Introduction

Dear reader,

The concept of ‘intergenerational justice’¹ may very well become an intellectual *leitmotif* of the new century. It does not only deal with the future, it might have a future career in philosophy and politics itself. In 1980, Ernest Partridge wrote: ‘The lack of manifest philosophical interest in the topic is further indicated by the fact that of the almost 700 000 doctoral dissertations on file at University Microfilms in Ann Arbor, Michigan, only one has in its title either the words “posterity”, “future generations” or “unborn generations”’ (1980, p. 10). A lot has changed since then. In the last few years, the number of scientific magazines and articles referring to justice between generations and to future ethics (in a broader sense) has soared: in the 1980s in the USA,² and in recent years maybe even more in Europe. Justice between generations is still not as salient on the agenda as justice between rich and poor (social justice) or between men and women (gender justice). But the gap is narrowing. In Germany, for instance, four quality newspapers cited the term ‘intergenerational justice’ only 19 times in 2001, but 129 times in 2003 with further buoyancy (Nullmeier 2004).³

Since the earliest days of the environmental movement, the rights and interests of future generations have been invoked in argumentative discourse (see Palmer 2001). These days, however, barely a budget debate passes in a parliament anywhere in the world without the Minister of Finance justifying his planned cuts on the grounds of their generational justice or ‘financial sustainability’. In many European countries, youth movements for intergenerational justice have formed and members of the younger generation use moral issues on talk-shows to put their opponents from the older generation under intense pressure: is it just if the younger generation stands to inherit the greenhouse effect, the ozone hole and atomic waste from previous generations? Is it just if the unemployment rate is higher amongst young people than amongst the population as a whole? Is it just if the younger generation are likely to receive a lower yield on their contributions to the retirement system than the older generation? And all this when young people below the age of 18 are not allowed to elect their own members of parliament? When the younger generation stands to inherit a heavily-indebted state? When more than twice as many young people than old-age pensioners are receiving income support? Is it just if barely any under-40-year-olds are to be seen in parliament, in corporate boardrooms and on the editorial committees of the press?⁴ Justice between the old and young respectively between present

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and future generations is, in itself, one of the most important reasons why environment and nature should be protected. However, this concept represents much more than this. It contains a complete political programme – from environmental and financial to educational policy.

Another indication of the impact of ‘intergenerational justice’ is that constitutions that were recently adopted or changed, especially in central Europe, include wording that refers to ‘future generations’ or ‘sustainability’ (see Tremmel, Häberle and Bourg in this volume). To discuss the scientific meaning of the concept, an interdisciplinary magazine has been created that deals with the topic of justice between generations: *Intergenerational Justice Review* (ISSN 1617-1799).

This boom of ‘intergenerational justice’ is astonishing because each political philosophy by definition criticizes current situations. If we want to change such situations, we can only do so in the future. Therefore every social theory that aims at improving the lot of mankind – be it the theories of the enlightenment (for example Condorcet), Marxism, neo-classical economic theories, or rights-based philosophy – focuses on future generations (see Birnbacher in this volume).

Explicitly, the question of justice between generations, or more broadly speaking, the fate of future generations, has been dealt with since the advent of ecological consciousness. The Club of Rome deserves the historical merit of having paved the way for a theory about respecting the limits of nature (Meadows *et al.* 1972).⁵ Until this point, almost all philosophers in the preceding millenia had been relying on a quasi natural law for the improvement of the living conditions of future generations. Kant (1785/1968, p. 53) committed the following lines to paper:

It is still strange that the older generations seem to do their cumbersome business only for the sake of the younger generation to prepare a platform from which they can go one step further, towards the target aimed for by nature, and that only the last generations will be lucky enough to dwell in this abode built by a long row of their predecessors (albeit not deliberately), who were not able to have their share in the joy they were preparing.⁶

Even Rawls thought of an autonomous savings-rate as the central point in his concept. It was Hans Jonas (1979) who finally stated in his fundamental book, *The Imperative of Responsibility*, that mankind is about to affect nature negatively and irreversibly. Colorfully, he describes mankind’s relation towards nature before modernity:

With all his boundless resourcefulness, man is still small by the measure of the elements, precisely this makes his sallies into them so daring (. . .). Making free with the denizens of land and sea and air, he yet leaves the encompassing nature of those elements unchanged, and their generative powers

undiminished. (. . .) Much as he harries Earth, the greatest of Gods, year after year with his plough – she is ageless and unwearied; her enduring patience he must and can trust, and to her cycle he must conform. (Jonas 1980, p. 25)

Even though Man labored as much as he could he did not affect the equilibrium of nature. Under these conditions, an environmental ethic was obviously not essential.

