupposes an identifiable set of persons for whom the agreement is formed. That set can acquire several meanings. A *political constituency* may be the population entitled under a particular law to select officials or participate in a binding collective decision. An *associated population* may consist of residents, contributors, dependants, members of an organization, and persons embedded in a durable network of cooperation. A *juridical population* may include the persons to whom a legal order assigns particular rights or obligations. A *population affected by a decision* includes those whose interests or positions are foreseeably influenced by its consequences. These descriptions can overlap, yet they respond to different research questions and may have different boundaries.

This differentiation matters when the normative force of a social compact is claimed to arise from the consent of those who formed it. A rule may bind later entrants, minors who did not participate in its enactment, and residents without the franchise. Environmental and economic choices can also affect persons located beyond the jurisdiction in which those choices were made. The circumstances of being affected, being governed, being represented, and being authorized to vote are then distributed across partially intersecting populations. An institution that defines its own electorate also exercises power over the boundary of those entitled to question that definition. The legitimacy of that boundary therefore calls for reasons distinguishable from the mere fact that the resulting constituency approved it.

One familiar response locates political membership within formally constituted citizenship. Another emphasizes residence, sustained contribution, institutional subjection, or the interests at stake. These are competing proposals about the grounds of participation. They cannot be reconciled simply by enlarging a set of names: the meaning of membership changes with the obligations and powers assigned to it. A citizen's electoral entitlement, an employee's place in an organizational consultation, and an affected person's standing to seek judicial review may be protected for different reasons under different rules. An adequate analysis should specify the decision domain and the effect of membership, including whether it confers voting power, consultative access, recognition as a right-holder, representative protection, or a remedy.

Membership also has a temporal structure. Children may later acquire electoral entitlements while remaining right-holders during childhood. Adults may gain, lose, or dispute nationality, residence status, employment, or membership in a voluntary association. A river or corporation with a legally constituted representative may retain its juridical identity through changes in the officeholders who act in its name. These examples suggest that the boundaries of an institutional constituency should be indexed to an identified time, source, and decision type. A claim that a compact binds a subject *because the subject belongs* leaves the source of belonging and the means of correcting its classification to be examined.

3.2 Affected interests and coercive subjection in democratic justification

Democratic boundary arguments can begin with the persons whose interests a decision affects or with those over whom it exercises coercive authority. Robert Goodin's discussion of the all-affected-interests principle and its alternatives is an influential intervention into the first family of arguments [15]. Arash Abizadeh's analysis of border coercion contests an exclusively internal constituency for decisions imposing coercion on foreigners and argues for the relevance of those subjected to that power [1]. Their contributions should be treated as distinct theoretical arguments rather than as enacted criteria of legal membership or interchangeable formulations of democratic inclusion.

Affectedness has a scope problem. A decision can have indirect, uncertain, reciprocal, and widely dispersed consequences. An infrastructure project may affect local users immediately, distant suppliers indirectly, and future communities through long-term changes. If mere causal influence automatically conferred equal decisional authority, many ordinary decisions would have an indeterminate electorate. Conversely, restricting participation to easily measured, immediate losses would exclude persons whose interests are diffuse, delayed, or difficult to articulate. The relevant questions concern the type and

seriousness of the affected interest, the foreseeability of effects, appropriate thresholds for participation, and the means of representing uncertainty. Goodin's proposal illuminates the boundary problem; it does not supply a universally accepted practical rule that can be adopted without further argument.

Subjection directs attention to institutions that claim authority to issue commands, impose penalties, restrict movement, or establish conditions of access to essential resources. It differs from mere causal exposure. A resident may be legally governed without suffering a demonstrable material loss from a particular regulation, while a person living abroad may be materially affected by a domestic policy without being directly governed by the state making it. Border control illustrates a mixed case: decisions about entry can regulate or constrain nonmembers, raising questions about the audience to whom a coercive policy should be justified [1]. A social-contract reconstruction must therefore avoid assuming that the population subject to authority coincides with the current circle of recognized political participants.

The two approaches also create competing demands. A small, strongly affected group may claim priority over diffuse interests elsewhere, while persons continuously subjected to a legal order may demand stable procedural influence even where a particular decision imposes only minor costs. The dimensions cannot be compressed into a single ranking without normative assumptions about equality, vulnerability, coercion, reversibility, and institutional feasibility. For the present framework, affectedness and subjection operate as *grounds for examining justificatory and procedural obligations*. They identify who might be owed an explanation, an opportunity to object, material protection, or a legally available remedy. A further source or argument is required to establish the specific institutional form of the obligation.

The relational structure also runs in the opposite direction. Political decisions constitute future interests: a zoning rule may create new dependencies, and a membership rule may exclude a group from institutions that would otherwise have allowed its preferences to be expressed. An exclusion justified solely by the absence of a presently recorded interest risks circularity when the record itself depends on the excluded subject's lack of procedural access. Research into the social compact should consequently study the institutions that *produce evidence of affectedness*, including categories, surveys, hearing arrangements, and technical models, alongside the interests that those institutions report.

3.3 Human rights, citizenship, and differentiated participatory entitlements

The distinction between political membership and protected legal interests is visible in the International Covenant on Civil and Political Rights (ICCPR). Article 2 contains a general undertaking regarding Covenant rights for individuals within the treaty's specified scope, whereas Article 25 identifies rights of *every citizen* to take part in public affairs, vote and be elected, and access public service on general terms of equality. Article 26 separately concerns equality before the law and equal protection [47]. The Human Rights Committee's General Comment No. 25 addresses the specific citizen-oriented participation rights under Article 25 and their effective exercise [51]. Its 1996 treatment of participation restrictions must be read alongside the later CRPD guarantees of equal political participation for persons with disabilities; the historical commentary is not treated here as displacing those guarantees [49]. The precise territorial and jurisdictional reach of particular Covenant obligations involves legal questions beyond the present comparison; the provisions nevertheless demonstrate that the legal criteria for electoral participation and the protection of other rights are distinguishable.

The relevant unit of analysis changes with the question. A citizenship register describes one legally specified status; an environmental impact assessment may describe effects on residents, animals, and ecosystems; a rights proceeding identifies legally cognizable claimants and available remedies. These records may overlap without using the same inclusion criterion. The analysis should state whether it is identifying *who is governed*, *who is affected*, *who holds a claim*, or *who may act in a particular forum*. The answer to one question can motivate investigation of another, but the transition requires a stated normative or legal premise.

A noncitizen subject to a public decision can therefore have legal interests and available protections without automatically holding the same franchise as citizens under Article 25. That observation should not be used to presume that every exclusion is normatively justified. Discrimination, domestic

constitutional entitlements, treaty obligations, and procedural remedies must be investigated separately. Philosophical claims concerning the democratic inclusion of persons affected or coerced may provide arguments for reform while remaining different from the content of presently applicable positive law. The conceptual benefit is a disciplined sequence: identify existing protections, ascertain participation entitlements under a relevant source, and only then evaluate additional proposals for the membership boundary.

The Convention on the Rights of Persons with Disabilities (CRPD) illustrates why capacity and membership should be handled with particular care. Its Articles 12 and 29 address equal recognition before the law, support in exercising legal capacity, and political participation on an equal basis, including assistance in voting when requested and specified by the Convention [49]. Differences in communication method, sensory access, or the need for decision support provide no independent basis for excluding persons with disabilities from the Convention's protected political rights. A social-contract theory that equates full participation with unaided verbal bargaining would fail to accommodate those existing protections. A later section on consent, capacity, and supported participation will address those questions in detail; the present point concerns the boundaries of the constituency and the status of rights already recognized.

The Convention on the Rights of the Child likewise recognizes children as holders of rights and, in Article 12, specifies participation and hearing rights concerning matters affecting them, under its stated conditions [48]. Children's views must receive due weight in accordance with age and maturity. This legal form differs from the citizen franchise specified in ICCPR Article 25 and from a philosophical model in which all members bargain as formally equivalent contractors. A child may be a member of a political community, a person affected by its decisions, and the holder of participatory protections, while the form of participation varies with context. The need to distinguish these questions becomes greater where a compact is said to bind future citizens across generations.

These treaty regimes offer a boundary to speculative generalization. Established human rights of persons with disabilities and children remain grounded in their own legal instruments and applicable interpretations. Their protection does not depend on whether the GR approach ultimately succeeds in formalizing social-contract participation. Conversely, the existence of supported human participation does not by itself establish that an artificial system enjoys equivalent human-rights entitlements. A proposal to extend obligations to other types of subject must provide an independent account of the relevant interests, grounds of protection, competent legal source, and procedures for adjudicating disagreement.

3.4 Collective representation, protected animals, and constituted natural entities

Membership can concern a collectivity whose political positions are articulated through institutions. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Articles 18 and 19, articulates participation through representatives chosen in accordance with the peoples' own procedures and good-faith consultation with their representative institutions in the specified circumstances [50]. The Declaration's character and its relation to domestic law and other international obligations require attention to the relevant legal setting. The theoretical implication concerns the identity of the constituency and the source of representative authority: inclusion through an externally selected spokesperson may fail to preserve the collective's own structures for determining a public position. Collective voice also contains disagreement among members, so the existence of a representative institution alone cannot establish unanimity.

New Zealand's Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 provides a different juridical configuration. Section 14 declares Te Awa Tupua a legal person and allocates the exercise of its statutory rights, powers, and duties to Te Pou Tupua. Sections 18 and 19 establish the representative office and its functions [24]. The Act also forms part of a historically situated settlement recognizing the relationship between Whanganui Iwi and the river; its effects extend through specific statutory provisions and institutional arrangements. Legal personhood and statutory representation are therefore ascertainable in that system, while an alleged capacity of the river to offer personal contractual consent does not follow

from the legislation. Its particular historical and Indigenous constitutional setting should not be reduced to a generic technological technique for speaking on behalf of nature.

Protection of animals supplies another distinction. Section 90a of Germany's Civil Code specifies that animals are not things and are protected by special statutes, while generally applying the provisions concerning things insofar as no other rule provides otherwise [10]. The provision establishes a form of differentiated legal protection under German law; it does not by itself confer the political franchise, ordinary contractual competence, or juridical status equivalent to a natural person. A theory of heterogeneous communities may discuss animals' interests and their dependence on human institutions, but it should avoid using the shorthand of *animal membership* as though one domestic provision had settled the normative and comparative-law questions. Questions about identifying interests, appropriate representation, and the merits of legal reform remain open.

These comparisons reveal multiple possible positions. A collective may exercise public voice through institutions chosen by its members; a natural entity may be legally constituted with designated representatives; protected animal interests may be taken into account under legislation without creating voting membership. Each arrangement has a distinct route from concern to legal consequence. The route matters because representation can help make a silent interest visible while also creating opportunities for conflicts of interest, substitute preferences, and institutional capture. Who selects the representative, which interests the representative must serve, and what avenues exist to challenge representation are part of a social compact's constitutive procedure.

3.5 Boundary cases, downstream effects, and incomplete participation

Several boundary cases test the relation between a compact's signatories and those whose interests it organizes. Consider a group of municipalities creating a flood-control arrangement. Residents upstream may vote through a local authority, downstream residents may bear transferred risks, future inhabitants may inherit infrastructure liabilities, and animals or habitats may experience ecological effects. A valid agreement among municipal officials would require an identified public-law authorization. Whether the resulting allocation of risk is justified to excluded groups is a further question. Legislative, environmental, human-rights, and private-law protections, where applicable, cannot be inferred from the bare existence of the intermunicipal agreement. In this example, the identity of the affected persons also depends on hydrological and institutional evidence subject to uncertainty.

Consider also a digital platform whose governance rules are accepted by organizational members while influencing individuals who depend on its services but lack an account or contractual relationship. The users' agreement may be genuine at a particular interface and yet leave substantial downstream effects on workers, family members, or competitors. These downstream interests should be identified and appraised under the relevant legal and normative framework, even where they create no immediate entitlement to participate in platform governance. An AI system that forecasts affected populations can assist this inquiry, but its categories, training data, errors, and accountable operators require separate examination. The model's prediction cannot create legal standing by itself.

The position of persons yet to be born raises a different temporal challenge. Present institutions can alter their future options, environment, public debt, and legal expectations. A future person cannot provide presently authenticated consent, yet present choices can have lasting consequences. Possible responses include fiduciary duties, statutory protections, ombudspersons, planning constraints, or principles of intergenerational justice. Each proposal requires independent justification and, where a legal effect is asserted, positive-law grounding. The absence of contemporaneous consent neither dissolves all potential duties nor establishes that a presently appointed representative can speak with the future person's actual authorization.

Hypothetical artificial and extraterrestrial subjects introduce additional uncertainty concerning the very interests at issue. A system may issue persuasive statements of preference without thereby demonstrating conscious experience, stable normative agency, or legally recognized membership. Equally, an unfamiliar biological or artificial form might exhibit significant interests that existing human-centered

procedures fail to represent. The ontological issue remains open. A careful research programme should first describe observable interactions, potential harms, possible duties already borne by human institutions, and competing moral interpretations. Any asserted extension of legal personhood or political authority requires a source-specific or explicitly reform-oriented argument. The preservation of existing protections for human beings and for legally recognized entities does not depend upon resolving that future debate.

Two adverse tests should accompany the analysis. The first is *overinclusive affectedness*: if effects are defined so broadly that virtually every subject counts as equally affected by every action, the concept offers little practical guidance for allocating voice. The second is *underinclusive institutional membership*: if only existing voters are heard, the institution can reproduce its own boundary by excluding those most harmed by its decisions. These are different errors. A defensible process might use graduated and reviewable participatory forms, proportional to the kind of interest and the source of authority, without treating consultation, enfranchisement, representative protection, and judicial remedies as interchangeable substitutes.

3.6 Source-indexed assessment of membership and affected positions

The comparative inquiry requires a documented way to describe a subject's position relative to a proposed or operating normative arrangement. The unit of assessment is an explicit claim concerning subject x , arrangement o , identified legal or institutional regime s , and observation time t . Seven questions organize the inquiry: formal membership, affected interest, subjection to authority, opportunities or rights of voice, procedural standing, authorized representation, and applicable protective obligations. Each concerns a distinct normative or institutional relationship and may receive a different answer for the same subject.

The source-indexed procedure comprises four stages. First, the investigator records the exact proposition and its temporal and institutional scope: for example, whether an affected resident may vote in a specified local election, object to an administrative decision, or obtain a hearing under a particular statute. Second, the investigator identifies the source capable of supporting the proposition, including the relevant article or rule, the institution responsible for its application, and any material qualifications. Third, the investigator classifies the evidence as affirmatively supporting the delimited proposition, supporting a contrary conclusion, or insufficient to resolve it. An adverse legal finding requires a legally relevant ground; an absence of documents cannot simply be transcribed as absence of rights. Fourth, contrary accounts and possible review or contestation procedures remain attached to the record, together with the assessor's identity and date.

The procedure deliberately avoids treating the seven inquiries as a common numerical measure or a unitary kind of personhood. An affirmative finding of affected interest can coexist with an unresolved question of institutional standing; an identified protective obligation need not depend on formal membership. Where the question is normative rather than juridical, the investigator records the philosophical basis of the claim and competing arguments, and refrains from implying that an institution has issued a legal determination. A legal conclusion also remains conditional on the governing source and relevant adjudicative or administrative practice.

Consider a noncitizen resident who is affected by municipal environmental regulation. The resident's local interests and possible protection against harmful administrative practices can be examined independently of eligibility to vote in a particular public election. The latter requires its own electoral-law inquiry, while any entitlement to administrative review requires separate statutory and procedural analysis. Similarly, a river constituted as a legal person by a particular statute presents questions of representative authority and standing that follow the statutory scheme rather than a hypothetical human electoral model. Both configurations illuminate the value of separating the inquiries; neither establishes a general equivalence between citizenship and statutory legal personality.

This procedure complements the arrangement-focused authorization diagnostic of Equation 1. That diagnostic asks whether specified consent, authority, justification, legal effect, and protection claims concerning an arrangement have been established. The present procedure asks how an identified subject

Table 2: Membership, affected positions, and institutional pathways in selected configurations

Configuration	Relevant distinction	Source or research obligation
Citizen in public elections	Citizenship-based electoral participation and other rights have different scopes.	ICCPR Articles 2, 25 and 26; domestic participation rules [47, 51].
Noncitizen affected by regulation	Affected interests or exposure to coercion may exceed the electorate.	Determine applicable rights and remedies; theoretical boundary claims require an additional argument [1].
Person receiving participation support	Communication access and support can enable the exercise of already protected political rights.	CRPD Articles 12 and 29; supported participation cannot be equated with substitute membership [49].
Child affected by a collective rule	Rights and hearing arrangements differ from adult voting entitlements.	CRC Article 12 and applicable procedural law [48].
Indigenous people's collective voice	Selection of a representative institution can be central to the right at issue.	UNDRIP Articles 18–19; legal source and self-representation must be distinguished [50].
Statutorily represented river	Legal personhood and representative office arise by a particular legislative route.	Te Awa Tupua Act 2017, Sections 14 and 18–19 [24].
Protected animal or proposed AI participant	Protection, legal subjecthood, and participatory authority are separate questions.	German BGB Section 90a for the specified animal example; artificial-subject claims remain speculative [10].

stands in relation to that arrangement. Researchers may compare the records while retaining source and object distinctions. The comparative categories in Table 2 serve as prompts for evidence collection; they are not default judgments about particular people or entities.

A productive use of the record begins with competing descriptions of the same case. In the flood-control example, a downstream resident could be *outside* the contracting municipalities' voting constituency while *inside* the population exposed to foreseeable consequences. The lack of a ballot does not itself prove the absence of duties of consultation, care, or review; the institutional claims are separately investigated. In the Te Awa Tupua example, the legislation supplies a source for juridical status and an identified representative office, while the question of personal consent by the river is inappropriate to the statutory mechanism. By keeping those claims separate, the record helps reveal evidential gaps that a binary member/nonmember classification would conceal. It also allows disagreement about the meaning of inclusion without presuming that more procedural complexity always produces a more legitimate settlement.

3.7 Three levels of relational reality and continuing membership review

At the *ontological level*, the ultimate constitution of a person, collectivity, animal, river, or artificial system remains suspended within the Generative Relational methodology. A political boundary does not establish ontological separateness, and an observed communication does not settle whether a system is a moral or legal subject. This restraint is consistent with the recognition that particular positive-law categories can be determined without settling ultimate metaphysical questions. The legal personhood of Te Awa Tupua is a statutory fact within its jurisdictional conditions; the underlying metaphysics of natural entities remains philosophically open.

At the level of *relational reality*, membership is studied as a historically constituted relation among subjects, governing institutions, resources, risks, representatives, and normative expectations. The effects of exclusion can change with institutional choices. A public hearing may alter the recognized set of relevant interests; a court decision may change standing; a change in citizenship rules may redraw participation boundaries; and a new technical mediator may influence whose experiences become legible. These relations help generate subsequent claims to membership and obligation. Because effects and

institutions co-develop, a static classification at time t is best understood as a documented slice of an evolving configuration, open to later correction and historical reappraisal.

At the level of *manifestation reality*, the analyst encounters registries, ballots, complaints, impact assessments, consultation records, interviews, representative statements, ecological measurements, administrative decisions, and model outputs. They provide mediated evidence of institutional categories and consequences. Their absence may reflect real nonparticipation, data gaps, barriers to communication, or legal choices concerning who is counted. Consequently, records of an apparently uncontested agreement should be accompanied, where feasible, by information about who could submit an objection, how dissent was documented, and whether third-party interests were investigated. An official list of members demonstrates a particular administrative classification; it cannot alone prove the exhaustive scope of morally significant affected interests.

The resulting research obligation is to keep the boundary of the compact contestable while respecting the valid limits of particular institutions. Recognition of a person's existing rights takes priority over speculative reassignment of status. Political inclusion proposals should state the normative principle used to enlarge or revise a constituency, the costs and conflicts of its institutional realization, the rights that remain independent of membership, and the procedures through which classifications can be revisited. This framework provides the boundary analysis for the subsequent treatment of consent, capacity, and supported participation, while preserving the separate questions of representation, mediation, and shared nomos for later development.

4 Consent, Capacity, and Supported Participation

This section examines the institutional conditions under which a heterogeneous subject can express, withhold, qualify, or contest assent to a collective arrangement. Its objective is to clarify the relations among the validity of a particular act of consent, legal capacity, available support, communicative accessibility, coercive conditions, and the obligations owed to persons unable or unwilling to join conventional negotiations. The argument combines conceptual analysis with source-specific comparisons of human-rights instruments, treaty-body interpretations, and domestic decision-making regimes. It then proposes a limited provenance record for assessing claims that an agreement represents a subject's position. Throughout, participation is treated as a differentiated juridical and political relation. Claims about artificial or extraterrestrial subjects are explicitly hypothetical; existing human rights retain their independent authority.

4.1 The object and conditions of contractual assent

An occurrence described as *consent* becomes intelligible only after its object, actor, context, and claimed consequence have been specified. Assent to attend a consultation, to authorize another person's participation, to accept a procedural agenda, to join a cooperative undertaking, and to be bound by a final agreement constitute different acts. An individual may accept the procedural terms of a negotiation while rejecting the substantive terms it produces. A representative might possess authority to collect views but lack authority to waive interests or rights. A recorded expression may establish a preference at one time and leave the legal effect of that expression open. Consequently, consent to one stage of nomos formation provides no automatic warrant for attributing consent to the complete normative order.

The relevant conditions depend on the domain. In private legal transactions, enacted rules may govern capacity, information, form, mistake, duress, and the effect of assent. In political theory, the legitimacy of a collective regime can be assessed through additional or competing principles of public justification, equality, necessity, common action, and participation. Agreement in a thought experiment can model reasons that differently situated parties might accept without demonstrating that identifiable individuals have actually authorized a government. The literature on political obligation, including accounts critical of tacit consent, makes visible the distance between residence, practical compliance, and voluntary political commitment [4]. These distinctions also prevent a procedure's empirical popularity

from serving as sufficient evidence that each individual subject assented on terms relevant to its binding effect.

A source-indexed inquiry should therefore describe four separate propositions: what the subject communicated; what another participant interpreted that communication to mean; what normative reasons would justify an arrangement; and what an applicable legal source recognizes as its effect. The evidential basis for one proposition does not establish the remaining three. Consider a community meeting in which participants vote for an environmental monitoring programme. The vote may validly authorize a budget under an existing bylaw, yet it leaves open whether nonvoting residents consented to exposure to risk, whether children's interests were adequately considered, and what environmental obligations apply independently of the vote. Research into consent begins with the decision domain and the applicable source rather than with a binary classification of supporters and opponents.

Assent also varies over time. Information may become obsolete, communicated preferences may evolve, or a previously authorized representative may lose a mandate. For continuing normative arrangements, meaningful opportunities to seek clarification, withdraw support where legally permitted, and contest unauthorized extensions are relevant to the quality of authorization. These are evaluative concerns whose legal consequences must be established separately. The proposed relational account treats consent as an attributable event within a changing institutional history, rather than as an inexhaustible authorization to govern future conduct.

4.2 Legal capacity, decision-making support, and agency

The Convention on the Rights of Persons with Disabilities provides an important legal boundary for discussing heterogeneous capacities. Article 12 recognizes persons with disabilities as enjoying legal capacity on an equal basis with others and requires access to support in exercising that capacity. The Committee on the Rights of Persons with Disabilities distinguishes legal standing and legal agency from the varying skills and circumstances involved in making particular decisions. Its General Comment No. 1 interprets Article 12 as requiring a transition toward supported decision-making and the protection of the person's will and preferences [49, 42]. This interpretation is a treaty-body account of obligations under the Convention; the Convention's text and particular domestic implementation measures must be distinguished in doctrinal analysis. Article 12(4) of the Convention itself expressly addresses safeguards against abuse, the person's rights, will and preferences, conflicts of interest and undue influence, proportionality, review, and independence of the reviewing authority. The general comment gives these treaty provisions a specific interpretive account; that account should be identified as the Committee's interpretation rather than quoted as additional treaty text.

One consequence for the present political theory is that analytical classifications of communicative or practical ability should not be used to diminish the existing legal capacity of people with disabilities. A person may need translation, augmentative communication, additional time, trusted assistance, accessible information, or a procedure adapted to particular circumstances. Such measures can help the person exercise an entitlement already held. Their existence does not imply that the assistant becomes the right-holder, political principal, or original author of the person's decision. The direction of the legal relation matters: support is supplied to enable the person's agency, while the conditions under which another actor may exercise an independent representative power remain a separate matter.

The Committee's General Comment No. 1 further discusses the risk that other people will substitute their judgments of a person's supposed objective welfare for that person's will and preferences. Paragraph 27 was subsequently corrected; the corrigendum describes features of substitute decision-making arrangements, including a possible displacement of the person's preferences by a purported best-interests criterion [43]. The present paper adopts the Committee's concern as a significant human-rights interpretive position and preserves the space for analysis of how different domestic legal systems respond. A label such as *support* does not by itself prove compatibility with Article 12. Actual control over choices, control of information, conflicts of interest, and the possibility of changing supporters can determine how much agency remains with the person.

A source-critical comparison must also distinguish the Convention's treaty text, the CRPD Committee's interpretive position, and the rules currently operative under domestic law. A committee interpretation may bear substantial interpretive importance without rendering all divergent domestic decision-making regimes factually nonexistent. In a particular case, the inquiry should identify the jurisdiction, the legal source claimed by the decision-maker, any relevant reservations and authoritative decisions, the support actually provided, and the possibilities for review. This keeps the normative criticism of substitute decision-making analytically separate from a description of the law applied by a particular institution.

These issues have distinct philosophical and legal dimensions. The moral desirability of assistance does not settle the lawfulness of a specific arrangement; a domestic permission to act for another person does not dispose of arguments about its consistency with the Convention. Equally, an observer should avoid inferring that assistance represents coercion simply from its presence. The relevant inquiry concerns the authority, practical operation, and documented safeguards of the arrangement, including whether the person's own views could shape the outcome and whether an adverse interpretation can be challenged. Heterogeneity is a reason to examine the conditions of accessible participation more closely, not a ground for a graded hierarchy of human personhood.

4.3 Domestic decision regimes and divergent safeguards

Domestic decision-making laws show why a single analytic term cannot capture all legal meanings of *capacity* and *support*. In England and Wales, Section 1 of the Mental Capacity Act 2005 establishes a presumption of capacity, requires practicable assistance before treating a person as unable to make a decision, and rejects the inference of incapacity from an unwise choice alone. Under Section 1(5)–(6), its best-interests and least-restrictive principles govern acts or decisions within the Act's specified regime; they are distinct from a general authorization for a third party to speak on an individual's behalf in political life. Section 4 requires consideration of the person's wishes, feelings, beliefs, values, and practicable opportunities for participation [37]. These are provisions of a particular statute; they do not constitute a general doctrine of political-contract consent.

German law offers a further comparison. Section 1821 of the Bürgerliches Gesetzbuch provides that a court-appointed *Betreuer* should support the person in handling their affairs and exercise representative authority only insofar as necessary. It emphasizes ascertaining and respecting the person's wishes, while establishing statutory qualifications and exceptions. Where wishes cannot be established or a specified exception applies, the statutory provision addresses the determination of the person's presumed will and relevant evidential indications [9]. The German original is authoritative for this example; the English descriptions here are summaries for comparative research. The model emphasizes duties and limits of the appointed supporter within a defined institutional jurisdiction.

The CRPD Committee's interpretive emphasis on will and preferences, the Mental Capacity Act's best-interests provisions, and the German framework's detailed treatment of expressed and presumed wishes embody different normative and legal configurations. The differences are substantive. Treating them as interchangeable would obscure disagreement about substitute decisions and their legal grounds. The researcher should first describe what each source requires, then examine the human-rights questions and practical consequences generated by its application. A comparative table can identify points of convergence in assistance and participation without implying a universal standard or resolving contested Convention compliance by stipulation.

For heterogeneous social-contract theory, these examples suggest a disciplined translation of the legal material. When a proposed compact includes consultation of persons who need assistance, the analyst should identify who provides information, how the person's wishes are elicited and recorded, what act is purportedly authorized, and which institution determines the effect of the expression. Where a representative claims authority to consent on the person's behalf, the legal basis and permissible scope require independent review. Where a decision binds a person without personal consent, the proper justificatory questions concern the legal source of the rule, its substantive obligations, available participation, and

safeguards. Neither the existence of a valid protective duty nor the performance of an administrative function proves that a political contract has been personally accepted.

The wider research implication is that *capacity* is itself a family of context-sensitive notions. The legal capacity protected under Article 12 CRPD is a human-rights entitlement. Decision-specific functioning, communicative access, competence to represent, and eligibility to vote are distinct legal or practical dimensions. Models of heterogeneous cooperation can study how those dimensions interact while maintaining the legal priority of existing human equality guarantees. The ability to observe, forecast, or reproduce a person's likely answer remains an epistemic capacity of an observer; it cannot replace the authorization required for another actor to speak or decide on that person's behalf.

4.4 Children, communication channels, and protected nonparticipation

Children's participation illustrates a different relation between developing capacities and protected interests. Article 12 of the Convention on the Rights of the Child recognizes the right of children capable of forming their own views to express those views freely in matters affecting them, with due weight according to age and maturity, and provides for opportunities to be heard in judicial and administrative proceedings. The Committee on the Rights of the Child's General Comment No. 12 elaborates the importance of appropriate conditions for hearing the child's perspective [48, 45]. These are specific child-rights arrangements. They should not be assimilated to the adult disability-rights framework, nor should the child's right to be heard be treated as identical to holding the adult franchise.

The participatory act may take the form of speech, gesture, alternative communication, facilitated conversation, representation, or appropriately designed consultation. Each route has potential evidential and ethical difficulties. A child may express a consistent preference without understanding the institutional consequences assigned to it. A facilitator may translate an unfamiliar communication faithfully, interpret it with uncertainty, or inadvertently shape it through leading questions. Family members, educators, experts, and officials may provide indispensable context while also exercising power over which preferences become legible. The use of a communication intermediary therefore creates an obligation to distinguish the child's attributable expression from the intermediary's inference and from the institution's ultimate decision.

Consider a municipality designing flood-adaptation rules that affect families, residents with disabilities, and children. The municipality might employ accessible hearings, child-oriented explanations, interpreters, and written submissions from carers or community organizations. Each measure can improve evidential access to affected interests. It does not automatically transform every submitted representation into the subject's own consent to future infrastructure risks. The legal obligations of consultation and protection depend on the governing law. The legitimacy of decisions can also depend on how competing interests are assessed, whether the record preserves unresolved disagreement, and whether affected participants have means to contest an inaccurate representation.

A subject may lack the possibility of relevant direct participation at a particular time while retaining protected interests. Infants, persons undergoing an acute interruption in communication, and future generations can be affected by collective arrangements without furnishing contemporaneous votes or promises. The present analysis therefore rejects an inference from unavailable assent to absent obligations. It is a normative proposal to investigate independent grounds of protection, procedural representation where justified, and institutional duties concerning foreseeable harms. The source of each duty remains to be established rather than presumed by the term *social contract*.

The same distinction matters when the research turns to artificial systems or possible extraterrestrial beings. An AI interface may generate articulate statements resembling preferences, but fluency alone does not establish consciousness, legal status, authority to enter a compact, or an enforceable waiver. Hypothetical extraterrestrial participants may possess communicative practices that resist ordinary translation. These cases are useful tests of the analytical vocabulary; they do not license importing the CRPD or CRC as law governing those systems or beings. The relevant questions would have to be independently established through applicable law, institutional agreements, and ethically defensible inquiry into

the subjects and their circumstances.

4.5 Coercion, constrained alternatives, and attributed agreement

An apparent agreement can arise under asymmetrical conditions of dependence. Participants may face threats of exclusion, loss of housing, withdrawal of institutional support, information restriction, or practical inability to leave. The effect on voluntariness depends on the action, the alternatives, the relevant rule, and the subject's position. Philosophical analyses of political obligation have long questioned whether remaining within a territory, accepting public benefits, or complying with imposed rules constitutes the actual consent needed by a consent theory [4]. Those arguments demonstrate a conceptual difficulty for authorization accounts; they do not by themselves establish the legal invalidity of a particular statute or private transaction.

The research question has a relational structure. A party may formally possess the option to decline a proposal while remaining highly dependent on the institution that frames it. Another actor may control the agenda, specify what counts as evidence, translate communications, and define the consequences of refusal. Agreement produced through such a procedure can be normatively vulnerable even where the voting or administrative record is regular. Conversely, the presence of unequal resources does not by itself prove unlawful coercion or invalidate a particular choice. The analysis requires evidence of the concrete mechanisms and an account of the appropriate legal or normative standard.

One important safeguard concerns the documentation of dissent. A meeting report that records unanimous support among those present may conceal exclusions from the invitation list, nonaccessible discussion formats, limited time to prepare, or objections framed outside the institution's accepted vocabulary. Where credible evidence exists, such difficulties can be investigated through records of invitations, accessibility support, agenda changes, translations, objections, and appeal mechanisms. A research record should distinguish demonstrated exclusion, a plausible hypothesis of exclusion, and mere uncertainty about participation. It should also protect confidential communications and private information when documenting contested statements.

The distinction between *agreement as an event* and *legitimacy of an ongoing order* becomes especially important in historical compacts. Conditions can change after consent is given. Support may become available, a dependent participant may gain the practical ability to object, and a previously accepted rule may impose newly understood consequences. The institutional capacity to revise terms and recognize changing positions can strengthen the justifiability of a continuing arrangement. This does not entail a perpetual individual right to revoke every public obligation; the scope of withdrawal and revision remains determined by the relevant normative and legal order. It does mean that a historical assertion of consent should not close inquiry into present effects and responsibilities.

