

2 Justice towards Future Generations

1 Introduction

As I noted in chapter 1, traditional accounts of justice hold that we have obligations of justice towards fellow citizens who are our contemporaries. In this chapter, we examine a first challenge to this standard view on the scope of justice, whereby we have obligations to future generations. As we will see, extending the scope of justice over time will have implications for the question of the content of our obligations.

Clearly, the question of justice towards future generations has generated considerable debate in recent years, particularly on climate change, the consumption of non-renewable natural resources, and energy policy. Before outlining the various positions which egalitarian liberals, communitarians, and libertarians take on the issue of justice towards future generations, a number of clarificatory points are in order. First, in asking what a given generation owes to its successors, I will ask what *a birth cohort* owes to succeeding birth cohorts, rather than what *an age group* owes to other age groups. A cohort is a class of individuals who experience a particular event – birth, marriage, graduation, etc. – at the same time. Thus, all individuals born in 2006 belong to the same birth cohort. An age group is a class of individuals who are of the same age, but do not necessarily coexist. Thus, individuals aged forty in 1688 belong to the same age group as individuals aged forty in 1789. Whether justice between future generations is seen as justice between birth cohorts or between age groups matters crucially. In the first case, one looks at what a given generation is under an obligation to do for the sake of its successors. For example, one decides whether a given generation must leave the environment in as good a shape as it has found it. In the second case, one looks at what, at a specific point in time, say in 2006, a given age group, say

those aged fifty, must do for the sake of some other age group, say those aged twenty. For example, one decides whether it is appropriate for the former to raise the compulsory age of retirement (which would be in their interest), thereby increasing competition for jobs and making it harder for twenty-year-olds to access the job market. And that, one might think, is unjust. In this chapter, though, we will focus on justice between birth cohorts.

Second, we need to be aware that a claim of the form ' G_2 owes x to G_3 ' admits of two interpretations, namely (a) 'individual members of G_2 owe x to individual members of G_3 ' or (b) ' G_2 as a group owes x to G_3 as a group'. As we shall see, theories of justice which take as their starting point the claim that individuals, and not groups, are the fundamental moral units seem to be committed to (a), which in turn raises a number of serious difficulties.

Third, the words 'future generations' need disambiguating. Imagine that we have three generations: G_1 , G_2 , G_3 . G_3 does not exist yet; G_1 and G_2 overlap. From the point of view of G_1 , the question of justice between generations (by which, to reiterate, I will mean birth cohorts) must be divided into two sub-questions: whether G_1 owes anything to G_3 – in other words, to future people – and if so, what; whether G_1 owes anything to G_2 , and if so, what. Quite obviously, it is easier to justify obligations to overlapping generations, for example on grounds of reciprocity. On the reciprocity view, G_1 has obligations to G_2 , with which it overlaps, because it will receive benefits from G_2 once its members are full contributors to society's wealth. As we will see, however, a number of philosophers have sought to justify obligations to distant, non-overlapping generations.

Fourth, one must distinguish between three different kinds of policies which G_1 will typically conduct vis-à-vis its successors:

Savings: G_1 passes on to its successors more wealth and opportunities than it has itself enjoyed.

Dis-savings: G_1 passes on to its successors less wealth and fewer opportunities than it has itself enjoyed.

Status quo: G_1 passes on to its successors exactly what it has itself enjoyed.

Thus, one may hold one of the four following views:

1 G_1 does exactly as it wishes: savings, dis-savings, and status quo are all allowed.

2 G_1 must save, which implies that dis-savings and status quo are prohibited.

- 3 G_1 can save (but does not have to do so, which allows status quo), and must not dis-save.
- 4 G_1 can neither save nor dis-save, in other words, the status quo is mandatory.

Fifth, there are different ways in which G_1 can pass on more, or fewer, opportunities and more, or less, wealth to its successors. For example, it is sometimes argued that environmental pollution for which we are currently responsible tins the ozone layer, with disastrous consequences for the environment (such as increased temperatures, melting of the northern and southern ice caps, advancing deserts and erosion of coastlines, hence less and less habitable land, etc.). Consider, too, highly consumerist policies which deplete the total capital available to our successors, by imposing on them high levels of collective debts which they will have to service. Consider, finally, policies of unfettered population growth, which result in fewer resources per capita three or four generations down the line. In other words, we affect our successors by making decisions relative to the kind of environment in which they will live, to the amount of wealth which they will have at their disposal, and to the size of the generation to which they will belong.

This fifth point calls for a few additional remarks. For a start, whether or not we save or dis-save is a factor of all three kinds of policy (environmental policy, economic policy, or population policy). Thus, we dis-save if we pass on less wealth to our successors than we have received, even though the size of their population is the same as ours. We also dis-save if we pass on *more* wealth to them than we have received *and* if the size of their population is greater than ours. Throughout this chapter, we will refer to all three kinds of policies.

Moreover, when talking about the environment, one must bear in mind that environmental goods can be part of a theory of justice in at least two ways. On the one hand, they can be seen as the precondition for enjoying other goods (so that, for example, an unpolluted environment provides the conditions under which human beings can enjoy the good of health). On the other hand, they can also be regarded as a set of goods to be enjoyed in and of themselves (such as an area very rich in wildlife and great natural beauty). In addition, one must attend to different ways in which we save, or dis-save, with respect to the environment. Thus, we dis-save if we pollute the environment, since our successors will function under less favourable conditions than we have had, and will enjoy fewer environmental goods than we did. We

also dis-save if we appropriate finite, non-renewable natural resources without providing our successors with alternatives. I will not, within the scope of this chapter, attend to those various aspects of the issue of justice and the environment in any detail. Rather, I will merely allude to them as and when appropriate.