Nature was not an object of human responsibility – she taking care of herself and, with some coaxing and worrying, also of man: not ethics, only cleverness applied to her. (ibid, p. 26)

As long as this was true, the ethicist could confine himself to devising intra-generational ethics. His ethical universe was composed by contemporaries with a foreseeable life span. Jonas dubs this the ‘neighbor ethics’:

To be sure, the old prescriptions of the ‘neighbor ethics’ – of justice, charity, honesty and so on – still hold in their intimate immediacy for the nearest, day by day sphere of human interaction. But this sphere is overshadowed by a growing realm of collective action where deed and effect are no longer the same as they were in the proximate sphere, and which by the enormity of its powers forces upon ethics a new dimension of responsibility never dreamt of before. (ibid, p. 28)

We can criticize Jonas’s vision of nature before mankind’s advent as a too steady and invincible one. If we refer to the five geological stages of species extinction, nature must be seen as normally affected by catastrophes. But Jonas’s indisputable point of view is that the first human beings had relatively little influence on global nature and thus they could limit themselves, as ethicists, to developing ethics for an intragenerational context. This explains why most important previous ethics theories have neglected inter-generational problems. Outside the ecological field, it was probably Thomas Jefferson who picked out intergenerational justice as a central theme when, for instance, he wrote: ‘Funding I consider to be limited, rightfully, to a redemption of the debt within the lives of a majority of the generation contracting it.’

Against this backdrop, it might be asked how to determine the limits of the subject discussed in this *Handbook of Intergenerational Justice*. What distinguishes this handbook from a handbook on sustainability? Before we can answer this question, we first have to look at the distinction between inter- and intragenerational justice (see Figure I.1).

Own source

Figure I.1 Distinction between intergenerational justice and intragenerational justice

Intragenerational justice has of course a temporal component. If we want to reach a goal, for instance more equality between North and South, we can by definition only achieve it in the future. The status quo takes place in the present and necessarily the goal of the process concerns the future (see Figure I.2).

Own source

Figure I.2 Temporal scale of intergenerational and intragenerational justice

But the ‘future’ usually has a short-term time horizon here. Intra-generational justice goals are not supposed to materialize in a hundred years, but within the next legislative period.

Intergenerational justice and intragenerational justice are fundamentally different in the sense of intergenerational justice comparing *average* individuals, whereas intragenerational justice analyses the various circumstances and living conditions of individuals at a given point in time.

Now, sustainability as a concept combines intergenerational and intra-generational (especially international) justice. This is a result of a comparative study of 60 definitions used by scientists (Tremmel 2003). It has often been lamented that there is an unmanageably large amount of definitions of the contested concept of ‘sustainability/sustainable development’ (Dobson 2000). Not surprisingly, part of this dispute is how it should be normatively justified – only by intergenerational justice (17 nominations), only by intra-generational justice (five nominations) or both combined (34 nominations). Usually, generational justice is connected with the environment and intra-generational justice is connected with development. The majority of scientists – as well as the political actors at UN conferences – prefer the definition that green policies have no priority to development aid policies (see Table I.1).

Table I.1 *Grouping of definitions of sustainability into two ideal types*

Ideal type	Definition ^a	User	Exemplary statement
'priority for ecological generational justice' (number of nominations: 15)	The dynamic equilibrium ^b is the main feature. Hence, many social problems are not mentioned.	Scientists working with the definition are primarily active in the environmental area (mainly in developed countries)	'The concept of sustainability in the spirit of inter-generational justice must be separated from the concept of just distribution between the countries and regions.' (Renn and Knaus 1998, 78)
'inter- and intra-generational justice are weighted equally' (number of nominations: 34)	The dynamic equilibrium is just one aspect and social justice must be included. Green policies and development aid policies goals coincide.	Scientists focused on international justice.	'Sustainability in the spirit of prohibition of impairment seems to be a good basis for developed countries, which have the aim to save economic, cultural, social and environmental resources for future generations. But this principle is not sufficient for developing countries, in which the basic rights of human life are not fulfilled.' (Jörrissen <i>et al.</i> , 24)

Notes:

^a Sixty definitions by different institutions/scientists were evaluated. Due to the fact that not all definitions provide information about the normative justification of sustainability/sustainable development, the total of all nominations is smaller than 60.

