Justice to Future Generations and the Problem of Uncertainty: Some Communitarian Approaches

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This essay is intended to examine the problem of uncertainty in the context of justice to future generations, and the ways how some communitarian thinkers try to overcome that problem. In order to do so, I first sketch the general theoretical setting of the discourse on future generations, and the questions where the problem of uncertainty emerges. Then I turn to some possible communitarian answers, namely, that of A. de-Shalit, and J. O’Neill. I am going to argue that the narrative-based approach of O’Neill opens a very promising perspective, especially if one manages to eliminate some inconsequencies that haunt his reasoning.

In the last decades, future generations appear more and more often in philosophical and political, as well as in legal thought. The increasing frequency of references to future generations might be understood in the light of the increasing awareness of the ecological crisis. Within that discourse, the notion of future generations serves as a source of arguments that is intended to help in providing support for the determination of individual duties and common measures which – at least sometimes – seem to be counter-intuitive and to bring sub-optimal results for presently existing individuals and their communities. Here, present duties are often formulated as obligations to future generations.

In his 1972 essay, M. P. Golding has put forward a plausible proposal for grounding present obligations to future generations. According to his reasoning, one has to assume that present and future generations are members

of a moral community, i.e. that the present generation accepts the good of present generations as its own good. However, Golding claims, it is most probable that this cannot be the case. Too simply, the distance in time that separates us from future generations renders our suppositions in terms of their good uncertain: given that their life circumstances may differ considerably from ours, one cannot be sure whether our conceptions of the good life hold for them. The present generation ought not to take into account the supposed interests of future generations, since either it coincides with the interests of those presently living or their immediate posterity, or it would lead to the offering of these interests for the sake of some uncertain one. On the other hand, Golding emphasises that present actions do actually affect the future actualisation of our uncertainties: “i[t] actually appears that whether we have obligations to future generations in part depends on what we do for the present,” he concludes.²

While those who are sceptical towards present obligations to future generations generally point out that we cannot determine the content of our duties (i.e. what exactly we have to do), Golding extends this uncertainty to the very existence of the inter-generational community. In his argument, “good” is understood not only as something that contributes to the material welfare, but also as those common understandings that determine a “moral community.” And this is the point where communitarian theories become relevant.

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It seems to be interesting to examine here two statements of Walzer first. The first one is the so-called “open-ended distributive principle,” according to which

[n]o social good x should be distributed to men and women who possess some other good y merely because they possess y and without regard to the meaning of x.³

The second one refers to the nature of membership, and says that “community is itself a good” conceivably the most important good “that gets distributed.”⁴ Now, if we understand the latter as meaning that membership in

² Ibid. 99.
⁴ Ibid. 29.
the community is one of the social goods, then we can substitute “membership” for “good of,” with the following result:

\[ \text{no social good } x \text{ should be distributed to men and women who are members of the community of justice merely because they are members of the community of justice and without regard to the meaning of } x. \]

This principle obviously contradicts to Walzer’s other statements, where he explicitly affirms that membership is a good prior to others. Thus, one has to acknowledge that Walzer attributes a special status to membership, and maintains its fundamental importance for the distribution of other goods (of which the environment may be one). As he states elsewhere, “it is only as members somewhere that men and women can hope to share in all the other social goods.”

Walzer apparently does not consider the question of future generations. There is, however, a remark made by him that may be of importance in our further inquiries. As he speaks of political communities as “historically stable, ongoing associations,” he does not deliberate the possibility of opposing different generations to each other. Comparing the situation of “strangers in political space (immigrants) and descendants in time (children),” both newcomers in the community, he remarks that the process of admission can be controlled in both cases. For children, however, what the political community can effectively (and acceptably) determine is “the size of the population only”: “its growth, stability, or decline.” Thus, the above-mentioned principle of distribution could be reformulated for future generations as follows:

The membership in the community of justice should not be distributed to future men and women who possess some other good merely because they possess y.

And, we might add, it should not be denied from future persons merely because they lack y. One may conclude, then, that Walzer does not deal with the possibility of a moral distance between members of different generations, a question he examines at length in terms of strangers. In my opinion, this

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6 Ibid. 141.
7 Walzer (n. 3), 63.
8 Ibid. 62.
9 Ibid. 35.
is to be explained with some chain-like image of a “domestic” continuity, similar to that of Rawls or Passmore. But in this case, again, the problem of “skips” emerges, i.e. the possibility that later generations seem too far away from a present perspective: that problem does in fact arise in one of the theories examined in the following. As it was mentioned above, the only plausible way of arguing that justice is relevant in inter-generational relations from a communitarian perspective is by claiming that there exists a community of justice that comprises successive generations. The two theories that are examined in the following both describe such a community.