Finally, on some views, the environment has moral status in and of itself, and warrants protecting for its own sake. Less controversially, others argue that our obligations with respect to the environment comprise obligations to attend to the welfare of non-human animals, for animals' sake rather than ours. Again, space prevents me from addressing those various questions here. Rather, I shall focus on anthropocentric accounts of our obligations with respect to the environment.

Those clarificatory points give us some sense of the sheer complexity of the issue of justice towards future generations. In what follows, I will sketch out some of the ways in which some egalitarian liberals (section 2), some communitarians (section 3), and some libertarians (section 4) have dealt with it. I will then outline an important objection to the idea of obligations to future generations (section 5).

2 Egalitarian liberalism and future generations

As was clear in chapter 1, luck egalitarians and sufficientists argue that individuals are under an obligation to help their contemporaries – indeed, that the latter have a right to receive such help. In this section, we examine Rawls's stand on our obligations to our successors, leaving our discussion of the luck egalitarian and sufficientist positions until sections 2.2 and 2.3 respectively.

2.1 Rawls's just savings principle

Rawls's position on justice towards future generations is to be found in §44 of *A Theory of Justice*. Instead of going through all the interpretative nuances and disagreements which that position has elicited, I will outline its basic features.

In the original position, parties do not know anything about their conception of the good, their talent, their gender, race, health, etc. By the same token, Rawls notes, they ought not to know which generation they belong to. The question, then, is what they are going to decide when it comes to transfers of wealth from one generation to the next, given that they do not know where they are located in time.

The immediate problem, of course, is that Rawls postulates the parties to be self-interested, and it is unclear, then, why they should

care about what happens to their successors. Fortunately, Rawls notes, the parties are heads of families and are therefore concerned with the fate of their children and grandchildren. In particular, they are concerned that the latter should be able to live in a just society. According to Rawls, then, the parties will choose a principle of just savings, the point of which is to preserve just institutions *over time*. As he puts it, the just savings principle is the result of 'an understanding between generations to carry their fair share of the burden of realizing and preserving a just society' (Rawls, 1999a, p. 289). Thus, the principle of just savings is just because it aims at realizing a just society and because each generation must be able to contribute to that project with a fair share of resources.

More precisely, the principle works in two stages. In the first, *accumulation*, stage, a given generation must save and pass on more to its successors than it has received. For if, right from prehistoric times, we held that generations are allowed *not* to save, we would end up in a situation where no accumulation of wealth would occur, and not enough wealth would be created over time to sustain just institutions. However, once just institutions are in place and secure, we reach a *steady-state* stage, where a given generation is not under a duty to save for the sake of its successors. In the accumulation stage, then, savings are mandatory and dis-savings prohibited; in the steady-state stage, savings are no longer mandatory but merely permissible, and dis-savings are still prohibited.

One implication of this view is that, at the accumulation stage, the worst-off members of society, at time t , will be worse off than they would be if their generation did not save for the sake of its successors but instead spent those resources to improve the situation of the worst off. Rawls would argue that this is defensible, if one keeps in mind the necessity of sustaining just institutions in the long run. This in turn presupposes that a minimal amount of wealth is necessary to do just that: empirically, this seems plausible as there appears to be a connection between levels of wealth and the presence, or lack thereof, of strong democratic institutions. It remains to be seen, however, whether a correct understanding of egalitarian justice – and this is what Rawls aims to offer – delivers the conclusion that the current generation must not dis-save, but does not have to save.

We will address this question in section 2.2. For now, note that it brings out the following two aspects of Rawls's account of justice towards future generations. For a start, in so far as the parties are motivated by a concern for the next two generations, the principles which

they choose do not address cases where dis-savings will hit their distant successors without hitting their immediate successors. Moreover, Rawls does not regard environmental goods as falling within the remit of justice. From his discussion of public goods in sections 42–3 of *A Theory*, one can infer that environmental goods are public goods, the provision of which cannot be left to the market but must be undertaken by the state. However, they are not primary goods, and their distribution and provision is not a matter for the principles of justice – most notably the difference principle – to decide; it is, rather, a matter for democratic decision-making. As we saw in section 1, however, it is not far-fetched to regard environmental goods as primary goods. For, as we noted there, they can be regarded both as preconditions for enjoying other primary goods (which for Rawls do fall within the scope of justice) and as goods which individuals can and do enjoy in and of themselves. Whether one can construe a Rawlsian theory of environmental justice on that basis remains an interesting question which I will not pursue here.

Before moving on to luck egalitarian accounts of justice towards future generations, it is worth examining the connection between Rawlsian justice and population control, in so far as it highlights a difficulty with Rawls's methodology. Rawls's account of the accumulation and steady-state stages concerns policies such as preserving the environment and saving (or, as the case may be, dis-saving) national wealth. Clearly, though, whether or not future generations will be subject to dis-savings will depend on their size. The question, then, is whether the current generation is under a duty to control the rate of its population growth should it fail not to dis-save wealth, so as to ensure that, at the steady-state stage, future generations are not subject to dis-savings.

Rawls's methodology fails to deliver an answer to that question. As we saw, the parties in the original position do not know which generation they belong to. And it is in ignorance of this fact that they have to decide which policy to adopt towards their successors. In addition, whatever principle they choose will apply to *all* generations. And this is where Rawls's theory seems to encounter an intractable problem. For in so far as whatever principle they decide applies to *all* generations, it applies to the parties' *predecessors* in time. Accordingly, the parties will end up choosing a principle which may result in their own non-existence. Suppose they decide that, as a matter of justice, all generations ought to adopt a one-child only policy. However, to hold the parties' predecessors up to that policy will result in a number of the

parties themselves not existing. And that would be conceptually incoherent, since if there is one thing of which the parties can be sure in the original position, it is the fact that they themselves exist.