4.6 Source-indexed participation and consent provenance

For a particular alleged act of consent, the research procedure begins by identifying the subject, the decision at issue, the relevant jurisdiction or institutional source, and the time. The investigator then assembles nine categories of information: (i) the person's recognized legal position and applicable entitlements; (ii) the precise act and consequences to which assent is attributed; (iii) evidence of the person's expressions and its provenance; (iv) communication and decision support actually accessible; (v) any representative's claimed mandate; (vi) the source governing attribution and legal effects; (vii) pressure, alternatives, and material dependencies; (viii) routes for correction, refusal, review, and remedy; and (ix) uncertainty, contradictory testimony, and competing interpretations. These categories form a *provenance protocol* for a case file. Their principal contribution is the requirement that claims about consent can be traced to particular expressions, people, procedures, and sources.

Two separate assessments follow. The first is a *source-specific legal assessment*, applying the substantive and procedural conditions of the relevant legal regime. The second is a *normative assessment*, examining how the resulting arrangement treats autonomy, dependence, justified authority, and protected interests. The protocol offers neither weights for the nine categories nor a general consent threshold;

Table 3: Consent, supported participation, and protected interests across illustrative configurations

Configuration	Support or decision framework	Attribution and normative boundary
Adult using assistive communication	Access to decision-making support and equal legal capacity under CRPD Article 12.	Preserve the person’s will and preferences; document mediation without treating the supporter as principal [49, 42].
England and Wales, decision-specific capacity question	Mental Capacity Act 2005 Sections 1 and 4, including practicable assistance and specified best-interests decisions.	Domestic statutory decision rules; preserve participation and distinguish Committee interpretations [37].
Germany, court-appointed support	BGB Section 1821: support and attention to wishes within statutory duties and limits.	Identify the scope and grounds of any representative exercise [9].
Child affected by institutional policy	CRC Article 12 and the Committee’s interpretation of a meaningful right to be heard.	Participation and protection remain distinct from adult electoral authorization [48, 45].
Resident subject to a compact without voting	Existing public law and contested theories of political obligation.	Residence or compliance alone does not prove actual consensual authorization [4].
Hypothetical AI or extraterrestrial interlocutor	Future legal and institutional design would require independent justification.	Communication does not establish legal capacity, protected standing, or a valid mandate.

those would require independent justification and domain-specific validation. For example, evidence of accurate communication may resolve an attribution dispute while leaving pressure or an unauthorized substitute decision unresolved. Equally, an absent communicative record does not cancel an independently applicable right to protection. This procedure is sufficient for the present analytical purpose, and a displayed nine-element tuple would provide no additional inferential constraint.

Table 3 compares six illustrative configurations. Each row identifies a possible source of support or decision-making, an evidential risk, and the relevant limitation. The table describes institutional problems, not an ordering of human subjects by rationality or worth.

An instructive application concerns the interpretation of a supported participant’s response during a local agreement procedure. The record could show that an accessible explanation was supplied (U), the person clearly opposed one proposal (E), an official nevertheless described their participation as assent (A and F), and the available correction mechanism was inaccessible (R). The error would concern the provenance and attribution of the decision, even if the larger procedural outcome was lawful under another source. Conversely, a well-documented preference may be morally significant while lacking an applicable legal route to prevent a collective decision. That difference should be stated openly. The diagnostic supplies a way to compare the two findings without collapsing them into a single assessment of legitimacy.

4.7 Relational reality, manifestation, and continuing participation obligations

At the *ontological level*, the Generative Relational framework suspends claims about the ultimate nature of agency, personhood, consciousness, and collective will. The variety of communicative capacities observed across humans and the possibility of artificial or extraterrestrial interlocutors do not license a universal metaphysical definition of consent. Ontological suspension does not suspend the positive-law rights of human persons. CRPD protections, children’s rights, and rules of domestic decision-making are established through their applicable legal sources; any speculative extension to other categories remains a separate inquiry.

At the level of *relational reality*, practical decision-making arises within changing networks of interpreters, caregivers, families, political institutions, technical infrastructures, linguistic conventions, resources, and expectations. Support may redistribute the conditions for exercising agency, while also introducing new sources of dependence. Normative mediation can widen access to participation and simultaneously create opportunities for the misattribution of another’s wishes. Participants may gain capabilities through education, accessible communications, stable relationships, and institutional protections; they may also encounter barriers when procedures become more complex or concentrated in expert hands. These are historically generated relations with consequences for future agency. A valid research

explanation therefore examines mutual conditioning among subject, mediator, and institution, including how accumulated choices alter later options.

At the level of *manifestation reality*, researchers encounter signatures, votes, recorded speech, translation transcripts, accessible interfaces, meeting minutes, assistance plans, court orders, administrative records, and interviews. Such evidence gives partial access to underlying relations of authorization and dependence. A blank record might indicate opposition, an unavailable communication channel, nonparticipation, lost documents, or the absence of a relevant requirement. A single signature might correspond to informed assent, formal compliance, an authorized representative's act, or pressure. Interpreting the manifestation requires contextual evidence rather than an inference from visible traces to a settled collective will.

Three research obligations follow for the formation of shared nomos. First, institutions should keep accounts of alleged consent precise about the decision object, the subject's communication, and the source of any representative power. Second, they should investigate support and pressure together, since assistance can enable the exercise of rights while mediators may also shape the reported outcome. Third, proposals for nonreciprocal protection should state their independent normative or legal grounds; a person unable to bargain can remain a bearer of rights and an affected party. These obligations are offered as analytical and ethical proposals, with implementation conditioned by particular legal regimes, resource limitations, and the privacy of affected individuals.

The resulting account prepares the next inquiry into representation. Assistance with a person's own decision, authorization to represent a constituency, the exercise of an appointed legal power, and moral advocacy for absent subjects each have different structures. Section 4 clarifies their distinction and provides an evidential vocabulary for examining them. A continuing social compact should be evaluated with attention to what participants actually expressed, which institutions may legitimately act, what rights persist independently of bargaining power, and which forms of disagreement remain open to contestation and revision.

5 Representation and the Constitution of Political Voice

This section investigates how representative relationships constitute political voice in heterogeneous communities. Its objective is to distinguish a person's or institution's claim to speak for another subject from the authority to do so, the activities carried out under that authority, and the mechanisms through which the represented may contest or revise the relationship. The analysis combines political-representation theory with source-specific illustrations drawn from human-rights instruments, Indigenous institutional arrangements, and legislation concerning a natural legal person. A proposed documentary representation record makes the relevant distinctions available for historical and comparative inquiry. These questions extend the account of membership in Section 3 and of supported participation in Section 4. They do not presuppose that protected interests, representation, and participation have the same legal basis. Prospective artificial and extraterrestrial subjects remain hypothetical cases requiring independent normative and legal justification.

5.1 Representative claims, mandates, and public voice

Political representation can refer to different relationships. An elected official may exercise a public office under electoral rules; an association may advocate for an affected population; a litigation representative may act within a prescribed legal mandate; and an expert may offer a technical account of interests that others cannot easily articulate. These activities may influence the same public decision while resting on separate authorizations and standards of accountability. The distinction matters whenever an actor's visible presence is taken as evidence that an otherwise absent population has participated. The central inquiry is which subject or collectivity is purportedly made present, by whom, before which audience, for what purpose, and with what consequence.

The established literature provides several complementary analytical tools. Pitkin's influential account distinguishes formalistic, descriptive, symbolic, and substantive views of representation. The recent Stanford Encyclopedia of Philosophy synthesis explains that the formalistic view includes authorization and accountability, while substantive representation concerns the activities conducted on behalf of the represented [6]. Mansbridge differentiates promissory representation from anticipatory, gyroscopic, and surrogate forms, arguing that the latter require normative assessments that cannot simply be reduced to electoral promises and sanctions [22]. Saward's analysis of the representative claim emphasizes the audience and the contested process through which representations acquire acceptance [32]. These theories are distinct intellectual contributions; the source-indexed reconstruction developed below is an interpretation informed by them, rather than an origin claim for their categories.

A political claim that an institution *speaks for* a class of subjects contains at least three separable propositions. One concerns a speaker's identity and public assertion. Another concerns authorization, which may derive from election, appointment, membership rules, an express delegation, or a specific legal enactment. A third concerns responsiveness or accountability: what constraints shape the speaker's actions and how affected subjects can obtain an explanation, disagree, or seek change. A persuasive representative claim may lack legal authorization; a legally appointed representative may deliver an inaccurate account of the represented; and a procedurally valid election may leave out people whose interests are materially affected. Analytic precision requires investigating these propositions in their respective institutional domains.

The attribution of a representative's *voice* also differs from the attribution of the principal's *consent*. A duly appointed representative may be empowered to submit evidence, conduct negotiations, or invoke a procedural right without possessing authority to extinguish the principal's independent claims. Where a group is internally divided, evidence of a spokesperson's appointment does not establish that each member endorsed each substantive position. The scope of mandate, the existence of non-waivable rights, and the form of accountability should therefore accompany every conclusion that an act has been "performed on behalf of" another.

This differentiation also clarifies the relationship between political representation and the emerging shared nomos considered in this paper. A public statement can be incorporated into negotiations as information, an authorized proposal, a demand for recognition, or a potential commitment. These are different procedural statuses. A coalition leader's signature, for example, may express the coalition's position under its constitution without waiving the rights of unaffiliated residents, absent children, or dissenting members. The institutional audience should record both the actual scope of the mandate and the existence of interests outside that scope. The resulting arrangement may acquire legal force through a separate legislative or organizational act; the representative's participation alone does not supply that force.

5.2 The constitution and boundaries of representative authority

Representative authority is constituted through procedures that identify who may speak or act, on whose behalf, over which matters, and for what period. Elections, self-selection within an association, appointment by a court, a statutory office, and nomination under customary institutional procedures each create different relations. A mandate may authorize listening, public advocacy, negotiation, the signing of procedural protocols, or a binding decision; competence at one level should not be presumed at another. A source-sensitive analysis consequently records the instrument constituting the role, the appointment or selection procedure, any limits on delegation, renewal and replacement conditions, and applicable safeguards against conflicting interests.

A collective can have several internally legitimate modes of authorization. Where the relevant constituent group is itself plural, authority may depend on local deliberation, council selection, rotational appointments, or a mixed method. For research purposes, there is no default reason to privilege electoral delegation over every other established representative institution. The normative assessment must nevertheless ask whether membership boundaries were defined fairly, whether excluded or dissenting

groups could challenge a nomination, and whether resource or information inequalities shaped apparent acceptance. Such questions are evaluations of a procedure; their concrete legal consequences remain dependent on governing instruments.

International texts illustrate the importance of source specificity. Articles 18 and 19 of the UN Declaration on the Rights of Indigenous Peoples articulate participation through representatives chosen by Indigenous peoples according to their own procedures and good-faith consultation through representative institutions with the aim of obtaining free, prior and informed consent [50]. The Declaration is a General Assembly declaration, and any binding effects in a particular legal setting require analysis of the applicable domestic, treaty, customary, or other sources. Separately, ILO Convention No. 169, Article 6, requires consultation through appropriate procedures and representative institutions within the Convention's scope for States for which it is in force [18]. The two instruments have different legal forms, membership and application conditions. Their shared relevance for political theory concerns the importance of constituencies' own arrangements for selecting a voice.

Representation may also be limited by the conditions of an existing office. The Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 constitutes Te Awa Tupua as a legal person and establishes Te Pou Tupua as an office to act in its name. Sections 18–20 address its purpose, functions and the appointment of two officeholders through defined nominating arrangements [24]. This statutory constitution differs from an election by the river and from unrestricted political advocacy by an environmental organization. Inferences about the legal effects of the office must remain tied to that Act and other applicable New Zealand law. The example shows that a legal order can constitute a representative relation with explicit institutional mechanisms even when the represented legal person does not participate through an ordinary human vote.

5.3 Answerability, fiduciary judgment, and conflicts of interest

The representative's continuing responsibilities are analytically distinct from the event of appointment. An electoral constituency may evaluate its representative through public argument and later voting. Members of an association may have internal rights to inspect decisions or recall an officer. A statutory appointee may be governed by duties concerning the purpose of an office, conflicts of interest, reporting, and review. A litigation representative may be answerable to a court and bound by procedural rules. These mechanisms protect different interests, and their availability should be documented before assigning the general label of *accountability*. In Mansbridge's account, the requirements appropriate to anticipatory or surrogate representation also differ from conventional promise-keeping [22].

Fiduciary language merits special caution. It may illuminate the ethical problem of acting with judgment for another subject while holding superior information, resources, or decision power. Nevertheless, a legal fiduciary duty follows from an applicable jurisdiction's specific law and relation; an analogy to fiduciary care does not create the duty. This paper therefore speaks of *fiduciary-like responsibilities* when proposing a normative research standard and reserves *legal fiduciary duty* for source-supported juridical claims. Evaluative questions include whether the representative identifies the represented party's interests, communicates foreseeable consequences, documents reasons for overriding a preference where law permits, and exposes significant conflicts to appropriate review.

Conflicts of interest may arise in several directions. A representative might receive funding from a powerful institution whose policy is being negotiated. A public official may be required to serve a territorial constituency while also holding duties to a wider polity. A guardian or other appointee may have personal relationships that interfere with a protected person's choice. A representative may sincerely support two groups whose interests diverge. Assessing these situations requires identifying the relevant duty bearer, legal source, potential benefit or pressure, decision affected, and safeguards. A conflict is not necessarily evidence of corruption or invalidity; it is a relation that may demand disclosure, recusal, supervision, or a redesigned division of roles under relevant rules.

A normatively defensible institutional design can combine several forms of answerability. Prior authorization may be supplemented by contemporaneous consultation, access to the representative's rea-

sons, regular reporting, an appeal or complaints route, and periodic reassessment of the mandate. These procedures need not collapse into a universal checklist that proves legitimacy. Their value depends on the subject and decision involved. For example, the credibility of an organization's public claim to represent disabled people may depend on the practical agency of its members and its responsiveness to their expressed priorities, not solely on access to a formal annual report. The distinction among authorization, substantive action, and accountability thus remains operative throughout a relationship's history.

5.4 Collective self-representation and plural constituencies

A collective's political voice may be constituted through its own practices of decision-making and ongoing association. Indigenous peoples' representative institutions provide a particularly important illustration of the danger of replacing collective self-representation with a state-selected interlocutor. Articles 18 and 19 of UNDRIP locate the choice of representatives with Indigenous peoples themselves, and ILO Convention No. 169 addresses consultation through their representative institutions where its obligations apply [50, 18]. These provisions have specific normative and legal histories. Their role in the present analysis is to show that selecting a negotiator is itself a political act with implications for autonomy, legitimacy, and the content of subsequent agreement.

A collective is rarely internally homogeneous. Within one community, generations, geographic locations, customary affiliations, and social positions can bear different interests. A recognized institution may act within a valid mandate yet face continuing dissent about a development project or the distribution of collective resources. A claim that the community *has consented* therefore requires identification of the competent authority, applicable decision procedure, decision object, affected members, and available dissent or review processes. The assertion of collective consent should be kept separate from an empirical assertion that each member preferred the outcome. Likewise, consultation under a particular legal source should not be conflated with a universal veto or with unrestricted permission to override rights.

Collective representation also requires care with the meaning of cultural identity. A representative may be selected by a community to advocate its position without reducing that community's knowledge and institutions to a single cultural description. A state agency's recognition of an organization, a traditional authority's selection, and public acceptance by outside audiences may be overlapping but different facts. For politically significant disputes, research should document these facts separately. It should also consider the distribution of translation resources, access to records, language interpretation, and procedural control, since practical power over these channels can shape which internal voices become visible to a receiving institution.

The Te Awa Tupua framework supplies a related but legally distinct case. Te Pou Tupua's functions include acting for the legal person and engaging with iwi and hapū interests under the statutory scheme. Its constitution incorporates an institutional relationship to Whanganui Iwi and the Crown rather than a generic assertion that any advocate may represent the river [24]. The representative office should accordingly be analyzed through its statutory purpose and accountability arrangements, while Indigenous political representation remains an independent question grounded in its own history and legal sources. This differentiation guards against treating natural-entity personhood as an automatic substitute for Indigenous self-determination or the political participation of surrounding communities.

5.5 Protected and absent subjects in representative processes

Some subjects whose interests are affected by a prospective compact may lack access to its ordinary procedures. Their situation should not be reduced to a single category of incapacity. Children have existing participatory entitlements, including the right to be heard under Article 12 of the Convention on the Rights of the Child, with due weight according to age and maturity and the possibility of appropriate representation in relevant proceedings [48, 45]. Persons with disabilities enjoy equal legal capacity under Article 12 CRPD and related rights to political participation; Article 4(3) calls for close consultation and active involvement, including through representative organizations, in the decisions it covers

[49]. The CRPD Committee’s General Comment No. 7 further addresses the meaningful involvement of persons with disabilities through their representative organizations and distinguishes those organizations from other civil-society stakeholders [44]. Support and accessibility are therefore central institutional obligations in their respective human-rights settings.

Other protected interests may be given a voice by institutional design without authorizing the representative to erase the difference between evidence and a subject’s own expressed position. A child’s account conveyed through an interpreter, a person’s preference communicated through an assistive device, a representative organization’s assessment, and an adult’s projection of a young person’s interests have different sources and evidential statuses. Procedures should be designed to identify what the subject actually communicated, what support was provided, and where a further interpretation began. The conditions for substituting or overriding decisions are legal and morally contested, as the prior section’s discussion of the CRPD and domestic regimes establishes.

Representation of nonhuman animals, future generations, ecosystems, and potential artificial subjects introduces further questions. Advocacy for animal protection or the environment can be grounded in law, ethics, democratic claims, or scientific evidence. It does not follow solely from advocacy that an animal or ecosystem has constituted a political delegate. Statutory arrangements, such as the specific Te Awa Tupua framework, should be distinguished from philosophical arguments that propose institutional trustees for future or nonhuman interests. Likewise, the present paper’s possible treatment of AI systems as participants concerns an open hypothesis. Operational output, apparent assent, or an advocate’s sincere belief in a system’s interests is insufficient on its own to establish existing legal personality or political authority. Prospective extraterrestrial participation requires independent evidence about the interlocutor, communication, authority and the relevant legal order.

The general problem is consequently the attribution of voice under unequal access. An intermediary may enable an existing subject to speak, translate that subject’s previously expressed wishes, advocate an independently justified protection, or claim to represent a potential subject whose interests are uncertain. These possibilities call for different validation methods. Institutional mechanisms should protect the human rights already in force, preserve the provisional status of other claims, and provide processes through which new evidence can alter the form of representation. A claim to protect an absent interest may be worth considering without thereby generating a binding mandate from the absent subject.

5.6 Mandate Provenance and Representative Acts

The attribution of a representative mandate requires a *provenance inquiry* into the distinct acts claimed on behalf of others. For each contested act the investigator should first identify the purported principal or constituency and the rule by which its boundary is determined. The second step identifies the claimant to representative authority, the legal or organizational source of the mandate, and its authorized scope. The third records the affected persons’ expressed views, the conditions shaping their access to the decision, and material conflicts of interest or dependency. The fourth identifies the act performed, its asserted consequence, routes for review or replacement, and disputes that remain unresolved. A record should state the relevant dates, source versions, decision-maker, and missing evidence. These steps establish a source-traceable research procedure; their legally operative consequences remain subject to the applicable source.

A hypothetical air-quality negotiation illustrates how the provenance inquiry distinguishes documentary acts from claims of binding representation. Suppose a municipal coalition authorizes its spokesperson, in written minutes, to advocate a programme and exchange information. The spokesperson subsequently signs a statement purporting to bind every resident to a risk-sharing arrangement. The mandate inquiry identifies the coalition’s actual membership, the minutes authorizing advocacy, the limited permitted scope, the status of nonmember residents, and the asserted legal effect of the signature. It also examines the spokesperson’s funding dependence, recorded objections, opportunities for recall or review, and the receiving body’s authority. The *discriminating result* is a possible gap between an advocacy mandate and the purported binding undertaking, with any legally binding consequence left to the governing

Table 4: Representation configurations and their distinct authorization and accountability questions

Configuration	Authority or voice question	Accountability or limitation
Elected public official	Electoral and statutory mandate, constituency, public powers	Election, public justification, review and source-specific duties
Disability representative organization	Participation through organizations of persons with disabilities under CRPD contexts	Member agency, accessibility, conflicts and effective consultation
Indigenous representative institution	Selection by Indigenous peoples through their own procedures; applicable consultation source	Internal pluralism, consent procedure, good-faith engagement and legal scope
Child's supported or represented voice	Direct hearing, communication support, authorized representation in the relevant proceeding	Due weight, evidential fidelity, protection of the child's participation rights
Te Pou Tupua	Statutory office acting in the name of Te Awa Tupua under the 2017 Act	Scope under sections 14 and 18–20, specified functions and statutory accountability
Hypothetical AI or alien interlocutor	Proposed rather than established political mandate; identity and authority uncertain	Independent justification, verification and rights-preserving institutional safeguards

regime. The recorded documentary sequence identifies the competing propositions that a reviewer must examine: advocacy authority, a later binding undertaking, the affected constituency, and the receiving institution's competence. The accompanying comparison table organizes similar mandate problems in other institutional settings. The case is illustrative; it establishes neither the invalidity of a particular agreement nor a universal rule against representative commitments.

The procedure also exposes a temporal problem. A spokesperson may be authorized at appointment yet have a revised mandate at the time of signing; an institution may acquire competence to receive advocacy yet lack competence to impose obligations on nonmembers. Evidence of assent can be sufficient for one representational act and inadequate for another. These differences call for separate assessments of authorization, answerability, and social influence, with the applicable evidentiary and normative grounds stated for each.

Table 4 compares several configurations through the same questions. The table's classifications are illustrative and domain-bounded. They express the type of authorization and review inquiry appropriate to each case, while declining to assign a general rank of political legitimacy.

5.7 Generative Relational reality and mediated political formation

Generative Relational inquiry differentiates three levels when interpreting the proposed record. At the *ontological* level, it suspends ultimate claims about what makes a subject, collective, or representation relation fundamentally real. This restraint matters because the categories of persons, organizations, non-human beings, and artificial systems have different evidential and conceptual bases. Legal recognition, institutional performance, or the existence of an advocacy claim does not settle metaphysical questions of agency or experience.

At the level of *relational reality*, representation is examined as a historically constituted connection among principals, representatives, receiving institutions, procedures, and norms. The relation can be causally and generatively efficacious: an authorized spokesperson changes an agenda, an association opens access to a hearing, a statutory guardian acts within an office, or a poorly specified mandate concentrates power in an intermediary. Selection procedures, information asymmetries, past exclusions, legal remedies, and trust developed through repeated interactions can shape the relation's stability. The source-traceable mandate inquiry offers an evidentiary description of such relations, subject to the availability and limitations of records and testimony.

At the level of *manifestation reality*, representation appears through speeches, signatures, ballots, public letters, organizational registers, minutes, accessible communication, petitions, reports, and contested translations. A manifestation may accurately display one aspect of a mandate and conceal another. For example, a signature can establish that a document was signed without establishing that the signer had authority to bind every person named in it. A fluent technical summary may manifest an interpretation of

an affected group's interests while leaving the group's expressed views only partially documented. The relation between visible output and juridical authorization therefore requires a source-sensitive inquiry.

These levels also clarify the contribution of a relational approach to shared *nomos* formation. Representatives mediate across partly distinct institutional realities; they can facilitate communication, negotiate procedural compromises, and articulate common standards while preserving disagreement. A legitimate institutional design may need several voice channels rather than a single presumed spokesperson, especially when a negotiation implicates rights that persist independently of contractual participation. As a proposal, a shared *nomos* should preserve traceable mandates, accessible channels for minority and absent interests, and revisable procedures for disputed representative claims. The legal existence of particular obligations must continue to be demonstrated from applicable sources.

The resulting research task for Section 5 is to assess who is made present through a representative act and which institution is authorized to give it effect. This inquiry prepares the analysis of mediator *nomos* formation in the next section: translation across normative systems requires identifying whether an intermediary is providing interpretation, advancing an authorized position, or attempting to constitute a binding common arrangement. It also supplies a caution for later sections on power, institutional capture and temporal change. A representative relationship remains politically productive insofar as its sources, limits, and opportunities for contestation can be examined and revised under the relevant institutional order.

6 Mediator Nomos Formation and Normative Translation

This section examines the formation of shared procedures among parties who possess different accounts of obligation, authority, membership, and legitimate disagreement. Its role is to connect contractual authorization and political voice to the subsequent analysis of plural normative orders. The objective is to specify the institutional work accomplished by mediators while distinguishing facilitation, translation, representation, decision and legal enactment. The analysis proceeds through comparative doctrine, the political theory of institutional coordination, a proposed partial-translation relation, and contrasting cases. It treats *nomos formation* as a proposed Generative Relational description of the historical production and revision of actionable normative arrangements. The vocabulary serves a specified analytical role; existing legal sources continue to determine legal obligations. The preceding accounts of authorization (Section 2), affected interests (Section 3), supported participation (Section 4), and representative mandates (Section 5) supply distinct constraints on what a mediator may claim to accomplish.

6.1 Mediation, political authority, and the scope of shared procedures

Mediation is a structured relational activity in which an intermediary facilitates communication, reframes propositions, organizes evidence, proposes procedures or possible terms, and helps parties investigate whether a settlement is achievable. These activities can have substantial political consequences before any agreement is signed. A mediator may define who receives speaking time, which disagreements appear on an agenda, what documents are translated, how proposals are sequenced, and whether an apparent consensus is recorded as final. The relevant institutional question concerns the authority for each activity, including the difference between authority granted to facilitate a process and authority granted to determine its result.

Positive law supplies an instructive boundary. Article 33 of the United Nations Charter includes mediation alongside negotiation, enquiry, conciliation, arbitration, judicial settlement, and other peaceful means in the settlement of disputes whose continuation is likely to endanger international peace and security [38]. The enumeration identifies differentiated avenues of peaceful settlement within a particular Charter context. It does not establish that a mediator possesses the authority of an arbitrator or court, nor does it make every mediated understanding into binding law. Where an agreement later creates legal obligations, the relevant inquiry concerns the source and mode of those obligations, such as treaty, legislation, contract, or a particular institutional mandate.

The United Nations *Guidance for Effective Mediation* articulates preparedness, consent, impartiality, inclusivity, national ownership, international law and normative frameworks, coherence, coordination, and quality peace agreements as fundamentals of mediation practice [53]. These propositions are practice guidance based on mediation experience. Their analytical relevance to the present paper lies in the combination of party authorization, procedural organization, and wider affected interests. Their applicability to a municipal consultation, a customary forum, or a hypothetical human–AI conference requires contextual adaptation and does not convert guidance into a generally binding rule.

A proposed shared nomos can emerge in several forms. The parties may agree to exchange verified information and leave substantive norms unsettled. They may establish a recurring forum with rules of translation, representation, and review. They may jointly adopt a substantive standard for some issues while maintaining incompatible positions on others. They may also fail to agree and nevertheless identify circumstances in which renewed dialogue is possible. These outcomes should be recorded separately from claims that a new legal order has already been constituted. A procedure for peaceful coexistence can have practical value while the parties continue to locate political or moral authority in distinct sources.

6.2 Normative vocabularies and context-dependent translation

Heterogeneity concerns more than linguistic difference. A term translated as *consent* may refer in one institution to an individual’s revocable expression, in another to a council’s deliberative authorization, and in a third to a procedural condition for an administrative measure. *Interest*, *representation*, *responsibility*, *harm*, and *agreement* likewise occupy different positions in political, legal, cultural, and technical practices. A mediation process can generate a grammatically fluent common statement while important differences in the participants’ authorization structures remain unresolved.

Normative translation therefore has at least three tasks. Semantic interpretation identifies what expressions refer to within each practice. Institutional interpretation reconstructs who may use those expressions with relevant authority and what procedures attach to them. Practical coordination asks which operations, if any, can be performed across the practices without requiring conceptual or moral identity. These tasks can be undertaken sequentially or recursively. A proposed correspondence between two rules may change when the receiving institution discloses an unanticipated consequence, when another constituency contests the speaker’s mandate, or when an apparently shared term is discovered to have divergent legal effects.

Treaty law illustrates the limits of using a translation analogy. Articles 31–33 of the Vienna Convention on the Law of Treaties establish rules for interpretation of treaties, including context, relevant subsequent agreement or practice, and the treatment of multiple authentic languages [41]. The Convention’s rules operate in their treaty-law domain. Their attention to context and authenticated language offers a useful comparative illustration of source-sensitive interpretation; they do not become, by analogy, a universal legal test for translating customary, interpersonal, machine-produced, or extraterrestrial norms. When an actual treaty is involved, its interpretation must proceed under the applicable treaty-law framework rather than a newly proposed GR procedure.

Consider a hypothetical meeting between a municipal authority and a self-governing Indigenous collectivity about river maintenance. Both may endorse an expression translated as *responsible stewardship*. For the municipality it could signify implementation of statutory service duties; for a representative institution it could encompass responsibilities to places and relationships understood through its own normative history. The mediated text may specify mutually accessible water-quality measurements, a notification procedure, and procedures for revisiting disagreements. Such operational correspondence leaves the background meanings visibly distinct. A purported mutual waiver of statutory or collective rights would require an independently applicable source of authorization, evidential proof of the relevant acts, and scrutiny of the powers of those who signed. The example is hypothetical and does not characterize any particular Indigenous normative system as internally uniform.

A disciplined translator can also record failure. Two practices may be unable to identify equivalent officeholders, compatible concepts of consent, or a shared unit for evaluating burdens. That failure can be

partial and local: disagreement over responsibility for a long-term ecological relationship may coexist with agreement on emergency communication. The absence of a general translation should remain a recorded substantive result. This is particularly important when one party controls the language of the minutes or the technical systems used to generate the meeting record.

Partial translation introduces a further compositional problem. If vocabulary from institution i is rendered intelligible to a mediator and that mediator in turn communicates with institution j , the two acts do not automatically establish a faithful direct correspondence between i and j . The parties may assign different meanings to the intermediary's terms, and each translation may omit conditions of use. Any proposed composite translation should therefore preserve provenance, the extent of endorsement, relevant dissent, and the domain in which semantic adequacy was assessed. Where these conditions cannot be reconstructed, an explicit unresolved entry is more informative than an apparent equivalence.

6.3 Mediator mandates, impartiality, and interpretive influence

The legitimacy of mediation depends partly on the position occupied by the mediator. Possible arrangements include a mutually selected facilitator, an office appointed under a statute, an intermediary invited by a subset of parties, a community elder recognized through an established procedure, and an externally funded technical organization. Each has a different claim to authority. Even a respected third party should be understood through the actual scope of its mandate: convening, facilitating, drafting proposals, giving expert information, recording decisions, or exercising some separate legally constituted power.

Impartiality describes an institutional and ethical orientation requiring attention to process fairness and interests in the outcome. It cannot be inferred solely from a mediator's assertion of neutrality. A facilitator may rely on one party for access to data, interpretation services, funding, security or institutional permission. Such dependence can influence agenda selection or affect the perceived credibility of dissent. The UN mediation guidance treats impartiality together with consent and inclusivity, recognizing their practical interaction [53]. A source-indexed assessment should therefore examine incentives and actual conduct rather than equate impartiality with interpersonal detachment or with equal speaking time in every circumstance.

A mediator can reproduce domination while following symmetrical procedures. If one participant needs supported communication, receives translated materials late, or faces retaliation for disagreement, a formally identical time allocation may result in unequal effective participation. Conversely, differentiated interpretation assistance or protective breaks can support equal procedural opportunity within an applicable rights framework. The justification for a particular accommodation depends on the subjects involved, the governing rules, evidence of needs and risks, and the practical possibility of independent challenge. Existing disability rights and children's participation guarantees retain their separate legal authority [49, 48]; the mediator's benevolent intention does not replace them.

Indigenous consultation supplies another source-specific illustration. ILO Convention No. 169, Article 6, requires, within its applicable scope, consultations through appropriate procedures and representative institutions, undertaken in good faith and with the objective of achieving agreement or consent [18]. The UN Declaration on the Rights of Indigenous Peoples states, among other provisions, requirements concerning representation chosen under Indigenous procedures and good-faith consultation directed toward free, prior and informed consent [50]. Their normative force, subject matter, beneficiaries and applicability differ. It would be inaccurate to infer either that all consultation is mediation by an independent third party or that a mediator can dispense with representative procedures by claiming to speak for an entire community. Whether consent is legally required as a condition of a specified action must be determined from the relevant sources and circumstances.

Mandate limits also matter when mediation employs artificial systems. Automatic translation, proposal generation, semantic clustering, and the synthesis of large consultation records can influence a negotiation. The party that chooses the model, controls its prompts, or determines which statements are entered may exercise consequential agenda power. Model fluency is evidence of generated language, not evidence that a person or institution accepted a proposal. Any transition from technical assistance to

authoritative representation requires a separate legal or institutional justification. Likewise, an alleged artificially constituted mediator with power to impose a settlement remains a future institutional hypothesis, not a present fact established by computational competence.

6.4 Procedural settlements and bounded normative agreement

A shared nomos can be described provisionally as a historically sustained organization of expectations, permissions, duties, procedures and responses to disagreement among interacting subjects. Its scope is bounded by the actors and institutions that recognize or enforce particular arrangements. Within this proposed vocabulary, mediation is one mechanism through which a community may construct or revise a subset of those arrangements. A negotiated protocol becomes effective through the practices of its participants, while any particular legal force continues to depend on lawfully competent acts and applicable norms. Political acceptance, operational compliance and juridical validity therefore require separate evidence.

Three forms of partial settlement warrant differentiation. *Procedural settlement* establishes how participants will communicate, gather information, hear objections, or reconvene. *Operational settlement* specifies actions such as maintaining a joint register, distributing a resource under a temporary schedule, or implementing a jointly observed safety measure. *Normative settlement* concerns the recognition of particular rules, principles or institutions as authoritative within a described sphere. One form may be present without another. A procedural settlement may facilitate cooperation precisely because the participants reserve disagreement about moral status, sovereignty, or ultimate responsibility.

An important constraint is the distinction between agreement on a process and agreement on an outcome. A representative instructed to negotiate may have authority to propose text but lack authority to accept it on behalf of all constituents. Silence may reflect an agreed deliberative rule in one procedure, limited communication in another, or pressure to avoid sanctions in a third. A facilitator's record should distinguish affirmative approval, recorded non-objection under a valid procedure, unresolved abstention, and absent response. The legal consequences of each depend on independently established authority and the specific procedural setting.

