

Challenges to Intergenerational Justice

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1.

WHAT IS A GENERATION?



When we reflect on Intergenerational Justice, it is assumed we know what a generation is. The idea of a generation can be understood in the light of two distinct concepts: generation as an *age group* or generation as a *group of people born in a specific year or period of time*.

Generation as an age group

Within this concept, at a given moment in time each generation comprises members of a certain age group, for example, those under the age of 18 or over the age of 65.

According to this meaning, each individual will belong to *various* age groups (and therefore various generations) during his/her lifetime.

It is used primarily in matters that concern a specific age group, like for example deciding between investing in primary education or providing health care for the elderly. In this context, intergenerational justice is usually related to the distribution of goods and services between contemporaneous age groups.

Generation as a group of people born in a specific year or period

On the other hand, this notion aggregates the group of people born between two dates. For example, “baby-boomers” are often cited as the group of individuals born between 1945 and 1964, while the “Millennials” correspond to citizens born during the 1980s and early 1990s.

The main difference from the previous notions is that here it is assumed each individual belongs to a single generation throughout his/her life but will belong to different age groups as he/she grows older.

This perspective is particularly useful when analysing long periods, on matters such as public debt, the preservation of biodiversity or the use of natural resources. In this scope, intergenerational justice includes the distribution of goods and resources between both contemporaneous and non-contemporaneous generations. For example, the public debt contracted by the current generation tends to be associated to higher taxes for the following generations (already born or yet to be born) in order to repay the interest on that debt.

Which definition of generation is more suitable for the context of intergenerational justice?

Taking intergenerational justice from the perspective of the present generation’s responsibilities to future generations, the concept of *generation as a group of people born in a specific year or period* should be used given that this understanding of “future” generations encompasses the generations already born but still without decision-making power (the right to vote), in addition to those yet to be born.

Moreover, the concept of *generation as a group of people born in a specific year or period* permits the comparison of what individuals born in different periods receive from and contribute to society over their life time, which is not the case when we analyse an individual’s situation simply at a given moment in time while a member of a certain age group.

2.

**DO WE HAVE
OBLIGATIONS
TO THE FUTURE
GENERATIONS?**



Future generations are explicitly guaranteed rights under the Constitutions of Japan, Norway and Bolivia. Why does it make sense to recognise the rights and duties of people that do not (yet) exist?

All human beings - in the past, present and future - deserve to have their dignity protected and respected. In other words, the principle of *equality of dignity for all human beings* should be applied not only to the men and women alive today, but also to those born in the future. For example, it would not make sense to say that the present generation's right to physical integrity is more important than the coming generations' future right to physical integrity.

A commitment to the future generations can therefore be justified by an altruistic concern for other human beings, but also by the notion of fairness, which implies that the world is destined to be shared by all the generations and is not the exclusive property of any one generation.

On the other hand, the non-recognition of obligations to future generations opens the doors to behaviour of opportunistic exploitation between generations. This is an unfair practice because it means one generation can achieve a high level of well-being and social and human development while ignoring the following generations. By way of illustration, consider a high level of public debt left to subsequent generations resulting from the organisation of a sports tournament taking place nowadays.

To what extent should temporal proximity influence the concern about the future generations?

Although the dignity of all human beings - present and future - is the same in all periods, the scale of the obligations towards future generations can vary depending on the temporal proximity.

While there are cases in which present actions may have an enduring impact (for example, a nuclear explosion), our ability to protect the future generations tends to decline as these generations become more distant from the present moment.

Indeed, the growing level of uncertainty about the future and the decreasing impact of our actions over time can both be incorporated in this logic of declining responsibility.

Should a concept of intergenerational justice take the future generations of the whole world into account or only those of the same country?

Similarly, the geographic extension of intergenerational obligations - be they national or international - should also contemplate the type of good or resource in question.

Whenever present decisions imply externalities for future generations of other countries, these generations should be taken into account. For example, excessive greenhouse gases emissions in one country will have consequences for the future generations of all countries. On the other hand, an unsustainable pension system will only have negative consequences for the future generations of the country in question.

Notwithstanding, we can say that even in the absence of externalities, looking after the well-being of the future generations is a responsibility that should be shared by all countries, just as the fight against hunger is the responsibility of all nations although some do not suffer from a food shortage.

Who could or should legally represent the future generations, given that they cannot represent themselves?

As the legal representation of rights and duties generally presupposes that there is a legal entity, this entails a challenge for representation.

In countries like Hungary and Israel, this problem led to the formation of political institutions dedicated specifically to the representation of the interests of future generations.