Let us assume that the foregoing is wrong – that parties in the original position can settle on a principle for population control. Which one would they choose? They would say that individuals are not under an obligation not to reproduce. For, according to Rawls, one cannot sacrifice fundamental rights and liberties for the sake of greater material advantage. In so far as the right to reproduce is a fundamental right, it follows that it cannot be curtailed for the sake of bringing about greater material advantages for our successors. I should say here that luck egalitarians, such as Dworkin, as well as sufficientists (with the notable exception of Brian Barry (Barry, 1999)) would also oppose infringements on the right to reproduce as one wishes. Such infringements, they would claim, constitute an unacceptable violation of bodily and personal integrity. However, Rawlsians, luck egalitarians, and sufficientists can endorse giving individuals incentives to control how many children they have (for example, by publicly funding contraceptive measures and lowering subsidies for childcare, and so on). Their point, then, is that whatever obligations of justice individuals have towards their successors pertain to the environment and wealth, and not to population control.

As we saw in chapter 1, however, some egalitarian liberals argue that a just society is not merely one in which individuals' moral rights against one another are enforced by the law: it is one whose ethos is such that individuals act, in their daily lives, in accordance with the principles of justice, even if their failure so to act would not be sanctioned by the law. On that view, even if it is true that holding individuals under an enforceable obligation not to reproduce as they wish would constitute an unacceptable violation of their autonomy, it might be that they nevertheless are under such a moral obligation. More strongly, they would act unjustly if they failed to fulfil it, even though the law would allow them to do so. In what follows, however, and in so far as egalitarians, liberals (and sufficientists) do not believe that failure to control the rate of population growth is a breach of justice, I will focus on the issues of the environment and economic policies. But it is worth bearing in mind that whether or not we are under an obligation to save material resources (be they natural or man-made), and if so to what extent, will depend on the reproductive decisions we make, within our rights, regarding the size of our successors' generations.

2.2 Luck egalitarianism

As I noted above, Rawls argues that, once the steady-state stage is reached, dis-savings are disallowed, and savings are allowed. It is not clear, however, that other luck egalitarians would agree with him on that score. As we saw in chapter 1, they argue that individuals should not be disadvantaged for reasons which are beyond their control. Accordingly, not only should they not be disadvantaged by their community membership, they should not be disadvantaged by their location in time either.

Now, it seems clear that, on this view, the first generation – G_1 – should not leave less to its successors – G_2 – than it had itself. For were G_1 to dis-save, the members of G_2 would be disadvantaged in virtue of belonging to a generation which comes later in time than a generation – in that instance, G_1 – which chose to dis-save. The question, then, is whether G_1 can, indeed ought to, save, for the sake of G_2 . Whichever stand one takes on this will depend on the degree to which one wants principles of justice to be individualistic. If one takes the view that no one should be disadvantaged by factors over which he or she has no control, then it seems that each generation owes at least a fair share to *each individual member* of future generations. This, in turn, suggests that each generation is under an obligation to pass on to its successors the wealth it has itself received, but no more: dis-savings are prohibited but savings are not compulsory. In fact, they are even disallowed, unless every single member of each generation agrees that they should be made. For suppose that G_1 produces a surplus, and suppose that a majority of the members of G_1 decide not to consume it, but instead to pass it on to G_2 : G_2 will thus have a greater share than those members of G_1 who would have benefited from the surplus had G_1 decided to keep it for itself. If those members of G_1 did not agree to save this surplus for the sake of G_2 , they could complain that they are made worse off than G_2 through no fault of their own (that is, solely in virtue of belonging to a generation, G_1 , which has decided to save).

But we might instead think that each generation owes its successors a fair share of economic opportunities, and that it is the responsibility of each generation to ensure that justice obtains between its members. To anticipate somewhat, we will encounter a similar view when discussing global justice in chapter 5. There we will see that national self-determination matters, and that giving it its due is incompatible with the requirement that no individual be made worse off for reasons which are beyond his control. Here, we are dealing with the view that *generational* self-determination matters too. On that view,

each generation must only ensure that it does not pass on less to its successors than it has itself inherited: savings are allowed, and not mandatory.

The foregoing interpretations of luck egalitarianism are in need of qualification. For a start, those interpretations assume that future generations will not need more resources, to begin with, than we ourselves did. Suppose, however, that we have very strong reasons to believe that a destructive earthquake will occur in about a hundred years from now. Our successors will need far more resources than we started with to deal with the aftermath of the earthquake: they will need to provide health care to the wounded, to rebuild housing, etc. In that case, in so far as, *ex hypothesi*, our successors will not be responsible for their predicament, they have a claim against us that we compensate them, which in turn requires that we set aside at least some of our surplus wealth.

In addition, those interpretations do not take on board the fact that the size of the population is likely to increase over time. Once one takes that fact on board, it is hard to see how we could know what a fair share is, since we simply do not know how many people, in the future, there will be. Simply put, if we do not know how many will want or need to eat the cake, we simply cannot know how to divide the cake. More strongly put, on the plausible assumption that, until our planet ceases to support human life, the total number of individuals among which to divide finite resources will approach infinity, the shares to which they will *all* have a claim will amount to, strictly speaking, nothing.

To conclude, luck egalitarians are not all committed to condoning savings. On an individualistic view of our obligations to future generations, they are more likely to reject savings or, at least, to make savings conditional on the consent of all the members of the generation whose savings it is. On a more collective view of our obligations, savings are allowed but not mandatory, unless we know that our successors will need that extra surplus through no fault of their own.