^b Dynamic equilibrium: same input and output over time, for example a state in which harmful substances pollute soil, air, water and the atmosphere only to such an extent as these media can decompose the substances due to their natural regenerative capabilities in the respective period of time. Another example is a state in which renewable resources are not exploited to a greater extent than they are capable of renewing themselves.

Source: Tremmel 2004.

Given the fact that sustainability by definition (of most scholars) is a concept that combines intergenerational justice, international justice, gender justice and social justice, it is clear that a *Handbook of Intergenerational Justice* cannot lay its focus on sustainability. Otherwise it would have to be twice as long. Of course, this does not mean that the authors of this volume ignore the inter-linkages between inter- and intragenerational justice. On the contrary, they are explicitly addressed in some chapters, for example Birnbacher's, Lumer's, Beckerman's or Gardiner's.

Summary of the chapters

This interdisciplinary anthology is composed of chapters by scholars from the international scientific community.

The first part of the volume clarifies basic terms and tracks down the origins of the idea of generational justice. Using a large variety of philosophical, economic and cultural approaches, the authors point towards a new ethical standpoint, which takes into account the rights of succeeding generations.

As a starting point, Prof. Dr Dieter Birnbacher, teaching at Heinrich Heine University in Düsseldorf, Germany, gives a philosophical assessment of the limits and scope of our responsibilities with regard to future generations. According to him, more and more aspects of existence are entering the sphere of human control, and we have a growing possibility to detect future dangers and risks early enough. These factors lead to an extension of our responsibility for future generations. In spite of the difficulties such as opportunity costs, restricted human ability and foresight, modern collective agents (present governments and leading industrial companies) have to take their responsibility for future generations seriously. How to fulfil this task must be based on fundamental ethics and must be well defined regarding different scopes. At any rate, according to Birnbacher we have to take the entire foreseeable future into account. Regarding the content of our responsibility for future generations, Birnbacher tells us that we have to care for a sustained preservation of the resources needed for human survival. Nevertheless, we need not go so far as to concern ourselves with the cultural enrichment for future generations. Comparing the responsibility for present generations with the one for future generations, we can distinguish a maximum and a minimum approach. By a maximum approach, we have to invest today's resources, wherever the welfare of future generations can be increased. In daily life, we follow the minimalist way, whereby we just have to preserve the stock of resources without making further provisions. However, this is not ethically sufficient because we neglect the natural growth of populations and refrain from improving the lot of future generations. Birnbacher reveals

daily complacency to be a particular hindrance to efforts of acting responsibly towards future generations.

In this context, Prof. Dr Christoph Lumer, Professor of Moral Philosophy at the University of Siena, Italy, makes the case that maxims of generational justice could be seen as the application of norms of general justice. These general norms are themselves deduced from moral axioms behind them. Five such axioms are presented and explained by Lumer to show briefly which demands arise from these principles:

1. Ethical hedonism: only the welfare of human beings and more highly developed animals is intrinsically morally relevant.
2. Beneficiary universalism: all human beings – and to a limited degree more highly developed animals as well – should be equal beneficiaries of the morality of a subject, independent from space and time. Thus, beneficiary universalism excludes among other aspects temporal discounting, that is, a lower consideration of the fate of future generations.
3. Prioritarianism: the moral value of an action or a norm is roughly determined by the thereby produced changes in human welfare. More precisely, though, it should be given more weight than is given to changes in welfare of subjects worse off.
4. Limited commitment: moral commitment should reach at least a bit beyond socially valid moral duties which are legally or socially sanctioned. A further increase of commitment is not a moral duty. The principle demands the maximum of what can be demanded from rational subjects and helps to maintain achieved standards. At the same time, it raises moral commitment in the historical long term.
5. Efficiency or economy principle: moral commitment should be efficient and employed where the ratio of cost and moral benefit is most favourable.

According to Lumer, actual developments seem to lead to a reduction of the intergenerational savings rate (referring to pensions politics, high youth unemployment, unrestrained consumption of non-renewable resources, hardly restrained emissions of greenhouse gases). Lumer (like Beckerman in later chapters) argues in favour of benefiting the least favoured today, as this would automatically also realize intergenerational justice because it would improve the status of the least favoured of tomorrow. Plausible assumptions concerning the actual developments imply that even if current policies persist, future generations of the First World will still be better off than the currently dominant ones – and thus, also a lot better off than future Third World generations. Because of this, the ratio of cost to moral

benefit within the Third World countries would be the most favourable. Besides this, much of the damage provoked by the greenhouse effect only becomes a social problem because of widespread poverty. Therefore, according to Lumer, direct investment in the Third World's development is the most salient policy measure.