Ostrom's examination of self-organizing commons institutions provides an empirical and theoretical comparison for the institutional diversity of collective rules [26]. The cases show the significance of historically situated arrangements for governance and collective action. The present proposal draws the more limited analytical lesson that durable cooperation may be organized through particular rule-making and monitoring procedures. Ostrom's empirical cases do not prove that every heterogeneous subject can enter a mediated social compact or that a single model of rule formation is optimal across all social and ecological relations.

A compact may remain deliberately incomplete. Participants can agree that a designated emergency contact responds to a hazardous release while postponing allocation of ultimate responsibility for prior damages. They can agree to an evidential method while reserving disagreement over what kinds of beings have standing. They can commit to review a resource-sharing rule when new members enter or material conditions change. These bounded commitments can be morally and institutionally consequential. Yet their existence does not show that excluded persons have waived protections or that an instrument binds entities beyond the signatories' actual authority. Partial agreement must preserve a legible boundary between what has been settled and what remains open.

6.5 Asymmetric bargaining, protected dissent, and failed translation

Mediation takes place within an inherited distribution of resources and authority. One participant may control the meeting location, translation services, archival records, funding for legal advice, scientific measurements, or the ability to delay implementation. Another may bear immediate material costs while gaining only uncertain future benefits. The creation of a common agenda may consequently redistribute political influence before the participants reach a substantive agreement. The inquiry should identify

whose problem description is treated as the default, whose evidence counts as complete, and which costs are represented as external to the negotiation.

Access to *exit* and *voice* is likewise differentiated. Withdrawal may be formally permitted while practically expensive when essential services, safety, wages, citizenship, or access to a place depend on continued participation. Representation may reduce the burden of direct attendance while introducing another relationship of dependency. A mediator can investigate these differences through confidential participation channels, independent translation, accessible formats, resource support, conflict-of-interest declarations, separate confirmation of mandates, and visible recording of dissent. Each measure requires local justification; neither the presence of safeguards nor the absence of recorded complaints establishes fairness automatically.

The protection of nonparticipants complicates contractual legitimacy. Children, persons whose participation requires support, residents outside a formal association, and potentially affected future generations may have interests that cannot be reduced to an existing bargaining group’s preferences. Rights guaranteed by applicable law persist during mediation whether or not a representative successfully places them on the agenda. Ethical consideration of nonhuman animals and ecosystems can also inform the evaluation of proposed arrangements, while their specific juridical status remains source-dependent. A mediator should distinguish a direct right-holder’s expressed wishes, a legally constituted representative act, expert evidence about welfare or ecology, and an advocate’s independent moral claim.

Failure is an analytically important outcome. A process may fail because communication channels remain unreliable, representative authority is contested, an intended legal effect exceeds institutional competence, or a participant rejects the other’s normative premise. In other cases, parties can translate their positions accurately and still disagree about distribution or principle. Classifying these failures separately helps prevent the pathologization of genuine pluralism. It can also prevent coercive repetition of dialogue when the conditions for meaningful choice are absent. A justified suspension may preserve rights and evidence while permitting later reconstruction of a forum under altered conditions.

A further risk concerns the mediator’s growing power as a custodian of procedural memory. The organization that maintains minutes, translations, and trust networks may become indispensable, with participants increasingly dependent on its selective record of the past. A temporal analysis must therefore ask when procedural stewardship becomes de facto gatekeeping, whether alternative records can be audited, and whether the mediator can be replaced without destroying the parties’ access to prior agreements. These are questions about historically co-produced authority, not grounds to presume institutional misconduct. Evidence of actual restrictions, unequal access, or unreviewable influence is needed for a stronger claim of capture.

6.6 A source-indexed partial-translation relation and comparative cases

The proposed formal component is intentionally modest. Let $\mathcal{N}_{i,t}$ and $\mathcal{N}_{j,t}$ denote documented normative expressions, interpretations or procedural commitments attributable to practices i and j at time t . Let $\mathcal{C}_t$ denote a recorded set of contextual conditions, including the identity and mandates of speakers, the procedural forum, and relevant source constraints. Equation 2 defines a *partial, context-indexed translation relation*.

$$\mathcal{T}_{ij,t} \subseteq \mathcal{N}_{i,t} \times \mathcal{N}_{j,t} \times \mathcal{C}_t. \quad (2)$$

A triple belongs to $\mathcal{T}_{ij,t}$ when the evidence supports treating two expressions as sufficiently related for a specified purpose under the recorded context. A translation may be many-to-many, contested, temporary or entirely unavailable. Membership in the relation expresses a documented interpretive proposal under specified assumptions; it does not establish equivalence, authorization, mutual assent or legally binding effect. Even where $\mathcal{T}_{ij,t}$ and $\mathcal{T}_{jk,t}$ contain documented matches, the existence of a corresponding pair in $\mathcal{T}_{ik,t}$ requires independent investigation. The two intermediary translations may depend on incompatible meanings of an apparently shared term, different decision questions, or a mediator authorized for only one exchange. This failure of automatic composition is an intended feature of the partial relation, rather than a defect repaired by assuming transitivity. The choice of a relation rather than a total

Table 5: Mediated coordination settings and the limits of normative translation

Configuration	Possible shared procedure	Authority or translation boundary
UN-context peace mediation	Sequenced talks, ceasefire verification, monitored implementation	Party consent, Charter framework, mediator mandate and distinct legal acts
Indigenous–public consultation	Translation services, representative hearings, agreed evidence channels	Indigenous selection procedures; specific ILO, declaration and domestic-law effects
Commons governance forum	Resource observation, revision schedule, graduated monitoring protocol	Actual membership, institutional histories and applicable public or private law
Child-inclusive municipal planning	Accessible hearing, recorded preferences, accessible objection channels	Child’s own voice, support and applicable protective/participatory rights
AI-assisted multilingual negotiation	Transparent technical translations and human verification of proposals	Model error, data control, human mandates and evidence of actual assent
Hypothetical extraterrestrial contact	Provisional communication protocol and mutually observed constraints	Identity, interpretation, possible authority, legal source and ontological uncertainty

function allows several competing translations of the same expression and explicitly leaves unmapped expressions outside its scope. Identifying $\mathcal{T}_{ij,t}$ empirically would require records from the participants and competent interpretation of their practices, not merely a machine-generated similarity score.

The translation relation is interpreted alongside a documentary mediation record identifying: parties and relevant affected groups; speakers and the sources of their mandates; the mediator’s appointment, funding and procedural authority; the source expressions and contextual translations; the scope of procedural or substantive agreement; applicable legal norms and competent institutions; recorded assent, abstention and dissent; avenues for challenge and revision; and unresolved evidence. These fields are connected to the authorization and representation analyses of Sections 2 and 5. They constitute a reusable research dossier, rather than an additional equation whose notation would imply a mathematically validated test of legitimacy.

For a worked hypothetical example, consider two communities negotiating a shared flood-alert network. One community authorizes its council to approve technical notification protocols but reserves land-use decisions for a later assembly. The second empowers a local government agency to procure sensors under statute, subject to procurement and privacy rules. A mediator can record translations between *urgent warning*, *community responsibility*, and *public notice* for specified actions, while recording the different authorization chains. Agreement on warning thresholds and contact points may fall inside the parties’ respective mandates. A clause allocating legal liability for every future flood may fall outside them. The corresponding relation $\mathcal{T}_{ij,t}$ can include the limited alert protocol and leave the disputed allocation of liability unmapped. Further legal inquiry is required before claiming that even the operational clauses have binding effect.

Table 5 presents differentiated settings where the objects of translation, authorization and unresolved constraints vary. These are research classifications, not findings that the cases share a single juridical regime.

The table’s different boundary conditions matter. For instance, an AI-generated bilingual statement may lower transaction costs while producing an authoritative-looking version of text that neither party has approved. A process in which genuine stakeholder agreement is documented can remain legally ineffective for a proposed consequence if the designated signatories lack power to create it. Conversely, institutional rules adopted without a conventional interpersonal contract may possess legal force under an existing statute. Neither the presence nor absence of a contract supplies a complete answer to validity, legitimacy, or generative capacity.

6.7 Three Generative Relational levels and the evolution of mediator institutions

At the *ontological* level, the ultimate status of subjects, moral reasons, shared meanings and institutional entities remains suspended. A successful translation may permit stable cooperation without demonstrating that distinct traditions refer to an identical metaphysical order. Apparent meaning in computational

output does not establish the experience, selfhood or legal personality of the producing system. Likewise, the possibility of communication with an extraterrestrial intelligence supplies no present evidence about such a subject's political standing. The analytical constructions in this section are explanatory proposals conditioned on available observations and interpretation.

At the level of *relational reality*, mediated nomos formation involves historically effective relationships among parties, representatives, interpreters, technical systems, legal orders, affected nonparticipants and the mediator itself. Participants can revise expectations through repeated interactions. The mediator's procedures shape which proposals are considered, which evidence is encountered, and which activities are coordinated. Relations among the relations matter: a mediator's connection to a funder influences the parties' confidence; the capacity of one representative to consult their constituency conditions the usefulness of a translation; the continued availability of a review forum influences whether a provisional protocol remains credible. The proposed relation $\mathcal{T}_{ij,t}$ is one limited means of tracking these couplings, not a comprehensive ontology or dynamical law.

At the level of *manifestation reality*, the relational processes appear as meeting minutes, signed texts, technical glossaries, voice recordings, translated documents, procedural logs, revisions, public statements, and patterns of compliance or refusal. These manifestations may preserve an agreement with unusual precision while concealing a constituency's unrecorded objection. A machine translation may make institutional cooperation possible while omitting culturally central qualifications. A mediator's summary may describe emerging consensus while identifying only those propositions that were easy to document. Accordingly, source provenance, accessibility to participants, competing translations, and preserved dissent should accompany any public representation of the resulting compact.

The historical development of a mediator deserves independent attention. An intermediary initially appointed to facilitate an exchange can accumulate technical expertise, archival control and trusted access. These attributes may increase its capacity to sustain coordination, but they can also produce new asymmetries. A shared normative arrangement may therefore require procedures for replacing mediators, opening documents to audit, correcting translations, reauthorizing representatives and distributing control of the forum. This is part of the proposed account of generativity: an institution should remain capable of learning from disagreement and new participants rather than treating its first settlement as a timeless closure. The conditions under which these procedures receive legal effect remain the responsibility of the relevant legal order.

The analysis establishes a bounded interface with the following inquiry into plural institutional competence. A successful mediation episode can generate a common procedure, a partial norm, a new institution, or a reasoned record of irreconcilable disagreement. These outcomes differ in normative justification and juridical consequences. The further question is how overlapping institutions recognize, contest or decline to recognize each other's products. Section 7 therefore examines the plurality of sources and competences through which shared normative orders may acquire practical and legal significance.

7 Shared Normative Orders and Plural Institutional Competence

This section examines how a normatively meaningful arrangement formed among heterogeneous subjects obtains, contests, or fails to obtain recognition within overlapping institutions. Its objective is to distinguish the social efficacy of a shared practice, the political and ethical grounds for its acceptance, the competence of institutions to adopt it, and its legal effects under identified sources of law. The argument proceeds through socio-legal accounts of normative plurality, a source-specific analysis of institutional authority, the effects of cross-order recognition, a bounded formal representation, comparative configurations, and the three Generative Relational (GR) reality levels. The proposed concept of *shared nomos* refers to a historically formed set of sufficiently coordinated expectations, rules, practices, and avenues of contestation. It is a research description whose juridical consequences depend on applicable law. Translation among normative expressions, considered in Section 6, is one possible condition of coordination; an institution's competence to confer a particular effect requires a separate inquiry.

7.1 Normative plurality and the boundaries of institutional orders

A heterogeneous political community may contain several sites at which conduct is evaluated and regulated. Public legislatures and agencies promulgate rules within specific constitutional and statutory arrangements. Courts and tribunals determine disputes within their designated jurisdiction. Associations adopt internal procedures; families and professional communities sustain expectations of participation and responsibility; Indigenous peoples may maintain institutions with historically grounded normative practices; and transnational projects coordinate actors subject to several legal systems. These orders can interact without sharing a single source of authority or a common understanding of what constitutes law. Identifying their overlap is an empirical and interpretive task, with distinct legal questions arising when enforceable claims are made.

Socio-legal research supplies an important starting point. Sally Falk Moore's account of the *semi-autonomous social field* examines social settings that generate internal rules while remaining exposed to wider legal and social forces [23]. The methodological interest of the account lies in its attention to processes through which a field makes rules effective, together with the pressures and interventions arriving from outside it. Brian Tamanaha's treatment of legal pluralism emphasizes the presence of orders operating across local, state, transnational, and international scales and the persistent difficulty of deciding which among them should be classified as *law* [34]. These are substantive interlocutors for the present inquiry. They warrant attention to overlapping rule-producing practices; they do not by themselves establish the legal validity of every rule described by an observer.

The proposed GR reconstruction therefore keeps three analytical questions distinct. A *normative practice* exists for present research purposes when expectations and evaluative responses can be documented within a relational setting. A *claim of political or moral authority* concerns reasons that participants or affected persons can advance for accepting or challenging a practice. A *claim of legal validity* concerns effects attributed to an identified legal source, interpreted and applied through relevant institutions. The same arrangement can be recurrently followed, vigorously contested as unjust, and legally unenforceable for a specified purpose. Conversely, a valid legal rule can remain weakly implemented, culturally disputed, or inaccessible to persons whom it purports to protect. The distinctions allow analysis of plural orders without deciding in advance that social influence, collective assent, and law are coextensive.

An institution's boundary may itself be contested. A community association could claim to bind residents who have never joined it; a municipal agency could claim authority over conduct taking place partly outside its territory; an official might speak for several overlapping constituencies. Where a group has internal divisions, recording a single collective position risks concealing important disputes about membership and voice. Questions of authorization and representation are therefore incorporated from Sections 2 and 5. In this paper, *plural institutional competence* denotes the possibility that several institutions possess different, partly overlapping, or disputed powers concerning the same episode. Its content must be reconstructed from actual institutional histories and relevant sources.

7.2 Sources of authority and differentiated institutional competence

Competence designates the authority attributed to an institutional actor to perform a specified type of act, with defined subject matter, persons, territorial or organizational reach, procedure, and temporal conditions. The competence to convene a consultation may be separate from the competence to adopt an administrative decision; authority to negotiate may extend to drafting proposed terms while leaving ratification elsewhere; and authority to implement an operational protocol may leave the power to determine civil liability with another institution. The word *competence* consequently has to be supplied with a source and an object. The applicable order of competence is determined by the legal and institutional sources governing the particular dispute.

Positive-law sources illustrate the specificity of the inquiry. Article 38(1) of the Statute of the International Court of Justice identifies the conventions, international custom, general principles of law, and subsidiary means that the Court applies when deciding disputes submitted to it in accordance with

international law [39]. Its institutional addressee and adjudicative context matter. It neither supplies a comprehensive catalogue of every domestic source of authority nor converts a committee's procedural agreement into an international legal norm. Similarly, Articles 31–33 of the Vienna Convention on the Law of Treaties provide rules for interpreting treaties within their applicable domain [41]; their recognition of interpretation in context is instructive without furnishing general competence to participants in an unrelated mediation. In domestic systems, constitutions, statutes, subordinate legislation, judicial decisions, contracts, and organizational constitutions require their own jurisdiction-specific analysis.

An institutional action may be assessed through six source-sensitive dimensions. *Constitutive source* identifies the text, custom, or recognized practice from which the authority is claimed. *Actor and appointment* ask who exercises it and by which process. *Material and personal scope* concern the decisions and persons reached. *Procedure* includes any notice, consultation, consent, reason-giving, or voting requirements. *Legal consequence* concerns the effect attributed to a completed act. *Control and revision* identify which forum can interpret, review, set aside, or alter it. These dimensions are a diagnostic proposed for comparative research, not a substitute for a competent lawyer's analysis of an actual jurisdiction.

The difference between adopting and recognizing a norm deserves particular care. A municipal authority may accept a community monitoring protocol as evidence relevant to an administrative decision while lacking authority to delegate its statutory duty to a private council. A professional association may undertake to observe a nonbinding charter, creating expectations within membership, while legal remedies for breach depend on separate sources. A legislature may give a prior negotiated settlement statutory effect by enactment. In each configuration, the status of the mediated text and the authority of the receiving institution are independently ascertainable. The legitimacy of the negotiation remains relevant to political evaluation even when the legal system assigns a determinate formal consequence.

A comparative account of plural normative orders needs two source questions at every purported legal interface. The first concerns the originating body's capacity to issue the instrument under investigation. The second concerns the receiving body's competence and the conditions under which it may accord the instrument an effect. A social practice may be historically consequential even where neither question yields affirmative legal competence. Conversely, legal effect within a receiving forum does not imply that the participants share an identical moral understanding of the underlying norm. This separates a sociology of normative plurality from a conflict-of-laws conclusion requiring additional doctrine.

7.3 Recognition across legal, customary, and organizational orders

Recognition can refer to several analytically different acts. One institution may acknowledge another institution's existence, listen to its evidence, accept its procedure as satisfying a consultation requirement, incorporate its terms into an administrative instrument, or enforce an outcome as a legal obligation. An acknowledgment of cultural or moral significance can coexist with a refusal to recognize legal force. An institution might also recognize one provision of a settlement while rejecting another. A claim about recognition should therefore specify the recognizing institution, the product recognized, the effect conferred, and the grounds on which that institution may confer it.

ILO Convention No. 169 offers a carefully delimited example. Article 6 calls for consultation of the peoples concerned through appropriate procedures and, in particular, through their representative institutions where legislative or administrative measures may affect them directly. Article 8(1) requires due regard to their customs or customary laws in applying national laws and regulations; Article 8(2) addresses retention of customs and institutions subject to its stated compatibility conditions with fundamental rights and internationally recognized human rights [18]. These provisions possess their treaty-law character and apply according to the Convention's ratification and other applicable legal conditions. Article 8(3) additionally preserves the exercise of citizenship rights and duties by members of the peoples concerned, so the recognition of customary practices in Article 8 should be read alongside individual entitlements and the Convention's express limits. A domestic dispute would also require examining legislation and implementation in the relevant State Party. Their structure illustrates the distinction between taking a normative order seriously and assigning every asserted practice an unrestricted juridical effect.

The present paper does not treat an international convention as authorizing external actors to determine a people’s representative institutions independently of the people’s relevant procedures.

A different arrangement appears in New Zealand’s Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. The Act gives Te Awa Tupua a specified status as a legal person and creates the office of Te Pou Tupua to act and speak on its behalf within the statutory scheme [24]. The institutional novelty can be discussed as a historically situated transformation in relations among the river, communities, and the state. The legally cognizable powers and offices arise from the particular enacted settlement. Their existence supplies neither a general rule that rivers everywhere possess legal personality nor a warrant to assume that communities elsewhere would choose the same form of recognition. It is also analytically distinct from the attribution of conscious experience to a natural entity.

Organizational practices provide a third configuration. Studies of collective resource governance, including Ostrom’s work on the variety of commons institutions, direct attention to rules, monitoring, revision, and collective action generated by participants [26]. Such practices may operate through association agreements, customary expectations, legally recognized local bodies, or combinations of these. The questions of internal effectiveness and external legal authorization remain separate. An empirical researcher must investigate which rules are actually observed and by whom; a jurist must identify the sources that give a particular rule a legally enforceable consequence. Normative evaluation can then address whose participation the rules permit, whom they exclude, and whether the burdens they allocate are defensible.

A shared order can accordingly display *asymmetric recognition*. Institution A may accept B ’s procedure as evidence for a narrow decision, while B retains substantive reservations about A ’s source of authority. Operational cooperation, partial legal incorporation, and unresolved disagreement can coexist. Recognition may also be temporary: a trial agreement could be accepted for one budget cycle, a court could later interpret its limits, or constituent groups could contest an intermediary’s authorization. These possibilities are central to the historical account of shared nomos because a negotiated product acquires institutional significance through further relations, acts, and reviews rather than through the fact of translation alone.

7.4 A source-indexed representation of cross-order effects

A small formal construction helps distinguish a mediated product from the multiple possible consequences attributed to it in receiving orders. Let o identify an originating institution or practice, q a potentially receiving order, and t an observation time. Let $\mathcal{P}_{o,t}$ contain documented products such as procedural decisions, resolutions, compacts, or agreed texts originating in o . Let $\mathcal{F}_{q,t}$ denote candidate effects expressible within q , including evidentiary consideration, internal administrative adoption, legal incorporation, or refusal of a requested effect. Let $\mathcal{S}_{q,t}$ contain identifiable sources invoked within q and $\mathcal{C}_t$ contain contextual conditions, including parties, territorial scope, procedural completion, and available review. Equation 3 defines the proposed *source-indexed cross-order effect relation*.

$$\mathcal{E}_t^{o,q} \subseteq \mathcal{P}_{o,t} \times \mathcal{F}_{q,t} \times \mathcal{S}_{q,t} \times \mathcal{C}_t. \quad (3)$$

A recorded quadruple establishes only that a particular effect is claimed or supported under an identified source and conditions. It is necessary to record whether the receiving authority actually adopted the instrument, merely considered it as evidence, or declined legal effect. Where the competent decision-maker is itself disputed, the case file should retain rival readings rather than assign one silently.

An element (p, f, s, c) of $\mathcal{E}_t^{o,q}$ records a proposition that product p has, is claimed to have, or is proposed to receive effect f in order q on the basis of source s under context c . The dossier accompanying an element identifies the *status of the proposition*: asserted by an interested actor, provisionally interpreted by a researcher, accepted by a competent institution, or established by a legally authoritative decision. The relation is a research representation of propositions and their provenance. Membership does not itself demonstrate that the asserted effect is legally valid, that the source has been correctly interpreted, or that the procedure is normatively legitimate. A source may yield no established effect, and the same

product may support several competing propositions. The set-theoretic form is partial precisely because many cross-order effects are unsettled or institutionally unrecognizable.

Consider again the hypothetical jointly developed flood-alert protocol in Section 6. A community council and a municipal agency may agree on warning thresholds and verified contact points. In the community's order, minutes might establish authorization to distribute notices. In the municipal order, an officer might record the protocol as evidence for an operational decision under a particular delegated power. A separate clause purporting to waive compensation claims may lie outside the council's mandate or the agency's power. The formal relation would therefore distinguish an asserted operational effect supported by a specified delegation from a legally unestablished waiver. It is possible for the same text to have internal practical significance while its proposed external legal effect remains unrecognized.

The source-indexed representation extends the partial translation relation $\mathcal{T}_{ij,t}$ of Equation 2 in a restricted way: translation concerns the contextual correspondence of normative expressions, while $\mathcal{E}_t^{o,q}$ concerns attributed consequences of a documented product within a specified receiving order. The representation mandate-provenance procedure in Section 5 supplies a further inquiry into who purported to authorize the product. Together the records can identify a successfully translated sentence, a disputed representative mandate, and a legally ineffective demand without compressing these distinct findings into one scalar measure. Research implementation would require independent legal interpretation and access to institutional records, including evidence contrary to a proposed effect. The formal relation is neither a decision procedure for courts nor a universal model of legality.

7.5 Normative conflicts, protected interests, and institutional limits

Plural competence creates possibilities of cooperation as well as conflict. Two organizations may adopt incompatible reporting requirements for the same members; an administrative arrangement may be inconsistent with statutory duties; a collective representative's undertaking may exceed a mandate; and a customary procedure may be contested by persons claiming protection under applicable human-rights guarantees. The appropriate response depends on which obligations are legally operative, which institutions have authority to interpret them, what remedies exist, and what independent ethical grounds support the affected interests. A declaration of shared values supplies useful contextual evidence yet leaves these questions to be addressed.

Conflict analysis benefits from distinguishing a *source conflict*, where legally relevant provisions or competence claims are incompatible; a *translation conflict*, where apparently similar terms carry different meanings; a *representation conflict*, where the authority to speak for a constituency is disputed; and an *implementation conflict*, where institutions accept similar terms while the practical conditions for complying differ. These are diagnostic categories of the present research. More than one may arise in a single episode. For example, a public agency could accept a translated consent form while failing to supply the communication supports necessary to make participation meaningful. A successful administrative filing would then provide incomplete evidence about the quality of the underlying process.

Existing human-rights sources impose a particularly important limit on hypothetical social-contract reconstruction. The Convention on the Rights of Persons with Disabilities addresses legal capacity, support in exercising legal capacity, and political participation under its specific treaty provisions [49]. The Convention on the Rights of the Child addresses children's opportunity to be heard and the weight due to their views under Article 12 [48]. These rights and obligations do not await the capacity of the persons protected to enter into a symmetric bargain. Likewise, the applicability and interpretation of Indigenous peoples' rights depend on the relevant instruments and institutional context; a mediator may not treat translation into an externally preferred vocabulary as proof that protected interests have been waived. The proposed GR description of norm formation must operate alongside these source-grounded protections.

A shared normative order can preserve legitimate disagreement through several practices: recording reservations, distinguishing provisional and final effects, specifying a temporary operational scope, maintaining accessible challenge channels, and leaving questions to competent institutions. An unresolved

Table 6: Normative-order configurations and source-specific recognition questions

Configuration		Product and receiving order	Competence and protection inquiry
Indigenous–public consultation	con-	Community statement considered by a public body	Representative selection, applicable consultation duty, procedural effect, rights limits
Statutory river representation		Acts of Te Pou Tupua within the Te Awa Tupua legal framework	Statutory purposes, office powers, decision-maker and review under New Zealand law
Commons governance	self-	Locally adopted monitoring rule recognized by members or a public agency	Association or customary basis, public powers, affected nonparticipants and remedies
Intergovernmental mediation		Negotiated text proposed for treaty, administrative or institutional implementation	Signatory mandates, applicable international/domestic sources and enactment steps
AI-mediated public consultation	con-	Machine-assisted proposal presented to an authorized human decision-maker	Provenance, human authorization, accessibility, error correction and data governance
Hypothetical species forum	inter-	Provisional communication arrangement with an unidentified interlocutor	Subject-status uncertainty, evidence of communication and source of protective authority

conflict is analytically significant even when cooperation continues. Recognition should be treated as revisable within the procedures and limits of the pertinent regime, rather than as an assumption that every conflict admits compromise. The ability to dissent is itself distributed unevenly: persons dependent on an institution's services may face distinctive costs in contesting its decisions. Later analysis of power and meaningful participation will examine this dependence directly; the present section identifies the institutional objects of possible challenge.

7.6 Comparative configurations of cross-order recognition

Table 6 compares selected situations in which rule-producing practices and the institutions competent to receive their products differ. The table lists questions requiring investigation, rather than determinations that any example has a particular legal outcome. The first four configurations concern existing institutional kinds with source-specific legal analyses. The final two are prospective stress tests and carry no assumption of current nonhuman political membership.

The Indigenous consultation row calls for attention to the source and scope of the applicable obligation rather than assuming that one formal hearing satisfies the relevant procedure. The statutory river example involves powers created by a particular enactment. The commons example may concern internally effective rules without any external delegation. In intergovernmental mediation, a signed text may require further domestic or international acts before obtaining the effects claimed for it. The AI-mediated example identifies a technical participant in the production of material and leaves human legal duties and authority with the persons and bodies designated by applicable law. Hypothetical communication across species or extraterrestrial contexts calls for further conceptual and evidential work, including questions about the standing of a proposed interlocutor. These configurations resist a single legal or moral ranking.

Comparative analysis is most informative when a case is examined both synchronically and historically. A present-day protocol may be supported by past struggles over recognition, administrative reforms, technical infrastructure, and changing community membership. Investigators should reconstruct the provenance of institutional powers and of the categories used to describe subjects; changes in titles or published documents alone cannot demonstrate equivalent changes in effective authority. Comparison should also register where the relevant orders remain intentionally distinct. In such cases, the ability to coordinate some activities without imposing institutional uniformity may be a substantively important achievement.

7.7 Three GR reality levels and the evolution of shared nomos

At the *ontological* level, the fundamental status of the subjects, collectivities, normative reasons, and institutions participating in a shared order remains suspended. The existence of an authorized legal office, a negotiated text, or a stable pattern of compliance does not by itself settle the nature of collective agency, the reality of subjective experience, or the metaphysical identity of apparently shared values. A statute conferring legal personality establishes particular juridical consequences under its legal system, while claims about an entity's ontological status remain a different inquiry. Likewise, the possibility of AI or extraterrestrial participation supplies a reason to investigate the conceptual boundaries of membership without assigning present legal standing by analogy.

At the level of *relational reality*, shared nomos consists of historically constituted and mutually conditioning relations among institutions, affected subjects, representatives, mediators, legal sources, material resources, and practices of recognition. A rule enacted by one body may acquire significance through another body's implementation, a representative's ability to communicate dissent, or the continuity of an accessible review forum. Such relationships can acquire causal and generative efficacy: recognized reporting duties alter conduct, the availability of appeal changes expectations, and institutional dependence shapes who can participate in future rule formation. Relations among institutional relations matter. A public agency's dependence on a private monitoring provider can influence how it evaluates evidence; a mediator's access to archives can affect whether subsequent decision-makers understand the limits of an earlier settlement. Equation 3 documents one restricted interface of these processes, without purporting to capture their entire history.

At the level of *manifestation reality*, the relevant relations become accessible through instruments of ratification, administrative notices, association charters, decisions, meeting minutes, signed texts, translations, statutory registers, patterns of enforcement, compliance records, and reasoned objections. The appearance of the same phrase in two legal instruments may mask different institutional effects. Conversely, differently worded documents may sustain a stable and mutually understood operational procedure. A researcher should identify document provenance, authorized language, competing institutional readings, who could access the record, and whose objections were preserved. Visible consensus warrants particular caution where translation infrastructure or archiving practices were controlled by a single powerful actor.

Institutional histories can transform the status of a shared arrangement. A provisional coordination rule may be incorporated into a public measure, contested in litigation, withdrawn after a change of mandate, or maintained as a customary practice after its original sponsor disappears. These transformations can modify the relation among actors, sources, and legal effects, even if the written text remains unchanged. They also reveal an internal tension in social-contract reasoning: the actors who originally made an arrangement may differ from those who later live under it, including new members, children reaching adulthood, later affected populations, and subjects whose claims become newly intelligible. Questions of succession and revision therefore belong to the substantive theory of shared nomos, rather than merely to administrative recordkeeping.

The section establishes a limited conclusion. The formation of coordinated normative practices is an intelligible object of relational inquiry, while legal validity, institutional competence, political legitimacy, and practical efficacy remain distinct judgments grounded in different sources and methods. Source-indexed recognition can preserve partial agreements together with unresolved normative commitments. It also exposes a further problem for social-contract theory: the parties' ability to undertake reciprocal commitments is often unequal, and some protective obligations persist independently of reciprocal assent. Section 8 examines reciprocity, structural asymmetry, and nonreciprocal duties under those conditions.

8 Reciprocity, Asymmetry, and Nonreciprocal Obligations

This section examines the grounds and distribution of obligations within social arrangements whose participants possess heterogeneous capacities to contribute, consent, reciprocate, or enforce a claim. Its

purpose is to distinguish reciprocal exchange, political mutuality, and duties of protection that have grounds independent of a beneficiary's capacity to supply an equivalent return. The analysis first differentiates senses of reciprocity within contract theories, then considers vulnerability, dependency, and care as distinct normative interlocutors. It subsequently identifies source-specific legal protections, examines the distribution of primary and supporting responsibilities, develops comparative configurations and an evidentiary diagnostic, and locates the inquiry within the three Generative Relational (GR) reality levels. The object is a preliminary account of *heterogeneous obligation formation*: historically constituted obligations can connect persons and institutions with unequal bargaining positions and divergent modes of participation, while claims about their legal force continue to depend on identifiable sources. The distinction between mediation and institutional competence in Sections 6 and 7 provides an interface, rather than a justification that consent or recognition alone grounds every duty.

8.1 Reciprocal exchange, political mutuality, and protected claims

The term *reciprocity* is used for several relationships that deserve separate treatment. In a *reciprocal exchange*, agents condition specified performances on another agent's corresponding performance: goods for payment, labor for compensation, or a negotiated service for an agreed contribution. In *reciprocal restraint*, participants accept compatible restrictions, often expecting others to accept comparable restrictions. *Political mutuality* concerns their standing as participants in a cooperative scheme whose rules and institutions distribute benefits, burdens, opportunities, and protections. *Interpersonal responsiveness* concerns acknowledgment and appropriate response between parties; responsiveness can be present even when the resulting actions are unequal in kind or scale. Each relationship admits asymmetric contributions. Equality of standing, fairness of terms, and numerical equality of contributions are separate questions.

Contract traditions supply different explanations of the connections among these relationships. The tradition of commonwealth authorization associated with Hobbes concerns, among other matters, the establishment and authorization of governing power; it cannot be summarized as a bilateral exchange among identical individuals [17]. Rousseau's political association and account of a general will present a distinct structure of civic relation and collective authority [30]. Rawls's original position represents a hypothetical device for the choice of principles of justice by appropriately situated representatives; it is analytically distinct from bargaining performed by actual persons in conditions of unequal communicative capacity [29, 12]. Scanlon's contractualism addresses principles that persons could not reasonably reject and should likewise be distinguished from a mutual-advantage bargain [33, 2]. These approaches differ sufficiently that *reciprocity* cannot be assigned one uniform contractual meaning by reference to a single canon.

A comparatively advantaged participant can carry an obligation even when another participant can presently offer no counterpart performance. An infant's need for protection, a person's support needs in communicating a decision, or an affected outsider's exposure to risk can give rise to concerns that a contribution-based model describes poorly. Existing legal rights and duties must be located within their applicable legal systems; independent ethical explanations can be developed without pretending to create legal validity. A hypothetical social compact may coordinate how actors discharge duties, allocate costs, and establish review procedures. Its bargaining result does not settle the prior question of whose claims require consideration.