2.3 Sufficiency

The difficulty which population size poses for luck egalitarians is one reason why some people of a strongly egalitarian bent are tempted to adopt a sufficientist view of our obligations to our successors. According to sufficientist theorists, you recall, what matters is not that individuals should not be worse off than others through no fault of their own; what matters is that they have enough resources. If having enough means ensuring that one's basic needs are met, then all we

must do is ensure that our successors have enough resources not to be utterly destitute. Deciding how much to save for that purpose is much easier than working out how much to save to ensure that our successors each have an equal share. Put differently, the difficulties raised by extending the scope of justice to future generations have led some to revise their understanding of the content of justice.

This, of course, does not provide a sufficientist *justification* for these particular obligations. On what grounds, then, would sufficiency theorists defend obligations to future generations? They believe that individuals should not be left below the sufficiency threshold for reasons which are outside their control – such as race, gender, disability. They also believe, more simply, that acting in such a way as to seriously harm others is morally wrong. As a result, they are committed to the view that individuals should not be left below the threshold simply in virtue of the fact that they are born at a particular time, and that the current generation simply ought not to act in such a way as to seriously harm its successors. From a sufficientist viewpoint, then, economic and social policy should be such as to ensure that future generations have enough. Ideas such as sustainable development are very much in line with a sufficientist view of distributive justice (Dobson, 1998).

On closer inspection, however, and with one qualification to be made below, the position is not that radical. As we noted in chapter 1, defining the meaning of 'having enough' is one of sufficientists' toughest challenges. Frankfurt claims that to have enough means having enough to implement one's basic, reasonable, aims. As to Anderson, she argues that having enough means having the resources necessary to function as a full citizen in a social democracy. But above and beyond basic needs, it is quite hard to see what is required for people to fulfil their basic ends, or to function as full citizens. And it is even harder to make that judgement, of course, where future generations are concerned, for we simply do not know what will be required, in a hundred years from now, to be a full citizen in a social democracy or, indeed, to implement one's basic and reasonable aims. We do not know that, because what will be required will depend in large part on the kind of society in which our successors will live, and we have no means of knowing what *that* will be like. Accordingly, sufficientists have to fall back on the view that each generation must ensure that its successors can meet their basic needs for food, water, minimum health, etc. Sufficiency, in this context, simply does mean meeting basic needs (Barry, 1999).

As indicated above, however, the foregoing point is subject to the following qualification, which stems from the capabilities approach we outlined in chapter 1. When used in a sufficientist theory of justice, the capabilities approach, you recall, lists a number of human capabilities, and argues that individuals owe it to one another, as a matter of justice, to ensure that they all possess the freedoms and resources required for the enjoyment of a basic threshold of those capabilities. If, as some proponents of the approach have suggested, it is plausible to assert that among all human capabilities is the capacity to have a rich and fulfilling relationship to the environment, then justice requires that we not deprive our successors of environmental goods so understood – that we do not, for example, spoil areas of great natural beauty (Nussbaum, 2000).

Setting aside those difficulties, sufficientists can quite easily endorse the following views: (1) G_1 is not *required* to save for the sake of its successors, if whatever it leaves them suffices to meet their basic needs. (2) More controversially, G_1 is allowed to pass on to its successors less than what it inherited (thus, to dis-save), provided that future generations would still have their basic needs met (Barry, 1999).

Whether G_1 has the right to save for the sake of its successors is a trickier issue, particularly when its successors do not exist yet (G_2). According to sufficientists, one should give priority to those who are the closest to reaching the sufficiency threshold. In so far as individuals who currently exist are closer to reaching the threshold than individuals who do not as yet exist, it seems that G_1 's poor members have priority over G_2 . However, this argument is too quick. Take the case of a member of G_1 who suffers from a long-term, degenerative, and severe disease for which there is no cure. Contrast his plight with the plight of a member of G_2 , who will suffer from hunger unless she gets extra resources. It is not clear that the member of G_1 is closer to reaching the sufficiency threshold than the member of G_2 , and it is not clear, therefore, that he should get extra resources to the detriment of the latter. In fact, it seems that, at the bar of sufficiency, the destitute member of G_2 has a much stronger claim. If sufficientists wish to maintain that priority should be given to those who have the greatest chance of having their needs met, then it seems that, in some cases, they will have to commit themselves to the view not merely that G_1 has the right to save for the sake of its successors, but also that it is under an obligation to do so, and this to the detriment of some of its members.

3 The transgenerational community: a source of obligations to our successors

In section 2, I outlined the bare bones of luck egalitarian and sufficientist theories of justice towards future generations. In this section, I describe a communitarian account of it. If anything, the task at hand is harder than it was then, as avowedly communitarian philosophers have not taken an explicit stand on this difficult issue. In fact, on some communitarian meta-ethical views of how to derive principles of justice, it does seem as if we cannot, in fact, construct a theory of our obligations to our successors. Remember Sandel's claim, for example, to the effect that it does not make sense to derive conclusions about what justice requires of us by appealing to the choices which individuals would make, behind a veil of ignorance of their specific characteristics and in abstraction from the social environment in which they live. Remember, too, Walzer's particularistic understanding of justice, whereby justice is rooted in the distinct understandings of places, honours, jobs, and all those things which constitute a shared way of life. Those of our successors who do not as yet exist do not fit easily in either account. For if principles of justice are shaped in, and by, the social, political, economic, and cultural environment in which the individuals to which they apply live, then we – here and now – who do not know what our successors' environment will look like two hundred years from now simply cannot know how we should behave towards them.