Prof. Dr Wilfred Beckerman, Emeritus Fellow of Balliol College, Oxford, UK, plays the *advocatus diaboli* in this handbook. It is well-known that he believes that Sustainable Development is an over-rated concept. In addition, the argument of his chapter is that a theory of intergenerational justice is not only impossible but also unnecessary. When the Foundation for the Rights of Future Generations invited him to the symposium preceding this book, he answered that he could not remember having been invited before to a meeting in which the opinions of all other participants differed so much from his own. Moreover, when we received proposals for publishing contracts from different publishing houses, one potential publisher demanded that the chapter by Dr Beckerman be dropped 'because its essential message is at odds with the overall trajectory of the book, and to have a chapter that in effect undermines the main argument of the book is problematic in editorial terms and in terms of unnecessarily weakening the defenses of the book against critical reviews'.

But we decided to follow Voltaire's famous maxim: 'I disapprove of what you say, but I will defend to the death your right to say it.' A curious mind must always be eager to learn and willingly submit to whoever has the better argument. The idea of critical rationalism is to constantly challenge our own theories. But of course, this test could also show that Dr Beckerman's arguments are wrong, not those of the others.

In his chapter, Dr Beckerman outlines his arguments by the following syllogism:

1. Future generations – of unborn people – cannot be said to have any rights.
2. Any coherent theory of justice implies conferring rights on people, therefore
3. the interests of future generations cannot be protected or promoted within the framework of any theory of justice.

The crux of the argument that future generations cannot have rights to anything is that properties, such as being green or wealthy or having rights, can be predicated only of some subjects that exist. Theories of justice imply ascribing rights to somebody or to some institution or group of people in such a way that if a class of individuals cannot be said to have any rights,

their interests cannot be protected within the framework of any coherent theory of justice. However, Beckerman emphasises that rights and justice do not exhaust the whole of morality, and that we still have moral obligations to take account of the welfare of future generations. Our main obligation is to bequeath to future generations a society in which there is greater respect for basic human rights than is the case today.

The theses put forward by Dr Beckerman are further discussed in this volume in the articles by Wallack and Tremmel.

The next chapter by Prof. Dr Claus Dierksmeier, teaching Philosophy at Stonehill-College in Easton/Boston, USA, focuses on Rawls's theory. Rawls's famous text passage on future generations in his *A Theory of Justice* (Rawls 1971) belongs to the most quoted paragraphs within the literature on intergenerational justice. According to Dierksmeier, John Rawls's theory on justice for future generations fails to provide an argumentative basis for the rights of future generations. First, Dierksmeier looks for the rational devices enabling us to think of justice between generations within the realm of Rawls's *A Theory of Justice*, then he explores whether the systematic foundation of these devices is convincing. Specifically, he investigates Rawls's attempt to derive the notion of rights from a conception of reciprocal arrangements to enhance the individuals' self-interests. Second, as becomes evident in Dierksmeier's argumentation that Rawls's theory cannot provide a satisfactory foundation for the rights of future generations, Dierksmeier outlines how to establish a theory of the unconditional as well as asymmetrical obligations of the present generations towards future generations. According to Dierksmeier, such a theory of obligations can also serve to answer the questions about the 'rights' of future generations because our obligations correspond to such rights.

The bottom line of Dierksmeier's account is that any good theory of intergenerational justice cannot exclusively be explained by rational choice theory and sheer human self-interest. In contrast, a moral-based explanation is essential to justify generational justice.

Prof. Michael Wallack, Associate Professor of Political Sciences at Memorial University of Newfoundland, Canada, investigates the difficulties of liberal and utilitarian theories with respect to the field of justice between generations. According to Wallack, utilitarians struggle to solve the central issue of justice between generations: the determination of a savings rate that maximizes the utility attached to the welfare of both present and future citizens. According to him, utilitarians take consumption to be an unalloyed good. Since what is saved (invested) cannot at the same time be consumed, present generations suffer losses from denied and delayed consumption and opportunity costs. So which rate of savings would utilitarians choose if they were in Rawls's original position? The

auxiliary hypothesis, which incorporates their risk proclivity into their decision-making process, does not solve the central issue: the risk horizon of contemporaries cannot be assured to extend farther than their own lives.

Second, Wallack identifies liberal, rights based responses to the problem of justice between generations. According to Wallack, liberals adhere to general principles of procedural justice that implicitly fail to take into account the dimensions of time. Hence, they cannot deal with the special problems of intergenerational justice.