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A. de-Shalit develops a theory of justice to future generations based on essentially Walzerian ideas. In his work, he examines how future generations can actually make part of a community together with the present ones. He scrutinises the question of identity in the case of political communities, bearing in mind the caveats of Golding. De-Shalit does not explicitly exclude the possibility of a chain-like continuity of a political community’s identity. He nevertheless emphasises that changes in commonly accepted values can lead to a downright breach between two given generations that do not have immediate links with each other. He brings more historical examples in order to support that view. Thus, his conception of community is limited both in space and time: the present members of a given community have rather limited relations to other people that might be evaluated using justice as a criterion. In terms of future generations, it means that justice is applicable only as long as the sense of community exists in the members of the present generation. Shared understandings and common values fade away with time. As for the generations that follow after this temporal divide, the present generation only has the same obligations as towards their own contemporaries who are outside the community.

This, however, contradicts to his affirmation that “although future generations are by definition people who will live after our deaths, our obligations to them are a matter of justice, rather than of charity or supereroga-
tion.” As a normative theory, that does not say anything more than the motivational assumption as described by Rawls. Its content might be formulated like “our generation has to accomplish justice in its relationship to those generations that seem to be in the same community, but does not have any such obligation towards those that we do not expect to share our common understandings.” Of course, de-Shalit seems to be right in arguing that a theory that demands too much from the present in terms of distribution of resources may face a total rejection. Still, I think that, for the moment at least, we should put aside the question of plausibility, and take a look at his views on community, in order to see if they are acceptable from a purely theoretical point of view.

de-Shalit affirms that it is possible to conceive of a trans-generational community, even if one excludes common life in a physical sense. There are two more criteria that can prove the existence of such a community: cultural interaction and moral similarity. These are strongly interconnected. Cultural interaction means an ongoing dialogue between the members of the community. Thus, it is necessary to create new common understandings and common conceptions of the good life, but also to challenge and discuss old ones. In this way, it contributes to the establishment and the continuous rethinking of moral similarity, which is defined as “common and more or less accepted” “attitudes, values, and norms.” On the one hand, cultural interaction needs a common background, which is, at least partially, provided by moral similarity. Now, it seems rather counter-intuitive to expand the notion of cultural interaction to a trans-generational context. On the other hand, it is clear that every generation reflects on, sometimes even answers to ideas that stem from their predecessors, yet inter-generational communication works in one direction only. De-Shalit solves this problem by emphasising the temporality of the dialogue, and says that “in fact this communication will continue with the response of yet further future generations to the future generations with whom we communicate.” Accordingly, moral similarity is in a state of endless development: attitudes, values and norms of previous generations are submitted to deliberation in every new

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13 Ibid. 11.
14 Ibid. 14.
15 Cf. D. C. Hubin “Justice and Future Generations” Philosophy and Public Affairs 6 (1976), 17, who rejects the possibility of speaking intelligibly of obligations to future generations for that reason.
16 de-Shalit (n. 10), 28.
17 Ibid. 44.
generation. And this is exactly, de-Shalit argues, why the sense of community “fades away”:

when it comes about that the values of the members of the community change drastically, many members will find themselves in a state of growing alienation from the community of their ancestors.\textsuperscript{18}

Therefore he concludes that the present generation may reasonably assume that persons in some generation in the future will not consider themselves as members of our community. Hence, if it comes to a conflict between needs of the present generation, or of some in the proximity, and the needs of more distant generations, priority should be given to the former. It is also interesting to note how de-Shalit distinguishes between an internal and an external point of view. He makes it clear with the example of a member of the English nation. From the perspective of a historian (an outsider), the community in both the 17\textsuperscript{th} century and now may be properly described as “English,” while a member of today’s English political community (an insider) will hardly share the values of the 17\textsuperscript{th}-century English nation.\textsuperscript{19}

While I think that the applications of de-Shalit’s theory are acceptable at least as parts of the principles of justice to future generations, his description of the community has, in my opinion, some shortcomings.

