
Contents

<i>List of figures</i>	<i>vii</i>
<i>List of tables</i>	<i>viii</i>
<i>Contributors</i>	<i>ix</i>
Introduction	1
PART I FOUNDATIONS AND DEFINITIONS OF GENERATIONAL JUSTICE	
1. Responsibility for future generations – scope and limits <i>Dieter Birnbacher</i>	23
2. Principles of generational justice <i>Christoph Lumer</i>	39
3. The impossibility of a theory of intergenerational justice <i>Wilfred Beckerman</i>	53
4. John Rawls on the rights of future generations <i>Claus Dierksmeier</i>	72
5. Justice between generations: the limits of procedural justice <i>Michael Wallack</i>	86
6. Rule change and intergenerational justice <i>Axel Gosseries and Mathias Hungerbühler</i>	106
7. The Economic Sustainability Indicator <i>Peer Ederer, Philipp Schuller and Stephan Willms</i>	129
8. Protecting future generations: intergenerational buck-passing, theoretical ineptitude and a brief for a global core precautionary principle <i>Stephen M. Gardiner</i>	148
9. Institutional determinants of public debt: a political economy perspective <i>Bernd Süßmuth and Robert K. von Weizsäcker</i>	170
PART II INSTITUTIONALIZATION OF GENERATIONAL JUSTICE	
10. Establishing intergenerational justice in national constitutions <i>Joerg Chet Tremmel</i>	187

11. A constitutional law for future generations – the ‘other’ form of the social contract: the generation contract <i>Peter Häberle</i>	215
12. The French Constitutional Charter for the environment: an effective instrument? <i>Dominique Bourg</i>	230
13. Commission for Future Generations in the Knesset: lessons learnt <i>Shlomo Shoham and Nira Lamay</i>	244
14. Institutional protection of succeeding generations – Ombudsman for Future Generations in Hungary <i>Benedek Jávor</i>	282
15. The role of CPB in Dutch economic policy <i>Rocus van Opstal and Jacqueline Timmerhuis</i>	299
16. Intergenerational justice <i>Emmanuel Agius</i>	317
<i>Information about the Foundation for the Rights of Future Generations</i>	333
<i>Index</i>	335

Contributors

Prof. Dr Emmanuel Agius was born in 1954. Studied philosophy and theology at the University of Malta and at the Catholic University of Leuven, Belgium, where he obtained an M.A. and Ph.D. He pursued post-doctoral research in the field of bioethics at the University of Tübingen, Germany, as a fellow of the Alexander von Humboldt Stiftung, at Georgetown University, Washington, DC, USA as a Fulbright scholar, and at the University of Notre Dame, Indiana, USA. He is professor of moral theology and philosophical ethics at the University of Malta. He is a member of the European Group of Ethics and Malta's National Bioethics Committee. He is also the co-ordinator of the Euro-Mediterranean Programme on Intercultural Dialogue, Human Rights and Future Generations which is supported by UNESCO. Prof. Agius is the author of three books and co-editor of five publications on future generations. His articles on bioethical issues and on future generations have appeared in a number of international academic journals.

Prof. Dr Wilfred Beckerman was born in 1925. Emeritus fellow of Balliol College, Oxford, UK and professor of economics at Oxford University and University College London, UK. He was economic counsellor of the OECD from 1952 till 1961, consultant to the World Bank, UN, ILO, various governments and the OECD from 1963 till 1990, and the economic adviser to the president of the Board of Trade from 1967 till 1969. Authored *Small is Stupid* (Duckworth Publishing: 1995, in English) and co-authored with Joanna Pasek *Justice, Posterity and the Environment* (Oxford University Press: 2001, in English) as well as several other books and numerous academic articles on economics, politics and the environment in *The Economic Journal*, *Econometrica*, *The Review of Economic Studies*, *Economica*, *The Review of Economics and Statistics*, and other major economic journals. Dr Beckerman has served on the Royal Commission on Environmental Pollution, and chaired the Academic Panel of Economists for the UK Department of the Environment from 1991 to 1996.

Prof. Dr Dieter Birnbacher was born in 1946. From 1993 till 1996 he was scientific assistant at the pedagogical university in Hannover, Germany, and academic adviser at the University of Essen, Germany. He became professor of philosophy at the University of Dortmund; since 1996 he has been professor at the Heinrich-Heine University in Düsseldorf, Germany. He is

a member of various committees and organisations including the editorial board of the magazine *Ethics in Medicine*. Principal areas of study are: ethics, applied ethics, and anthropology. His main publications include: *Die Logik der Kriterien. Analysen zur Spätphilosophie Wittgensteins* (*The logic of criteria. Analysis of Wittgenstein's late philosophy*, Hamburg: Meiner, 1974, in German), *Verantwortung für zukünftige Generationen* (*Responsibility for future generations*, Stuttgart: Reclam, 1988, in German, French, and Polish), *Tun und Unterlassen* (*Doing and omitting*, Stuttgart: Reclam, 1995; in German).

Prof. Dominique Bourg was born in 1953. He obtained a post-doctoral grant from the Foundation Alexander von Humboldt in Heidelberg, Germany, from 1990 to 1992. From 1998 till 2002, he was director of the Department of Technology and Human Sciences, University of Technology, Troyes, France. He is founder and director of the Centre of Interdisciplinary Study and Research in Sustainable Development (CREIDD) in Troyes, France; founder and responsible for the master programme 'Management of the Environment and Sustainable Development' at Troyes University and the research programme 'Sustainable Development'. Director and co-founder of the Institute of Local Public Debate of the general council of the French Meuse region.