Like Dierksmeier, Wallack criticizes Rawls's account of intergenerational justice. But Wallack focuses not on *A Theory of Justice* but on important modifications to Rawls's advocacy for intergenerational justice in his later work *Political Liberalism*. According to Wallack, the problems that were produced by introducing parental affection into the original position, a notion for which Rawls received a lot of criticism, are gone in his later work, doubtlessly an aesthetic gain. But now introducing a deontological logic produces new fractures in Rawls's argumentation. The appealing idea of the original position – the forced impartiality produced by reduced information relating to calculations of one's personal advantage without any special assumptions – is watered down beyond recognition. As a solution to these difficulties, Wallack offers a revised 'difference principle' that he calls the Principle of Minimum Irreversible Harm (MIHP). According to Wallack, this principle supplies the concrete content to the Kantian admonition which Rawls provided in *Political Liberalism* to invest at a rate 'any generation would have wanted' in each generation.

At the end of his chapter Wallack takes up Beckerman's thread. He notes that Beckerman himself implicitly offers a theory of justice for future citizens at least in his contention that we today have a moral obligation to avoid doing severe harm to future people.

Dr Axel Gosseries and Dr Mathias Hungerbühler outline a seldomly theorized issue of intergenerational justice: the problem of rule change. When rules are changed, some lose and others win. Sometimes, losers and winners are distributed across generational lines. Then rule change is a problem of intergenerational justice, not of mere co-ordination. Gosseries and Hungerbühler argue that, in some cases, the losing cohorts should be compensated for their losses. Such a generational impact assessment is applied to three examples: cancelling mandatory retirement, phasing out the right to early retirement and cancelling mandatory military service. Each of these cases exhibits a distinctive intergenerational distribution of transition losses or gains. Gosseries and Hungerbühler offer a precise definition of 'transition losses', restricted to two cases in which either rule change leads to losses in the expected return of investments that were effectively made (if the person invested but would have not done so had the new rule applied

at the moment of investment), or in which the losses result from the opportunity cost of non-investment (if the person would have made such investments had the rule applied earlier). In Gosseries's and Hungerbühler's reasoning, in order to decide if a compensation is morally justified, the criteria of predictability and legitimacy should be applied to the situation.

Having heard accounts of the just savings rate that is necessary to produce a certain capital in different articles, the question arises what exactly does this capital consist of? Basically just institutions or much more? The answer to this question also provides us with an answer as to whether tomorrow will be worse than today. This is a widespread assumption among ecologists since the first report to the Club of Rome (Meadows *et al.* 1972), whereas economists generally claim the opposite (Simon 1998). The heated debate about strong versus weak sustainability is another facet, yet it does only cover the first two forms of capital in Table I.2. Cultural, social or human capital are not included. To answer the question of whether the 'savings rate' is positive or negative we must take a look at the overall legacy that is passed on from one generation to another. It can be depicted as the entirety of capital (natural, man-made, social, cultural and human capital) which is transferred from one generation to another.

Table I.2 Forms of capital

Natural capital	Resources provided by nature which are of use for mankind
Artificial and financial capital	Machinery, infrastructure and buildings as well as financial assets
Cultural capital	Institutions (democracy, market economy), constitutions and legal codes
Social capital	Existing solidarity within society, stable relationships between individuals and groups, values
Human capital	Health, education, skills and knowledge

Own source.

It is obviously a highly complex task to devise indicators that measure the intergenerational capital transfer. Dr Peer Ederer, Dr Philipp Schuller and Stephan Willms undertake the endeavour in their economic chapter. The methodology of their Economic Sustainability Indicator (ESI) measures how much net capital is being handed down from current generations to future generations as a percentage of how much net capital these current generations have inherited. If the ratio is above 100 per cent, then the current generations have increased the stock of capital for future generations and thus increased sustainability, and if it is below 100 per cent, then

the reverse has occurred. For that purpose the indicator defines and measures five types of positive or negative legacy: real capital, human capital, natural capital, structural capital and intergenerational debt:

1. Real capital comprises the costs of the complete set of production machinery and commercially used real estate buildings that are being employed in a society.
2. Human capital is defined as the number of all people who are employed in the workforce of a society multiplied with the cost of their formal and informal education.
3. Natural capital comprises all natural resources that are being used in the production process.
4. Structural capital arises from all the formal and informal rules and institutions which a society has created for itself in order to organize itself.
5. Intergenerational debt comprises all future promises of payments that current generations expect from future generations, netted with the implicit cash flow embedded in private capital inheritance. In other words: net debt or surplus that the future generations have towards the current generation.