Fulfilling the obligations outlined above becomes problematic in the absence of any specific representation mechanism and given that, in practice, there is not a strong awareness of Parliaments' duty to also represent the generations that do not yet have the right to vote. If the present generation does not respect its responsibilities towards future generations, when the latter are born or reach maturity, they are not able to claim their rights. Therefore, it is important to have a debate today on how to regulate the present generation's choices that impact the future generations and also to assess mechanisms which allow compliance with these regulations.

3.

**WHAT SHOULD
WE LEAVE TO
THE FUTURE
GENERATIONS?**



Before answering this question, it is necessary to discuss the different ethical perspectives and positions regarding the identification of the essential goods, resources, institutions and values that must be protected so they can be passed on to the next generations, to ensure they have the right conditions for human development.

In addition to these diverse perspectives, it is important to recognise not only a certain level of uncertainty about the future, as this makes it difficult to know today how to distribute the costs and benefits in the distant future, but also the lack of knowledge about future generations' preferences on the goods, institutions and values they would like to receive.

Moreover, it should be noted that a choice must be made about the moment when the goods and resources at a generation's disposal are evaluated. For example, we can either say that a generation should have access to a certain level of resources at an initial point in time or, alternatively, that a certain level of resources should be maintained throughout life regardless of the good or bad use made of them.

Besides discussing the nature of the goods and resources that we should pass on to future generations, it is also important to address the different perspectives on the criteria used to evaluate the quantity of goods and resources to be passed on to these generations.

The goods, resources, etc. should be distributed on the basis that each generation should leave the following generation at least the equivalent of what it inherited from the previous generation

According to this position, the fairest scenario is that the present generation leaves the following generation at least the *equivalent* of what it inherited from the previous generation.

The principle of reciprocity is one of the possible justifications of this criteria as it assumes there is a balance between giving and receiving, between debits and credits. Leaving the other less than what was received would violate this principle.

The goods, resources, etc. should be distributed so as to maximise the aggregate well-being of the set of all generations

This utilitarian perspective assumes that the goods and resources should be distributed according to the cost/benefit ratio of their use, maximising the combined well-being of all generations.

In line with this approach, the unequal distribution of goods and resources among the different generations may under certain circumstances be legitimate. For example, the consumption of fewer oat seeds nowadays and the use of some for planting will allow oat consumption levels in the future to be higher than the current level.

The goods, resources, etc. should be distributed so as to guarantee that each generation has sufficient resources to meet the basic needs of its members

Alternatively, this approach suggests that each generation may leave roughly the same goods and resources as it inherited, as long as it leaves subsequent generations enough to satisfy their basic needs. For example, the present generation may use extra resources on the organisation of the Olympic Games on condition that it leaves enough for future generations to have access to essential goods like basic health care and education.

This perspective can only be adopted after a comprehensive discussion has taken place on which goods are understood to be “basic needs”.

The goods, resources, etc. should be distributed so as to improve the condition, as far as possible, of the poorest individuals in each generation

Lastly, this perspective, also known as the maximin criterion, suggests that the goods and resources should be distributed so as to improve the condition, as far as possible, of the poorest of each generation (maximising the position of those individuals that have the minimum well-being within each generation).

In this case, two types of conclusion can be drawn. On one hand, it is not morally permissible to do without unduly large amounts of resources in the name of a better future if those resources can be more efficiently used to combat poverty today (if the person in the worst situation today is poorer than the person in the worst situation in the future).

On the other hand, if it is thought that the future generations will suffer from a lack of resources or greater inequalities, this principle demands a higher level of inter-generational saving and placing restrictions on present day consumption to benefit the poorest groups in the future. In contrast, if the inverse is expected, it would be inadmissible to hand on many resources to the next generation.

4.

**INTERGENERATIONAL
JUSTICE AND
PUBLIC POLICIES**



When we try to apply this topic to public policies, we can assess whether a certain existing policy respects criteria of intergenerational justice or, on the other hand, we can consider public policy proposals aimed directly at promoting greater intergenerational justice. In either case, challenges arise related to foreseeing the future, to quantification and the tendency towards governing for the short term.

What kind of assumptions about the future should be made in policies that strive to be fair from an intergenerational standpoint?

Selecting fair policies from an intergenerational standpoint implies making certain assumptions about the future. The level of realism of these assumptions may have very significant consequences on distribution. For example, in the 1970s and 1980s, it was assumed that continuous economic and demographic growth would make the countries' pension systems viable. However, the economic and demographic stagnation of recent years was not in line with this scenario.

Similarly, technological development could offer future generations far greater opportunities than we have today. In this case, if the present generations save excessively, future generations will be in a relatively privileged situation.