This distinction also limits the use of the phrase *nonreciprocal obligation*. Here the phrase identifies a duty whose justification or legal force does not depend on the protected beneficiary's making a contemporaneous, equivalent, or contractually promised return. Such a duty can coexist with reciprocal responsibilities elsewhere in the relationship. It need not imply that the beneficiary lacks agency, that their expressions carry no normative significance, or that the duty-bearer possesses unlimited resources. Reciprocity may be temporally extended, indirect, or mediated by institutions. The narrower category of obligation at issue concerns the irrelevance of a specified counterperformance to a specified duty's existence, not a judgment that a person contributes nothing to social life.

8.2 Vulnerability, dependency, and the political organization of care

A nonreciprocal duty requires a defensible ground. Vulnerability, established rights, institutional role, assumption of responsibility, and the distribution of collective resources supply different candidate grounds. Robert Goodin's argument in *Protecting the Vulnerable* locates important responsibilities in exposure to the actions and choices of others, including circumstances extending beyond prior promises and contracts [14]. As a philosophical interlocutor, this account illuminates the distance between an agent's recognized contractual partners and persons whose circumstances are materially affected by that agent. The inference from a condition of vulnerability to a particular assignment of duty nevertheless requires further premises about the capacity to assist, competing claims, institutional position, and the type of assistance proposed.

Dependency presents an additional structure. Eva Feder Kittay's *Love's Labor* investigates how human dependency and the labor of care challenge political accounts that take independent and approximately equal participants as their principal social model [19]. A relationship of support includes the person receiving care, the person providing it, and often the institutions whose resources enable that work. The caregiver may become dependent upon the employer, funder, family member, or public institution that controls time, income, respite, or legal status. Hence a norm that imposes care duties without identifying support for the caregiver can relocate vulnerability across a relational network. Recognizing a beneficiary's legitimate claim and arranging sustainable conditions for its provision are analytically connected questions.

Joan Tronto's political treatment of care provides a complementary reason to investigate the public organization and status of caring practices [36]. Care involves work, attention, judgment, and institutional conditions; the allocation of care labor can reflect inequalities in whose needs are attended to and whose labor remains socially visible. Within the present inquiry, the philosophical relevance lies in treating dependency relations as socially organized rather than as an isolated private transaction. This does not make any one care-ethical framework synonymous with GR, and it leaves room for critical disagreements over paternalism, conflicting needs, and the relation between caring practices and justice.

Martha Nussbaum's *Frontiers of Justice* offers a more direct challenge to the scope of mutual-advantage social-contract models through its treatment of disability, transnational justice, and nonhuman animals; her proposed capabilities approach is a substantive alternative with its own normative commitments [25]. The present GR reconstruction draws an analytical lesson from the challenge while preserving the differences among its interlocutors. Protecting an interest, specifying a capability, allocating a responsibility, and demonstrating the social efficacy of a practice are different tasks. GR contributes a historical-relational descriptive vocabulary for tracking how those tasks interact; the moral justification of a particular duty still requires independent normative argument.

Four questions follow. First, which interests or rights are implicated, and by what credible evidence are they identified? Second, what supplies the ground of the proposed duty: law, an institutional mandate, an undertaking, a defensible moral principle, or a combination with carefully marked boundaries? Third, which agents or institutions can discharge the duty without imposing disproportionate or hidden costs on others? Fourth, through what procedures can the beneficiary, relevant supporters, and affected parties contest the interpretation and performance of the duty? These questions keep the openness of the normative inquiry visible, especially when parties disagree about whether a particular interest is sufficiently established.

8.3 Positive-law protections and contractual allocation of duties

The relation between protective rights and negotiated obligation is clearest when a specific body of positive law already identifies a protected person and an addressee. The Convention on the Rights of the Child provides a concrete example. Article 3(1) addresses the child's best interests as a primary consideration in specified actions concerning children; Article 12 addresses children's opportunity to express views and the weight accorded to them; and Article 18 describes parental or guardian responsibilities and the provision of appropriate assistance by States Parties [48]. The instruments' institutional scope,

the applicable legal order, and rules of interpretation remain pertinent. A child's interest in protection is consequently a question governed partly by existing legal commitments, while participation and the distribution of caring responsibilities remain questions requiring concrete decisions. The child's present capacity to offer an equivalent benefit to an administrator or caregiver is irrelevant to whether these treaty provisions impose obligations on their specified addressees.

The Convention on the Rights of Persons with Disabilities provides a related but distinct framework. Article 12 addresses equal recognition before the law and support in exercising legal capacity; Article 29 concerns participation in political and public life [49]. The support framework is especially relevant to the distinction between assistance that enables a person's exercise of agency and a substituted expression erroneously treated as their agreement. The Convention addresses rights-holders and obligations of States Parties; it does not establish a general rule that every proposed caregiving relationship is legitimate or that a private intermediary may disregard the person's will and preferences. Particular professional or personal duties require their own applicable sources and circumstances. The position of persons with disabilities should not be assimilated to that of children, and decision support should not be interpreted as evidence of lesser political standing.

Protective obligations can also arise from more limited sources. A public official may have an assigned statutory duty to provide accessible notice; a guardian or caregiver may have obligations under a specified domestic regime; an association can undertake assistance through an organizational rule; and a person can voluntarily assume a task by an enforceable or non-enforceable agreement. Each configuration differs in the source of its obligation, its intended beneficiary, the parties competent to alter it, and the forum available for review. A project coordinator might negotiate delivery routes for essential supplies while remaining unable to waive the recipients' existing legal protections. An agreement allocating tasks may be valuable because it makes performance more reliable; any modification of mandatory duties continues to be constrained by the relevant law.

Legal duties must also be distinguished from a researcher's ethical assessment. Some protections derive from binding treaty or domestic provisions for identifiable persons and contexts. Some normative responsibilities are defended by philosophical arguments whose legal uptake is contingent. Proposed duties toward future artificial or extraterrestrial agents remain hypothetical pending independently supported claims about relevant standing and applicable sources. The social-contract reconstruction can explain how actors organize precautionary arrangements under uncertainty. It supplies neither new treaty parties nor new legal persons by conceptual stipulation. In cases of uncertainty about nonhuman suffering or moral status, prudential protection may be defended as a normative proposal while the epistemic and legal uncertainties remain expressly recorded.

8.4 Allocation, support duties, and the limits of asymmetric burden

An obligation grounded without equivalent return still requires an account of *who should do what*. The potential duty-bearer may be a parent, professional, public institution, association, state, cross-border organization, or several actors jointly. Responsibility for an outcome may be shared across levels. For instance, the personal duty to assist someone during an emergency could depend in practice on publicly funded transportation, accessible communication systems, and legal provisions governing the professional's scope of action. Treating the immediately visible helper as the sole bearer of responsibility conceals the enabling relationships that make the assistance possible. A relational account therefore separates the *primary protective task* from *secondary support duties*, including staffing, training, accessibility, respite, monitoring, and review.

Nonreciprocal protection also raises questions about feasibility and distribution. Recognizing a compelling claim of protection identifies a justificatory burden; identifying the institution or person responsible for discharging the claim requires an account of applicable law, competence, capabilities, resources, and the burdens imposed on others. A relational theory of care should therefore study allocation among public institutions, families, professional caregivers, and other participants without inferring that the individual closest to a dependent person is automatically the bearer of an unlimited duty. The ability to

sustain care over time, and the effects of allocating responsibilities on caregivers' own agency, belong to the same institutional analysis.

A provisional allocation analysis can distinguish five dimensions. *Ground* asks why a duty is owed. *Addressee* identifies the institution or agent whose conduct is required or restrained. *Object* specifies the action, protection, information, or procedural opportunity owed. *Feasibility and burden* concern available resources, competing obligations, possible risk to caregivers or other affected persons, and less burdensome alternatives. *Accountability* identifies the means of expressing concerns, reviewing a decision, and remedying a failure. The analytic dimensions are compatible with a duty whose ground is independent of reciprocity while allowing disagreements about its proportional scope and concrete allocation.

Dependency itself can be reproduced through protective practice. An institution may condition basic services on cooperation with an otherwise unrelated demand, use inaccessible forms as evidence of refusal, or assign caregiving work without reasonable provision for the caregiver's needs. Some such practices may violate applicable law; others may be ethically contestable despite the absence of an established judicial remedy. Analysis should identify which conclusion is supported by which source. At the same time, the possibility of paternalism does not dissolve a duty to protect. A subject's expression, supported participation, and access to complaint mechanisms can form part of the appropriate performance of protection, as the preceding discussion of consent and representation establishes in Sections 4 and 5.

The distribution of burdens also changes over time. A child acquires capacities and may gain direct control over some decisions. A person who once offered support may require it later. An affected community can become better able to negotiate with a public authority after establishing representative institutions, or less able after displacement. Revisions to assigned duties should follow the governing legal rules and defensible normative reasons, while preserving the history of earlier responsibilities. A prior inability to reciprocate should never be retrospectively treated as evidence that assistance was a debt repayable on terms unilaterally imposed by the former provider. Conversely, recognizing independent protections does not establish an unlimited requirement for any single individual to meet all needs. Fair distribution and institutional capacity remain substantive topics of political and legal argument.

8.5 Comparative configurations of asymmetry and protective duty

Table 7 compares six illustrative configurations. It records the forms of asymmetry, the potential source of protection, and the question relevant to institutional allocation. The first four rows concern established types of human relationships or environmental decision processes and require case-specific legal analysis. The final two are prospective analytical cases, included to test the framework's limits. None of the rows treats a subject's apparent capacity for bargaining as a sufficient criterion of legal status or normative worth.

The two human support configurations illustrate that protections owed to a person can coexist with that person's entitlement to participate in decisions about those protections. The professional-care configuration adds a second asymmetry: an employer may hold greater control over the caregiver's hours and remuneration than the caregiver holds over institutional resources. A support arrangement that attends solely to the recipient's need can therefore reproduce the caregiver's dependence. The environmental example involves diffuse effects and often dispersed duties; it requires attention to both preventive obligations already recognized by applicable law and contested moral duties to future persons or other living beings. Attribution to an identifiable duty-bearer is especially difficult where harms arise through cumulative contributions.

The two hypothetical examples require more stringent evidentiary caution. The appearance of machine-like distress, an artificial system's use of rights language, or a model's expression of preferences may be relevant observations for research. Each is insufficient, taken alone, to settle consciousness, moral standing, or legal entitlement. Correspondingly, an extraterrestrial entity's inability to communicate through human institutions would leave several explanations open. A proposed precautionary rule might be justified through the risks of irreversible harm under uncertainty, yet its conditions, costs,

Table 7: Illustrative reciprocity and nonreciprocal-duty configurations in heterogeneous relationships

Configuration	Asymmetry and possible duty ground	Source-specific allocation question
Child and public services	Differences in age, dependence and participation capacity; applicable child-rights duties and caring responsibilities	How best interests, expressed views, parental responsibility and public support are related in the pertinent regime
Person using decision support	Communication or support needs without lesser inherent legal standing; CRPD-based state obligations where applicable	Whether the person can exercise agency with appropriate support and challenge unauthorized substituted decisions
Care recipient and paid caregiver	Uneven immediate need and responsibility; professional, contractual, statutory or moral grounds	How obligations to the recipient interact with protections, pay, time, training and resources for the caregiver
Community and environmental risk	Uneven exposure to harm; established public-law duties or separately argued duties of prevention	Which authority can reduce risk, include affected participants and account for those absent from negotiation
Human and prospective AI system	Unsettled machine-related interests or moral status; proposed precautionary duties require argument	How technical evidence, existing human duties and hypothetical AI claims remain distinguished
Human and hypothetical extraterrestrial subject	Potentially divergent capacities, communication and normative categories; speculative reciprocal or protective claims	What evidence, authority, translation, and review would precede any attribution of specific obligations

effects on existing protected persons, and mechanisms of revision remain contestable. The conceptual value of the cases lies in testing which judgments are dependent on a negotiated exchange, which depend on separately grounded protections, and which remain unresolved.

8.6 An evidentiary diagnostic for heterogeneous obligations

The preceding analysis supports a source-indexed diagnostic rather than a universal formula for the weight of an obligation. A research dossier for a claimed duty may record an *interest or right-holder*, an *identified duty-bearer*, a *specified performance*, a *claimed source and its normative type*, relevant *dependence and capacity conditions*, an *allocation among supporting institutions*, and *opportunities for contestation*. Each recorded element should identify its evidentiary status and date. A statutory duty established by an applicable enactment, a treaty duty interpreted within its scope, a professional norm, a philosophical argument, and a proposed precautionary practice should occupy distinguishable fields. Historical documents, oral testimony, decision-support records, institutional notices and legal decisions offer different kinds of evidence about their operation.

Consider a hypothetical community health-transport compact. Residents, a local organization and a public agency agree on schedules for transporting people to essential appointments. One resident uses a communication assistant; another is unable to offer volunteer hours because of a caring responsibility. The compact can specify mutual contributions among volunteers and administrators. It also raises questions about protections to which individuals may be entitled independently of their willingness to volunteer. The research dossier would preserve the person's supported preferences, the source and scope of the agency's duties, the association's actual undertaking, availability of replacement transport, and the effect of a service interruption. If an institution suggests that a person's access depends on their own contribution, the dossier would locate the precise eligibility rule or other claimed source and examine its validity and justification. An agreed roster is evidence about organizational cooperation; it does not by itself establish that conditioning an entitlement on volunteer labor is lawful.

The diagnostic can be combined with the mandate-provenance procedure in Section 5 and the cross-order effect relation in Equation 3. The former concerns a claimed mandate to speak or act; the latter concerns a proposed or recognized institutional effect of a normative product. The present diagnostic adds information concerning the *independent grounds*, *beneficiaries*, *distribution*, and *performance of duties*. It deliberately avoids compressing different duties into a single numerical debt or reciprocity score. An empirical implementation could compare records across repeated decision episodes, subject

to privacy and evidentiary constraints. It would still require philosophical analysis to defend moral grounds and source-sensitive legal expertise to determine legal consequences. A recorded absence of counterperformance could be an important empirical finding without serving as a legal or ethical reason to withhold protection.

The capacity to revise a reciprocal arrangement must itself be examined. A social compact can retain a legitimate sphere for voluntarily negotiated mutual services alongside rights and protective duties that its members cannot simply bargain away. Procedures for requesting accommodation, replacing unavailable helpers, appealing an allocation, and compensating those who provide sustained care can make this distinction practicable. Those procedures require institutional resources and competent administration; their adequacy cannot be inferred solely from the presence of a written clause. The question of who controls these resources, including the possibility that an institution imposes nominal participation while foreclosing meaningful refusal, is developed in Section 9.

8.7 Three GR reality levels and the historical development of duties

At the level of *ontological reality*, the GR inquiry suspends claims about the ultimate constitution of subjects, their consciousness, and the fundamental status of normative facts. Existing human-rights commitments can be described and interpreted without requiring an ontological theory of personhood. Proposed responsibilities toward hypothetical AI or extraterrestrial subjects call for additional philosophical and empirical work. The suspension of an ultimate metaphysical decision is compatible with specified duties of caution or protection where such duties can be defended on independent grounds. It also permits unresolved disagreement about the relevant normative status.

At the level of *relational reality*, obligations arise, persist and change within historically constituted configurations of subjects, institutions, resources and constraints. A recipient's dependence on a support worker may interact with that worker's dependence on an employer and with a public agency's obligations under law. Relations among these relations affect the practical adequacy of a nominal protection: a competent support worker cannot reliably discharge an assigned task if staffing, language assistance, compensation or transportation is systematically unavailable. The GR proposal is to study these couplings, including the emergence of new capacities and the changing locations of dependence. Such a relational description requires explicit normative premises before it can establish that a particular distribution is just.

At the level of *manifestation reality*, an obligation and its performance are encountered through treaty provisions, statutes, agreements, budgets, eligibility criteria, care records, decision-support arrangements, testimonies, technical interfaces, complaints, and observable acts. The documentary appearance of reciprocity may be misleading: a signed exchange can conceal pressures, while an apparently one-sided assistance episode can be part of a longer history of care, obligation and contribution. A record of services delivered can coexist with evidence of exclusion from decision-making. Source identification, accessible communication, dissenting accounts and the temporal reach of each observation are therefore indispensable to responsible interpretation. A formal agreement's visibility should not crowd out less readily recorded experiences of the persons affected.

Across time, a community may move between configurations dominated by direct bargaining, represented participation, institutionally provided care, and provisional forms of protection. The resulting history need not trace an orderly progression toward symmetry. New technologies can increase an individual's communicative agency while creating new dependencies on privately controlled infrastructure; additional legal recognition can strengthen remedies while generating procedural barriers; a transfer of caring tasks may relieve a household while exposing workers to new risks. The proposed GR account concerns the mutual conditioning of these changes and their conditions of possible revision. The normative aim of a shared compact, on this interpretation, includes maintaining procedures through which justified protections can be honored and the allocation of duties publicly examined even when contributions remain unequal.

The section therefore establishes a distinction necessary for the subsequent analysis of power. Agree-

ment can coordinate reciprocal acts, and independent moral or legal grounds can support protective obligations. Institutional arrangements determine who can carry out these duties and through which mechanisms they are contested. In unequal communities, the reliability of each arrangement depends partly on bargaining leverage, the possibility of exit, control of information and the capacity to make a claim heard. Section 9 examines those mechanisms while keeping the grounds of obligation and the sociopolitical conditions of participation analytically distinct.

9 Power, Dependence, and Conditions of Meaningful Participation

The legitimacy of a shared social compact depends in part on the conditions under which its terms are proposed, interpreted, accepted, implemented, and contested. This section examines how power and dependence shape those conditions when participants differ in material resources, communicative capacities, institutional standing, access to information, and freedom to discontinue a relationship. Its objective is to identify analytically distinct forms of power affecting meaningful participation and to specify what evidence is needed before an observed agreement can be interpreted as an adequately participatory one. The discussion combines political-theoretical comparison, source-specific legal illustration, a limited formal diagnostic of feasible routes for contestation, and a historically oriented Generative Relational (GR) interpretation. It begins with bargaining leverage, develops dependence and exit, examines agenda-setting and epistemic influence, distinguishes domination from the exercise of justified authority, and then considers heterogeneous cases and the three GR reality levels.

A *meaningful participation condition* refers here to a context-dependent requirement concerning the opportunities and protections through which a person or collectivity can make relevant concerns intelligible and consequential within a decision process. Such a requirement might be legal, ethical, institutional, or proposed as a research criterion. Its force must be identified rather than assumed. Participation itself has several objects: deciding whether to join a process, choosing a representative, framing an agenda, interpreting evidence, negotiating terms, registering disagreement, challenging an outcome, and revising a continuing arrangement. Competence to perform one of these acts need not confer competence to perform all others. Sections 5–8 distinguish representation, mediation, institutional effect, and protective obligations; the present analysis asks how participants' unequal practical ability to exercise those functions changes the assessment of an apparent compact.

9.1 Bargaining leverage and the formation of consent

Bargaining leverage concerns a participant's capacity to affect the terms of a proposed arrangement by withholding cooperation, offering valued resources, imposing costs, mobilizing an alternative coalition, or invoking an authoritative procedure. Bargaining power can arise from ownership, specialized knowledge, political position, social networks, organizational legitimacy, or unequal exposure to the failure of negotiations. It is consequently relational and issue-specific. A party with considerable technical competence may be institutionally unable to authorize a settlement, while an officeholder with formal authority may depend on technical support supplied by someone outside the negotiating forum. Treating influence as a single property of a subject obscures such differentiated dependencies.

A social compact may have validly recorded assent and nevertheless exhibit considerable asymmetry in leverage. Analysis of its genesis should therefore reconstruct the range of alternatives available at the relevant time, the consequences of nonagreement, and the parties' influence over both options and deadlines. Severe urgency, monopoly over an essential service, threatened loss of care, or dependence on a residence or employment status may compress an apparent choice. Evidence of constraint invites closer scrutiny of authorization and legitimacy. The mere fact of unequal resources, however, does not by itself establish coercion, defective consent, or legal invalidity. Each conclusion requires its own normative or legal premises, the relevant facts, and attention to the applicable doctrine.

For example, a municipal body may consult residents about emergency evacuation arrangements while retaining statutory responsibility for the decision. Residents who can attend a single meeting but

lack access to flood-risk models, translation, or alternative venues have a narrower role in shaping proposals than attendance figures suggest. Their consultation may still reveal valuable knowledge and satisfy some procedural requirements. A stronger claim of meaningful participation requires evidence about when information was supplied, what revisions were possible, how objections were considered, and which body could make a binding decision. The distinction between the *opportunity to express assent* and the *capacity to influence the substance of an arrangement* is especially important when consent is invoked to justify burdens placed on parties with fewer alternatives.

Power should be examined at several sites. Steven Lukes' multi-dimensional discussion of power has contributed to inquiry extending beyond visible contests over discrete decisions [20]. Building on that general insight without treating Lukes' account as equivalent to GR, the present paper distinguishes influence over (i) outcomes on a stated agenda, (ii) admission or exclusion of possible issues, and (iii) the communicative and interpretive conditions through which interests can become publicly intelligible. These sites permit investigation of processes that contain no overt conflict. A record showing no objection may indicate assent, limited awareness, strategic silence, exclusion from the decision frame, or some combination whose interpretation requires independent evidence.

9.2 Dependence, practical exit, and the distribution of alternatives

Dependence describes a relationship in which the availability or quality of a relevant capability, benefit, protection, or activity is materially conditioned by another party or institution. It includes ordinary and sometimes mutually beneficial interdependence. The normative question concerns the distribution of discretionary control within the relationship, the substitutability of essential supports, and the consequences for persons who wish to disagree or withdraw. Dependence may be temporal: early entry costs, later sunk investment, accumulated trust, care relationships, and the loss of transferable credentials can change options after an agreement was initially accepted.

Albert Hirschman's distinction among exit, voice, and loyalty provides a useful organizational interlocutor [16]. In the present inquiry, *exit* denotes discontinuing or changing a relationship; *voice* denotes attempts to alter its conditions; and *loyalty* can alter the willingness to preserve a relationship while seeking improvement. These categories clarify a practical asymmetry: a powerful actor may credibly threaten to leave a negotiating forum, while a dependent actor faces interruption of health care, housing, livelihood, family relationships, or an essential public service. Exit can also have collective costs, and some public-law relations cannot simply be discontinued by individual choice. Consequently, a credible option to leave, an accessible avenue to object while remaining, and protection against retaliation perform different functions.

The *availability* of exit should be distinguished from its *feasibility*. A formal termination clause describes a legal possibility subject to its governing conditions; implementation may depend on resources, timing, alternative provision, and the continued protection of rights. A nominally available grievance procedure similarly may be unusable when initiating it triggers a credible threat of institutional retaliation, demands costly legal representation, or requires evidence held exclusively by the party challenged. Where fundamental interests are implicated, the absence of low-cost exit may heighten the importance of independent review and continuing obligations. The present framework does not posit a general legal entitlement to free exit from every social relation. Applicable legal duties, including those that persist after withdrawal, must be located in their specific sources.

The availability of a formal review procedure is best treated as an institutional affordance whose practical operation remains to be established. Researchers should distinguish eligibility to submit a challenge, access to advice and evidence, protection against retaliation, the competence of the receiving forum, enforceability of any disposition, and outcomes following actual use. A path that reaches a forum but offers no power to address the alleged wrong may support expression while leaving remedy unresolved. The feasible-contestation representation should encode such limits in its accompanying source record rather than treating the existence of an edge in a procedural diagram as proof of effective protection.

Dependence can also be collective. An Indigenous community may face negotiations involving land,

development, or essential resources that cannot be reduced to an individual's preference for a different service provider. Its forms of collective authorization, representative institutions, and historical claims require their own examination. Article 6 of ILO Convention No. 169, within the treaty's scope and for states to which it applies, specifies consultation through appropriate procedures and representative institutions concerning directly affecting measures, together with good faith and the objective of reaching agreement or consent [18]. This provides a source-specific example of how meaningful participation may involve procedural design and collective institutions, even where the outcome remains disputed. The Convention does not confer identical obligations on every state or determine the authority of a hypothetical cross-species compact.

9.3 Agenda control and the framing of collective questions

Participation is shaped before a vote, hearing, or negotiation begins. Institutions choose which topics enter the agenda, whose proposals count as admissible, what evidence will be requested, how a problem is named, and which options receive a formal comparison. Agenda control may be exercised through procedural rules, resource constraints, expert classifications, bureaucratic sequencing, or ordinary institutional conventions. Some exclusions are reasonable: a forum possesses finite time and a bounded legal mandate. Others can systematically marginalize affected interests or prevent a relevant alternative from being considered. A defensible assessment must distinguish justified jurisdictional limits from discretionary decisions that protect an advantaged position.

Consider a public consultation on the deployment of automated decision support. A narrow agenda asks which vendor offers the best accuracy and cost profile. A broader agenda includes whether the automation is appropriate for the decision, what data its operation requires, whose judgments remain authoritative, what harms could arise, and how an affected person can contest an outcome. Each agenda may be administratively intelligible, but they identify different objects of deliberation. The record of participation cannot be assessed solely by counting contributions once the problem frame has already excluded substantial alternatives. The relevant inquiry includes the provenance of the agenda and whether affected parties could challenge its boundaries.

Nancy Fraser's reconsideration of the democratic public sphere is an important interlocutor for examining participation amid social inequalities and differentiated publics [11]. The present reconstruction uses that concern to frame a procedural question: which institutional or community-based avenues allow marginalized experiences to become independently articulated before incorporation into a common forum? A single public hearing can amplify familiar legal and technical vocabularies while rendering unfamiliar claims difficult to state. Separate preparatory consultations, accessible translations, and independent representation may increase the range of intelligible issues. Their legitimacy depends on their actual design, relation to affected constituencies, and safeguards against isolation or manufactured representation. Theoretical endorsement of multiple avenues does not itself determine a concrete state's legal procedural duties.

Agenda revision also requires an account of authority. A mediator appointed to facilitate agreement may lack competence to expand the parties' statutory mandates. A consultation body may be empowered to recommend reconsideration while remaining unable to annul a decision. The cross-order competence distinction in Section 7 therefore remains operative. A meaningful participation mechanism can provide reasoned consideration, revision, or referral to another competent institution, with different legal effects in each setting. Documenting the available type of response prevents a consultation from being represented as a decision-making authority that it does not possess.

9.4 Epistemic asymmetry, interpretive resources, and mediated voice

Knowledge and communicative infrastructure condition the practical distribution of influence. One participant may possess technical models, historical archives, access to legal counsel, or control over the data used to justify a decision. Another may possess experience of local risk, embodied dependence, or historically situated knowledge whose significance is difficult to translate into the forum's accepted

evidentiary language. The relevant asymmetry includes both access to information and authority to determine which forms of testimony are credible or admissible. Technical expertise can legitimately inform collective decisions; scrutiny concerns the conditions through which expertise acquires authority, its relevance to the decision, its limitations, and the opportunities to challenge it.

Miranda Fricker's distinction between testimonial and hermeneutical injustice helps specify two possible failures of a participatory process [13]. In one, a speaker's contribution receives an unfair credibility deficit associated with prejudice. In another, structural deficiencies in shared interpretive resources impair a person's ability to make some socially significant experience intelligible. These philosophical categories require evidence for application; an instance of disagreement, technical error, or unequal training does not suffice to establish either injustice. For the GR research program, they identify historically constituted aspects of how a voice is received or remains unrecognizable in a forum. The use here is interpretive, while Fricker's normative account retains its distinct intellectual provenance.

An accessible process therefore involves more than translating identical written materials into several languages. It may require adequate time, supported communication, alternative expression formats, comprehensible explanations of consequences, access to independent advice, and procedures through which participants can correct the official account of their concerns. Article 4(3) of the Convention on the Rights of Persons with Disabilities requires States Parties, within its defined context, to closely consult and actively involve persons with disabilities, including children with disabilities, through their representative organizations in specified law- and policy-related decision processes. Article 29 addresses effective political and public participation, including accessible procedures and opportunities for participation on an equal basis with others [49]. These provisions establish specific obligations for States Parties; the present paper's wider diagnostic is a comparative research proposal with no claim to reproduce all domestic implementations.

Mediation introduces a further epistemic layer. A translator, technical expert, proxy, or AI-assisted interface may facilitate expression while selecting, compressing, or reorganizing the original claim. A mediation record should distinguish source expression, interpreted expression, confidence and uncertainty, authorized revisions, and the response of the relevant participant when feedback is possible. Translation fidelity, speaker authorization, and institutional acceptance are distinct matters. An AI tool's fluent production of a message establishes neither that the message captures a user's intention nor that the tool possesses independent standing to consent. For cases involving children, communication support, or collective representation, a record should also identify whose voice is being expressed and how the supported person or represented group can correct the formulation.

9.5 Domination, accountable authority, and feasible contestation routes

The possibility of interference warrants attention even when an advantaged party has behaved benevolently in observed interactions. Philip Pettit's republican account develops freedom as non-domination in terms of protection against another agent's capacity for arbitrary interference, a concern distinguishable from interference actually exercised [28]. The present paper treats this as one philosophical conception among several rather than as a juridical definition of domination. In heterogeneous compacts, its diagnostic importance lies in asking whether an authority that can alter essential conditions is constrained by transparent rules, answerable procedures, review, or the continuing agency of those affected. A necessary public-health intervention and an unreviewable arbitrary imposition may restrict choices in superficially similar ways while raising different questions of justification, source, proportionality, and accountability.

The phrase *meaningful contestation* denotes a practical opportunity to challenge a relevant decision or interpretation through a process capable of providing an identifiable institutional response. This can involve direct negotiation, representative complaint, ombud review, administrative reconsideration, judicial review, or another competent mechanism. Each avenue has a distinct authority and admissibility structure. A process promising only to "listen" should be described as an opportunity for expression when the forum has no mandate to respond or refer the challenge. Conversely, an institution may possess a genuine obligation to give reasons while lacking authority to reverse a decision. The available

response must therefore be recorded precisely.

A limited formal device can illuminate the difference between formal entitlement and practical access. Let $\mathcal{G}_t$ be a time-indexed directed graph whose nodes represent relevant participants, intermediaries, and competent forums, and whose edges represent documented routes for submitting a challenge, obtaining support, requesting reconsideration, or seeking review. For subject i and decision d , let $\text{Path}_{\mathcal{G}_t}(i, d)$ denote possible sequences ending at a forum or office capable of responding to d . Define a *feasible contestation-path set* by Equation 4.

$$\mathcal{V}_{i,d,t} = \{p \in \text{Path}_{\mathcal{G}_t}(i, d) \mid A_{i,t}(p) \wedge S_{i,t}(p) \wedge T_{d,t}(p) \wedge C_{d,t}(p)\}. \quad (4)$$

The graph describes a path only when its constituent edges are evidenced; a theoretically available appeal mentioned in a statute may still fail the feasibility conditions for a particular person. Empty feasible-path sets therefore warrant investigation of both missing legal channels and practical barriers. The representation does not prove that an empty set causes domination, or that a nonempty set secures an effective remedy.

Here $A_{i,t}(p)$ records practical accessibility given the subject's communication, resource, and support circumstances; $S_{i,t}(p)$ records the presence of sufficient protection against credible retaliation for the purpose of using that path; $T_{d,t}(p)$ records timeliness relative to the likely consequences of the decision; and $C_{d,t}(p)$ records the endpoint's established competence to offer a specified kind of response. Each predicate requires an operational definition appropriate to the setting, and each can be uncertain. The graph is an analytical reconstruction from institutional rules and observed practice, not a metaphysical map of the social world.

The distinction between an announced route and a feasible one is the device's principal contribution. A nonempty $\mathcal{V}_{i,d,t}$ provides evidence of at least one route meeting the selected diagnostic conditions, subject to the quality of the inputs. It establishes neither fair consideration nor a just result. An empty set may reflect a serious absence of accessible remedy, incomplete evidence, or excessive stringency in the proposed predicates. The framework does not claim that all four predicates express universally applicable legal thresholds. The legal entitlement, when present, must instead be specified by the governing law. The graph also cannot replace qualitative inquiry into fear, historical exclusion, support relationships, strategic silence, or the credibility of institutional promises.

Power enters the graph both through its topology and through its feasible routes. A formally independent reviewer may rely on the authority challenged for funding or access to documents; a person may have several nominal routes that all pass through the same controlling intermediary. A prospective reform might create alternative information channels, protect complainants against retaliation, provide independent assistance, or separate decision and review functions. Whether a reform is appropriate requires legal, practical, and normative evaluation of the case. The diagnostic is useful for comparing such changes across time without asserting that mere proliferation of institutions necessarily expands effective voice.

9.6 Heterogeneous configurations and an evidence-sensitive power diagnostic

Table 8 relates six illustrative configurations to distinct power mechanisms and evidentiary questions. Its entries are research prompts rather than assertions that a particular institution has violated a duty. The table also shows why the familiar contrast between equal contracting parties and passive beneficiaries is inadequate: participants can have significant agency while depending on another party to make their agency institutionally consequential.

The research diagnostic has five linked inquiries. *First*, identify the proposed decision, the persons or collectivities substantially affected, and the sources governing participation or protection. *Second*, reconstruct agenda formation and the allocation of informational resources, support, and control over timing. *Third*, distinguish formal channels for voice or exit from usable options, documenting credible burdens, retaliation risks, and dependency. *Fourth*, trace each representative, mediator, translator, expert, or platform whose intervention changes the form or visibility of an affected claim. *Fifth*, determine

Table 8: Power mechanisms and evidence for meaningful participation in heterogeneous arrangements

Configuration	Potential power mechanism	Evidence and normative or legal boundary
Child-inclusive public decision	Adult control of agenda, interpretation and opportunities for the child's expression	Child's expressed views and available support; applicable CRC participation duties; reasons for assigning weight to views
Disability-related public policy	Inaccessible material or reliance on a narrow organizational proxy	Accessibility records, consultation with representative organizations, decision trace; applicable CRPD obligations
Indigenous-state consultation	Unequal control of land-use information, timing, recognition of representatives	Community selection and consultation records; ILO Convention No. 169 only where legally applicable; relevant domestic sources
Care-provider arrangement	Dependence on employer, funder, or service gatekeeper; limits on credible complaint	Support and respite conditions, available review, labor and care law within the governing jurisdiction
AI-mediated public service	Control of training data, interface, error reports and decision explanation	Human authority, correction and appeal procedures; AI output alone establishes no independent legal subjecthood
Hypothetical extraterrestrial compact	Uncertain communication channels, enforceability, identity, vulnerability and understanding	Provisional evidence and mutually checkable acts; applicable legal sources, if any, remain to be determined

which institution can provide which response and what forms of revision remain open. A sixth, historical inquiry asks how these conditions evolved and how recorded disagreement can inform later review. The diagnostic can reveal grounds for additional legal or empirical investigation without claiming to adjudicate its findings on its own.