The first problem is a practical one, and is due to the lack of possibility of determining how fast common values are likely to fade away. As the present generation cannot know the exact nature of future debates, present persons cannot know where to place the divide according to which their obligations could be determined. Hence, what remains is a pure temporal scale, and that hardly means anything other than discounting the future: the utilitarian solution that de-Shalit (among others) explicitly rejects.\textsuperscript{20}

But what seems much more puzzling to me is the inherent contradiction in de-Shalit’s accounts of cultural interaction and moral similarity. On the one hand, these factors provide for the constitutive character of the community through the moral and political debate, while, on the long run, it is that debate that causes common understandings to disappear. But do they really disappear? It seems that de-Shalit is too mechanical in distinguishing between the insider’s and the outsider’s point of view, and claims that the question of shared values should be viewed from the former one. This is justified as far as it is the present members of the community whose decisions concerning future generations are in the focus of the theory. Yet it is

\textsuperscript{18} Ibid. 47.
\textsuperscript{19} Ibid.
\textsuperscript{20} Cf. Dobson (n. 5), 106f.
important to note that, according to de-Shalit’s view, the outsider does only consider the identity of the community, while insiders are concerned with the content of the community’s tradition. De-Shalit seems to identify these two things, but I think the difference is of great importance here. The question of recognition or self-identification is a most relevant one in terms of defining the membership of a community. Accordingly, if one would ask the Englishman of the example whether he considers himself to be part of the community referred to as the English nation, his answer is likely to be an affirmative, as well as that of one of his 17th-century predecessors. And, in my opinion, the same is true if one would make the question refer to the membership of 17th-century and present-day persons, respectively.21

To put it otherwise: even if we tend to assume that at some moment our descendants are going to leave all of our values and norms, we still talk about them (with more or less confidence) as future members of our community. In fact, de-Shalit himself does apply a “mixed” perspective in that he speaks of the (future and objective) non-constitutiveness of a community on the basis of the alleged subjective views of the community’s future members, and concludes to principles of justice that, again, should be adopted by the actual community. I think, however, that also his assumption of the fading away of the sense of community might face serious challenges based on the argument of recognition.

While de-Shalit seems to concentrate on the inherent uncertainty of the present generation’s conceiving of their posterity, O’Neill examines how the present participates in the shaping of the past.

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O’Neill builds his theory on the notion of the “transgenerational self,” that also de-Shalit makes use of, but, unlike de-Shalit, he does not limit its application to a psychological assumption.22

Contrary to the widely accepted opinion on the lack of reciprocity between generations, O’Neill affirms that there are real harms and benefits

21 The strength of identities is well illustrated by the fact that certain communities even project their identities back into the darkness of the past, as they search for their predecessors: the 19th-century collection – and creation – of folk tales and myths about the past of newly formed nations may be a good example. See also the argument of A. MacIntyre After Virtue: A Study in Moral Theory (Notre Dame, Ind.: University of Notre Dame Press 1984), 220f.

posterity can do to us. He begins to develop his views with a criticism of modernity, in the spirit of Taylor and MacIntyre:

[T]he assumption that future generations cannot benefit or harm us highlights a peculiarly modern attitude to our relation with the past and future which is at the centre of our environmental problems. [...] It is tied to the modern loss of any sense of a community with generations outside of our own times.\(^{23}\)

O’Neill mentions the example of narratives to demonstrate how one’s self transcends the limits of one’s life and how future generations can play a role “in determining the success or failure of the work of previous generations.”\(^{24}\) As narratives about one’s work may well exist and even change after one’s death, we can hardly speak of separate generations without links to each other. Moreover, there is a wide group of human projects that can be successful only in the long term: here, it is necessary that more generations contribute to the same project, sometimes without enjoying any of its results. These insights were generally acknowledged by every culture, until the emergence of market-based societies. The idea of the market that emphasises mobility against ties of place, profession and so on, contradicts to identity across time, and that leads to a “temporal myopia of modern society.”\(^{25}\)

As for future generations, then, it is the responsibility of the present generation towards its past, future, but also to itself to attempt, as far as it is possible, to ensure that future generations do belong to a community with ourselves – that they are capable, for example, of appreciating works of science and art, the goods of the non-human environment, and the worth of the embodiments of human skills, and are capable of contributing to these goods.\(^{26}\)

It is important to note that O’Neill’s image of the community is a rather dynamic one, as it takes the history of a community into account. He emphasises the importance of arguments “both within generations and between them.”\(^{27}\) Thus, the most important obligation of the present generation is