As we noted in chapter 1, however, this particular, meta-theoretical understanding of justice is not all that there is to communitarianism. According to Sandel, McIntyre, and Taylor, Rawlsian liberalism is to be charged for arguing, unwarrantedly, that individuals are not under obligations which they do not voluntarily endorse. In fact, they argue, we do have obligations which we have not chosen, and we have them in virtue of shared membership in a particular institution, such as the family or the community. While none of those three thinkers has offered a full account of justice towards our successors, an interesting defence of obligations to future generations which appeals to communal obligations of that kind has been deployed by Avner de-Shalit (de-Shalit, 1995). Human beings, he argues, belong to a community of moral values, language, culture, history, traditions, etc., and this even though they do not interact with one another on a daily basis. By the same token, then, we should see that it is not necessary for individuals to belong to the same community, that they should coexist in

time. Moreover, just as a community extends to the past, it also extends to the future: the English know, for example, that there will still be a recognizably English community a hundred years from now. In that sense, individuals belong to local and national, but also *trans-generational*, communities. And if they ought to ensure that fellow community members, say, their fellow English contemporaries, are not harmed by their policies, and receive help (as the communitarian argument under study assumes), then they also ought to ensure that future English people are not harmed by them. As de-Shalit notes, his conclusion receives support from the fact that individuals do care about what happens to their successors.

The notion of a transgenerational community and of the obligations it generates does not tell us what those obligations are. It does not tell us, for example, whether G_1 should control the rate of its population growth; nor does it tell us whether we should look to the idea of sustainable development when delineating what G_1 owes to its successors. Put differently, it tells us about the scope of justice, but not about its content. What it seeks to provide, instead, is a basis for the general claim that G_1 has communal obligations to its successors. Moreover, as a communitarian theory of justice, it goes against recent trends, both within and without academia, to couch obligations to others in the language of rights. Thus, according to communitarians (or so I surmise), one cannot counter a putative charge that G_1 ought to control the rate of its population growth by invoking the view that its members have the right to reproduce as they wish (as libertarians and most liberals would do). For rights, McIntyre would reiterate, are nothing but chimera for which no rational argument can be found; and were such an argument to be found, Sandel might press, it is unclear that rights always trump community values such as attachment to the welfare of one's successors.

As a justification for our obligations to future generations, the notion of a transgenerational community works better in the case of overlapping generations than it does in the case of more distant generations. For, obviously, the further forward one goes in time, the more a given community changes. England is very different in 2007 from what it was in 1907. Its ethnic composition has changed radically in the last hundred years, and its infinitely more diverse population holds values and principles (on the role of women, the acceptance of homosexuals, etc.) which were anathema at the turn of the twentieth century. It is unclear, then, how the notion of transgenerational community can justify the claim that the generation of English people

who lived a century ago might have had an obligation to the current generation of English people. Likewise, it is likely that the community which will live on this territory a hundred years from now will be very different, culturally and socially, from the current English community. Accordingly, it is unclear why the latter has obligations to its distant successors.

A natural response to this worry is to say, not implausibly, that our obligations to future generations simply fade over time. The problem, though, is that many of the effects of our policies will be felt, precisely, by distant generations, particularly with respect to the environment. To give but two examples, the nuclear waste which we are currently dumping may not start leaking radioactive elements for another two or three hundred years. Likewise, climatic changes triggered by rapid industrialization may have the most impact three or four generations down the line.

In addition, many of those effects will be felt by members of communities which are different from ours not merely because they are remote in time, but also because they are located on a different territory. The case of Chernobyl is paradigmatic of the problem: the effect of the explosion that took place in this Ukrainian nuclear plant in 1985 was felt hundreds of miles away. Consider, too, the case of the deforestation of the Amazon area, which is widely thought to contribute to the thinning of the ozone layer. Accept, further, with a number of scientists, that the thinning of the ozone layer contributes to the progressive melting of the ice caps, rising tides, the gradual erosion of coastlines in Northern Europe, and so on. Under such conditions, the notion of a transgenerational community alone does not seem to be able to support the view that the current generations which live in communities around the Amazon are under an obligation to distant generations of, say, England and the Netherlands. It seems, in other words, that one cannot address the question of our obligations to future generations without, also, addressing the question of our obligations to foreigners (Beckerman and Pasek, 2001).

4 Libertarianism and future generations

Let us turn, finally, to libertarianism, starting with population control. As we saw in chapter 1, libertarians believe that we have unrestricted rights of ownership over our own body. This, in turn, implies that we, and only we, decide whether, and how, to use our body's reproductive capacities: we can reproduce as we wish, and have however many

children we wish. Quite straightforwardly, then, libertarians deny that we are under an obligation of justice to control the rate of population growth. To put the point differently, our successors do not have the right that we desist from reproducing as we wish.

Matters are not so straightforward, however, when it comes to whatever obligations G_1 has, if any, to its successors with respect to the wealth it creates and the natural environment in which it lives. In fact, the conclusions to which libertarians arrive on these two issues in part depend on the theory of rights which they endorse. Before I make my case to that effect, a point of terminology is in order. Libertarians, you recall, argue that *individuals* have unrestricted ownership rights over themselves and over legitimately acquired property. They reject the view that groups have rights. Accordingly, in what follows, when I talk of the current generation, or when I say 'G₁', I will mean 'individual members of G₁'. This is not to say that there is no sense in which we can talk of a generation as a group, within a libertarian framework. It is to say, rather, that, on the libertarian view, whatever collective decisions are made by those individuals must receive the consent of all, on pain of breaching the self-ownership rights of the dissenters.

Now, of all the competing theories of rights, two stand out for their sophistication and popularity. According to the so-called choice-based theory of rights, famously articulated by H. L. A. Hart, to say that an agent, A, has a right that another agent, B, do or do not P, means that A is able to demand, or waive, B's performance of her duty (Hart, 1955). For example, to say that A has a right to freedom of speech against B is to say that A can demand that B let him speak, or can allow B to censor him. According to the so-called interest-based theory of rights, famously articulated, among others, by Joseph Raz, for A to have a right that B do or do not P, means that an interest of A's is strong enough to warrant holding B under a duty to do, or not do, P (Raz, 1986). On that view, to say that A has a right to freedom of speech against B is to say that A's interest in freedom of speech is important enough to impose on B a duty to let A speak.