Several interpretive errors deserve explicit prevention. In a supported-decision setting, the presence of an assistant does not authorize the assistant to replace the supported person's will and preferences. In an Indigenous consultation, a government-appointed interlocutor does not automatically constitute an appropriately selected representative institution. In a caregiving relationship, observable need does not make unaccountable paternalism legitimate. In an AI-assisted service, apparent fluency does not resolve the source of authorization. Conversely, dependence should not be used to erase capacities for expression, resistance, bargaining, mutual support, or collective self-organization. These cautions connect power analysis with the preceding discussions of standing, supported consent, representation, mediation, and nonreciprocal duties.

9.7 Three GR reality levels and the historical transformation of participation

At the *ontological reality* level, GR maintains suspension concerning the ultimate constitution of subjects, capacities, institutions, or any possible nonhuman experience. The observations that one person depends upon a service and that an institution can alter its terms support relational analysis without resolving a general metaphysics of subjecthood. In hypothetical AI and extraterrestrial cases, especially, behavioral fluency, technical control, or reported distress are evidence requiring interpretation, not self-certifying proof of consciousness, moral standing, or the scope of a legal duty. Established protections for humans retain their independent normative and legal grounding regardless of ontological suspension.

At the *relational reality* level, power is investigated through durable patterns of resource dependence, interpretation, delegated authority, trust, contestation, compliance, and the ability to alter future alternatives. A shared nomos is reproduced through such relations and can be revised as their organization changes. The actors forming it may change their capabilities through participating: a community may build independent expertise; a person may acquire decision support; an institution may learn from contestation; a service may become more monopolistic; a mediator may acquire an entrenched position. Formal authority and experienced legitimacy can diverge over this history. A braid-theoretic or related trajectory model might later encode selected changes in the ordering and interaction of claims, but such a representation requires justified choices of observable events and invariants. No braid equivalence is

asserted here to establish normative equivalence between political histories.

At the *manifestation reality* level, access to power and participation is mediated through meeting agendas, transcripts, accessible documents, institutional decisions, data schemas, voting records, representations of dissent, service logs, contracts, and the observations of participants. These records can reveal unequal response times, absent translations, or changed decision rules. They can also omit informal threats, unheard testimony, inaccessible alternatives, and the historical reasons a claimant distrusts an official process. Evaluation therefore compares documents with appropriate qualitative, historical, and where feasible quantitative inquiry. A record of absence must be distinguished from evidence that the underlying relational event did not occur.

The proposed understanding of meaningful participation is accordingly historical, differentiated, and open to revision. It preserves a distinction among the *power to affect a result*, the *capacity to present and contest reasons*, the *authority to confer legal effect*, and the *normative justification of that effect*. Their relationships vary across time and between institutions. A preliminary compact can coordinate unequal participants while leaving important concerns unresolved; continuing legitimacy may depend on later opportunities for correction, renewed authorization, and institutional learning. Section 8 showed that protective duties can persist independently of reciprocal contribution. The present section adds that their practical discharge and justification may themselves be shaped by domination, reliance, and restricted opportunities to challenge interpretations made on behalf of protected parties. The temporal formation, revision, and possible dissolution of compacts will be examined in the following section.

10 Temporal Formation, Revision, and Dissolution of Social Compacts

The legitimacy and operation of a social compact are temporally situated. A set of participants may establish an arrangement at one time, while persons entering later encounter its institutions without having authorized its original terms. Capacities for participation change, future persons become affected by present decisions, and institutional procedures for amendment or withdrawal may themselves become contested. This section examines the persistence of shared normative orders under these changing conditions. Its objective is to distinguish the historical continuity of an arrangement, the legal authority of particular institutions, and the continuing normative justification of burdens and protections. The argument combines political philosophy, source-specific human-rights and treaty-law illustrations, a limited temporal diagnostic, and a Generative Relational (GR) reconstruction. It considers founding and inheritance, entrants and future generations, changing capacities and mandates, amendment, withdrawal, and the three GR reality levels.

For the present analysis, a *social compact* denotes a historically constituted configuration of institutions, normative expectations, authorization practices, reciprocal commitments, and protective obligations through which a population or set of institutions coordinates shared affairs. Some elements may be expressed in legally operative instruments; others may consist of customs, ethical practices, organizational commitments, or theoretical accounts of political justification. *Continuity* concerns the persistence or transformation of those elements across time. *Validity* concerns the legally recognized effect of particular acts under the competent source. *Legitimacy* concerns their defensibility to affected persons or collectivities. These assessments can diverge: an institution may legally endure after the grounds of its authority become controversial, and a morally persuasive reform proposal may require procedures before acquiring legal force.

10.1 Founding authority, inherited institutions, and temporal continuity

Founding acts occupy different positions in philosophical and institutional analysis. An explicit agreement among identified parties may specify entry, decision procedures, duration, amendment, and the conditions of termination. A political theory may instead employ a hypothetical agreement to clarify justificatory principles, as in the original-position tradition associated with Rawls [29, 12]. Historical accounts of founding often include constitutional enactments, negotiated settlements, customary institu-

tions, and administrative developments that cannot be assimilated to one moment of unanimous consent. Treating these objects separately matters when a later participant asks why an arrangement may demand compliance or confer protection.

A compact's original authorization can explain the historical genesis of certain offices and obligations. Its normative significance over time depends on additional considerations: the governing legal rules for continuity and amendment; the present accessibility of procedures for challenge; the effects on persons who entered subsequently; and the persistence of rights independent of the original bargain. A legal system may maintain offices and settled expectations for reasons of coordination and security while permitting their procedures to change. Conversely, a claim that founding consent perpetually binds new generations requires an argument about political obligation, legal status, or inherited institutions; the historical fact of an earlier vote supplies only part of that argument [4].

The institutional subject of continuity may itself change. An agency can retain a statutory name while losing significant discretion, a council can acquire new constituencies, and an informal mediator can gradually become the gatekeeper for access to public resources. Organizational archives may depict unbroken continuity even when the distribution of power has shifted. Accordingly, the study of persistence should examine at least four features through time: the persons or collectivities affected, the competence of decision-making bodies, the content and interpretation of operative norms, and the resources and relationships supporting their implementation. A change in one dimension need not dissolve the entire arrangement; continuity can be partial and contested.

Historical continuity also entails institutional memory. Records of earlier disagreement, negotiated exceptions, representative mandates, and failures of translation can disclose why a rule assumed its present form. Selective preservation, however, may privilege participants able to document their positions. An archive of apparently consensual founding moments cannot by itself establish that excluded, dependent, or future subjects were adequately represented. In the present account, historical explanation and normative justification remain related inquiries with distinct evidentiary requirements.

10.2 Entrants, changing membership, and successor constituencies

New entrants include children reaching an age associated with additional public participation rights, migrants entering a jurisdiction, newly constituted organizations, populations incorporated through changes of boundaries, and collectivities whose standing is formally recognized after an institution's founding. Their relationship to an existing compact differs from that of its initial participants. Entry may create legal obligations through legislation or institutional rules; it may generate expectations through social practice; and it can create new reasons for considering the distribution of voice and protection. The procedure for entry and the source of each associated right should be identified independently.

A common difficulty is temporal asymmetry between those who fashioned a rule and those who must live with its effects. A later entrant may have no practical alternative to using an essential service, participating in a territorial legal order, or depending on an established care institution. Present acceptance might reflect endorsement, restricted alternatives, ordinary coordination, or strategic adaptation. The analysis of assent in Section 9 therefore applies to entrants as well as founders. The availability of a grievance route, opportunity to revise a standing mandate, and protection against retaliation may be more relevant than a fiction that continued residence or service use reproduces the founding agreement.

Political membership, legal status, protection, and participatory claims also evolve at different rates. The existence of a regulatory relation with a noncitizen, for instance, does not automatically imply an identical electoral franchise; it may nevertheless engage independently established human-rights obligations. Children hold rights in their own capacity under the Convention on the Rights of the Child (CRC), with participatory implementation attentive to age and maturity [48, 45]. Where Indigenous peoples and public authorities interact, representation and consultation involve specific collective institutions and source-bound duties, including the declaration's articulation of participation through representatives chosen by Indigenous peoples themselves [50]; its non-treaty legal character should remain explicit. These cases call for differentiated rules of entry and voice, rather than a universal substitution of residence,

citizenship, contractual signature, or verbal capacity for political membership.

Successor constituencies raise a further question: which actors may revise an arrangement when the membership originally authorizing it has substantially changed? Legal competences may be assigned to elected bodies, courts, customary institutions, treaty parties, or specified community organs. A normative appraisal can additionally consider the accessibility of reauthorization, protection of minorities, and the ability of those bearing continuing burdens to contest a mandate. A representative's historical appointment does not settle the adequacy of present representation, especially when the represented population, the subject matter, or the representative's interests have changed. Institutional succession thus calls for renewed inquiries into mandate, source, accountability, and the distribution of affected interests.

10.3 Future generations, non-identity, and prospective responsibilities

Future persons can be substantially affected by decisions made before their existence. Institutional debt, environmental transformation, durable infrastructure, irreversible land use, and technological risks can restrict the options available to later generations. Yet future populations cannot participate as presently existing voters or negotiating parties, and present choices may influence which individuals will eventually exist. The philosophical difficulty extends beyond finding a proxy to sign a contract. In *Reasons and Persons*, Derek Parfit's discussion of the non-identity problem examines cases in which the identity of future people depends on present decisions and asks how consequences for future people should be evaluated [27]. The present paper draws on that problem as a caution concerning person-affecting justification, without claiming to resolve its wider ethical debates.

A distinct line of inquiry concerns intergenerational equity and stewardship. Edith Brown Weiss's account of international law, common patrimony, and intergenerational equity provides one established point of reference for analyzing responsibilities across generations [54]. In this section the two contributions play different roles. The non-identity problem challenges certain ways of identifying a harmed future person; intergenerational equity motivates inquiry into the protection and transmission of conditions, resources, and institutional possibilities over time. Neither source establishes by itself a universal enforceable right, a complete procedure for appointing future representatives, or the exact distribution of costs among present populations.

Three questions should therefore be kept separate. *Justificatory standing* concerns the extent to which anticipated future interests count when present institutions explain their decisions. *Institutional representation* concerns present persons or bodies authorized, by a specified law or mandate, to consider future-oriented interests. *Legal effect* concerns which duties and remedies the governing system actually recognizes. A public authority may employ a long-term assessment without thereby granting a future individual a present vote. Conversely, the absence of a presently identifiable future claimant does not automatically establish that present action faces no ethical constraints. The two propositions operate on different argumentative grounds.

Prospective responsibility also has an epistemic dimension. Future technological capacity, ecological conditions, demographic composition, and preference structures are uncertain. A policy chosen under plausible forecasts may fail under alternative histories. Long-term obligations should accordingly be examined through scenario sensitivity, revisability, attention to irreversible harm, and the distribution of presently knowable risks. Intergenerational concern can itself generate conflicts within the present: demanding austerity from vulnerable communities for speculative future benefits can require a strong independent justification. The present GR proposal treats future-directed obligations as historically mediated relations among existing decision-makers, durable institutions, material conditions, and possible successor populations. It leaves unresolved the ultimate grounds on which all intergenerational claims should prevail when they conflict.

10.4 Changing capacities, supported agency, and periodic mandate review

A person's practical ability to communicate, exercise agency, and participate in collective affairs may change throughout life. Childhood development, education, language acquisition, temporary illness,

changing support environments, and institutional access alter the methods through which preferences become intelligible. These changes should be examined without treating bodily or cognitive differences as automatic grounds for deprivation of established legal capacity. Under Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD), states parties recognize legal capacity on an equal basis with others and provide access to support in exercising it, with safeguards specified in the treaty [49]. The CRPD Committee's General Comment No. 1 advances an interpretation emphasizing support and respect for will and preferences [42]. Distinctions between treaty provisions, the Committee's interpretation, and national implementation remain essential.

The CRC similarly provides a source-specific account of participation as capacities develop. Article 5 refers to direction and guidance consistent with evolving capacities, and Article 12 addresses opportunities for children capable of forming views to express them, with due weight in accordance with age and maturity [48]. Development should therefore motivate attention to the child's own voice and access to appropriate support. It would be mistaken to infer that a child's prior absence from a formal founding agreement excuses a continuing institution from applicable participation or protective duties. Legal consequences depend on the instrument and context, including the identity of the duty bearer.

Institutional mandates may need to change as the person or collectivity represented gains new opportunities for direct participation. A supporter who facilitated communication at one point may remain useful later while holding a narrower procedural role. A representative organization may confront disagreement among members, changes in membership, or new knowledge about the effects of its decisions. Periodic review should ask whose preferences the arrangement currently expresses, which sources authorize the intermediary, whether the intermediary's position is contestable, and what feasible means exist for restoring more direct forms of voice. A review procedure can itself be ethically or legally deficient if it requires participants to demonstrate a capacity that the procedure makes impossible to express.

A further temporal feature is the potential irreversibility of intermediary action. An unauthorized signature, unwanted disclosure, or binding settlement may shape a person's future even after more appropriate support becomes available. Subsequent consultation can inform remedy and revision; it does not automatically retroactively authorize earlier action. Conversely, a transition from an earlier protective arrangement to more direct participation need not erase validly established prior benefits. Time-specific analysis must identify what occurred, the legal effect it had, and the available forms of correction. The source-indexed mandate analysis developed in Section 5 thereby becomes an ongoing process rather than a single founding certification.

10.5 Amendment, renewal, and constrained institutional transformation

Amendment refers to an alteration of an arrangement according to the procedures that govern its revision. Renewal may continue selected commitments after an expiry, review, or renegotiation. A social institution may also change through practice, judicial interpretation, administrative implementation, or accumulated expectations without a formally designated amendment event. These pathways should be distinguished. Their legal status depends on the relevant constitution, statute, treaty, organizational instrument, or customary source. For example, amendment of a private association's charter, a constitutional provision, and a multilateral treaty involves different actors, thresholds, permissible subject matter, and mechanisms of review.

A useful analytical distinction is between *procedural authorization* and *substantive admissibility*. The first asks whether the identified body followed the rules for proposing, deliberating, and enacting a change. The second asks whether the change is compatible with rights, competences, or other limits applicable in that legal or normative setting. A procedurally regular decision may still be vulnerable to substantive challenge under its governing law, and a substantively attractive proposal may still need authorization before producing binding effects. For social compacts treated as philosophical models, the distinction provides a framework for justification; it does not supply positive-law tests in the absence of a source. Institutional competence and cross-order recognition were distinguished in Section 7; those boundaries continue to apply over time.

Temporal change can be investigated through a *paired amendment record*: one dated record establishes the applicable baseline, while a second records the proposed change, its authorization, legal limits, and observed implementation. Both records should preserve the affected constituency, the relevant governing instrument and version, decisions and objections, the claimed type of legal or organizational effect, and the reviewers capable of reassessing the outcome. The two records need not describe the same set of actors: entry, departure, institutional succession, and alterations of supported participation may change the constituency itself. Disputed dates and undocumented implementation should remain visible as gaps rather than being reconstructed from a later, official account.

Consider two hypothetical organizations adopting identically worded amendments that create a right for service users to challenge an algorithm-assisted decision. In Organization A, the new procedure is published in accessible formats, has an identifiable responsible reviewer, permits material objections, and is accompanied by records of its use. In Organization B, the same wording appears in an amended charter, while the review channel lacks staffing and users receive no usable notice. The *enacted change* is textually similar; the *realized opportunity for contestation* differs. A paired record distinguishes these propositions without inferring that either organization has satisfied the law: legal validity still depends on the source, jurisdiction, date, and facts. It should also track any disagreement concerning the sufficiency of the procedural safeguard and the limits of the reviewer's remedial powers.

This comparison gives amendment research a distinct evidentiary task alongside the broader historical transformation relation in Section 13. Amendment inquiries focus on identified authorizing instruments, decision moments, and implementation of a particular change; historical reconstruction can also consider unofficial practices, new actors, and institutional transformation without formal amendment. The paired-record protocol makes authorization, baseline membership, implementation, review, and disputed consequences independently inspectable. The formal transformation relation in Section 13 represents the wider historical linkage among institutional configurations, intervening processes, and their evidence. A claim of renewal may reproduce outdated representation; a new protection may be legally enacted while practically inaccessible. These remain case-specific empirical and doctrinal questions, not properties proved by a research schema.

10.6 Withdrawal, dissolution, and surviving protections

The ending of a compact can take several forms: departure of an individual member, denunciation of a treaty, termination of an organizational arrangement, dissolution of an institution, replacement of a governance instrument, or the gradual abandonment of a social convention. These events have distinct conditions and consequences. A participant's ability to end a voluntary association may be governed by organizational or contractual rules; an individual's continuing territorial subjection to public law raises different questions. The vocabulary of withdrawal alone does not explain whether legal duties, protective relationships, accrued claims, or obligations to third parties continue.

The Vienna Convention on the Law of Treaties supplies a precise, bounded illustration. Under Article 1, the Convention applies to treaties between states. Article 54 addresses termination or withdrawal pursuant to treaty provisions or the consent of the parties; Article 56 permits withdrawal from a treaty lacking a termination or withdrawal provision only under the specified intention-or-nature conditions and ordinarily requires at least twelve months' notice in the case governed by that article. Article 70 distinguishes the release of parties from further performance, subject to its terms, from the rights, obligations, or legal situations created through prior execution [40]. These articles illuminate the analytical significance of source, procedure, and the consequences of ending an arrangement. They are rules of treaty law within the applicable scope, with questions of state participation, relevant customary international law, and other applicable treaty provisions requiring separate analysis. They do not furnish a general legal template for households, care relations, Indigenous governance, social contracts in political philosophy, or hypothetical AI communities.

In a broader normative inquiry, four matters warrant separate assessment. First, which activities are ended or transferred? Second, what protections are independently required during transition, including

Table 9: Temporal changes in heterogeneous compacts and their evidentiary and institutional questions

Configuration	Temporal change and affected relation	Questions about source, voice, and continuity
Child-inclusive decision process	Development of expression and participation capacities; continued effects of earlier decisions	CRC Articles 5 and 12; opportunities for renewed hearing; status of earlier protective decisions
Disability-related support arrangement	Change of support network or preferences; periodic review of intermediary influence	CRPD Article 12; will and preferences; safeguards, accessible review, and applicable domestic procedures
Indigenous–state settlement	Successor representatives, resource impacts, and reinterpretation of negotiated commitments	Community-selected representatives; domestic law and relevant instruments; competing historical claims and renewal procedures
Long-term public infrastructure	Present commitment with effects on future persons and possible irreversible consequences	Forecast uncertainty, distributional effects, legally competent oversight, future-oriented justification
AI-mediated public service	Changes in model operation, contractor, data practices, or public authority	Human duty bearer, continuity of review and records, applicable statutory authority; no assumed AI legal personality
Hypothetical extraterrestrial agreement	Successive interlocutors, changing translation capacities, uncertain shared time horizons	Identity and mandate evidence, cross-temporal interpretation, reversible safeguards; legal status left open

safeguards against immediate loss of essential services? Third, which commitments, benefits, liabilities, and contested claims concern the period before termination? Fourth, who has authority to decide the future status of records, resources, and persons whose interests were represented by others? Dissolution can eliminate a decision-making forum while leaving dependent persons exposed to the consequences of earlier commitments. A change of sponsor or operator may preserve a service yet alter the accessibility and accountability of the body now responsible for it.

The ethical grounds for duties arising from vulnerability can extend beyond the lifespan of a reciprocal bargain. Goodin’s analysis of responsibility toward the vulnerable provides one point of departure for examining such non-contractual obligations [14]; precise positive-law duties must still be identified separately. The practical point is illustrated by a care-provider partnership: termination of an interorganizational memorandum may end particular cooperative tasks while leaving obligations under governing patient-safety, employment, privacy, or service law unresolved. This example identifies potential legal domains for investigation rather than asserting their application without jurisdictional facts. Where protection is time-sensitive, an orderly transfer mechanism may be normatively compelling even if its legal form differs across settings.

Withdrawal also has an asymmetry of power. One party may have sufficient resources to exit with little disruption while another faces loss of essential infrastructure or the disappearance of an advocate. The capacity to contest the terms and timing of dissolution is thus relevant. Conversely, an institution should not invoke a beneficiary’s dependence to justify perpetuating unnecessary control. Appropriate inquiry considers feasible alternatives, transition support, the authority of affected representatives, and independent review. The mere presence of an exit clause cannot establish that withdrawal is practicable or compatible with all applicable duties, as the analysis in Section 9 explains.

10.7 Comparative temporal configurations and three GR reality levels

Table 9 applies the temporal distinctions to six heterogeneous configurations. The table identifies potential sites of revision without assuming that all arrangements are contracts or that hypothetical subjects already possess legal standing. Its legal illustrations are deliberately source-specific.

At the *ontological reality* level, the present GR approach suspends judgments about the ultimate constitution of political subjects and the underlying reality of possible nonhuman experience. Temporal persistence of reported identity, memory, or communication does not settle whether a given AI or

hypothetical extraterrestrial participant possesses moral or legal personhood. Equally, this suspension supplies no reason to diminish the already established rights of human persons. The temporal analysis proceeds by specifying which subjects, relations, and protections can be responsibly identified in the domain under examination.

At the *relational reality* level, compacts are histories of interdependent subjects, institutions, roles, capacities, expectations, and resource flows. Successive acts of authorization, contestation, service provision, education, and institutional repair can change the persons and relations that the compact is able to sustain. The social meaning of an agreement may consequently change even when its written language remains stable. Intergenerational responsibility is situated in present relations with institutions and material conditions whose effects reach beyond presently living participants. The GR account provisionally treats these histories as objects of inquiry into continuity, generativity, path dependence, and institutional transformation. It does not derive political obligation simply from the persistence of a relational network.

At the *manifestation reality* level, temporal order is encountered through founding documents, amended statutes, records of consultation, appointment and withdrawal notices, review determinations, risk assessments, archived objections, and practical observations of implementation. These materials give access to distinct events and their claimed legal effects. Records may omit unofficial bargaining, suppressed dissent, institutional loss of knowledge, or the experiences of persons excluded from documentation. Future interests are especially susceptible to being represented through forecasts and proxies whose limitations need to be made explicit. Historical, qualitative, source-critical, and appropriately specified quantitative methods may be combined without treating the documentary trace as an exhaustive social history.

The section's main conclusion is a differentiated account of temporal responsibility. Continuity, authorization, participation, competence, validity, and legitimacy can change on different timescales. Institutions can acquire obligations toward entrants and protected persons independently of their participation in founding bargains; possible future interests raise further questions requiring separate normative argument; and dissolution may alter institutional relations without extinguishing every relevant duty. The paired amendment records organize evidence for these inquiries, while legal judgments remain grounded in competent sources and normative disputes remain open to argument. Section 9 established the importance of feasible contestation; temporal inquiry adds the need to maintain opportunities for revising inherited arrangements and scrutinizing their transformations. The comparative analysis of heterogeneous configurations will be developed in the following section.

11 Heterogeneous Contract Configurations and Comparative Cases

The present section compares proposed social-contract arrangements across configurations with substantially different kinds of participants, decision procedures, protected interests, and institutional sources of authority. Its objective is to determine which distinctions remain stable across cases and which depend on particular rights regimes, representative institutions, or disputed conceptions of subjecthood. The analysis proceeds through a source-indexed comparison of ordinary adult political participation, children, persons requiring decision support, Indigenous collectivities, nonhuman animals, natural entities with statutory status, artificial systems, and hypothetical extraterrestrial interlocutors. The method combines bounded interpretation of legal instruments with political philosophy and a provisional Generative Relational (GR) comparison. Comparative inclusion serves an analytical purpose: it permits the study of differently constituted relations while preserving the legal and normative distinctions among them.

11.1 Case construction, legal sources, and comparative dimensions

A useful comparative unit is a *configuration of relations and institutional claims* rather than an isolated classification of beings. Within a configuration, one actor may articulate a preference, another may provide communication support, a third may assert authority to represent that actor, and a fourth may decide whether a resulting proposal has legal effect. A person may be simultaneously a right-holder,

resident, care recipient, political participant, or member of a collective. Such roles need not coincide. The central distinctions among affected interests, legal capacity, participation, authorization, representation, institutional competence, and legal effects have been developed in Sections 3–7; the present comparison specifies how these distinctions apply under different source conditions.

A configuration should be indexed to its jurisdiction, institutional setting, time, and particular question. A child's right to be heard in a judicial or administrative proceeding is different from an adult's statutory entitlement to vote. The rights of an Indigenous people to participate through its representative institutions arise through a different set of arguments and instruments from those governing the appointment of a particular litigation representative. The statutory recognition of a river as a legal person in New Zealand has its own defined consequences and limits. Each comparison therefore requires an account of what constitutes the subject under examination, who can make a binding claim, which participation channels are available, and which source governs their effects.

The comparative method uses seven recorded dimensions for a specified decision question, jurisdiction, and observation date. They are the source-dependent characterization of the subject or affected position; the interests at stake and the grounds on which they are attributed; established participation and voice arrangements; the provenance of representation, support, or mediation; the competence of institutions alleged to act; the positive-law or other normative sources relevant to the claim; and open questions or competing interpretations. The categories are applied sequentially to each case, with the source of the legal characterization stated before a normative analogy is drawn. Table 10 reports their most consequential differences. Their role is classificatory and evidentiary; the comparison has no numerical weights and supplies no decision rule converting observed agency into juridical personality.

Uncertainty requires its own treatment. An artificial interface may produce fluent statements while the legal attribution of its actions, the protected interests it could bear, and the existence of subjective experience remain separate inquiries. A contested assessment of a person's communication preferences leaves independently established legal rights in force. The comparison must therefore distinguish an evidentially open question from an obligation already grounded in a source. Consent is assessed at the granularity of the act and decision for which it is invoked: documented consultation concerning one measure may leave authorization of another measure undetermined. A separate symbolic configuration tuple would repeat the dimensions already recorded in the comparative table without improving the discrimination of these cases.

11.2 Adult participation, childhood, and supported decision-making

An adult political constituency supplies a familiar reference configuration. Its members may vote, stand for office, petition, assemble, contest decisions, and delegate certain tasks where applicable law provides those capacities and entitlements. The institutional grounds vary by citizenship, residence, jurisdiction, election type, and governing instrument. The International Covenant on Civil and Political Rights, Article 25, addresses participation by citizens in public affairs and elections within its legal framework [47, 51]. This formulation supplies neither a universal account of organizational membership nor an automatic entitlement to vote in every collective body. A social-contract theory that appeals to informed participation must specify whether it concerns authorization of government, control over a local association, or a distinct sphere of affected interests.

Child-inclusive arrangements introduce developing capacities and legally protected opportunities for expression. Under Articles 3, 5, and 12 of the Convention on the Rights of the Child, the best interests of the child, the responsibilities and guidance of parents and others according to evolving capacities, and the opportunity to express views in matters affecting the child are legally salient in the Convention's domain [48, 45]. A school-related local planning decision could therefore provide age-appropriate information and an accessible opportunity to be heard. Recorded views would inform the decision within the applicable legal and institutional framework. They would not, merely by appearing in a consultation transcript, amount to irrevocable agreement to future policies. Nor does the inability of an infant to take part in such proceedings extinguish relevant duties of protection. The child's present entitlements and

opportunities to participate deserve independent attention, alongside the prospective change in capacities over time.

The configuration involving adults with disabilities requires further differentiation. The Convention on the Rights of Persons with Disabilities (CRPD) affirms equal recognition before the law and legal capacity on an equal basis with others in all aspects of life, together with access to support in exercising legal capacity, subject to the Convention's terms [49]. Article 29 separately concerns political and public participation. The existence of communication or decision support therefore should not be treated as a categorical loss of adult status or legal capacity. A participant may communicate through accessible formats, technologies, interpreters, advocates, or a personally selected support network. The legally and ethically important questions concern access to support, the fidelity of the attributed expression, safeguards against conflicts of interest, and the effect a particular institution may give to that expression.

Comparative interpretation must attend to disagreements about legal decision-making mechanisms. The CRPD Committee's General Comment No. 1 advances an interpretation focused on will and preferences, while statutory frameworks such as the law of England and Wales under the Mental Capacity Act 2005 use specified decision-making tests and safeguards [42, 37]. That divergence should be described accurately before normative evaluation. It would be misleading to infer from a single analytic category such as *supported participation* that these legal architectures are interchangeable. The GR comparison can investigate the relation between accessibility, institutional control, support networks, and contestation while leaving questions of conformity with applicable human-rights obligations to careful legal analysis.

The adult, child, and supported-decision configurations demonstrate a specific limit of capacity-based typologies. An observer's estimate of someone's ability to conduct sophisticated negotiation is one empirical and contextual matter; entitlement to legal recognition and protection is another. An institution can owe a protective or participatory duty to a person with very limited opportunities to bargain. Equally, participation rights do not guarantee that a particular individual's expressed wishes determine every legally relevant decision. The location and limits of authority should be explained through the applicable norms, available evidential record, and grounds of justification, including the possibility that those elements remain contested.

11.3 Indigenous collectivities, self-representation, and negotiated authority

Indigenous–state relations illustrate the importance of collective identity, territorial histories, and institutions of self-representation. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007, recognizes in Articles 18 and 19 participation through representatives chosen by Indigenous peoples themselves and calls on states to consult and cooperate in good faith with a view to obtaining free, prior, and informed consent before adopting legislative or administrative measures that may affect them [50]. The Declaration is an international declaration; its provisions should not be inaccurately redescribed as a treaty universally binding on every state in identical form. In the jurisdictional circumstances where ILO Convention No. 169 applies, Article 6 articulates obligations concerning consultation through appropriate procedures and representative institutions [18]. The status and application of these sources, together with the relevant domestic constitutional and statutory framework, require case-specific evaluation.

An Indigenous polity can include several representative organizations, customary bodies, kinship networks, elected authorities, and distinct constituencies with different positions on land, resources, or cultural practice. An external negotiator's designation of a single spokesperson may simplify an administrative process while altering the internal distribution of political voice. A settlement can have documentary form and legal effect, yet questions about whose authority was exercised, which interests were represented, and how dissent was considered can remain substantively significant. The analytical response is to investigate the provenance and scope of representative authorization, jurisdictional competence, internal plurality, and the procedures for renewed or disputed mandates. The representation analysis in Section 5 supplies one part of this inquiry.

The category *collective participant* also cannot be derived merely by adding together individual expressions of preference. Collective decisions may depend on language, customary institutions, intergenerational responsibility, historically rooted relations to place, and political authority constituted through shared practices. These arrangements have their own internal normative histories. A GR reconstruction can examine those relations and their manifestations without stipulating what the community's authentic tradition ought to be. Interpretations by governments, researchers, or mediators remain accountable to their sources, to affected interlocutors, and to the limits of their own expertise.

A hypothetical river-governance compact involving an Indigenous collectivity, a municipality, and an infrastructure operator makes the distinction vivid. The parties may share selected practical goals such as water quality or dispute-resolution capacity while disagreeing about ownership, jurisdiction, sovereignty, or the meaning of stewardship. A procedural agreement could be legitimate for a restricted domain without implying that the Indigenous people's political status has been reduced to stakeholder participation in the municipality's ordinary process. Normative translation and mediation, considered in Section 6, should preserve the capacity for principled nonagreement and the separate legal orders that define the parties' authority.

11.4 Nonhuman animals, welfare interests, and political community

Human–animal relationships present a different combination of dependence, affected interests, and potential normative inclusion. Animals may be affected by confinement, habitat change, food production, transport, domestication, conservation, and urban development. Welfare inquiry requires species-sensitive empirical evidence and appropriate expertise. The World Organisation for Animal Health (WOAH) describes animal welfare in terms of an animal's physical and mental state in relation to the conditions in which it lives and dies [55]. The definition supplies a professional welfare-oriented vocabulary, not a universal determination of animals' legal personality or political membership. Domestic legal systems employ different mechanisms for protecting animals and regulating the conduct of human duty-bearers. For example, Section 90a of the German Civil Code provides a specific statutory treatment of animals; its legal effects should be investigated within German law [10].

The political-theoretical debate extends beyond welfare regulation. In *Zoopolis*, Sue Donaldson and Will Kymlicka develop an argument for differentiating human obligations to domesticated, wild, and liminal animals according to their political relationships with human societies [5]. That work is an interlocutor in political philosophy. Its classifications and proposals should not be presented as positive law or as findings that the affected animals have explicitly authorized human representatives. The present comparison can evaluate how differing relational histories generate potential claims about protection, shared institutions, territorial independence, and the accountability of human decision-makers, while preserving disagreement about the appropriate justificatory basis.

A municipal decision concerning feral animals and urban development supplies a useful example. Human residents may vote on resource allocation. Animal welfare specialists may document the health and living conditions of affected animals. Advocacy organizations may articulate particular claims, and regulators may apply relevant welfare and environmental laws. Those evidential, representative, political, and statutory acts have different forms of authority. An advocate's proposal can be normatively defensible without constituting an animal's authorizing signature. At the same time, the absence of a signature does not erase the welfare conditions or other grounds on which duties may be argued or legally imposed. Whether a particular animal-related claim amounts to a subjective right, an obligation enforced through a public regulator, or a proposed political status remains a substantive question.