The relative uncertainty about the future therefore implies mapping alternative scenarios in relation to the costs and benefits of a specific policy, notably by considering different levels of technological development and economic growth and demographic change.

Such scenarios are already drawn up in some countries for certain areas of public policy, such as for the pension systems. It should be added that dynamic reviews can be made to the scenarios so as to incorporate the most relevant developments.

How can the impact of public policies on future generations be quantified?

Evaluating the impact of public policies entails identifying the cause-effect relationships between our actions in the present and their impact in the future. For example, excessive greenhouse gas emissions in the present will cause climate change in the future. Also, the construction of an infrastructure with a long useful life, such as a bridge or airport, can bring benefits for future generations.

A range of complexities emerge in the attempt to quantify these benefits and costs, particularly with regards to the instruments to be used for measurement purposes,

the kind of benefits and costs to consider, and the entities that should be responsible for making these calculations.

As this quantification is of course made on a policy to policy basis, the final assessment on the level of a society's intergenerational justice should be made in relation to its policies *as a whole*. For example, if a food policy unavoidably results in the production of greenhouse gas emissions in excess of the sustainable limit, but this excess was addressed by an economic policy that reduced it to below this limit, we can say that this scenario meets the criteria of intergenerational justice.

How important is a long-term approach?

Not all kinds of decision require a long-term approach. For cases in which no significant consequences are anticipated for future generations, the cost benefit analysis does not need to be made from a long-term perspective. For example, the organisation of an international exhibition funded by current taxes.

However, as already noted, many of today's decisions generate effects for future generations. Given that all human beings - present and future - are equally important, a long-term approach must be taken in such cases. This approach will not only allow citizens and political actors to internalise the future effects of the different policies, but also enable the costs and benefits to be distributed in a sustainable manner across the various generations.

In addition, it should be noted that the fact that we are already concerned about justice between coexisting generations means that we will be inclined towards longer term policies.

Which factors explain the propensity to govern for the short term? How can we combat this tendency?

Firstly, as the future generations have not yet been born or cannot yet vote and therefore cannot make their interests heard, political agents tend to give them little attention.

In addition, the tendency towards the short term is explained by individuals' uncertainty about the future and by the lack of trust in institutions. For example, many people frequently ask the question: "why should I contribute to a pensions system if I don't know whether I will receive a pension?".

Finally, this tendency can also be explained by a lack of knowledge about the actual consequences of some of our policies today. For example, many people are unaware of (or prefer to ignore) the seriousness of the climate change phenomenon.

These challenges do not mean that nothing can be done in the present to safeguard future generations. A specific strategy to promote long-term policies should therefore include the following:

- (1) The interests of future generations should be granted political representation (or some political weight);

- (2) The projections and understanding of the long-term effects of policy decisions should be increased, including the distribution of these effects across the various generations and each person's full life cycle;
- (3) Institutions should be endowed with stability, strengthening the social contract between generations;
- (4) Governance mechanisms should be created to assure rapid and effective policy action on issues with long-term impact, like pension reform or combating climate change for example;
- (5) Relevant information about the future impact of current policies should be studied and disseminated, fostering responsible education and citizenship.

Is it acceptable for one generation to make laws that bind the next generations? In which circumstances and to what extent?

The legal and institutional framework of one generation may be severely constrained by the decisions of the previous generations. This question is particularly applicable to Constitutions that lay down very demanding conditions before any changes can be made to them in the future. For example, in Portugal alterations can only be made to the text of the Constitution if two thirds of the members of the Assembly of the Republic vote in favour.

This requirement makes it very difficult to achieve the political conditions necessary to implement constitutional amendments that reflect the preferences of the present generation. Moreover, we should remember that a majority that approves an amendment today may be a minority in the future and will find themselves in a privileged position if their preferences are constitutionally protected.

As before, this constitutional rigidity may make sense in some situations but not in others. For example, in relation to certain fundamental rights, such as physical integrity or the right to vote, it is prudent to create institutional barriers so that they are protected from the vicissitudes of political power. In contrast, it might not be reasonable for the Constitution to regulate public employment in perpetuity considering the frequent changes in the labour market.

The list of goods that are constitutionally protected should therefore be as limited as possible so as not to impose preferences on subsequent generations that are not their own. Indeed, once the protection of certain basic human rights is guaranteed, we should not require our descendants to live according to the rules by which we are governed today bearing in mind the constant changes in preferences and mindsets characteristic of humankind.

At the same time, some authors believe that the constitutionalisation of certain protections for future generations, in relation to public debt or the marine environment for example, (or the multilateralisation of this protection in an international treaty), is an effective instrument that the present generation can use to prevent the next generations from imposing unjustified harm on the generations of the future.