\(^{23}\) Ibid. 27f.  
\(^{24}\) Ibid. 32.  
\(^{26}\) O’Neill (n. 22), 34. In his 1997 paper, he replaces “community with ourselves” with “a community that has a narrative continuity with ourselves.” O’Neill (n. 25), 32.  
\(^{27}\) O’Neill (n. 22), 36.
to provide for both the external and internal conditions of the ongoing discussion, i.e. conditions of the (physical) existence of future persons, as well as the (cultural) conditions of their meaningful participation in the arguments. The theory of O’Neill is a very attractive one, as it helps to overcome some problems that are often criticised in communitarian theories. He rightly mentions debate (as opposed to a constant set of values) as one of the most important features of a community, without describing it as something that menaces the identity of the community, as does de-Shalit. Furthermore, his account of communities allows for conceiving of a global community that may be essential for dealing with global environmental problems properly.

Nevertheless, some objections can be formulated as to his arguments. The first possible objection concerns the influence of future generations on the success or failure of one’s work. This argument is put forward by O’Neill in the context of reciprocity, as opposed to the view that future generations cannot help or harm presently living persons. The good of a successful life (one that we can obtain only with the help of posterity) is then paired with the harms present persons can do to future generations. According to O’Neill, these are the following:

(1) We can fail to produce works or perform actions which are achievements. Future generations may not be able to bring our deeds to a successful fruition. (2) We can fail to produce generations capable of appreciating what is an achievement or contributing to its success.

Now, what I fail to see here is how these points provide for an inter-generational reciprocity on the one hand, and mutual obligations on the other hand, since the goods of the one party that depend on the contribution of the other, are of quite different nature. But let us take a closer look on them.

First, the possible failures of the present generation necessarily harm further generations but also the present generation, at least from the perspective of the present generation: indeed, it is a harm to future generations if they do not have anything to appreciate or contribute to, or if they are unable to

28 Cf. MacIntyre (n. 21), 221f.
29 O’Neill (n. 22), 42. Here, he quotes The Capital of K. Marx (Part 3, ch. 46): “[A] whole society, a nation, or even all simultaneously existing societies taken together, are not the owners of the globe. They are only its possessors, its usufructuaries, and, like boni patres familias, they must hand it down to succeeding generations in an improved condition.” The idea is further developed by F. Ost La nature hors la loi. L’écologie à l’épreuve du droit (Paris: La découverte 1995) and A. Gosseries Penser la justice entre générations. De l’affaire Perruche à la réforme des retraites (Paris: Aubier 2004).
30 O’Neill (n. 22), 34.
do so, and it is likewise a harm to us if they do not. But these harms exist, at least partly, only from our point of view, since if future generations cannot do something, they do not necessarily realise their lack of that capacity. To that, O’Neill would answer that it is a mistake to think that “what you don’t know can’t hurt you.” But that does not answer the objection that in a final analysis it is us who harms us if we fail to provide for the conditions of our (future) success. The next problem arises if we do our best for future generations, since (fortunately enough) this does not compel them to render our work a success. Of course, the fact that they exist and are able to appreciate or contribute to our ongoing projects is a success in itself (one that we accomplished ourselves!), but they will not have the slightest obligation not to let our stories continue or end as failures.

The second objection is closely related to the first one. With the help of his account of the trans-generational self, O’Neill seeks to prove the existence of a trans-generational community, that is aimed at certain trans-generational goods. He further concludes that each generation is responsible for contributing to maintaining the community and accomplishing its goods. As O’Neill himself states, however, there is a constant debate on many aspects of the community and its goods. There I see some tension between this latter, discursive approach and the rather objectivist views O’Neill develops elsewhere. He seems to be aware of the uncertainty of particular contributions to the common goals as he formulates his principle that “our primary responsibility is to attempt, as far as possible to ensure that future generations do belong to a community with ourselves.” This seems to be a pragmatical recognition of the fact that human action is always bound to a certain perspective: the most one can – and has to – do is to contribute to the debate (and its conditions) according to one’s best knowledge. But here again, the question of success emerges. One can never be sure if his story is a success: but neither can be any of the future generations, at least not in a final, “objective” sense. Of course, there are some concrete achievements that can be understood as fulfilling one’s “trans-generational intentions.” Still, it is nothing else but possibility what remains for those initiating trans-generational projects. This is enough for keeping the concept of responsibility – even justice – to future generations (as part of our community), but it also shows that

31 Ibid. 28.
32 Ibid. 34, emphasis added.
uncertainty, and therefore precaution too, also has to obtain a central place in the discussion of the problem of future generations.