A further distinction concerns the political diversity of animals themselves. Species, habitats, degrees of domestication, ecological dependencies, and human-imposed constraints vary significantly. Some conservation interventions can improve selected welfare or ecological indicators while imposing other costs; research should describe these tradeoffs with attention to evidence and to relevant legal regimes. The present framework does not infer a uniform animal political identity from interspecies dependence. It asks how affected interests, relations of control, lawful mandates, and contestation opportunities can

be specified without prematurely resolving a contested theory of animal rights.

11.5 Natural entities with statutory personality and bounded representation

The juridical recognition of a natural entity demonstrates how a legislature can create a defined legal position through institutional design. Sections 14 and 15 of the *Te Awa Tupua (Whanganui River Claims Settlement) Act 2017* declare Te Awa Tupua a legal person and specify the legal effect of that recognition, while sections 18–20 establish and regulate the role of Te Pou Tupua, which acts and speaks for and on behalf of Te Awa Tupua [24]. The declaration belongs to a specific New Zealand settlement framework, including provisions delimiting its effects. Legal personhood here identifies a particular statutory relation and the powers, liabilities, institutional responsibilities, and limits assigned by that law. It does not require inferring a human-style consciousness, an individual ballot, or a capacity to negotiate contracts in natural language.

This example calls for care in the interpretation of representation. Te Pou Tupua is constituted through statutory arrangements with specific purposes and functions, including speaking and acting for the river under the framework. The act of speaking in this legal capacity differs from reporting an experimentally observed preference originating from the river as a biological or psychological agent. The legal attribution of voice, the ecological evidence used in decision-making, the historical relationship of Whanganui Iwi to the river, and the political significance of the settlement remain analytically distinct. The Act offers a concrete example of statutory personhood and an office of representation; it does not settle broader philosophical debates about intrinsic value, ecological ontology, or the existence of natural entities as political subjects in every jurisdiction.

Consider a dispute over an infrastructure project affecting the river. Distinct claims could be advanced by officials exercising statutory functions, members of affected Indigenous communities, environmental scientists, and parties holding other legally protected interests. Their positions may be partly complementary and partly conflicting. The institutional question concerns who may act, whose evidence is relevant, which decision-making authority has jurisdiction, and how disagreement can be reviewed. Statutory recognition does not imply that every policy protecting the river is either legally required or politically legitimate. A GR comparison can examine the network of offices, ecological relations, historical commitments, evidence, and community practices without treating their connection as an independent legal judgment.

A natural entity's statutory personality also cautions against an overly simple equation between consciousness and rights-holding. Law may assign legal capacities through corporate, trust, statutory, or settlement arrangements for different purposes, subject to local rules. The inference to draw is a limited one: legal personality and modes of participation can be institutionally constituted in diverse ways. Whether other entities ought to be granted comparable recognition requires additional arguments about interests, governance, justice, legal consequences, and the particular communities involved. The New Zealand settlement cannot provide an unqualified legal template for other rivers, ecosystems, animals, or artificial systems.

11.6 Artificial systems and hypothetical extraterrestrial interlocutors

Artificial systems can occupy several distinct roles in the present research: an instrument used to draft proposals, a mediator supporting translation or deliberation, a delegated technical agent acting under a person's or organization's authority, a regulated system whose outputs have significant effects on people, or a hypothetical candidate for moral or political standing. These roles should be separated. A system's capacity to generate fluent language or to optimize a negotiation may constitute evidence about its functioning. The criteria for a human organization to delegate authority, for a public institution to rely on an output, and for a system itself to hold rights or responsibilities involve different legal and philosophical questions.

Regulation (EU) 2024/1689, the European Union Artificial Intelligence Act, identifies role-specific requirements for providers and deployers of relevant high-risk systems, including obligations addressed

in Articles 16 and 26 [8]. The identification of a provider or deployer obligation in the Regulation must be separated from whether it applied to a particular operator on the date of assessment; Article 113 and the transitional rules supply the controlling temporal qualifications. According to Article 113 in the EUR-Lex consolidated text dated 27 July 2026, the application of specified requirements in Chapter III, Sections 1–3 was deferred to 2 December 2027 for the high-risk category under Article 6(2)/Annex III and 2 August 2028 for the category under Article 6(1)/Annex I, subject to the detailed exceptions and transitional rules. Thus, describing a requirement in the Regulation does not itself establish that it is already applicable to a particular system or operator in October 2026. In particular, the postponed application dates concern the indicated high-risk provisions, while other chapters and obligations have distinct application dates. Whether a provider or deployer is subject to an operative requirement also depends on classification, role, transition provisions, and other relevant legal conditions. These source-specific inquiries remain separate from the philosophical question of whether an AI could be a normative interlocutor. This is a bounded illustration of a developing system of human and organizational risk governance. It does not establish that the regulated AI is a legal person, a contracting citizen, or an autonomous bearer of treaty obligations. A possible human–AI governance protocol could therefore be studied at two levels: the actual authority and responsibility of human or corporate participants under relevant law, and the conjectural conditions that a future theory would need to investigate before attributing a different kind of status to an artificial participant.

An AI-mediated service used to allocate scarce public resources illustrates the practical distinction. The responsible authority may solicit affected persons’ opinions, use a model to summarize submissions, and adopt a decision through a legally competent process. The model’s inclusion in the procedure does not transfer the public body’s mandate to the model. The accuracy of summarization, selective loss of minority voices, explainability of decisions, the capacity to contest an output, and the allocation of professional responsibility require scrutiny. A generative system may also mimic consensus, assent, or legal reasoning in ways that are epistemically persuasive yet institutionally unauthorized. Reliable attribution of a decision therefore depends on documentary sources, competent institutions, and established safeguards rather than on verbal sophistication alone.

Hypothetical extraterrestrial encounters serve a different methodological function: they expose the dependence of ordinary social-contract accounts on assumptions about language, temporal horizons, bodily needs, individual identity, and collective agency. A possible interlocutor might communicate in an unfamiliar modality, organize decisions collectively, or interpret promises under a different temporal structure. Each possibility is conjectural. The present paper proposes questions for an initial-contact or cross-community mediation scenario, including how to establish stable channels of communication, identify authoritative speakers, minimize irreversible harm during epistemic uncertainty, verify reciprocal understanding of a narrowly framed agreement, and revise arrangements when interpretation changes. These inquiries should avoid representing an imagined treaty, legal personality, consciousness test, or humanitarian entitlement as an existing source of law.

An additional hypothetical comparison concerns AI–AI, extraterrestrial–extraterrestrial, and hybrid groups comprising artificial systems, humans, nonhuman animals, and unfamiliar biological beings. The designation of a group by its apparent composition says little on its own about the existence of protected interests, the authenticity of attributed preferences, or the legitimacy of a proposed representative. Some interactions might be mere exchanges among tools operated by human institutions; others might raise ethically novel questions if robust evidence of relevant capacities and welfare interests emerged. The research must maintain explicit epistemic thresholds and state which moral claims are provisional. Precautionary measures can sometimes be argued on grounds of possible harm and reversibility without settling the contested attribution of moral standing. Such an argument requires its own justification, especially where safeguards distribute costs or limit the freedoms of other persons.

Table 10: Comparative social-contract configurations, normative sources, and characteristic risks of attribution

Configuration	Participation or protection and relevant basis	Risk requiring specific scrutiny
Adult public-law participant	Citizenship-, residence-, and forum-specific participation under applicable law	Treating voting, consultation, consent, and legitimacy as equivalent
Child affected by policy	CRC-based hearing and best-interests protections; evolving capacities	Attributing unconditional assent to supported or age-adapted expression
Adult needing decision support	CRPD equal legal capacity and support; legally bounded safeguards	Conflating assistance, representative influence, and legal displacement of agency
Indigenous polity	Collective representation and consultation under source-specific instruments and laws	External designation of a spokesperson; dilution of self-determination
Nonhuman animal	Empirical welfare evidence; welfare law and contested political theories	Converting advocacy or welfare evidence directly into political consent
Te Awa Tupua statutory person	New Zealand settlement law and Te Pou Tupua's statutory functions	Treating source-bounded legal personality as proof of consciousness or universal status
AI system in governance	Provider, deployer, and authority obligations in applicable regulation; proposed future debates	Mistaking generated statements or delegated operation for independent public authority
Hypothetical extraterrestrial group	Open questions about communication, authority, moral standing, and possible agreement	Inferring legal and normative equivalence from unfamiliar observable behavior

11.7 Comparative failure modes, three GR reality levels, and institutional implications

Table 10 summarizes the comparative configurations by identifying the relevant source of authority or normative proposal and the characteristic risk of confusion. The comparison intentionally preserves the distinction between an established human-rights bearer, a collective people with specific rights claims, an animal whose welfare can be investigated, a statutory legal person, and a conjectural future political interlocutor. The table should be read alongside the case-specific analyses rather than as a ranking of moral worth or a metric of personhood.

The table shows several failure modes that recur across different kinds of case. An *attribution error* occurs when a statement prepared by a mediator is recorded as if the affected subject personally authorized its content. A *source error* occurs when an ethical argument, political proposal, declaration, domestic statute, and treaty are treated as having identical binding force. A *scope error* occurs when a legally constituted competence is extended beyond the issue, subject, territory, or time for which it was granted. An *epistemic error* occurs when a researcher's preferred interpretation replaces the accessible evidence of preferences or welfare without indicating uncertainty. A *temporal error* occurs when a once-valid representation or consultation is treated as permanently sufficient despite changed members, powers, or circumstances. Their recurrence supplies a reason to require explicit provenance and periodic review rather than a reason to subsume all cases under a single contractual template.

The comparison also requires explicit limits on transfer. Practices for making a child's views heard may inform the design of accessible communication in another domain, while the child's rights remain grounded in human-rights law. An Indigenous institution's representative mandate cannot be inferred from an administrative analogy with a corporation or an AI service. A statutory natural person's representative may exercise precisely defined legal powers without supporting an empirical inference about that entity's experience. The relevant comparative gain is therefore the ability to isolate the premise that differs across cases, not the attribution of the same political status to every case.

These differences can be further expressed at the three GR reality levels. At the level of *ontological reality*, the ultimate constitution of mind, experience, collectivity, and nature remains suspended. The paper does not attempt to establish whether a river is conscious, whether future AI may experience suffering, or what form an extraterrestrial subject might take. Established human-rights entitlements continue to be identified through the relevant legal and normative sources, regardless of unresolved broader meta-physical inquiry. Ontological suspension concerns philosophical inference, not an institutional licence

to disregard existing rights.

At the level of *relational reality*, the object of analysis consists of historically constituted relationships among persons, institutions, nonhuman life, technological systems, ecosystems, resources, and practical constraints. Subjects may occupy several different positions over time: direct participant, protected dependent, representative, mediator, decision-maker, or affected outsider. Collective identity can change alongside the institutions authorized to speak for it. The legal status of a natural entity may be generated through a specific settlement process; an animal's dependence on humans may be shaped by domestication and habitat transformation; a public agency's reliance on AI may be constituted through procurement and administrative practices. These relational histories matter for explanation and normative inquiry without determining every right or duty on their own.

At the level of *manifestation reality*, claims become accessible through treaty provisions, statutory instruments, recorded votes, hearings, supported communications, ecological and welfare measurements, appointment documents, machine-generated outputs, consultation archives, and observed behavior. A document may establish the historical existence of an appointment while leaving its fairness contested. An environmental measure may support an inference concerning habitat conditions while remaining insufficient to prove a particular animal's subjective experience. A machine transcript may establish an output but not the attribution of personal consent. Historical comparison consequently requires triangulation among legal texts, institutional practices, empirical observations, and interpretive testimony, preserving confidentiality and the limitations of each method.

The comparative findings support a bounded conclusion. A heterogeneous account of the social contract gains analytical reach by specifying participation, protection, representation, competence, and disagreement for each configuration. It retains intellectual discipline by recognizing the distinct legal and moral bases of the cases, especially the established rights of human persons, the collective and historical claims of Indigenous peoples, the contested political status of animals, the statute-specific personality of a river, and the provisional questions surrounding AI and extraterrestrial possibilities. The configuration record in the seven-dimensional case protocol makes these separations inspectable but cannot itself legitimate a decision. The next section develops institutional design criteria for shared nomos, contestation, and repair, using the source-sensitive distinctions established here.

12 Institutional Design for Shared Nomos and Contestation

The institutional design of a shared normative order must address the conditions under which participants can propose, negotiate, authorize, implement, challenge, and revise collective decisions. This section identifies those conditions for heterogeneous communities in which affected subjects possess different opportunities for participation, different sources of protection, and potentially competing institutional affiliations. Its objective is to derive a source-sensitive design framework from the paper's distinctions among consent, membership, representation, mediation, normative translation, legal competence, asymmetrical duties, and power. The argument combines institutional analysis, human-rights and public-law examples, and a provisional Generative Relational (GR) reconstruction. It develops an architecture of competences, a mediation workflow, plural access arrangements, routes of contestation and repair, a comparative institutional diagnostic, and an analysis at the three GR reality levels. The proposed architecture organizes questions for institutional inquiry; it does not prescribe a constitution for every conceivable political community.

12.1 Allocated competence and the differentiated functions of institutions

A shared nomos may contain rules drafted by a community association, decisions issued by a public authority, commitments reached through mediation, customary norms sustained by particular collectivities, and protections arising from legal instruments independent of any local agreement. These components differ in their grounds of authority and in the consequences that other institutions may attach to them. The design problem is therefore partly one of *allocated competence*: who is empowered to deliberate,

issue a recommendation, accept an undertaking, confer a legally operative status, adjudicate a dispute, or enforce an outcome? These powers may be held by different bodies. Their existence and limits require a governing source and cannot be inferred from the practical popularity of a negotiated compromise.

One institutional design may separate five functions: the initiation and framing of a question; the expression and examination of affected interests; the preparation and translation of possible arrangements; the act through which an authorized body adopts or rejects an arrangement; and the subsequent supervision, review, or alteration of its effects. The functions may occur in overlapping organizations or at different times. Separation here is primarily analytical. It prevents a successful conversation, a consultative report, or an informally accepted practice from being misrecorded as a competent legal determination. In some jurisdictions an agency may lawfully delegate administrative tasks, subject to restrictions. In others, adjudicative or legislative powers are reserved to specified offices or procedures. An institutionally useful GR account must reconstruct the historically effective division of these functions rather than treating *the community* as a unified decision-maker.

Legal pluralism intensifies the competence problem. Moore's semi-autonomous social fields and Tamanaha's analysis of legal plurality provide distinct socio-legal reasons to study more than state-issued rules [23, 34]. Yet the existence of overlapping normative orders does not itself license any particular official to waive statutory requirements or displace a protected entitlement. The cross-order effect relation of Equation 3 can record that an institution recognizes some aspect of another order, together with the asserted source and consequence of recognition. The interpretive challenge remains to verify that source's continuing applicability to the decision and parties in question.

Institutional safeguards arise at several levels. In public-law settings, legality, legal certainty, protection against abuse of authority, equality, and access to justice are familiar points of reference. The Venice Commission's updated *Rule of Law Checklist*, adopted in 2025, also addresses checks and balances and the governance of digital technologies [7]. The checklist is an advisory assessment framework, and applicable treaty or domestic law determines the particular rights and institutions in a given jurisdiction. In a voluntary association, by contrast, transparency, auditability, and contestable delegation may be justified as internal governance commitments, even though an association's dispute committee ordinarily lacks the jurisdiction of a public court. In each setting, a design must distinguish the justification for adopting a safeguard from the legal authority through which it is implemented.

A practical charter can consequently specify the competent organ for each decision type, the source and territorial or personal reach of competence, eligibility to initiate proceedings, requirements for recording dissent, the effects of interim decisions, and routes of review. The charter also needs a conflicts rule identifying who can determine whether a particular question falls outside the institution's authority. This latter decision can itself be contested. A committee's statement that it has jurisdiction supplies evidence of its assertion, while competence depends on the relevant source and interpretation. Where competing authorities provide incompatible answers, the institutional record should retain the dispute and identify any lawful mechanism for referral, coordination, or appeal. The GR reconstruction studies the relational conditions sustaining authority; it leaves the determination of binding legal effect to the appropriate legal inquiry.

12.2 Mediation workflow, mandates, and partial settlements

Mediation can support the formation of shared norms when different parties possess partially overlapping interests, contested vocabularies, or unequal capacities to articulate a claim. Its design requires an explicit distinction between *facilitation*, *representation*, and *authorization*. A facilitator may structure an exchange without possessing authority to speak for a party. A representative's mandate may permit communication or negotiation while withholding authority to bind the represented constituency. An authorized institution may ultimately accept a mediated proposal, subject to procedures that have not been delegated to the mediator. Guidance on international mediation likewise treats consent, inclusion, impartiality, preparedness, and the quality of the agreement as distinct matters relevant to process design [53]. That guidance concerns its own professional and international context; the present discussion does

not generalize it into positive law for every association.

A source-sensitive workflow can be organized into six decision episodes. First, the parties identify the subject matter, proposed participants, competent receiving institutions, and urgent protective constraints. Second, they establish the provenance of each voice, including selected representatives, support arrangements, linguistic interpretation, and the limits of individual mandates. Third, they negotiate a problem description and disclose the evidentiary or normative disagreement that remains unresolved. Fourth, they develop candidate arrangements and distinguish a procedural accommodation from a substantive change in collective obligations. Fifth, each competent institution determines whether, and in what capacity, it will accept, adopt, or refer a proposal. Sixth, an implementation record specifies obligations, resources, review dates, complaint routes, and the status of unresolved claims. These episodes can be repeated, omitted, or reordered when the governing process permits; the proposed sequence serves as an audit of possible omissions.

The workflow should preserve two levels of translation. *Semantic translation* concerns whether parties understand relevant terms, interests, and representations in a sufficiently stable way for the immediate task. *Institutional translation* concerns how a proposal originating in one forum is taken up by another body with a separate competence. Agreement in the first sense does not compel recognition in the second. Conversely, a valid legal order may incorporate a procedural accommodation without resolving philosophical disagreement among affected groups. The partial normative translation relation in Equation 2 and the cross-order effect relation in Equation 3 therefore bear on different moments of the workflow. In a well-documented case, an investigator can trace which claims were translated, which decisions were authorized, and which institutional effects were asserted.

A further design question concerns mediator accountability. Appointment criteria, disclosures of financial and organizational dependence, rules governing confidentiality, opportunities to challenge misrepresentation, and accessible records of the mediator's actual role can help constrain unilateral narrative control. Confidentiality has a legitimate place where disclosure would expose participants to danger or violate applicable law. It can also obstruct scrutiny if used to suppress reasons for a consequential public decision. A defensible arrangement therefore specifies what may be kept confidential, by whom, under what source of authority, and subject to what review. A mediator who generates an apparently comprehensive consensus document should be required, where feasible, to indicate the extent of actual endorsement, unresolved qualifications, and the procedures through which parties may correct attribution errors. The formal appearance of unanimity is particularly unreliable when a constituency's representatives have divergent mandates.

Partial settlements deserve affirmative institutional treatment. Participants may agree on a temporary schedule, communication protocol, emergency protection, or division of administrative labor while continuing to dispute ownership, authority, or substantive justice. The negotiated text should distinguish provisional operational cooperation from determinations of underlying rights. Such arrangements may have considerable practical value when they reduce foreseeable harm and preserve the possibility of further consultation. Their assessment still depends on the protection of affected persons, the risk of entrenching asymmetric power, and the existence of review. Where a proposed settlement conflicts with non-waivable protections, an authorized decision-maker may need to refuse effect to the conflicting provision. Mediation quality cannot be reduced to the number of issues on which written agreement was reached.

12.3 Plural participation, supported voice, and affected outsiders

Institutional participation requires differentiated pathways. The set of persons eligible to vote, the group entitled to consultation, the individuals who may submit evidence, the subjects represented for particular purposes, and the persons who retain rights of complaint may overlap only partially. A design that offers a public hearing alone can exclude people with communication barriers, care responsibilities, limited access to specialist knowledge, or exposure to retaliation. A design that depends exclusively on appointed representatives can suppress disagreements within a represented community. The question is

consequently how participation channels are constituted, resourced, authorized, and reviewed, including where their forms differ legitimately.

Under the Convention on the Rights of Persons with Disabilities (CRPD), Articles 4(3), 12, and 29 furnish distinct obligations concerning involvement through representative organizations in specified decision processes, legal capacity and support, and participation in political and public life [49, 44]. Those obligations belong to the Convention's own scope and interpretation; they do not establish that an unrelated private body may automatically replace a person's agency through a nominally supportive mechanism. Institutional planning should distinguish the participant's expressed views, the assistance used to communicate them, the representative's claim to speak for a group, and the authority of the body that ultimately makes a decision. An accessible procedure may involve advance information in usable formats, interpreters, supported deliberation, independent advice, accessible physical or digital arrangements, and means to verify the attributed account of a submission. These are candidate implementations whose adequacy must be investigated in the particular context.

Children's participation introduces distinct questions of evolving capacities and the relationship between being heard and having a decision determine an outcome. The Convention on the Rights of the Child, notably Articles 3 and 12, provides legal sources for the child's best interests and the opportunity to express views in matters affecting the child, within its prescribed conditions [48]. A school governance compact or local service negotiation could therefore provide age-appropriate means of expression and a reasoned account of how children's views were considered. The representative or protective arrangements applicable to an infant may differ from those appropriate to an adolescent. The absence of effective speech or negotiation cannot be taken as a reason to render the child invisible to the decision. Equally, a single consultation transcript cannot be treated as a blanket authorization for subsequent institutional actions.

The political and historical specificity of Indigenous peoples also requires separate treatment. Under the United Nations Declaration on the Rights of Indigenous Peoples, Articles 18 and 19 concern participation through representatives chosen by Indigenous peoples themselves and consultation in order to obtain free, prior and informed consent before specified legislative or administrative measures [50]. The Declaration's status and its interaction with binding international and domestic law must be respected. ILO Convention No. 169 has its own Party-specific provisions regarding consultation and customary arrangements [18]. A design exercise should therefore examine relevant representative institutions, self-determination claims, consultation duties, and the historical circumstances in which authority is recognized or disputed. Assigning an external community liaison to collect signatures may leave those questions unanswered. The legitimacy of an Indigenous people's representative processes should not be measured by their conformity to a presumed universal electoral format.

A further challenge concerns *affected outsiders*: persons and groups exposed to an arrangement's effects while lacking membership in the organization that negotiated it. The Aarhus Convention offers an instructive, legally bounded environmental example. It joins access to information, public participation in decision-making, and access to justice, with differentiated requirements in Articles 4, 6–9, for its Parties and subject matter [46]. The analogy for shared nomos is a research question rather than a general extension of the treaty: when a local agreement changes land use, access to services, or the distribution of risk, which affected outsiders can challenge particular decisions and in which forum? Possible protections include public notice, provision for late-discovered effects, independent environmental or welfare expertise, and referral to competent bodies. These protections may also concern nonhuman welfare or ecosystem interests through their applicable legal or organizational mechanisms, without attributing direct contractual consent to an animal, a river, or an unspecified future AI system.

12.4 Contestation routes, oversight, and the limits of grievance mechanisms

An institution's willingness to hear a complaint differs from its competence to issue a binding remedy. Contestation may involve an internal request for correction, an organizational appeal, a statutory administrative review, judicial proceedings, professional oversight, a political petition, or negotiations for

prospective revision. Some mechanisms can provide reasons or recommend changes; others can annul decisions, award relief, or require performance within the powers conferred by their governing source. Effective design therefore calls for clarity about each route's initiating conditions, costs, time limits, admissible issues, decision-makers, and possible outcomes. Where rights of appeal or access to a court already exist, an optional local mechanism should be described in a way that preserves those entitlements within the applicable law.

The United Nations *Guiding Principles on Business and Human Rights* provide a useful, domain-specific design reference. Principle 31 identifies effectiveness criteria for non-judicial grievance mechanisms, including legitimacy, accessibility, predictability, equitability, transparency, rights compatibility, continuous learning, and, for operational-level mechanisms, engagement and dialogue [52]. These are influential non-binding principles in the business-and-human-rights setting. Their criteria can inform a comparative analysis of community grievance structures. Jurisdiction, remedies, and enforceability in any particular procedure must still derive from an applicable law, mandate, or agreement; adopting these criteria alone confers no public judicial authority. Nor does a grievance procedure with frequent settlements necessarily satisfy the criteria: an intimidating process may produce rapid closure while systematically failing to acknowledge some claims. The relevant inquiry includes whether people know the process exists, can use it safely and competently, and have access to the information needed to evaluate an offered outcome.

The status of grievance guidance affects the design inference. The Guiding Principles supply criteria for evaluating certain non-judicial mechanisms; they do not, by themselves, establish jurisdiction, a cause of action, or the enforceability of a particular decision. For each proposed route, the investigator should identify whether access follows a treaty, domestic statute, administrative rule, contract, voluntary institutional undertaking, or an independent ethical recommendation. This source tracing is especially important when a privately offered complaint mechanism operates alongside a public-law duty to provide access to a court or another competent adjudicator.

Meaningful review also depends on the independence and accountability of the reviewing institution. A complaint against a mediator may be compromised if that mediator controls complaint registration, determines evidence disclosure, and alone evaluates the complaint. A review body whose budget depends entirely on the target of complaints may encounter pressures that require empirical investigation rather than an automatic assumption of bias. Institutionally possible safeguards include disqualification for conflicts, protected channels for submitting evidence, transparent allocation of decision-makers, a documented record of reasons, and appeal or external supervision where warranted. The appropriate form of independence depends on the body's function: an impartial facilitator, internal ombudsperson, regulator, and constitutional court need not have identical organizational structures or sources of authority. The rule-of-law concerns catalogued by the Venice Commission provide benchmarks for public institutional assessment while leaving domestic remedies to the law [7].

Contestation requires particular care when a claimant has less power than the institution whose act is challenged. Retaliation may include removal from a support program, loss of employment or housing, threats of social exclusion, exposure of confidential information, or denial of access to institutional resources. The risk can deter a challenge even when an appeal form is technically available. A procedural safeguard should therefore be assessed through its costs and protection against adverse consequences, not solely through the presence of a written entitlement to complain. Some participants may require an independent advocate or assisted communication, while others may need a collective process to avoid isolation. The source of any legally enforceable anti-retaliation duty must be specified separately; the institutional recommendations here are proposed safeguards rather than claims of globally uniform legal rules.

Where an institution is unable to resolve a conflict, a *reasoned referral* may preserve the claim more responsibly than a false promise of internal remedy. A referral record can distinguish jurisdictional refusal, insufficiency of evidence, a decision on merits, and a pending external review. It should also address timing. An urgent threat may require interim protective action by a competent authority even though full determination will take longer. Conversely, the desire for rapid correction can produce ir-

reversible action beyond the institution's authority. The design question is how urgent risk, authority, procedural protection, and reversibility are coordinated. Administrative convenience and the claimant's legitimate interests may diverge; the resolution requires legally grounded and normatively justified judgment specific to the case.

12.5 Repair, implementation resources, and temporal accountability

A contested compact remains institutionally significant after an agreement is issued. Its rules must be interpreted by administrators, supported by resources, monitored for unintended effects, and reconsidered as circumstances change. An institution can respond to an identified error at different levels. It may correct an inaccurate record, reopen a consultation, revise the performance of a commitment, withdraw an unauthorized representation, restore a service, refer a legal claim, compensate an injury where law or agreement permits, or amend the underlying procedure. These forms of repair address different failures and possess different institutional prerequisites. Treating them as interchangeable would obscure the relationship between procedural reliability and substantive justice.

The design problem includes a feedback loop between observed harm and rule revision. Complaint patterns, unsuccessful requests for access, missing translations, implementation delays, and repeated conflicts of interest may identify systemic weaknesses. In the proposed GR account, an individual grievance can illuminate a historically reproduced arrangement of roles, resources, dependencies, and interpretive conventions. That possibility does not render every grievance evidence of a systemic injustice. Some complaints may be mistaken or unresolved; the institution needs procedures for assessing evidence and providing reasons for its conclusions. The analytical value of repeated incidents depends on provenance, comparability, available denominators, and attention to who is unable to complain at all.

Resource allocation is a normative and institutional issue. Consultation requires personnel, transport, communication support, time, independent expertise, and sometimes protection from harmful exposure. Complaint review requires trained decision-makers, records management, the ability to secure evidence, and a capacity to implement remedies. A formally open procedure without these resources may offer access on paper while imposing disproportionate costs on persons already subject to dependence. Conversely, resource-intensive processes can impose burdens on smaller communities or underfunded associations. The question is how responsibilities are distributed among public authorities, mediators, private organizers, representatives, and support institutions. The nonreciprocal and supporting duties examined in Section 8 become practically relevant when a vulnerable person is expected to carry the administrative burden of vindicating an established right.

Temporal accountability requires attention to new members, changed mandates, and unforeseen effects. A representative's authority may expire; children may become adult participants; a public agency's statutory competence may change; a habitat project may reveal environmental effects not apparent at adoption; or a technical platform may create dependence on a private supplier. An agreement should therefore distinguish its initial justification, present operation, and conditions for authorized revision. The paired amendment records described in Section 10 preserve the provenance of a proposed change and the evidence of its later implementation. In particular, an institutional review period does not itself legalize termination of a protection originating in another legal source. A compact may dissolve while specific duties, claims, or remedies survive under applicable law.

The role of historical evidence is especially important in determining whether repair restores an earlier practice or constitutes a new normative settlement. A procedure that reproduces a prior distribution of speaking opportunities may recreate the very exclusion that prompted review. An attempted remedy may impose costs on caregivers, minority communities, or peripheral institutions not present during the original negotiations. The paper's proposed approach therefore treats repair as a situated intervention whose effects require new observation and possible revision. The objective is an accountable capacity to correct errors and revise institutional relations, not an assumption that a single procedure can terminate conflict or establish complete normative convergence.

Table 11: Illustrative institutional design problems, safeguarding functions, and jurisdictional boundaries in heterogeneous social compacts

Configuration	Participation or review design question	Source and boundary requiring verification
Municipal service compact	Accessible information, independent complaints, timely corrective action and feasible appeal	Statutory service duties and local administrative or judicial review provisions
Child-inclusive school governance	Age-appropriate hearings, protection and explanation of the use of views	CRC provisions, domestic education and child-protection law, actual decision competence
Disability-inclusive consultation	Supported expression, organizations' participation, accessible feedback and independent advice	CRPD obligations and their applicable legal and institutional implementation
Indigenous land-use negotiation	Recognition of Indigenous representative institutions, consultation and documented disagreement	UNDRIP's declaratory status, applicable ILO Convention duties and domestic/collective arrangements
River and habitat planning	Public participation, environmental evidence, objection and review; natural-entity representation where legally constituted	Aarhus obligations for relevant Parties; any particular domestic statutory personality and guardian functions
AI-assisted public administration	Traceability of human institutional authorization, reasoned correction and remedy routes	Relevant administrative law and AI regulatory scope; generated output is not an independent legal mandate

12.6 A source-indexed contestation relation and comparative design cases

The foregoing requirements can be rendered inspectable through a partial *contestation-routing relation*. A claim may have several available fora, each with distinct sources of authority and possible dispositions. Under a specific jurisdictional configuration j , decision question q , and time t , the proposed relation is stated in Equation 5.

$$\text{Challenge}_{j,t}^{(q)} \subseteq \mathcal{G}_{j,t}^{(q)} \times \mathcal{F}_{j,t}^{(q)} \times \mathcal{L}_{j,t}^{(q)} \times \mathcal{O}_{j,t}^{(q)}. \quad (5)$$

This relation concerns the source and disposition of a challenge within a competent or purportedly competent forum. It complements the path-feasibility relation of Equation 4: the latter asks whether an identified participant can in practice reach and use a route, while the former asks what a particular forum may legitimately receive and decide. Neither property implies the other.

Here $\mathcal{G}$ contains specified grievances or challenges; $\mathcal{F}$ identifies the available receiving fora, including distinctions among internal, administrative, judicial, and other mechanisms; $\mathcal{L}$ records the claimed source and limits of a forum's competence for the given challenge; and $\mathcal{O}$ identifies the disposition types that the forum may be authorized to issue. A tuple represents a documented or provisionally hypothesized procedural route. Its membership in the relation does not imply that the route is accessible to the claimant in practice, that the forum has verified jurisdiction, that the grievance is valid, or that the expected outcome is justified. Entries must be supported by the relevant laws, rules, mandates, and empirical records. Where competence is disputed, the relevant entry retains that contestation rather than silently becoming an established legal entitlement.

The routing relation complements two existing constructions without absorbing them. The feasible voice-path model in Equation 4 describes practical opportunities for a participant to articulate and pursue a challenge under specified constraints. The source-indexed cross-order relation in Equation 3 concerns recognition of one normative order's product by another institution. Equation 5 instead records the conjunction of a particular grievance, receiving forum, asserted competence, and available form of disposition. A route may be legally available yet practically inaccessible. A forum may hear a complaint while lacking power to give the requested relief. An internal remedy may be obtainable even though judicial review remains independently available. Keeping these cases separate prevents a procedural map from becoming a false declaration of law or a measure of justice.

Table 11 compares six illustrative configurations. The illustrations are schematic; their procedural prescriptions require a source-specific inquiry before use in actual policy or adjudication.

An illustrative transboundary water-management proposal clarifies why these elements interact. Assume that a public infrastructure authority, two communities and an environmental organization negotiate a maintenance schedule, with a contracted digital system supplying forecasts. One community includes individuals requiring supported communication; a river corridor crosses culturally important sites and animal habitats; some affected residents belong to neither negotiating body. A recorded compromise might allocate maintenance work efficiently while leaving open questions about legal environmental assessment, the legal authority of the organizations' representatives, the procedural rights of affected persons, and the competence to authorize physical interventions. A working design would preserve the original forecast and its limitations, community statements in their authorized forms, the public authority's actual decision, unresolved objections, and review routes appropriate to each category of grievance. If a decision exceeds institutional power, reconsidering its merits alone may be inadequate; a competent body may need to address the jurisdictional defect. If a party disputes the forecast, independent evidentiary review may be more appropriate than reconstructing a nonexistent political consent from system output. The example is hypothetical and establishes no facts about any actual project or jurisdiction.