Because only the economic impact is measured, natural capital has a relatively small portion within the totality of the capital.

In the second part of the chapter, they justify that their ESI does not discount future cash-flows. They cite economic, legal-political, mathematical and conceptual reasons for this.

The last two chapters of Part I already build a bridge to Part II of the book. They describe in detail forms of intergenerational buck-passing but unlike the articles in the second part they do not focus on devising solutions (for example new laws or institutions) to end this injustice. Prof. Steve Gardiner, teaching at the Philosophy Department at the University of Washington, Seattle, USA, describes two ecological trade-offs between the interests of present and future generations: climate change and nuclear protection. He claims that our basic position in respect to the distant future can be characterized by what he calls the problem of intergenerational buck-passing. This problem implies that our temporal position allows us to impose costs on future people that they ought not to bear, and to deprive them of benefits that they ought to have. Next, he suggests that the problem is exacerbated by a problem of theoretical inadequacy: at present, we lack the basic conceptual tools with which to deal with problems involving the farther future. He illustrates this problem by a discussion of cost–benefit analysis and – deepening the criticism by Ederer, Schuller, Willms – using a standard discount rate. Finally, he makes two basic proposals. The first

is that we should investigate a promising form of the precautionary approach, which he calls ‘the Global Core Precautionary Principle’. The second is that we should not lose sight of the fact that the problems of intergenerational buck passing and theoretical inadequacy create an atmosphere in which we are extremely vulnerable to moral corruption.

Dr Bernd Süßmuth and Prof. Dr Robert K. von Weizsäcker, both of whom teach Economics at the Faculty of Economics of the Technical University of Munich, outline in their chapter the gravity of public debt in the context of intergenerational justice. In particular the short-sightedness of politicians who prefer being re-elected rather than tackling fundamental issues constitutes an obstacle to solving long term problems. According to the authors, growing public debt is a serious constraint to the freedom of future generations. Economically, there is no reasonable justification to opt for it, morally, it hinders the society’s newborns to solve problems in fields like education, science and research.

Based on recent data and indicators for the EU-15, institutional determinants of public debt are discussed along two central dimensions: first, the common resource problem denoting the externality which results from the fact that government spending is commonly targeted at specific groups in society while being financed from a general tax fund to which all taxpayers, possibly including future ones, contribute. This problem of modern democracies is aggravated by the number and ideological range of ruling parties, institutional characteristics of the electoral system, and the fragmentation of the budget process. Second, it is most reasonable to proceed from myopic foresight of incumbents, seeking to protect claims and power by instrumentally misusing public expenditures financed by issuing debt to maximize re-election probability. The authors show that the more frequently coalitions or ruling parties in a European democracy have changed during the last two decades, the more the respective government tended to accumulate debt. In addition to this and other evidence, it is suggested that this relationship is nonlinear, that is convex, in nature: both too few and too frequent changes generate a negative performance. A further aggravation of the implied shortsighted calculus of politicians is foreseeable by the ongoing demographic change in industrial societies.

In sum, the quantitative study of institutional determinants reveals a fundamental dilemma of the self-interests of economic and political agents on the one hand and intergenerational justice on the other.

The authors of the second part focus on how posterity can be institutionally protected. The chapters seek solutions for one of the paramount problems of our time: political short-termism.

Future individuals cannot vote today, therefore, their interests are all too often neglected. This is the rationale of the article by Dr Joerg 'Chet' Tremmel from the Foundation for the Rights of Future Generations. Focusing on national constitutions, he analyses the different approaches at institutionalization. In this context, a 'matrix of the institutionalization of intergenerational justice' is developed. On one axis, the two main possibilities are shown: 'written law versus new institution'. A second fundamental decision is 'range of coverage'. Both clauses in constitutions and new institutions can be conceived to deal with either ecological questions and financial questions or posterity in general.

In dealing with the wording, Beckerman's argument that we cannot attribute 'rights' to future generations is rejected. According to Tremmel, Beckerman's first premise is of minor importance and his second premise cannot be verified by Beckerman's line of argument. Afterwards, Tremmel proposes some concrete proposals for national constitutions. His ecological and financial generation protection clauses would significantly reduce intergenerational buck-passing.

But how could these clauses ever be implemented? Even in a scenario in which everybody maximizes his own self-interest there is an important difference between young and old MPs: the younger generation stands to inherit the burdens passed on into the future. Therefore one can assume that the chances for a change of the constitution are high where the percentage of young MPs soars. Tremmel's table shows the age distribution of the MPs in OECD countries.