Now, it seems appropriate to overview the main “harms and benefits” the discussion of the problem of future generations can gain from these communitarian theories. To begin with their advantages, communitarian authors seem to spend proper attention to the counterfactual nature of contractarian theories, and try to overcome that by giving a more adequate description of real communities and the link between the individual and the community. Hence, in the case of future generations, the central issue is not how a person can be shown to be interested in the welfare of future generations, but whether future persons can be thought of as making part of a community together with presently living people. The answers of de-Shalit and O’Neill both start with the affirmation of a real (not imaginary) trans-generational community that provides the framework for an ongoing intra- and inter-generational discourse (debate) on the community’s moral, political, and cultural understandings. Accordingly, they succeed in avoiding excessive conservatism in terms of common values, while saving their theories from complete uncertainty. Moreover, they show that the “object of justice”, i.e., what is distributed among generations is not only “passive” goods, but also – and mainly – the possibility of active participation.

The particular shortcomings of both theories are indicated above. Here, I would like to mention only two things. First, for different reasons, both de-Shalit and O’Neill fail to provide an adequate basis for the present generation’s commitment for the interests of future generations. While de-Shalit makes debate dissolve the sense of community on a larger time horizon, O’Neill attempts to give more objective grounds but he cannot reconcile that with a necessarily present-bound perspective. Second, neither of the authors extends the theory to a global community, which seems to be unavoidable for mastering global problems that are characteristic for today’s environmental concerns. Here, however, there is a greater difference between the two. De-Shalit concentrates on a particular community, the political one, whereas his account of the dynamics of commonly accepted values, norms and attitudes precludes a real horizontal extension of the community. O’Neill, in turn, develops a theory which is a much more general one, thus it may be applied to any kind of community.
As I argued above, the discourse on the obligations to future generations has to adopt a “present point of view,” i.e., it has to concentrate on the perspective of the presently existing persons, whose actions necessarily affect the life conditions, indeed the very existence, of all the future generations. As Gold- ing rightly states, we have to deal with a very high degree of uncertainty here. We cannot know what the values of our posterity will be like. On the other hand, if our decisions affect future generations, they also affect their values.

In my opinion, the theory of de-Shalit seems to neglect these insights. First, he takes for certain a complete change in the set of values that constitute a moral community. Of course, de-Shalit would object that in terms of a given future generation, these changes are not necessary, only possible. The degree of possibility grows as we move forward in time. And it is because of this possibility that the members of the present generation have to consider their relation as a matter of justice only to their immediate posterity. However, if we cannot determine with complete certainty whether a given future generation is “off the limits,” we cannot tell whether we have to use justice as a criterion in our relation to its members or not. Moreover, his view also implies that changes in values are irreversible: those once “argued out” cannot return anymore. I think there are many examples for the contrary. Second, he does not account for the present contributions to future changes: if the present generation acts contrary to its own values, these are likely to disappear over time.

As for the views of O’Neill, the first consequence is that the present generation has to be aware of the fact that its narratives are told in the present: they necessarily implement a present point of view. Of course, posterity is included in these narratives: we have narratives about future generations. Moreover, our narratives (at least the one told by O’Neill) tell that future generations are going to have narratives about us. Second, the very existence of future generations, and also the contents of their narratives depend on what kind of narratives we have about them and about ourselves. Indeed, it is possible to conceive of a narrative of après nous le déluge, i.e. one that lacks (or ignores) posterity. Yet, fortunately enough, it is easy to see why such a narrative is at least unconvincing. Since the lives of different individuals do not begin and end at the same time, generations cannot be separated mechanically. Someone who, from my point of view, belongs to the present generation, may well be part of the posterity of someone else, who, in turn,
considered me as a member of his “present generation”: I may have known a grandfather who could not live until his grandson was born, but I may know the grandson as well. While one cannot, by definition, experience his own posterity, one meets people who play the role of future generations in others’ narratives. Conceived this way, the present generation’s narrative about future generations is constituted by a network of personal narratives that are linked to, complement, and sometimes contradict each other. Therefore, every member of the present generation can shape the narratives future generations are going to have, and thus contribute to the narrative identity of a trans-generational moral community. Hence, a present-perspective communitarian approach should put the emphasis on present actions and duties, not to avoid but to face uncertainty.