Although there is nothing in libertarianism which commits its proponents to endorsing either one or the other of those two theories of rights, historically, they have adopted the choice-based theory of rights, which has the following implications for their understanding of our obligations to future generations. For a start, in so far as to have a right, on this view, means that one is able to waive or demand the performance of the correlative duties, distant generations simply cannot, and do not, have any rights at all against the latter. Whatever

obligations of justice G_1 has are owed to generations which already exist – extending, thus, to its great-grandchildren at the most.

With that important qualification in hand, let us now assess which obligations any given generation – G – has to its successors thus defined. As I noted in section 1, we need to distinguish between saving, or dis-saving, the wealth we create, and preserving, or spoiling, the natural resources which we use in order to create wealth. And it is this last point which somewhat complicates the Lockean-inspired libertarian picture, as drawn by Nozick. For Nozick, you recall (and indeed most libertarians), does not subscribe to the view that working on natural resources is enough to justify unlimited property rights in them: it is enough *provided* that one does not worsen other people's situation by doing so. As Nozick points out, the proviso takes a weak as well as a strong form. On the strong version, appropriation is legitimate only if it does not worsen other people's opportunities to appropriate things. On the weak form, appropriation is legitimate only if it does not worsen other people's opportunities to use things.

As applied to contemporaries, the proviso seems simple enough. As applied to successive generations, it is more problematic. It stipulates, in that case, that any given generation has the right to appropriate land and natural resources, provided it does not worsen its successors' opportunities to appropriate, or to use, those resources. On the strong form of the proviso, this suggests that, when G_1 appropriates natural resources, it must leave as much for its successors to appropriate as it itself had. On the weak form, G must ensure that its successors have equal opportunities to use natural resources, or to use the equivalent of such resources. This, in turn, implies that G_1 is not allowed to waste or consume non-renewable natural resources unless it ensures that they are replaced with resources of a similar kind, or which bring similar benefits. Consider the case of oil, as an example. On the libertarian view, if we use up current reserves of oil, we must ensure that we develop alternative sources of energy for our successors. Waste without proper compensation, then, is prohibited.

So much, then, for natural resources. But what about the wealth which a generation creates with them? In so far as individuals enjoy full ownership rights over their labour, they can decide to spend the product of their labour as they wish, and thus are not under any obligation to their successors to pass it on to them. In fact, and more strongly (or so a libertarian wedded to the choice-based theory of rights would argue), G lacks the right to pass on its surplus wealth to its successors. For consider: on this view of rights, for A to have a right

to bequeath his property to B means that A can choose to demand that third parties let B become the owner of his property, or to allow them not to do so. Now, third parties are under that duty to the testator only once he is dead; for it is only then that the transfer of rights to the heir designated by the will can take place, and that the issue of whether one should let it go ahead can arise. In so far as dead people cannot, logically, demand or waive the fulfillment of duties, then they do not have a right to bequeath their property. In the present context, those libertarians would maintain, G does not have the right to hand over its wealth to its successors: savings – understood, here, as transferring one's ownership rights over the wealth one has created to one's successors – are disallowed (Steiner, 1994).

The foregoing, note, implies that G_1 is allowed to consume the whole of the wealth it has created. But it does not imply that it *must* do so. Indeed, the claim that G_1 cannot bequeath its savings to its successors simply means that it cannot transfer ownership rights over its savings and is fully compatible with the view that G_1 is permitted to leave surplus wealth behind. On the libertarian view described here, the surplus wealth created and left by G_1 should be regarded as having the same status as natural resources before they are appropriated – that is to say, unowned, and there for G_1 's successors to appropriate as a matter of (equal) right.

To recapitulate, then, libertarians who endorse the choice-based theory of rights hold that dis-savings are allowed, that G_1 lacks the right to pass on its wealth to its successors, and that it is under an obligation to generations which overlap with it, but not to distant generations, not to waste natural resources without due compensation.

As I noted above, however, libertarians are not committed, by virtue of their libertarianism, to the choice-based theory of rights. Should they endorse the interest-based theory instead, they would not rule out from the outset the possibility that distant generations can have rights against current generations. For, after all, future people, even if they do not exist, might be supposed to have interests that warrant protection. Suppose, then, that those libertarians are correct in holding (a) that individuals own themselves as well as the product of their labour, (b) that appropriation is legitimate subject to the Lockean proviso, and (c) that non-existing people can have rights. On that view, the precise location in time of future generations in relation to G_1 is irrelevant to determining the latter's obligations, should it have any. Thus, in so far as those libertarians hold (b) and (c), they are committed to the view that future generations, whether or not

they overlap with G_1 , have a right against the latter that it not waste natural resources without proper compensation. They are also committed to the view that G_1 is under an obligation to ensure, upon appropriating land and natural resources, that it does not worsen its distant successors' opportunities to appropriate or to use resources (on the strong or weak interpretations of the proviso respectively). In addition, in so far as they hold (a), they are committed to the view that G_1 has the right *not* to pass on the wealth it has created to its successors, since rights over one's labour include a right to consume the product of one's labour in its entirety.