Finally, current initiatives by young members of parliament are portrayed although their proposals are not bold enough.

Prof. Dr Peter Häberle, who is Director of the Bayreuth Institute for European Law and Law Culture, takes the same 'raw material' as Tremmel, the national constitutions, but he groups the relevant clauses differently. Apart from the explicit use of the formula of 'generation protection', he focuses on more indirect clauses inhering 'cultural and/or natural heritage'. According to Häberle, the preservation of both nature and culture – with nature providing the basic resources for culture – is essential to sustain human living conditions for future generations and is thus part of 'generation protection'. Another very topical sign of the intensification of generation protection is its expansion on the European level: whereas its precursors, the treaties of Maastricht and Amsterdam, incorporated generation protection only immanently, the *Treaty establishing a Constitution for Europe* now mentions it explicitly. Also on the European level, different text stages can be observed in the form of a mutual influence between member state constitutions and the supranational EU-level. Moreover, subconstitutional legal acts adopted by the European Court of Justice play a role as well.

The special difficulty regarding constitutional generation protection is its ambiguity. The two opposing key notions are obligation and exemption: on the one hand, generation protection implies norms and values that must be eternally valuable. On the other hand, these norms must not constrain the coming generations' liberty to design their future world. Thus, a compromising middle course between a certain degree of 'eternity clauses' and sufficient flexibility is needed for generation contracts.

The Head of the Centre of Research and Interdisciplinary Studies on Sustainable Development in Paris, Prof. Dr Dominique Bourg, further elaborates on the constitutional anchorage of sustainability by evaluating the effects of the recently adopted French Constitutional Environment Charter. France was not the first country to include environmental protection and sustainable development into its constitution. However, there is a relative originality about the French approach as it modified the preamble with reference to a new charter. This charter affirms the right to a healthy environment and includes a universal responsibility principle for ecological reparations. Despite this universalistic perspective, according to Bourg the effectiveness of the Charter remains questionable.

The remaining chapters describe institutions for the protection of the interests of future generations, either already established (Shoham/Lamay and Opstal/Timmerhuis) or currently roaming in the cobwebs of the parliamentary decision-making process (Javor) or conceived (Agius). Probably the most powerful of existing institutions is the Commission for Future Generations of the Knesset, the Israeli Parliament. Dr Shlomo Shoham, Commissioner for Future Generations, and Nira Lamay, Deputy Commissioner for the Knesset Commission for Future Generations, evaluate this young and worldwide unique institution. The establishment of the Commission is characterized as the result of a top-down process. The Commission was not born out of a public campaign or discussion but emerged from a parliamentary initiative, attempting to consider long-term implications of legislation. The initiation of the parliamentary institution itself probably made it possible to establish the institution and introduce the concept of the rights of future generations. It is funded by the Knesset's own budget and headed by a Commissioner.

The Commission has important authorities regarding the parliamentary legislative process in almost every area except matters of defence and foreign affairs. This includes the initiation and drafting of bills, later to be submitted by individual parliamentarians. It also enjoys the right to demand information from every inspected government-related institution under the law of the State's Comptroller. Along with the general authority to advise the parliament regarding any matter that is of special interest for future generations and its physical location within the parliament, this

created a whole new dimension in the parliamentary, executive and public levels in Israel.

Dr Benedek Jávör, Assistant Professor of Environmental Sciences at the Department of Environmental Law at Pazmany Peter Catholic University in Budapest, Hungary, describes in his chapter the initiative for an Ombudsman for future generations. In Spring 2000, the Hungarian NGO ‘Protect the Future!’ initiated a draft law to install such an institution which has been roaming in the cobwebs of political decision making since then, and there is hardly any chance of its realization in the short run. The idea is, however, still on the agenda and may provide an example for establishing other similar institutions. Jávör gives an overview about the protection of future generations in international law and the activities of present Ombudsmen in other fields. He then outlines the criteria which are vital for an effective work of an Ombudsman for future generations: independence, wide competence and proactivity. Until the political will to set up the Ombudsman’s office is gathered, Protect the Future! has founded and is operating ‘REFUGE’ (Representation of Future Generations), a civil initiative representing the coming generations in the spirit of the bill. REFUGE has been working for nearly five years and releases its results in annual reports similar to those of the existing Ombudsmen in Hungary. Finally, Protect the Future! makes a proposal to set up a European Ombudsman of Future Generations at the EU-level.