The comparative cases also reveal institutional choices that can fail even when their design vocabulary appears progressive. An accessible portal may require identity credentials unavailable to some constituents; an ombudsperson may issue recommendations that the implementing body never considers; a representative committee may systematically omit minority positions; a mediator may record provisional consent as final; or a review process may offer a remedy after an irreversible decision. Conversely, a modest procedural arrangement may be effective within its legitimate scope if participants can understand it, revise its outcomes, and reach an appropriate competent forum when an issue lies beyond it. Evaluation therefore calls for examination of observed operation, institutional resources, and legal outcomes rather than a universal score for inclusion or accountability.

12.7 Three GR reality levels and institutional generativity

At the level of *ontological reality*, the present analysis suspends judgments about the ultimate constitution of collective agency, consciousness, and normativity. The formal existence of a grievance, representative record, or attributed institutional voice establishes no such ontology. The treatment of persons with legally protected rights remains anchored in the applicable sources, while conjectural subjecthood questions involving artificial or extraterrestrial systems require independent investigation. Ontological suspension neither removes current protections nor converts a hypothetical extension into settled positive law.

At the level of *relational reality*, institutions are sustained through changing configurations of authority, dependence, resources, roles and collective memory. A grievance office depends on records, interpreters, administrative staff, and the willingness or legal responsibility of other bodies to implement its dispositions. A mediator's practical influence depends on access to participants, expertise, and the authority of receiving institutions. Legal competence interacts with social recognition without becoming reducible to social recognition. A new review mechanism may open previously unavailable relations of contestation; it can also create bottlenecks, new gatekeeping roles, or dependencies on a digital platform. The GR proposal concerns these couplings and their historical transformations. Describing a network of influence does not independently answer whether its exercise is legitimate or whether a particular remedial duty is legally enforceable.

At the level of *manifestation reality*, institutional arrangements become observable through charters, enacted rules, appointment instruments, translated statements, process logs, budgets, hearing records, petitions, administrative reasons, judicial decisions, service outcomes and testimonies. Their interpretation needs source and time indexes. A published grievance policy may establish that an organization announced a review procedure; examination of actual submissions and outcomes is required to assess practical operation. A complaint statistic may reflect patterns of harm, changes in awareness or access, or selective recording. An apparently consensual statement may bear the imprint of an interpreter's choices. The corresponding empirical inquiry should triangulate legal instruments, historical archives, qualita-

tive accounts, and where appropriate quantitative data, while respecting confidentiality and the safety of participants.

Within the proposed GR perspective, *institutional generativity* designates a provisional analytic concern with whether relational arrangements sustain opportunities to articulate claims, honor protected positions, coordinate legitimate differences, correct errors, and adapt without systematically foreclosing future participation. It is neither a free-standing legal validity criterion nor a scalar substitute for human rights, political justification, or substantive justice. A process may be adaptive while unjustly excluding some participants; an institution may lawfully enforce a rule while generating dependence deserving normative criticism; and a necessary protective decision may legitimately restrict the range of negotiated alternatives. The concept is useful only when its evaluation specifies the affected subjects, relevant legal constraints, normative premises, evidential indicators, and alternative interpretations.

The resulting institutional design argument is conditional. Where plural bodies seek a shared order, a source-indexed architecture of authority, participation, mediation, contestation, and repair can improve the transparency of their decisions and the diagnosis of failures. Its adequacy remains dependent on enforceable rights, institutional competence, resource availability, historical inequality, and possibilities for practical challenge. The next section investigates the historical transformation of membership and collective authority, including how these design conditions develop together with the subjects and institutions that use them.

13 Historical Transformation of Membership and Collective Authority

Shared normative orders possess histories in which the categories of participants, the powers of representatives, the jurisdiction of institutions, and the practices of mediation can develop together. The historical question concerns the constitution and modification of these relationships, including transformations that precede any explicit agreement and changes that continue after a compact has been announced. This section examines membership and authority as historically situated relational formations. Its objective is to distinguish changes in the population governed, the recognition of political and legal positions, the sources of collective authority, and the practices through which claims are expressed and translated. The method combines bounded interpretations of historical scholarship and institutional sources with a provisional Generative Relational (GR) diagnostic. The argument addresses membership categories, representative and administrative formations, changing capacities and collective subjectivities, the institutional histories of mediation, temporally coupled power relations, a comparative record of transformation, and the three GR reality levels. A history reconstructed in these terms may disclose both enlargements of participation and persistent or newly constituted exclusions; it does not imply a predetermined path toward inclusion.

A *historical configuration* is understood here as a situated arrangement of recognized and disputed memberships, affected interests, institutional competences, representative mandates, normative orders, material dependencies, and records through which these arrangements are rendered intelligible. A change in one component may condition changes in others while leaving some components largely intact. Thus, altered voting eligibility may coexist with durable informal obstacles to participation; newly recognized representatives may remain dependent on authorities that control resources or procedural agendas; and changes in administrative technologies may reorganize practical membership without modifying the formal text of an entitlement. Section 10 addressed the authorization and amendment of continuing compacts. The present section considers the co-development of the positions and institutions through which particular compacts become possible, credible, effective, or contested. This historical reconstruction supplements the institutional diagnostic in Section 12; neither historical durability nor observed social efficacy is sufficient by itself to establish legal validity or normative legitimacy.

13.1 Historically constituted membership and the boundaries of political community

The category of member may appear to name a stable relation between an individual and an already constituted polity. Historical research instead permits attention to the production of membership categories through administrative practice, national narratives, border regimes, inherited institutions, and contestation. Brubaker's comparison of citizenship and nationhood in France and Germany investigates how different understandings of national belonging were sustained by distinct histories of state formation [3]. The comparative lesson relevant to the present paper is methodological: an apparently general description of citizenship should be indexed to the jurisdiction, historical period, and kind of membership under consideration. Territorial residence, nationality, voting eligibility, organizational affiliation, Indigenous collective membership, and exposure to a governmental decision may be related without constituting the same status.

Membership is also a practice of drawing boundaries. A legal rule may specify who qualifies for entry, naturalization, electoral participation, or a form of representation; a social organization may apply less formal criteria for hearing, recognition, or access to deliberation. The interaction between these boundaries helps explain why a person may be governed by an institutional decision without possessing an effective means of influencing it. Historically formed membership rules can distribute opportunities for mobility, resources, information, complaint, and collective organization. Such boundaries may change through legislation, judicial interpretation, political mobilization, customary development, or conflict among institutions. These processes vary in authority: a change in social recognition does not necessarily amend a statute, and a statutory amendment may coexist with contested social classifications.

The distinction between citizenship and protected interests is especially important under heterogeneous conditions. The Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities articulate protections and forms of participation associated with persons whose legal or practical opportunities may differ from ordinary adult electoral participation [48, 49]. The International Covenant on Civil and Political Rights protects particular political participation rights within its defined legal scope, including distinctions concerning citizens and the conduct of public affairs [47, 51]. These instruments should be interpreted through their texts and applicable implementation, not as evidence that every member of a community occupies the same institutional position. A historical analysis therefore traces when a protection was recognized, whose claims led to its articulation, how its application changed, and which persons continue to encounter obstacles to effective enjoyment.

In the proposed GR reconstruction, a membership category may be treated as a historically reproduced relational role when rules, interpretive conventions, organizational procedures, and practical consequences sustain its use. That description concerns relational reality rather than an ultimate account of personhood. Its analytical value lies in identifying the sites at which a category is reproduced or revised: a registry, a public hearing, a representative body's recognition procedure, an allocation rule, or a recurring discourse of inclusion and exclusion. The relevant history contains disagreement as well as stability. At some moments, competing institutions may classify the same person or collectivity differently; this plurality belongs in the account rather than being suppressed through a single retrospective membership label.

13.2 Representative authority, administration, and the reproduction of exclusion

The historical development of collective authority concerns institutions that assign, recognize, contest, and enforce particular powers. Tilly's comparative account of European state formation draws attention to the diversity of viable state forms and to historically changing relations of coercion, resources, and institutional organization [35]. Sassen's analysis of territory, authority, and rights similarly examines historical reorganizations through which institutional capacities developed within one setting can participate in later configurations [31]. These accounts differ in object and explanatory emphasis. For the present argument, their common methodological contribution is to make the boundaries and capacities of political authority objects of historical investigation rather than unchanging premises of contractual justification.

Representative institutions develop along more than one trajectory. A representative may be selected by an electorate, delegated by an organization, recognized through customary governance, appointed pursuant to law, or proposed through a claim of speaking for others. The theory of the representative claim highlights the constitutive role of such claims in political practice, while accounts of democratic representation examine their different forms and accountability demands [32, 22]. The authority of a representative remains distinct from the representative's effectiveness in mobilizing support or communicating a group's concerns. Mandates can be created, contested, revised, inherited, or withdrawn; the precise legal consequences depend on the governing source and the relevant institutional context. An observer of political history therefore needs to record both the publicly asserted basis of representation and the independent grounds on which an institution treats that assertion as authoritative.

Historical formation may also preserve divisions structured by domination. Mamdani's analysis of late colonial rule in parts of Africa describes the institutional differentiation of citizenship and subjecthood within a bifurcated arrangement of authority [21]. The account provides a reason to examine how apparent arrangements of local representation may have been constituted through externally imposed categories, uneven jurisdiction, and coercive administrative powers. Its historical and geographic specificity matters: the analysis does not furnish a universal account of every colonial institution or settle the legitimacy of contemporary customary governance. A historically informed diagnosis asks who constituted the authority of a local intermediary, whether affected collectivities retained the capacity to contest the designation, and which legal and institutional changes have subsequently altered the arrangement.

Contemporary relations involving Indigenous peoples make provenance especially significant. The United Nations Declaration on the Rights of Indigenous Peoples addresses self-determination, institutions, participation through representatives chosen by Indigenous peoples, and consultation; it is a declaration whose normative and legal effects must be distinguished from those of binding treaties and domestic laws [50]. The Indigenous and Tribal Peoples Convention, 1989 (No. 169), entails treaty obligations for ratifying States within its scope [18]. A collective authority's history may include continuing institutions, imposed administrative arrangements, resistance, legal recognition, internal deliberation, and renewed assertions of autonomy. The distinction between a collectivity's own representative practices and an external administration's designation of an interlocutor is essential to evaluating whether a mediated settlement reflects an authorized collective voice. Historical continuity may support an account of an institution's social standing, while contemporary legal competence and the normative adequacy of representation demand additional arguments.

13.3 Changing capacities, emergent claims, and collective subject formation

A social compact ordinarily operates across changes in the capacities and relations of participating persons. Children develop capacities for expression and decision-making; persons may require new forms of assistance or may cease to require some forms of support; caregivers, organizations, and public authorities may alter the conditions in which participation occurs. These changes cannot be reduced to chronological age or to a single threshold of autonomy. The child's right to be heard under the Convention on the Rights of the Child and the disability-rights orientation toward equal recognition and supported exercise of legal capacity provide source-specific starting points for inquiry [48, 45, 49, 42]. Their implementation remains situated within legal and institutional arrangements that deserve independent study.

The historical formation of a subject also involves the development of collective capacities. A network of affected residents may establish an association, acquire expertise, develop procedures for authorizing spokespersons, or secure a place in consultations. Its emergent ability to present a coherent demand may alter how administrators define the issue and who is counted as an interlocutor. The process can be reciprocal: an institution's decision to invite or exclude a group can shape the group's subsequent organization, while organizational development can change the institution's information, legitimacy claims, and practical choices. Such feedback should be examined empirically. The mere appearance of a representative association does not prove internal authorization, comprehensiveness, or the absence of dissent

among purported constituents.

Relational histories also include interests whose beneficiaries cannot participate in the same way as contemporary human interlocutors. Obligations relevant to children, certain persons receiving support, and future generations arise through particular legal and ethical frameworks and need not be grounded in reciprocal contractual performance. Discussions of intergenerational equity explore how present institutions can evaluate the claims of those who will live with their long-term consequences [54, 27]. The ethical questions addressed by these authors and the positive-law protections attached to present persons should remain conceptually distinct. A future person's inability to attend a hearing cannot by itself extinguish a potential present duty of planning or care, while proposals about future generations require arguments about standing, institutional competence, and applicable law before they become concrete legal conclusions.

The heterogeneous configurations examined in Section 11 extend this inquiry with additional safeguards. Nonhuman animal interests can be considered through animal-welfare science, ethical theories, and jurisdiction-specific laws; a proposal for animal political citizenship remains a philosophical argument rather than a statement of existing law [55, 5]. A natural entity may have a particular legal personality when constituted by an applicable enactment, as with the Te Awa Tupua statutory arrangement in New Zealand; such a finding concerns that legislative configuration [24]. Artificial systems may be regulated as components of institutional decisions without thereby acquiring legal membership or an independent mandate to represent human beneficiaries [8]. Hypothetical extraterrestrial relations can test the distinctions among communication, recognition, protection, and authorization while remaining outside established empirical or juridical claims. These cases show why a historical account should index the type and source of subject-related change rather than treating technological novelty or relational influence as automatic evidence of legal status.

13.4 Mediation histories, normative translation, and institutional memory

A mediator's role can change as the parties and institutions with which it interacts acquire new histories. A person initially invited to facilitate communication may later receive an organizational mandate to monitor performance, propose interpretive revisions, or convene further deliberation. The emergence of such functions can alter expectations among participants and may create dependence on the intermediary's archives, expertise, language, or access to resources. The crucial questions are how an expanded function was authorized, which duties accompany it, and what avenues remain available to challenge an intermediary's claim to continuing authority. The United Nations Guidance for Effective Mediation offers relevant professional and institutional considerations for mediation processes in its own domain; it does not independently confer legal competence on mediators in a domestic or hypothetical cross-species arrangement [53].

Normative translation is historically situated because parties may use apparently similar concepts within different institutional experiences. A term such as *consultation*, *representation*, *consent*, or *protection* may invoke different procedures, memories of exclusion, and understandings of authority. The partial translation relation introduced in Section 6 describes context-dependent correspondences rather than complete equivalence. Across time, an initially acceptable translation may lose its practical adequacy when a constituency changes, evidence becomes available, a representative mandate expires, or an institution revises a policy. Durable records should therefore preserve the context and limits of an interpretation, including objections that an agreement did not resolve.

Institutional memory possesses several forms: written rules, meeting records, court decisions, organizational routines, oral histories, customary practices, environmental observations, and the procedural habits of office-holders. Some forms are more visible to public authorities than others. Moore's analysis of semi-autonomous social fields is useful for studying how local norm-producing arrangements remain embedded within wider fields of external regulation and influence [23]. A shared *nomos* can therefore acquire multiple, partially overlapping archives. The official record may privilege a formal signatory; the relevant community may remember extended deliberation, conditions of acceptance, or a continu-

ing objection. Historical interpretation ought to compare these accounts and document their provenance rather than automatically treating the most bureaucratically legible record as the entire relational history.

A further issue concerns the temporal allocation of responsibility. A mediator who was authorized for one episode may no longer be competent to bind an evolving group. An institution may continue enforcing obligations produced by an earlier agreement although the present membership differs substantially from its original constituency. A new representative may repudiate an informal understanding without possessing power to withdraw an independently binding obligation. These possibilities require separating the history of factual reliance, the continuity of organizational function, and the present validity of legal acts. Section 12's contestation-routing diagnostic then identifies the fora and forms of review that may be competent to address the dispute. Historical explanation can reveal how the difficulty arose; remedy and legal effect remain dependent on separate normative and jurisdictional grounds.

13.5 Coupled institutional change, power, and uneven temporal development

The development of membership and authority often occurs on different temporal scales. A constitution or statute may be amended during a discrete reform period, while material dependency, educational access, linguistic practices, or administrative culture changes gradually. Conversely, rapid technological adoption or a crisis may transform practical communication and bargaining leverage before the applicable legal rules are reconsidered. The power dimensions analyzed in Section 9 are therefore historical variables: changing alternatives for exit, credibility of testimony, agenda control, dependence, and opportunities for challenge may modify the practical meaning of a formally stable right.

Three forms of temporal interaction are analytically useful. First, *institutional lag* occurs when recognized claims and practical arrangements develop at different rates. A new procedural right may coexist with old exclusions when information, transportation, accessibility, or administrative capacity remains scarce. Second, *path dependence* describes processes in which prior organizational investments, records, classifications, and expectations constrain subsequent alternatives; its presence must be supported by a plausible mechanism rather than inferred merely from temporal sequence. Third, *institutional feedback* occurs when a revised procedure changes the formation of future claimants or claims. A review body might encourage new associations to document grievances, while an opaque review practice might deter future participation. These concepts guide historical inquiry and remain open to counterexamples, including discontinuity, reversal, adaptation, and competing institutional trajectories.

Political history cautions against equating increased centralization with generalized inclusion. Tilly's account of the variety of European state trajectories concerns the organization of coercive and capital resources, while Mamdani's study of differentiated colonial power foregrounds forms of political inclusion and exclusion that can coexist with functioning administrative systems [35, 21]. Sassen's treatment of the reorganization of territory, authority, and rights suggests that new institutional functions may emerge through the transformation and redeployment of earlier capacities [31]. These sources do not provide a joint causal law. In combination, they motivate a multi-dimensional record that tracks the distribution and provenance of authority as well as the durability of an institution.

The proposed GR interpretation treats these processes as historically conditioned relations among subjects, institutions, resources, practices, and the meanings assigned to them. It leaves open whether a particular process is best explained by coercion, economic incentives, normative mobilization, legal doctrine, ecological change, or interaction among these mechanisms. A robust reconstruction asks which explanatory factors have evidence in the case studied, how they condition one another, and which historical alternatives were feasible. The direction of transformation is contingent: expanded opportunities for one group may coexist with burdens shifted to caregivers or environmental interests; a representative reform may increase visibility while concentrating agenda power in a small organization; and an effective mediated solution may deepen dependence on an unaccountable intermediary. These tensions support an analytical treatment of generativity as a revisable question concerning the preservation and development of relational capacities, rather than a presumption that the persistence of a relation is desirable.

A dated sequence of decisions can substantiate that recorded categories or mandates changed while

leaving the mechanisms responsible for that change uncertain. The research design should preserve rival explanations, such as legal reform, grassroots organization, changing economic dependencies, coercion, and shifts in recordkeeping. Where actors and archives are shaped by the very institution under investigation, documentary agreement may be correlated evidence produced by a shared selection process. Process tracing therefore needs sources that can discriminate among candidate mechanisms and should record when the proposed causal account remains observationally equivalent to an alternative.

13.6 A source-indexed transformation record and comparative historical configurations

A limited formal record can clarify the temporal object of inquiry. Let $t < t'$ denote two observation times within a specified case and jurisdiction. Let $\mathcal{C}_t$ and $\mathcal{C}_{t'}$ contain proposed descriptions of relational and institutional configurations at those times, including relevant membership classifications, representative mandates, competent authorities, protected interests, and normative practices. Let $\mathcal{A}_{[t,t']}$ contain documented or disputed intervening acts and processes, such as legislative changes, elections, collective mobilization, migration, settlement, and institutional recognition. Let $\mathcal{E}_{[t,t']}$ contain their evidence and provenance, including accounts that disagree. Equation 6 defines a partial *source-indexed transformation relation*.

$$\text{Transform}_{[t,t']} \subseteq \mathcal{C}_t \times \mathcal{A}_{[t,t']} \times \mathcal{E}_{[t,t']} \times \mathcal{C}_{t'}. \quad (6)$$

A tuple asserts that an investigator has proposed an evidentially indexed historical link between an earlier configuration, specified intervening processes, and a later configuration. It is not a causal identification, legal validation, or measure of progress. Its inclusion requires a documented provenance statement and a description of how rival reconstructions were treated. The relation is partial because relevant archives can be missing, contested, inaccessible, or ethically inappropriate to disclose. It is indexed to an explicit jurisdiction and question because legal powers and political membership change meaning across institutional contexts. In empirical research, each component would need a case-specific coding protocol and criteria for source confidence; the present mathematical construction is an organizing representation rather than a fitted dynamical model.

Equation 6 has a wider scope than the paired amendment records in Section 10, which examine authorization and implementation of a specified change to a continuing compact. The transformation relation can encompass changes that occur without formal amendment, including the emergence of political organizations, changes in administrative categories, redistribution of practical voice, or disputes over representation. It also differs from the source-indexed recognition relation in Equation 3, which addresses possible effects of one normative order's product in another forum. The present relation concerns *historical formation of the actors and institutions* whose claims and effects those other diagnostics describe. These relations can be coordinated analytically while their legal, evidential, and normative implications remain distinct.

Table 12 identifies representative historical configurations and corresponding evidentiary tasks. The examples are comparative prompts, not findings derived from a common dataset or claims that each described transition has occurred in every jurisdiction.

A hypothetical watershed compact illustrates the diagnostic's complementarity with the preceding sections. Suppose several municipalities, an Indigenous collectivity, environmental organizations, and a regional authority have coordinated water allocation across decades. Over time, the population changes, a new representative institution is constituted, statutory water-management powers are revised, and monitoring moves to digital platforms. The compact's original signatories may differ from the presently affected population. A coherent history would describe the original legal instruments, subsequent acts granting or withdrawing competence, the relevant community's own accounts of its representative structures, changes in access to information, recorded environmental effects, and the unresolved claims of current affected persons. The investigator could enter these episodes in the transformation relation, while independently assessing consent, enforceability, protective duties, and available review. The hypothetical case demonstrates the need for a time-indexed provenance record; it supplies neither a jurisdiction-specific legal conclusion nor evidence that an analogous historical development actually occurred.

Table 12: Historical transformation configurations, co-developing institutional roles, and evidentiary boundaries

Configuration	Potential transformation of membership and authority	Evidence and normative boundary
Citizenship and migration	Revisions to national membership rules, residence categories, political inclusion, and administrative recognition	Historical statutes and decisions, membership registries with privacy safeguards, and comparison of practical participation
Collective self-representation	Development or recovery of representative institutions and alteration of consultation relationships	Community-authorized accounts, mandate provenance, applicable domestic law and the distinct standing of UNDRIP and ratified treaties
Child participation and transition to adulthood	Changes in participation channels, support arrangements, institutional responsibilities, and direct decision-making roles	Applicable CRC provisions, domestic law, case-specific capacity and opportunity; distinguish child protection from suffrage
Supported decision-making	Changes in assistance, communicative resources, supported expression, and institutional accountability	CRPD norms, domestic implementation, recorded expressed will and preferences, and safeguards for access and confidentiality
Colonial and post-colonial institutional inheritance	Continuity, dissolution, or contestation of externally structured local authorities and classifications	Time- and place-specific archival and community evidence; avoid treating historically imposed categories as authentic mandates
Statutory natural-entity arrangements	New legal recognition and defined representation functions under a particular legislative settlement	Exact statutory provisions, competent decision-makers, and empirical practice; exclude extrapolation to other ecosystems
Digital administrative mediation	New information channels, delegated technical tasks, recordkeeping practices, and shifting public oversight needs	Procurement and system records, administrative authority and relevant technology regulation; no presumed legal personality for AI

13.7 Three GR reality levels and the epistemic limits of historical reconstruction

At the *ontological reality* level, the analysis suspends conclusions about the ultimate constitution of political persons, collective subjects, shared meanings, and historical time. Its relational language is a proposed mode of inquiry. The persistent identity of an institution across generations, for example, may be represented through continuity in rules, roles, and recognized obligations without proving a single enduring substance underlying those relations. This restraint also governs nonhuman and possible artificial participants: participation in an observer's reconstructed interaction history, or a change in social treatment over time, does not establish consciousness, intrinsic moral standing, or legal personality.

At the *relational reality* level, the analysis concerns historically sustained relationships that have identifiable effects: who is classified as a member, who may speak, who can authorize or contest, which intermediary is relied upon, which authority provides protection, and how those relationships condition subsequent action. The historical development of a collective or intermediary can be considered without presuming that it reproduces its earlier identity without change. Recurrent acts, expectations, conflicts, institutional mandates, and resource dependencies can generate sufficient stability for analysis while remaining revisable. Legal effects require their own source-grounded analysis. Relational efficacy concerns the way an arrangement conditions social practice and should be examined alongside, not equated with, defensibility or formal legal force.

At the *manifestation reality* level, these processes appear through statutes, charters, meeting transcripts, oral histories, institutional registers, election records, consultation materials, witness accounts, environmental observations, technical logs, and contested narratives. Sources vary in their accessibility and reliability; some record a formal decision while obscuring negotiation, dissent, translation, or dependence. The transformation relation in Equation 6 therefore requires explicit source provenance and room for unresolved rival accounts. Digital archives may provide fine temporal resolution while reproducing classification errors and excluding participants who could not access the platform. The ethical requirements of privacy, confidentiality, community control of sensitive knowledge, and protection from

retaliation can legitimately restrict what is retained or published.

The three-level distinction also clarifies an important limitation of contractual historical reconstruction. One can identify changes in documented agreements without establishing the complete history of normative relations; one can identify a durable institutional relationship without demonstrating its legitimacy; and one can formulate a plausible account of recognition without locating the legally operative act that gives it effect. Historical work supplies questions about continuities, exclusions, inherited authority, and possible mechanisms. Political philosophy evaluates justification and duties under stated premises. Doctrinal inquiry assesses legal status and effects within specified sources. Empirical research examines how institutions actually perform. The GR proposal provides a means of arranging these complementary inquiries around co-developing relational configurations while preserving their different standards of warrant.

The section's contribution is consequently a qualified historical thesis. The population represented by a compact, the mechanisms by which it can participate, and the institutional authorities that give its decisions effect may be mutually conditioning and temporally uneven. Their histories include cooperation, exclusion, contested memory, imposed representation, changing capacities, and the emergence of new intermediaries. A shared *nomos* can remain subject to justified challenge even when its founding record is clear and its procedures are formally continuous. This recognition directs attention to the research obligations developed in Section 12 and to the remaining task of identifying scope, counterexamples, and limitations. A historically adequate evaluation of heterogeneous compacts should make the sources of authority, practical conditions of voice, protected interests, and contested transformations independently inspectable while retaining uncertainty where the evidence or applicable legal framework leaves questions unresolved.

14 Scope, Counterexamples, and Research Obligations

A theory of social-contract formation across heterogeneous subjects requires an account of the circumstances in which its proposed comparisons cease to be informative. This section evaluates the scope of the preceding relational reconstruction through counterexamples, doctrinal constraints, and requirements for further research. Its objective is to identify which inferences can responsibly be drawn from consent, representation, mediation, institutional continuity, and shared normative practice, and which require independent legal, normative, or empirical premises. The argument proceeds through limits of contractual inference; protective obligations independent of agreement; asymmetry and ineffective participation; failed translation and competing competences; category errors in heterogeneous cases; historical and evidentiary uncertainty; comparative counterexample tests; and the three Generative Relational (GR) reality levels. The method is diagnostic and critical. An adequate counterexample must be evaluated at the level of the claimed implication: evidence that one procedure fails to provide practical access defeats a local sufficiency claim about participation, whereas disagreement over a philosophical premise may identify a contested normative standard rather than an empirical falsification. The tests therefore report their target proposition and evidence separately. Counterexamples are used to delimit possible sufficiency claims, while the resulting research obligations specify the evidence and argument needed before broader conclusions could be sustained.

14.1 Contractual inference, normative justification, and legal-source boundaries

The phrase *social contract* designates several distinguishable analytical constructions. It can refer to a proposed account of political authorization, a device for testing principles of justification, a historically documented compact, an institutional practice of coordination, or a metaphor for expectations of reciprocal association. Hobbesian authorization, Rousseauian political association, Rawlsian representative choice, and Scanlonian contractualist justification illuminate different objects and questions [17, 30, 29, 33]. The GR reconstruction places these approaches in dialogue by examining the relationships and mediating institutions through which a normative order may be formed and sustained. This

analytical dialogue does not supply a common proof of the claims advanced in each tradition. The domain of each claim therefore needs to be specified before the associated relational diagnostic can be evaluated.

Four registers are particularly susceptible to conflation. The *descriptive register* concerns whether actors behave as if an agreement, representative institution, or accepted procedure guides their activities. The *interpretive register* concerns the meanings attributed to such practices by participants, observers, and institutions. The *normative register* concerns whether the arrangement or decision is justified under stated ethical or political principles. The *juridical register* concerns whether a particular act or status possesses legal effects within an applicable legal order. A witnessed agreement can provide evidence of a descriptive practice; its interpretation may be disputed; normative appraisal can identify unfairness; and legal effect depends on source-specific conditions such as competence, form, subject matter, and the applicable law. The four registers may influence one another historically without becoming interchangeable.

Consider an assembly in which affected residents and an intermediary agree on a water-allocation procedure. Recorded assent may support a finding of coordination. The assembly's standing to bind a public water authority requires the relevant legislation or another competent source. A statute that permits consultation may give participants a procedural entitlement without authorizing the assembly to waive substantive protections. The participants' conception of fairness may also differ from the authority's duties under applicable law. The distinction developed in Section 7 between normative efficacy and institutionally recognized effects remains essential when translating an observed relationship into a legal claim. A social-contract narrative can supply hypotheses about legitimacy and coordination while leaving the actual source of enforceable authority to be demonstrated.

These restrictions matter most where the analysis crosses systems. A United Nations declaration, a ratified treaty, a domestic statute, a philosophical proposal, and a hypothetical account of nonhuman participation have different modes of validity and relevance. For example, the United Nations Declaration on the Rights of Indigenous Peoples articulates relevant international standards concerning Indigenous participation, while the specific consequences of domestic consultation, jurisdiction, and enforceability require separate investigation [50, 18]. The Whanganui River's recognized legal status follows from a specified New Zealand legislative scheme, including defined representatives and limits on statutory effects [24]. An analogy between those situations may sharpen the question of representation, but any proposed transfer of legal consequences must be tested against the governing sources in the new case. Legal-source fidelity is thus a substantive limit on the scope of relational comparison, rather than a merely bibliographic precaution.

14.2 Protective duties and the insufficiency of contractual reciprocity

An especially important counterexample concerns persons whose protection does not depend on their capacity or willingness to undertake reciprocal obligations. A child may lack the authority to negotiate a binding collective arrangement while retaining rights to protection, participation appropriate to the decision, and consideration of the child's best interests under the Convention on the Rights of the Child [48]. An adult with disabilities retains equal recognition before the law and the rights addressed by the Convention on the Rights of Persons with Disabilities; the requirement to support the exercise of legal capacity cannot be converted into a contractual prerequisite for possessing those rights [49, 42]. The relevant obligations arise from the applicable human-rights and domestic legal frameworks, not from the person's offer to exchange a corresponding benefit.

Care relationships also reveal a limit of a narrow exchange-based justification. A person experiencing illness or profound dependency may require reliable assistance for conditions of life and agency to be maintained. Those attending to the person may themselves need material and institutional support. Goodin's analysis of vulnerability, Kittay's work on dependency, and Tronto's account of care identify different aspects of this problem [14, 19, 36]. These philosophical accounts cannot, by citation alone, determine which caregiver has a legally enforceable duty, the required standard of care, or the proper

distribution of public resources. They do, however, challenge a purported general proposition that reciprocal assent is sufficient to explain obligations of protection. Section 8 therefore identifies relations of care and supporting institutional duties as objects of inquiry alongside consensual arrangements.

A counterexample is more informative when its target is explicit. Consider the proposed thesis that a subject's inclusion in a legitimate normative order requires that subject's capacity to reciprocate. A newborn child living within the jurisdiction of a state tests that thesis because the child's protected interests and the state's specified duties do not wait upon the child's ability to negotiate. The test does not imply that newborn children must possess the same opportunities for political decision-making as adults, or that every protective concern has identical legal standing. It establishes the need to separate rights-bearing, affectedness, participation, and decisional authority. A stronger relational reconstruction can preserve cooperation as one mechanism of normative formation while recognizing that some obligations constrain permissible agreements independently of their beneficiaries' assent.

The same distinction cautions against immediate generalization to animals, ecosystems, or future artificial systems. Arguments about animal welfare, political membership, or ecological representation require attention to their evidential, moral, and legal bases. Donaldson and Kymlicka offer a philosophical proposal concerning animals' political status; it is not a statement of existing international legal personality [5]. A particular legislature can create rights and representation arrangements for a natural entity without thereby providing an empirical demonstration of consciousness or establishing analogous legal status for other natural entities. The proposed framework can compare protective and representational structures; it must preserve the independent source and justification of each protection.

14.3 Formal assent, concentrated power, and ineffective participation

A second family of counterexamples concerns formally regular procedures that fail to secure meaningful opportunities for the affected. A vote, consultation, signature, or mediated settlement may be properly recorded while information, agenda control, dependence, retaliation risk, language access, or resources constrain practical alternatives. Hirschman's distinction between exit and voice foregrounds the institutional conditions of challenge; Lukes' treatment of power broadens the analysis to agenda setting and the shaping of apparent preferences; Pettit's account of non-domination draws attention to the capacity to contest arbitrary interference [16, 20, 28]. Their contributions are not interchangeable theories of legitimacy. They motivate separate checks on the proposed inference from procedural assent to justified authority.

Suppose a service institution obtains signatures authorizing an arrangement from participants who depend on it for food or shelter. Signing may be the sole feasible means of continuing to receive essential support. The observable record alone underdetermines whether the participants had adequate information, whether the arrangement was freely chosen, and whether they could challenge its implementation without unacceptable costs. The investigation must inspect the specific legal criteria for valid consent and the documented material context. Normative analysis may identify coercive leverage even in cases where the legal validity of a particular agreement remains contested. The existence of an accessible complaint form likewise differs from the existence of a practical route to remedy. Section 9's feasible-contestation diagnostic addresses the latter question, which requires evidence about actual institutional practices.

Representation produces related difficulties. A representative may hold a formal mandate while controlling the agenda, suppressing minority accounts, or making claims outside the scope of authorization. A facilitator may be trusted by some participants and regarded as an imposed intermediary by others. Supported participation may be nominal if communicative assistance is controlled by the institution whose conduct is under review. Fricker's work on epistemic injustice and Fraser's analysis of public-sphere exclusions illuminate distinct forms of unequal interpretive and communicative standing [13, 11]. The empirical question concerns who can formulate a concern in terms recognized by decision-makers, how competing accounts are recorded, and whether a person can revise or reject an interpretation attributed to them.