Before concluding, there is a further issue to consider. G_1 , the current generation, which exists here and now, has predecessors, G_0 , who are now dead, and whose surplus wealth G_1 has inherited. The question, then, is whether G_1 has the right not to pass on G_0 's wealth to its own successors (G_2 , G_3 , etc.). This in fact depends on G_0 's declared intentions. Suppose that G_0 has made no explicit decision as to how its surplus wealth should be allocated once it has ceased to exist. It seems that, in that case, libertarians who endorse the interest-based theory of rights would argue that the wealth should be regarded as unowned by anyone, and that members of G_1 can appropriate it if, and only if, they do not thereby worsen their successors' opportunities to appropriate or use resources in general, whether their successors already exist or not. Suppose, by contrast, that G_0 did make a decision as to how the wealth it had created should be distributed once it had ceased to exist: for example, it decided that G_1 should benefit from it. In that case, all G_1 needs to do, vis-à-vis its successors, is to ensure that it does not appropriate as yet unowned natural resources if it would thereby worsen their opportunities. In so far as it has rightfully inherited the wealth created by G_0 , it enjoys full rights of ownership over it, and is not, therefore, under any obligation to pass it on to G_{2-n} .

To recapitulate, on the interest-based theory of rights, libertarianism holds that any generation is under an obligation of justice not to waste natural resources without compensation, irrespective of the location in time of its successors. It also holds that any given generation has the right both to save and to dis-save the wealth it has created and/or inherited from its predecessors.

5 Future generations and the non-identity objection

We have reviewed a number of positions on justice towards future generations. All of them argue that any given generation is under

some obligations to its successors – ranging from obligations not to waste natural resources without proper compensation to obligations to pass on surplus wealth in some cases, and so on. In some – but not all – cases, the views on offer either explicitly claim, or imply, that future generations have rights against the current generation. Whether or not non-existing people can have rights is a hotly debated issue which I will not address here (Buchanan et al., 2000; Dobson, 1998; Vanderheiden, 2006). Instead, I look at an important objection to the view that we have obligations to our successors, namely the so-called non-identity objection, famously articulated and explored by Derek Parfit (Parfit, 1984, chs. 16–17). The objection goes like this. The view at issue says the following:

G_1 has to choose between, say, depleting natural resources and preserving them. If it does the latter, it will leave its successors, individual members of a future generation, say G_3 , worse off than they would be if it chose the latter policy. Or, on a sufficientist interpretation, it would make it much more difficult for them to meet their basic needs than would be the case if it preserved those resources. Thus, G_1 will harm G_3 by choosing to deplete, rather than preserve, natural resources; it is therefore under an obligation to G_3 to choose the latter course of action.

As the non-identity objection notes, this view compares the fate of individual members of G_3 under a depletion policy with their fate under a preservation policy. However, the objection continues, this comparison is not possible, in so far as the genetic identity of individual members of G_3 will change depending on which policy G_1 adopts. For consider: our genetic identity – whether we are the individual known as Peter or the individual known as Mary – depends on our parents' genetic identity as well as on when they have sexual intercourse. Of every one of us, it is true that, if the sexual intercourse between our parents which resulted in our conception had not taken place pretty much exactly when it took place, we would not have been conceived; in other words, we simply would not exist. This is because a woman's individual egg can only be fertilized within a two- to three-day window once it has descended into her fallopian tubes; and a man's spermatozoa remain alive, once in a woman's body, for about twenty-four hours only. In fact, even if our parents had had intercourse, not when we were in fact conceived, but, say, twenty hours later, it is very unlikely that the *same* spermatozoon would have fertilized that egg, and it is very unlikely, therefore, that we would exist.

At this point, what, one may ask, does that have to do with justice to future generations? Quite simply this: foreign, economic and social policies shape our opportunities for work and for moving around. They in turn affect where we live and whom we meet. As a result, they affect when, and with whom, we have sexual intercourse, and thereby the very identity of our children, which has an impact on the identity of our grandchildren, great-grandchildren, and so on.

How does this bear on the question of justice towards future generations? I have outlined above a set of obligations to future generations to which egalitarian liberals, indeed some communitarians and libertarians, are committed. On their views, G_1 would harm, and in fact *wrong*, future generations if it did not conduct the required policies. However, the non-identity objection suggests that, if it fails to conduct those policies, it will cause individual members of those future generations to exist who would not have existed had it conducted such policies. Consider the following example. Suppose that G_1 conducts a policy of heavy industrialization which causes very severe pollution, but which also creates jobs and contributes to expanding town suburbs in a given area. Had it opted for an environment-friendly policy instead, individuals who met as a result of the creation of those jobs would not have produced the children that they in fact conceived; and those children, in turn, would not have produced the descendants who are now adversely affected by the pollution. Different – that is, genetically different – individuals would have been created instead. According to the non-identity objection, in so far as individual members of future generations would not have existed otherwise, they have not been harmed by G_1 's failure not to pollute. And if that is true, then they have not been wronged by G_1 , which implies that G_1 was not under an obligation to them, in the first instance, not to pollute.

What are we to make of this? There are two ways – one interesting, the other not – in which that objection is construed. Let me first dispose of the uninteresting construal. For some people, giving life to someone cannot be wrongful to that person, because life is better than non-existence. This construal of the objection is uninteresting, in so far as it rests on the wildly implausible view that life *no matter its quality* is worth having. Yet it seems uncontroversial to say that non-existence is better than some kinds of life. Thus, policies which cause individual members of future generations to lead their whole life on the verge of starvation or to die of pollution-induced diarrhoea at the age of five do harm them, even though they cause them to exist. In fact, one might plausibly argue that those policies harm those individuals to such an

extent that G_1 is under an obligation to them to choose a different course of action, at the cost, as it were, of those individuals' existence.