Having dealt with two non-governmental initiatives, the chapter by Rocus van Opstal and Jacqueline Timmerhuis from the Netherlands Bureau for Economic Policy Analysis (CPB) introduces how a rather independent governmental institution can trigger more long term thinking. Founded immediately after the Second World War, it was originally designed as a planning agency to facilitate the post-war reconstruction of the Dutch economy. But CPB soon evolved into a centre of economic information inside the government and, at the same time, an independent institute for economic forecasting and analysis. CPB provides politicians and policy-makers in- and outside the government with information that is relevant for decision making.

In most cases this amounts to sketching the relevant trade-offs that politician’s face, as most policies having a positive effect in one field, will have some negative effect in another field.

In presenting the effects of policy options, along with the effects on the short term, CPB only provides information for policy makers. CPB does not provide direct policy recommendations. Rather, it tends to take an academic approach, stating facts and pointing out the expected effects of different courses of action, but refraining from normative judgements. The dual character of CPB’s work – both scientific and policy oriented – is

reflected in its position: a research institute that is independent with respect to content, but at the same time formally part of the central government.

This ambiguous position often raises questions. However, CPB itself does not experience its position as constraining. Successive Ministers of Economic Affairs, formally responsible for the institute, have all respected and, if necessary, defended CPB's independence, even at times when they did not agree with the conclusions drawn by the bureau.

CPB also provides its analyses free of charge to the Dutch opposition parties. The analysis of election platforms in the months preceding general elections in the Netherlands is, in international comparison, a rather unique event. CPB studies on the sustainability of government finances in the long run and on cost-benefit analyses of government investment programmes play an important role in Dutch economic policy making. According to the authors, in this way the CPB contributes to more long-term thinking within the Dutch government.

From the perspective of a theologian and a philosopher, Prof. Emmanuel Agius from the University of Malta sets a framework of ethical principles that should be taken as a guide when realizing intergenerational justice. Such principles are formulated by the common heritage concept that was put forward for the first time by the government of Malta in 1967. This concept is not a new theory of property, but in fact implies the absence of property. Its key consideration is access to the common resources rather than ownership of it. Agius's account amounts to the proposal of a 'Guardian for Future Generations'. The assignation of a proxy for future generations to alert the international community of the threats to the well-being of future generations would be the most appropriate step in the right direction to safeguard the quality of future life. This 'guardian' should, as an authorized person or body, represent future generations at various international committees, particularly at the UN level.

The concluding chapter of the book also draws the attention to a relational theory of Intergenerational Justice. A.N. Whitehead's philosophical understanding of the universe as an interconnected web of relations offers a new paradigm of human society. Every generation is related to all preceding and succeeding generations which collectively form the community of mankind as a whole.

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We welcome responses to this collection, especially by email, on ways to make future editions of the volume more useful. You can find the address of the Foundation for the Rights of Future Generations at the end of the book.

Dr Joerg 'Chet' Tremmel

Notes

1. The terms 'intergenerational justice' and 'generational justice' are used synonymously. Just like 'gender justice' inevitably means by its inner logic justice between the genders (and not within one gender group), 'generational justice' is bound to mean justice between generations and not within one generation. Hence, the prefix 'inter' is dispensable.
2. Delattre (1972), 254–258; Barry (1977), 204–248; English (1977), 91–104; Barry/Sikora (1978); Partridge (1980); Parfit (1981), 113–172; Bandman (1982), 95–102; Ahrens (1983); Daniels (1988); Barry (1989); Brown-Weiss (1989); Partridge (1990), 40–66; De-Shalit (1992); Laslett and Fishkin (1992); Auerbach (1995); O'Neill *et al.* (2002).
3. These were 'Süddeutsche Zeitung', 'Frankfurter Allgemeine Zeitung', taz and 'Der Spiegel'.
4. Advocates of the older generation might retort: Is it, for instance, just that older people had fewer opportunities to take holidays or gain a university education when they were young? That young business start-ups can become multi-millionaires at 25?
5. Yet without developing a full theory of intergenerational justice.
6. In the original: 'Befremdend bleibt es immer hierbei: dass die älteren Generationen nur scheinen um der späteren willen ihr mühseliges Geschäft zu treiben, um nämlich diesen eine Stufe zu bereiten, von der diese das Bauwerk, welches die Natur zur Absicht hat, höher bringen könnten; und das nur noch die spätesten das Glück haben sollen, in dem Gebäude zu wohnen, woran eine lange Reihe ihrer Vorfahren (zwar freilich ohne Absichten) gearbeitet hatten, ohne doch selbst an dem Glück, das sie vorbereiteten, Anteil nehmen zu können.'

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