The resulting counterexample has a precise structure. A procedure can meet its published sequence of steps while the practical conditions for contestation remain inadequate. This does not entail that every decision made under asymmetrical conditions is invalid, since legal validity depends on the applicable sources and facts. It instead defeats an unqualified inference that procedural completion establishes meaningful inclusion or comprehensive legitimacy. A stronger diagnostic records the distribution of decision rights, resources, information, exit options, and review opportunities separately. It also asks whether improvements in one dimension displace burdens onto another group, such as family caregivers, translators, or people whose needs are less legible to institutional recordkeeping.

14.4 Partial translation, institutional conflict, and the persistence of disagreement

Mediated coordination presents a third potential failure mode: practical agreement can coexist with enduring normative incompatibility. Communities may use a shared term such as *stewardship*, *membership*, or *consent* while assigning it different responsibilities and historical meanings. Conversely, participants may reach a workable arrangement for resource management while maintaining incompatible accounts of ultimate authority or the value of the protected environment. The partial translation relation developed in Section 6 treats correspondences as conditioned by participants, context, and interpretive choices. It allows a record of localized intelligibility without presuming that a shared vocabulary yields comprehensive conceptual convergence.

Legal pluralism intensifies this problem. Moore's account of semi-autonomous social fields and Tamanaha's analysis of varieties of legal pluralism suggest reasons to examine normative practice beyond a single formal center of authority [23, 34]. Yet identifying coexisting normative practices is analytically distinct from showing that each possesses legal force in a specified forum. Where a customary institution, state authority, and transnational organization issue competing requirements, a settlement among representatives of two institutions may leave claims from the third unresolved. A mediator's invitation to a dialogue cannot by itself establish jurisdiction to adjudicate the conflict. The source-indexed recognition relation in Section 7 therefore requires an independently established competence basis for each alleged effect.

A hypothetical watershed settlement provides an adversarial illustration. An Indigenous collectivity and regional agency might agree on a seasonal extraction threshold while maintaining different accounts of authority over the river. A national statute may assign permitting powers to an agency outside their agreement, while a community member may contest the asserted representative mandate. The operational threshold may be useful, but it cannot exhaust the normative conflict. A careful analysis would identify the settlement's parties, the separate authority of the permitting body, the constituency represented, applicable review rights, and the claims expressly reserved. The hypothetical arrangement could be evidence of cooperation without proving convergence, jurisdiction, or a waiver of affected persons' rights.

The GR vocabulary of shared *nomos* is correspondingly restricted. A shared *nomos* may be useful as a description of historically sustained coordination, mutual expectations, or institutions produced by negotiation. Its analytical value is reduced if it conceals enduring domination, failed translation, incompatible sources of legal authority, or unresolved protective duties. An adversarial inquiry should ask which disagreements remain live, whose interpretation is made authoritative in official records, what happens when a participant withdraws support, and which external adjudicator can review a contested result. Under some circumstances, the appropriate theoretical outcome is a documented partial settlement, a persistent conflict, or an explicit failure of mediation. These are substantive outcomes of the investigation, not defects to be erased by a unified formal label.

14.5 Heterogeneous-subject analogies and category-specific evidentiary burdens

Comparative breadth introduces an additional risk of category error. Children, adults who use decision-making support, Indigenous collectivities, nonhuman animals, statutory natural entities, deployed AI systems, and hypothetical extraterrestrial participants present different relations among agency, moral

consideration, collective organization, legal recognition, and technological mediation. Table 10 in Section 11 therefore compares questions and evidentiary requirements rather than assigning a single ranking of political subjecthood. A common analytical vocabulary must remain revisable where it imports assumptions that a case does not satisfy.

For children and persons with disabilities, the starting point includes established human-rights law and the task of understanding its context-specific implementation [48, 49]. A philosophical analogy involving another kind of subject may help identify questions about communication or support, but cannot diminish these rights or replace their legal foundations. For Indigenous collectivities, inquiries into political voice require particular attention to self-representation, collective histories, and jurisdiction-specific norms; treating a state-appointed intermediary as an adequate substitute for an autonomous political institution can reproduce the very exclusion the analysis seeks to study [50, 18]. Moreover, collective authority is not reducible to a summation of individual preference scores: the formation, recognition, and contestation of a mandate require their own evidence and normative appraisal.

Nonhuman cases demand a different differentiation. Animal welfare considerations may be informed by species-specific scientific evidence and ethical argument, while the attribution of political rights or governmental representation requires a further philosophical or legal step [55, 5]. Statutory legal personality, exemplified by the Te Awa Tupua scheme, is established through an identifiable legal source and associated structures of representation [24]. That status should not be used as an empirical proxy for phenomenal experience. The protection of ecological interests may also be justified on grounds distinct from attributing subjective suffering to the protected entity. A comparative protocol must record which of these justificatory routes is being examined.

In the case of AI, sophisticated language production, apparent agreement, or the performance of delegated tasks supplies evidence of system behavior and institutional reliance. Such behavior alone cannot resolve philosophical questions about subjective experience, moral standing, or an entity's legal personality. The European Union's AI Act supplies a differentiated regulatory framework for AI systems and relevant persons in its own legal domain; its regulatory categories do not constitute a general recognition of AI as political parties to social contracts [8]. A human operator, public authority, developer, or other legally recognized actor may have obligations relating to an AI-mediated decision according to the applicable law. The present proposal must therefore distinguish the epistemology of system behavior, the attribution of responsibility to recognized actors, and the open philosophical question of possible AI subjecthood.

Hypothetical extraterrestrial communities present an even wider evidentiary gap. Their invocation can test whether a proposed principle tacitly assumes shared language, a human form of individual agency, comparable vulnerability, or the same account of consent. A possible future encounter might require novel institutions for communication and noninterference, yet there is no observed case from which to establish their actual capacities, normative practices, or reciprocal expectations. The scientifically and ethically responsible use of this example is as a conditional stress test with declared assumptions. Its conclusions cannot be presented as demonstrated empirical generalizations. Similar care applies to speculative AI–animal or AI–extraterrestrial encounters: the cases may expose structural assumptions while remaining outside the domain of presently established law and empirical social science.

14.6 Historical discontinuity, archival silence, and underdetermined causal claims

A sixth limitation concerns the recovery of historical evidence. A compact's textual continuity may disguise changes in those affected, those able to participate, and the practical powers of its administrators. Conversely, the absence of a written compact does not establish an absence of locally operative expectations, collective institutions, or normative practices. Historical inquiry must examine the provenance of records and the processes by which they were created, preserved, translated, and selected. The source-indexed transformation relation in Section 13 supports these distinctions while leaving causal identification and normative judgment to additional arguments.

Archive asymmetry is especially consequential where the surviving records were controlled by colo-

nial administrations, coercive institutions, or technically privileged intermediaries. A governmental register may accurately document the state's classification of a person while failing to capture the person's self-understanding or a collectivity's own political organization. Mamdani's analysis of differentiated colonial authority and Brubaker's historical treatment of citizenship support attention to such institutional categories in their specific settings [21, 3]. Neither work licenses general inferences about each community or historical period. Community accounts, oral histories, and contested memories may supply important evidence, but their interpretation must recognize permissions, linguistic mediation, internal differences, and ethical constraints on disclosure.

Explanations of institutional change face a related issue of underdetermination. An observed expansion of consultation may follow legal reform, organized mobilization, administrative incentives, changes in resources, judicial decisions, or interacting processes. The temporal ordering of events alone does not establish which mechanism did the causal work. Tilly and Sassen analyze different trajectories of institutional transformation; invoking them can direct attention to state formation and reorganizations of authority without yielding a general causal model of heterogeneous contract formation [35, 31]. A credible empirical study must define rival explanations and seek evidence capable of distinguishing among them. Negative cases are important: stable institutional arrangements that retain meaningful participation, reforms that fail to improve it, and new mediators whose interventions worsen accountability are all relevant to the limits of the present reconstruction.

Manifestation through digital records introduces newer forms of selection. A consultation platform may record thousands of submissions while excluding people without connectivity, accessible devices, translators, or institutional trust. Automated classification can make some claims legible to an agency and silently misclassify others. An audit therefore requires the data-generating process, access constraints, coding decisions, known missingness, and available routes for correcting records. Evidence of extensive recording is distinct from evidence of broad political voice. Where publication threatens privacy, the safety of vulnerable participants, or Indigenous control of sensitive knowledge, ethical limits on disclosure should be documented rather than treated as evidentiary deficits that must be eliminated.

14.7 Comparative counterexample tests and the specification of research obligations

The preceding limitations can be converted into a structured set of adversarial tests. A counterexample challenges a specified inference rather than refuting an entire theoretical vocabulary by association. For each case, the investigator should identify the proposed inference, the factual configuration that would defeat it, the relevant legal or normative premises, and the evidence necessary to distinguish failure from uncertainty. Table 13 summarizes eight research configurations. These are test designs and hypotheses, not findings of a comparative study.

A suitable comparative study would begin by defining its unit of analysis. Possible units include a particular decision, a representative mandate, a mediated settlement, a rights-claim episode, or a change in institutional competence. Combining these units without distinction produces inconsistent denominators and confuses actors with the episodes through which they interact. The time period, geographical and legal jurisdiction, included constituencies, relevant institutional forums, and criteria for observing an outcome should be recorded in advance. The investigator should then identify legal sources and their effective dates; map the affected and formally recognized participants; document authorization and support arrangements; reconstruct relevant processes of negotiation and contestation; and identify gaps in the available evidence. The resulting record could link the source-indexed diagnostics introduced in earlier sections without assuming that one measured property substitutes for the others.

A research protocol can express the burden of proof through three separate decision rules. First, the *classification rule* asks whether a record provides enough jurisdictional, evidentiary, and contextual detail to assign each diagnostic component; underdetermined components remain unresolved. Second, the *discrimination rule* asks whether the representation distinguishes cases that relevant legal sources or defended normative theories treat differently. Third, the *counterexample rule* specifies in advance what observation or document would defeat an asserted inference. For example, a general claim that represen-

Table 13: Counterexample configurations, challenged inferences, and discriminating research obligations

Test configuration	Inference under challenge	Research obligation and discriminating evidence
Child protection with limited agreement capacity	Reciprocal assent is necessary for protected standing	Identify applicable CRC and domestic duties, distinguish participation from consent, document protection and review
Supported adult in a contested decision	Recorded proxy approval establishes the adult's authorization	Examine decision-specific will and preferences, support arrangements, authority, accessibility and safeguards
Resource-dependent service participants	Formal signatures establish freely exercised political voice	Trace feasible alternatives, resource dependence, informational access, retaliation exposure and review outcomes
Collective representation with internal disagreement	A single representative claim exhausts a community's political voice	Establish mandate provenance, internal procedures, disputed constituencies and recognized legal competences
Cross-order mediated settlement	Operational settlement establishes legal validity and normative convergence	Compare applicable normative sources, institutional authorization, reserved disagreements and permitted legal effects
Statutory river representation	Legal personality establishes a universal model of nonhuman subjecthood	Read the particular statute, test the scope of representation and refrain from empirical consciousness inferences
AI-assisted administrative decision	Technical performance establishes an AI system's governmental or legal standing	Locate authority in applicable regulation and public law, inspect human responsibility, trace logs and contested decisions
Historical institutional continuity	Persistent formal rules establish continuing legitimate inclusion	Compare changing membership, participation, exclusion, archives, rival accounts and available remedies

tative appointment secures meaningful participation is challenged by credible evidence of unreviewable mandate overreach or systematic suppression of expressed views. Such evidence does not automatically resolve the legal effect of the appointment. The research report should distinguish a challenged theoretical claim, an adverse empirical observation, and any source-specific juridical conclusion.

Two kinds of comparison are complementary. *Within-case process reconstruction* examines how a specific claim or decision changes through time, including unsuccessful petitions, shifts in mandate, omitted parties, and the institutional response to challenge. *Cross-case comparison* examines whether a proposed mechanism persists across cases with different sources of authority, forms of participation, and distributions of resources. Positive and negative cases are required for both designs. Where a proposed hypothesis states that mediation tends to improve access to review, the researcher should compare processes with mediation against relevant cases or periods lacking comparable mediation and investigate confounding factors. Where data cannot identify a causal effect, the conclusion should remain interpretive or descriptive. No universal validity claim follows merely from the number of examples reported.

The proposed framework is also susceptible to theoretical failure. If it consistently assigns the same diagnostic categories to legally or normatively different cases, it lacks sufficient discriminatory resolution. If source-indexing cannot distinguish an institution's actual competence from claimed competence, the juridical component is inadequate. If the three GR levels become labels attached to identical prose rather than analytically distinct questions, their methodological purpose is lost. If a case cannot be represented without erasing dissent or imposing a contested subject category, the formalism requires revision or a documented abstention. Conversely, an observed instance of voluntary cooperation that operates fairly and without elaborate mediation need not be redescribed as evidence of hidden coercion merely to preserve the framework's explanatory reach. These possible outcomes are part of its revisability.

14.8 Three GR reality levels and a bounded research programme

The three GR reality levels provide an organizing discipline for the limitations identified here. At the *ontological reality* level, the ultimate constitution of persons, collectivities, experience, moral standing, and normativity remains suspended. A mathematical or institutional description cannot resolve consciousness, metaphysical identity, or the foundational status of obligations. In particular, neither legal personality nor behavioral sophistication is an ontological test of subjectivity. Ontological suspension serves as a boundary on the framework's claims; it does not authorize indifference to existing duties toward legally protected persons or to responsibly investigated evidence concerning potential harms.

At the *relational reality* level, the analysis investigates sufficiently stable and historically effective relations among affected subjects, representatives, mediators, institutions, resources, duties, and modes of contestation. These relations can influence what options are available, which claims become institutionally intelligible, and whose interests can be protected. Their generative character is an object for analysis. An arrangement may enable learning, cooperation, or institutional repair in one respect while reproducing exclusion in another. Relational effectiveness does not by itself establish legitimate authority or an overall positive ethical assessment. Comparisons therefore require declared criteria, attention to competing values, and sensitivity to burdens transferred across participants and timescales.

At the *manifestation reality* level, the investigator examines the records and forms through which the relations become accessible: consent documents, meeting transcripts, interviews, legal instruments, contested translations, administrative files, complaints, formal judgments, model outputs, technical logs, and historical accounts. These manifestations are conditioned by language, institutional categories, recording technology, and participants' security. A sufficiently rigorous record preserves the distinction between the source's contents, the researcher's interpretation, and the substantive legal or normative conclusion. Missing, unavailable, disputed, or ethically restricted evidence should be reported as such, with confidence limited accordingly. An institutional record that names no dissenters is not thereby proof of unanimity.

A bounded programme of subsequent work follows from these distinctions. *Doctrinal research* should identify the applicable sources of status, competence, protection, and remedy in each jurisdiction, while distinguishing law in force from soft-law guidance and philosophical argument. *Normative research* should compare candidate principles for inclusive justification, nonreciprocal duties, and legitimate contestation, retaining their disagreements where they cannot be translated. *Historical and ethnographic research* should reconstruct how participation and representation were actually constituted, including the perspectives of people made less visible in institutional archives. *Empirical institutional evaluation* should assess the practical accessibility and effectiveness of voice, review, and protection, with data governance and participant safety treated as part of research design. *Formal research* should test the discriminating utility of source-indexed relations, their sensitivity to counterexamples, and the consistency of their treatment of uncertainty. These inquiries address different standards of warrant and may correct one another without being reduced to a single metric.

The paper's remaining claim is correspondingly modest. The proposed GR reconstruction offers a vocabulary for analyzing heterogeneous social compacts as historically sustained, mediated, and revisable configurations of participation, protection, and authority. Its distinct contribution lies in organizing questions about the production and transformation of shared normative arrangements while making their sources, disagreements, and limits visible. The counterexamples developed in this section restrict any inference that consent alone grounds protection, that coordination confers legal competence, that representation automatically secures meaningful voice, or that historical persistence establishes legitimacy. The future jurisprudential and humanitarian-protection inquiries of Papers XIII, XIV, and XVI provide related but analytically separate research objects. A concluding synthesis can state the scope and possible usefulness of this approach while preserving these limits and the substantial work required for independent historical, legal, philosophical, and empirical evaluation.

15 Conclusion

The present paper has examined the scope of social-contract reasoning under conditions in which the subjects affected by political arrangements differ in communicative, decisional, organizational, and juridical capacities. Its primary objective has been to reconstruct the relationships through which a shared normative order can be authorized, represented, mediated, sustained, contested, and revised, while respecting independent grounds of legal protection and political justification. The results are conceptual and comparative. They identify distinctions, institutional questions, and source-indexed diagnostic representations; they do not establish a new positive-law doctrine, demonstrate the legitimacy of a particular compact, or settle the ontological standing of prospective nonhuman interlocutors. This concluding section synthesizes the contribution to contract scholarship, examines the conditions of inclusive norm formation, clarifies the role of historical and institutional relations, specifies connections to the neighboring jurisprudential papers, and identifies requirements for a subsequent phase of inquiry.

15.1 The analytical domain of heterogeneous social compacts

Social-contract traditions address differing problems, including authorization of sovereign power, political association, fair terms of cooperation, and principles that persons could reasonably justify to one another. Their historical formulations offer distinct arguments and domains of applicability. Hobbesian authorization, Rousseauian accounts of the political body, Rawlsian representative choice, and Scanlonian contractualist justification therefore remain independent interlocutors in the present inquiry [17, 30, 29, 33]. The proposed Generative Relational (GR) reconstruction aims to articulate a complementary object of analysis: the evolving configuration of relationships within which claims of agreement, representation, obligation, and shared authority become intelligible and effective. A conceptual bridge among these literatures is useful insofar as the questions of authorization, justification, and institutional effect remain distinguishable.

An important consequence of this specification is that a *contract-relevant relation* need not be a relation in which every affected subject is capable of bargaining. A political decision can directly bind some participants, affect outsiders, depend on professional intermediaries, and concern the interests of children or future persons who could not authorize its founding terms. Those positions are analytically distinct. The extent of affected interests concerns exposure to consequences; political membership concerns the scope of a community; procedural participation concerns access to deliberation or review; representation concerns the warrant and accountability of a person or institution acting in another's name; and legal effect concerns the applicable sources of juridical competence. Sections 2–5 developed these differences to prevent the classification of a participant by one dimension from automatically determining every other dimension.

The reconstruction accordingly allows several contract-related configurations to coexist. Some actions are directly authorized by participants with appropriate powers. Others involve supported expression of a person's own decisions, institutionally warranted representation, mediated coordination among distinct normative communities, or protective arrangements justified by sources and principles independent of agreement. The latter configurations are significant where reciprocal bargaining would inadequately characterize a beneficiary's position. A child's protection, the rights of a person requiring decision-making support, and the welfare obligations relevant to nonhuman animals involve different legal and ethical foundations. Contract theory can illuminate their institutional context while the grounds of protection remain independently assessable. The discussion of reciprocity in Section 8 supplies a particularly important qualification: an obligation to protect or support someone may be warranted even when equivalent counter-performance is unavailable, and the institutions that enable care may themselves require support.

This broader analytical domain introduces a risk of conceptual inflation. If the category of social contract covers every morally relevant relationship, the distinctive work performed by consent, authorization, and agreement becomes difficult to identify. The paper therefore preserves a boundary between relationships *organized by contractual or quasi-contractual procedures* and obligations whose justifica-

tion derives from other sources. The relationship between the domains is itself open to investigation. A protective duty can structure the conditions under which an agreement is legitimate, while the agreement can determine how participants coordinate the performance of that duty. Such interaction does not make protection dependent on the agreement's validity. This boundary is central to the present reconstruction and limits its ambitions.

15.2 Participation, representation, and the distribution of justificatory burdens

The paper's account of inclusion has treated participation as a situated institutional relation. Formal possession of a procedural opportunity provides one relevant fact, while its practical exercise may depend on language, support, resources, agenda control, available alternatives, technical interfaces, and the consequences of refusing participation. The diagnostics developed in Sections 4 and 9 therefore distinguish an observable indication of assent from the authorization it is alleged to express and the broader normative evaluation of the procedure. Consent can be consequential within an adequately specified domain, but its institutional meaning depends on the relevant subject, act, source, and surrounding conditions.

Supported decision-making illustrates the value of separating these dimensions. Assistance in communicating, understanding alternatives, or exercising legal capacity should be distinguished from a substitute decision made by another agent. The appropriate institutional arrangements are partly determined by applicable rights and procedural guarantees, including the Convention on the Rights of Persons with Disabilities, rather than by a theoretical assessment of a person's productive or bargaining contribution [49]. The same care is required in the treatment of children: children's evolving capacities, participatory entitlements, and best-interests protections call for distinct analyses under the applicable legal sources [48]. These established human-rights protections supply normative and legal constraints on institutional design; the GR representation does not create or supersede them.

Representation creates an additional layer of justificatory responsibility. An organization may claim to speak for a collectivity; an advocate may be assigned to protect an absent person's interests; a public authority may consult a community; or a technical system may summarize expressed preferences. The validity and reliability of such claims depend on potentially different mandates, evidentiary grounds, avenues of challenge, and duties of accountability. The formation of representative voice is itself a historical and political process. A favorable outcome for an affected constituency does not alone demonstrate that the representative was authorized, and the existence of a mandate does not guarantee faithful interpretation. The inquiries in Sections 5 and 12 consequently place the burden of explanation on those who claim authority to translate a person's interest into institutional action.

Power complicates these relationships even when procedural forms are observed. Dependence may restrict credible exit; agenda-setting may determine the questions that become publicly intelligible; unequal interpretive resources may alter which claims receive recognition; and retaliation risks may make contestation practically unavailable. The paper has drawn on distinct theories of voice, power, domination, and epistemic injustice to develop this diagnosis without merging their normative commitments [16, 20, 28, 13]. In the proposed account, meaningful participation is an evaluative problem requiring evidence about actual options and safeguards. Its criteria must be made explicit for each institutional setting. A practical institutional assessment should investigate accessibility, representative independence, protection against retaliation, review procedures, and the burdens imposed on those expected to contest an arrangement. Neither procedural symmetry nor the mere presence of an appeal channel can settle those questions in isolation.

15.3 Shared nomos, institutional competence, and continuing disagreement

The paper uses *shared nomos* as an analytical designation for a partly coordinated order of normative practices, recognized expectations, permissible and constrained actions, and procedures for addressing disagreement. Such an order may contain legal, customary, organizational, and other normatively structured relations whose sources and effects differ. The contribution of Sections 6 and 7 lies in separating the processes that make coordination possible from the conditions that make a decision authoritative within a

particular institution. Mediation can clarify competing claims, translate partial meanings, and facilitate a procedurally bounded settlement. The production of a shared procedure can occur while the participants retain divergent ontologies, ethical commitments, and judgments about distributive outcomes.

Institutional competence introduces another question. A mediator's mandate to facilitate discussion does not in itself establish legislative, adjudicative, or coercive authority. The legal effects of a negotiated arrangement depend on its relationship to the competent rule-making bodies and the relevant sources of law. In a plural setting, customary, public, transnational, and organizational orders may recognize different parts of a proposed arrangement, or disagree over competence and priority. The source-indexed relations developed earlier in the manuscript are designed to keep these questions analytically visible. They record the terms of a proposed translation, recognition, or challenge and the conditions under which an institutional effect may be asserted. They function as diagnostic representations and research prompts; their formal structure neither supplies the missing legal premise nor proves normative legitimacy.

The preservation of disagreement is a substantive result of the comparison. Some communities may sustain cooperation through limited procedural agreements while continuing to dispute the principles that ought to govern common resources, collective identity, or the status of a proposed beneficiary. A partial settlement may be valuable because it renders coexistence or mutual assistance possible under stated constraints. Its evaluation still requires attention to independent protective duties, affected outsiders, unequal bargaining power, and the possibility of future challenge. A purportedly harmonious consensus can also conceal exclusion. A responsible analysis must therefore permit failed translations and legally or ethically unresolved conflicts to appear as findings rather than treating them automatically as deficiencies awaiting conceptual unification.

The design implications are correspondingly conditional. Institutional procedures can be assessed for clearly assigned competence, records of mandate and consent, accessible opportunities for intervention, independent review, resources for implementation, and specified arrangements for monitoring and repair. These are candidate objects of comparison; their precise legal relevance and desirability depend on the governing sources and circumstances. Section 12 developed a source-indexed contestation relation partly to make that limitation explicit: identifying a forum, grievance, competence source, and procedural disposition does not by itself demonstrate that the remedy is affordable, independent, effective, or legally enforceable. The relationship between formal institutional design and its social operation remains an empirical and normative question.

15.4 Historical transformation and the three GR reality levels

The historical component of the reconstruction treats a social compact as a sequence of relationships and institutional arrangements whose constituencies, mandates, interpretive conventions, and constraints can change over time. Founding authorization, present operation, and contemporary justification may be connected without being equivalent. Later entrants may inherit rules without having participated in their creation; caregivers' and representatives' roles may change as a person's circumstances change; recognition of an Indigenous collectivity can be negotiated within a wider history of domination and claims to self-determination; and emerging technologies may redistribute access to deliberation or institutional evidence. The temporal and historical inquiries in Sections 10 and 13 accordingly examine the co-development of subjects and norms rather than assuming a fixed constituency whose initial agreement settles subsequent questions.

The source-indexed transformation model proposed in Section 13 links earlier configurations, intervening activities, available evidence, and later configurations. Its research value depends on whether those components help to identify real continuities and discontinuities across contested records. A historical sequence alone is insufficient to prove a causal mechanism. Changes in membership and public recognition may reflect organizing activity, material resources, administrative classification, coercion, judicial decisions, demographic change, or interactions among several mechanisms. Historical investigation should therefore preserve alternative explanations, unequal documentary visibility, and disputes over periodization. Institutional persistence can also accompany continuing exclusion; transformation

toward greater inclusion in one respect may impose a new burden elsewhere.

The three GR reality levels organize the limits of these claims. At the level of *ontological reality*, the ultimate status of human and nonhuman subjects, institutions, and relational structures remains suspended within the present inquiry. At the level of *relational reality*, comparatively durable patterns of dependence, authorization, representation, care, power, and institutional recognition are examined as historically constituted and potentially effective. At the level of *manifestation reality*, legal documents, recorded decisions, interviews, communicated consent, digital traces, complaints, and administrative classifications make selected portions of those relations accessible. The three levels identify distinct analytical questions rather than a sequence through which observed manifestations automatically acquire ontological certainty. The same record can support a claim about an event while leaving the participants' own interpretation, the validity of an asserted legal effect, and the relevance of unrecorded dissent open.

This discipline matters especially in heterogeneous cases. Within the existing legal orders considered in the paper, children and persons with disabilities possess established human-rights protections. The recognition of a natural entity such as Te Awa Tupua depends on a particular statutory scheme [24]. The political standing of nonhuman animals is contested in philosophical and institutional debates, and legal protections vary by legal system. The capacity of artificial systems to produce apparently intentional discourse or to implement a negotiated protocol establishes neither a general legal personality nor a settled philosophical status. Hypothetical extraterrestrial interlocutors are conceptual stress tests. The comparative categories developed in Section 11 help specify what must be examined in each case while preserving these major differences in standing, evidence, and domain. An account of heterogeneous subjects gains analytical usefulness from accurately characterizing dissimilar cases, including those that resist translation into a shared membership scheme.

15.5 Jurisprudential interfaces and humanitarian-protection questions

The position of Paper XV within the Braid–Justice programme is clarified by three adjacent objects of research. Paper XIII studies legal subjecthood, responsibility-bearing positions, sanctionability, and procedural standing. Those categories may connect to political membership, but they pose different questions. An entity can be granted a legally defined position without obtaining every form of political participation; a person may possess protected rights without being able to exercise an institution's authorization procedure unaided. The social-contract framework proposed here offers a setting in which questions about representation and institutional membership arise, while positive law and legal theory must independently establish the relevant juridical positions. Any application of the present model to legal personality or liability requires this separate inquiry.

Paper XIV concerns institutional powers to interpret law, determine disputes, impose sanctions, and enforce decisions, including potential roles of human and artificial expertise. A mediator facilitating a compact, an institutional representative speaking for an affected community, and an adjudicator deciding a contested legal question may interact while possessing different grants of authority. An actor's capacity to provide accurate advice, explain a procedure, or construct a coherent normative proposal does not constitute a general right to judge. The question of who may decide, subject to what procedural constraints and review, remains distinct from how a normative arrangement was negotiated. The interfaces between Papers XIV and XV are especially relevant where automated assistance changes access to reasons, fact assessment, or grievance routing. Such technological interventions call for source-specific appraisal of delegated authority and independent safeguards.

Paper XVI, planned as an inquiry into the jurisprudence of aid and humanitarian protection under heterogeneous subject conditions, addresses a further boundary. A duty to assist a person in danger may arise under an applicable legal regime or defensible ethical principle without a prior compact between helper and beneficiary. The relational setting still matters: institutions allocate responsibilities, determine access, mediate information, and affect the risk of harm through historical arrangements. But the grounds of humanitarian protection require analysis in terms of the relevant sources, subjects, thresholds, permissions, competence, and duties. Paper XV supplies a vocabulary for examining the governance set-

ting of those duties; it does not derive their existence merely from reciprocal cooperation or negotiated consent. AI–AI, human–animal, or hypothetical extraterrestrial conflicts raise additional questions about evidence of suffering and protected interests. Those questions are reserved for their own careful normative and juridical examination, with no presumption that the present comparative exercise has determined the status of any such interlocutor.

Taken together, these interfaces suggest a research architecture in which the formation of shared norms, the attribution of legal positions, the exercise of adjudicative authority, and the justification of protection can inform one another while maintaining different tests of validity and adequacy. This allocation of problems protects against attributing to social-contract theory a task it is unequipped to discharge. It also leaves open important relational questions: how repeated adjudication alters future negotiations; how the recognition of previously excluded parties transforms representative institutions; and how humanitarian obligations shape the permissible boundaries of political bargaining. Their historical and institutional couplings are promising subjects for subsequent inquiry, rather than established deductions from the models developed here.

15.6 Research requirements and concluding assessment

The value of the proposed reconstruction will depend on its performance in difficult cases. At the doctrinal level, applications require verified source-specific accounts of legal capacity, collective rights, representative competence, procedural remedies, and duties of protection. At the normative level, analyses of legitimate coercion, justified representation, reciprocal and nonreciprocal obligation, and inclusive contestation need explicit evaluative premises and fair engagement with rival arguments. Historical reconstruction needs primary evidence where available and sensitivity to coercive origins, archival selection, and competing interpretations. Empirical institutional evaluation should investigate what participants can actually understand, communicate, refuse, contest, and secure through available procedures, taking confidentiality and vulnerability into account. Formal analysis should test whether the proposed relational objects discriminate cases that the relevant legal and normative theories already treat differently. Each mode of inquiry can correct others while answering questions that remain methodologically distinct.

A defensible integrated evaluation should report separately the model's *descriptive resolution*, *legal-source fidelity*, and *normative openness*. Descriptive resolution concerns whether the diagnostic can reconstruct who acted, how claims were mediated, and how the arrangement changed. Legal-source fidelity concerns whether attributed rights and institutional effects match the relevant authority and operative dates. Normative openness concerns whether disagreements, noncontractual protections, and competing standards of legitimacy remain inspectable. A strong performance on one dimension provides evidence of usefulness within that dimension; it does not establish adequacy on the others. This separation specifies an achievable test of the paper's proposed contribution.

The counterexamples in Section 14 impose specific conditions on future claims. If an apparent agreement is produced under severe dependency, investigators must evaluate its justificatory force before invoking it as authorization. If a technical intermediary outputs a negotiated settlement, its delegated function and the institution's competence must be established before asserting legal effect. If a representative is appointed to speak for a vulnerable constituency, the reliability, limits, and contestability of the mandate require scrutiny. If a shared procedure repeatedly excludes dissenting voices, its durability cannot serve as sufficient evidence of legitimacy. If a speculative analogy between persons, animals, natural entities, artificial systems, and extraterrestrial subjects obscures established protections or source-specific distinctions, the analogy must be narrowed or abandoned. Such failure conditions are substantive restrictions on the theory, and a useful research programme should remain open to evidence that makes its diagnostic categories insufficient.

A further evaluative question concerns the proposed formalism itself. The retained source-indexed records and relations are preliminary tools for disciplined comparison: the authorization diagnostic and the membership-assessment protocol expose unsupported attributions; the translation and cross-order re-

lations discriminate interpretation from recognition; contestation models distinguish usable routes from a forum’s legal powers; and temporal records support evidence-sensitive historical comparison. The consent-provenance and heterogeneous-case protocols are now stated in prose and tables because displaying their category lists as tuples supplied no additional inferential content. Their utility would be shown by greater clarity about missing premises, increased ability to distinguish institutional roles, and improved reproducibility of specific analyses. Evidence that a formal object merely restates prose, obscures a legally decisive fact, or collapses rival meanings would support simplifying or replacing it. No theorem derived in this manuscript establishes universal criteria for political legitimacy. The formal components retain an illustrative and analytic status, and their extension into computational or empirically parameterized models requires separate definitions, data, and validation.

The paper’s provisional contribution is thus a *bounded relational account of heterogeneous social compacts*. It brings together historically changing membership, differentiated participation, representation, mediation, power, interinstitutional recognition, nonreciprocal protection, and opportunities for contestation within a single comparative framework. The account is generative in a circumscribed sense: it examines conditions under which relationships may reproduce, modify, and create possibilities for collective coordination and institutional response. That descriptive concern coexists with independent ethical and legal appraisal. A compact may facilitate cooperation while preserving a serious injustice; a failed negotiation may leave intact a compelling duty of protection; a stable norm may remain contested; and meaningful collective life may depend on procedures that accommodate enduring disagreements. Understanding these configurations requires precise distinctions and historically situated inquiry. The resulting programme invites further conceptual criticism, legal verification, and empirical examination of the possibilities and limits of shared nomos among heterogeneous subjects.

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