The objection is more interesting in those cases where G_1 's failure to conduct, say, environment-friendly policies results in members of future generations leading a life of poverty, but nevertheless one worth living. For, in those cases, we can say that life under those circumstances is better than non-existence or, at any rate, that it is not worse than non-existence. And if life is not worse than non-existence, then it seems – if the objection is correct – that individual members of future generations who owe their life to environmentally unfriendly policies cannot complain that they have been made worse off. As a result, it is not true that they have been harmed; and it is not true, therefore, that they have been wronged. They certainly cannot complain that their rights have been violated.

The non-identity objection has generated a voluminous body of literature, which it is beyond the scope of this chapter to explore. Let me simply make a few comments. For a start, I am assuming here (and will continue to assume) that, even though the policies which G_1 conducts affect the identities of G_1 's successors, they do not at the same time affect the size of these generations. As we saw earlier, none of the various theories of justice we examined here accept that we are under an obligation of justice to reduce the size of future generations by controlling the rate of our own population growth. I will not, therefore, deal with the non-identity objection as raised against the view that we ought to act in such a way.

Moreover, the non-identity objection applies only to policies which affect the identity of our successors. It does not affect policies which 'merely' harm them. Suppose that G_1 decides to encase nuclear waste in concrete and to bury it, several hundred feet deep, in a remote, desert area, with no maintenance (and thus no human activity) required. Three hundred years down the line, the area is hit by an earthquake, as a result of which the concrete fractures and the nuclear waste starts leaking into the phreatic table, thereby contaminating water supplies in densely populated areas 300 miles away. In so acting, G_1 did not cause human beings to exist which would otherwise not have existed, and a claim to the effect that it was under an obligation not to dump the waste is not vulnerable in any way to the non-identity objection.

Having said that, most of the policies conducted by any given generation do affect the identities of its successors. Is this to say, then, that G_1 simply cannot be held under any obligation to its successors,

provided that it does not act in such a way as to make their life less than worth living? Not necessarily. In fact, there are at least two problems which proponents of the non-identity objection would have to deal with. First, they may well err in thinking that, when assessing our obligations to others, the latter's genetic identity matters. It could very well be that we owe certain things to future people, *whatever they are*. On that view, whoever they are, we have an obligation to ensure that they have clean water, adequate nutrition, etc.

Let me put the point differently. The non-identity objection assumes that, when we delineate our obligations to others, we should adopt the so-called person-affecting principle, whereby P harms Q by doing A if A makes Q worse off than he would have been had P not done A. The principle is person-affecting in that it supposes that the genetic identity of the persons to which it applies remains the same. The non-identity objection claims that the principle cannot apply to *non-identity* cases, where Q would not exist but for the fact that P did A, since Q is not worse off for existing. However, if we drop the requirement that our obligations to others take a person-affecting form, if, instead, we accept that we have impersonal obligations, then we are in a position to say that we have an obligation to ensure that future generations are not made worse off, or needy, whoever they are.

Second, assume that identity does matter. Still, this would not rescue the objection. For the objection rests on a concealed and questionable premise, namely that, in judging whether the current generation's policy vis-à-vis future generations is morally wrong, one must assess whether the policy negatively or positively affects the quality of future generations' *life overall*. And yet, even if one does not make future generations worse off overall, one can still harm a *particular* interest of theirs. Suppose that an airline refuses to sell a ticket to Smith on a given flight, on the grounds that Smith is black. Smith cannot board that flight, which, as it happens, crashes, killing all on board. Clearly, the airline did not make Smith worse off by refusing to sell him that ticket. However, they did harm one of his fundamental interests, that is, his interest in not being discriminated against on grounds of race. In so acting, the airline failed to regard him as having equal worth and thereby infringed his right to be treated with equal respect (Woodward, 1986). One can deploy a similar argument in the present context: perhaps our current policies cause certain future individuals to exist and live a life worth living, albeit one characterized by poverty. But even if they are better off overall (or at least not worse off) for living such a life, it may still be that we harm some interests of

theirs in not ensuring that they have a minimally decent standard of living. And so it may still be that we wrong them by failing so to act.

6 Conclusion

In this chapter, we have reviewed communitarian, libertarian, Rawlsian, egalitarian, and sufficientist positions on the very difficult issue of justice towards future generations. In each case, we have seen that it was necessary to distinguish between various ways in which we – the current generation – are in a position to harm our successors: environmental policies, policies relating to the accumulation or waste of national wealth, and population policies. Whether or not we do have obligations to our distant successors depends, in part, on the size of the population, the extent to which needs or equality are met within our own generation, and the strength of the non-identity objection.

3 Multiculturalism

1 Introduction

In chapter 2, we relaxed the assumption that principles of justice delineate what *contemporaries* owe to one another. In this chapter, we will examine accounts of justice which take seriously the fact of cultural, ethnic, and religious diversity. Indeed, most of us live in societies made up of individuals from different countries, different religions, and different ethnic groups, and with different sexual orientations – individuals, in short, from different *groups*. Many of those groups constitute minorities and stand in conflict with the majority of the population. For example, Catholics, Muslims, and Jews are each a minority in the United Kingdom; so are Christians in Saudi Arabia. Russians in the Ukraine, and homosexuals in all countries. The question, then, is that of the social arrangements which a polity ought to adopt in the face of its diversity.

As a matter of fact, minorities often complain that they are being treated unfairly by the majority. There are at least five kinds of claim which those groups make:

- 1 a claim to the effect that their individual members should have the same rights as the individual members of the majority. For example, in some countries such as Britain and the USA, homosexuals have asked to be given the right to marry. In nineteenth-century Europe, Jews demanded to have the same rights of citizenship as Gentiles.
- 2 a claim to be exempt, on religious or cultural grounds, from obligations which members of the majority, or indeed from other groups, have to fulfil. In the UK, for example, Sikhs have asked to be exempt from having to wear a helmet while riding a motorcycle or working on building sites.