He is honoured as knight of *l'Ordre de la Légion d'honneur* (Fraternity of the Legion of Honour) in 2001, as officer of *l'Ordre national du Mérite* (National Fraternity of Merit) in 2004, and became laureate of the literature award *Promeneur solitaire* in 2003. He is author of ten books, among them *Planète sous contrôle* (*Planet under control*; Textuel, 1998) and *L'homme artifice* (*Artificial man*; Gallimard, 1996, both in French), edited eight other books and has written more than 50 articles with peer-review in respected journals.

Prof. Dr Claus Dierksmeier was born in 1971. He studied philosophy, theology and law in Hamburg, Germany from 1990–1995. He got his Ph.D. in 1997 and went thereafter to the University of Jena to teach legal and economic philosophy. After receiving his postdoctoral lecture qualification (Habilitation) there, he took up a professorship in Easton (Boston) at Stonehill College in 2002. His areas of expertise are the philosophy of freedom, business ethics, legal philosophy and the philosophy of economics.

Dierksmeier has published many articles in peer-reviewed international journals and several books. The most important ones are (both in German): *Das Noumenon Religion* (*The noumenon religion*), published by the International Kant Society in the *Kant-Studien/Ergänzungshefte*,

Berlin/New York: De Gruyter, 1998, and *Der absolute Grund des Rechts* (*The absolute reason of right*), Stuttgart: Frommann-Holzboog, 2003.

Currently, Dierksmeier is working on a critique of the philosophical axioms of neoclassical economics.

Dr Peer Ederer was born in 1966. Studied business administration at Sophia University in Tokyo, Japan and at Harvard Business School in Boston, USA (with honours). In 1995, he co-authored with his father the business best-selling book *Das Erbe der Egoisten* (*The heritage of the egoists*; Bertelsmann, 1995, in German), a socio-economic comparison of Germany, Japan and the USA. In 1999, he co-authored a second best-selling book, *Geschäftsbericht Deutschland AG* (*Business report Germany corporation*; Stuttgart: Schäffer-Poeschel Verlag, in German), an analytical description of the German state as if it were a stock market quoted company. Numerous articles and brochures have followed on this subject, including participation on a variety of expert panels for the German government. He is co-founder of the think tank *Deutschland Denken!*, which is creating and publishing innovative public policy choices for the German society.

Prof. Dr Stephen M. Gardiner is Assistant Professor in the Philosophy Department at the University of Washington, Seattle. In 2004–2005, he served as a Laurance S. Rockefeller Visiting Fellow at the Centre for Human Values at Princeton University. His areas of specialization are ethics, environmental ethics, and political philosophy. His latest publications include: ‘A Core Precautionary Principle’, *The Journal of Political Philosophy* (forthcoming, 2006); ‘Ethics and Global Climate Change’, *Ethics*; 114, April 2004, 555–600; ‘The Global Warming Tragedy and the Dangerous Illusion of the Kyoto Protocol’, *Ethics and International Affairs*, Vol. 18, No. 1, 2004, 23–39; and ‘The Pure Intergenerational Problem’, *The Monist: Special Issue on Moral Distance*, Vol. 86, No. 3, July 2003, 481–500.

Dr Axel Gosseries was born in 1970. Permanent research fellow at the Belgian National Fund for Scientific Research. Holds an LL.M. (London, 1996) and Ph.D. in philosophy (Louvain, Belgium, 2000) on intergenerational justice. He is the author of *Penser la justice entre les générations* (*Thinking about justice between generations*; Aubier-Flammarion, 2004, in French) and of about 30 articles in books and academic journals such as *Oxford Handbook of Practical Ethics, Economics & Philosophy*, *Loyola of Los Angeles Law Review*, *Revue de métaphysique et morale*, *NYU Environmental Law Journal* and *Stanford Encyclopedia of Philosophy*.

Prof. Dr h.c. mult. Peter Häberle was born in 1934. He began his academic career in Freiburg, Germany, where he obtained his Ph.D. in 1961. Qualified as a post-doctoral lecturer in public law and legal philosophy at Freiburg in 1969. After serving as assistant professor at Tübingen University (Germany), he was appointed to a chair in Marburg (Germany), and subsequently in Augsburg, Germany. He has been professor of public law, legal philosophy and canon law at Bayreuth University (Germany), and permanent visiting professor of legal philosophy at St Gallen University (Switzerland) since 1981. Peter Häberle is specialised in international co-operation and European integration, and is regarded as one of the foremost public law experts – and abroad as the best known. His publications are in total translated in 18 languages. He is the author of 48 books.

Mathias Hungerbühler was born in 1975. He holds a Ph.D. in economics from the université catholique de Louvain (Belgium); currently assistant professor (charge de cours) in economics at the FUNDP (Namur, Belgium) and an associate member of the Chaire Hoover at the Catholic University of Leuven. His main research and teaching interests are labour economics and public economics. He published several research papers, among them *The Impact of Union Power on the Optimal Income Tax Schedule* (IRES Discussion Paper 2004-34; in English). He is referee for the *Journal of Public Economics* and the *Louvain Economic Review*.

Dr Benedek Jávör was born in 1972. MSc in biology from ELTE University, Hungary. Studied cultural anthropology and human ecology from 1993 to 1997. Assistant professor of environmental sciences at the department of environmental law, Pazmany Peter Catholic University, Budapest. Founding member of the environmental NGO 'Védegylet – Protect the Future Society' in 2000; secretary of the society's 'Representation of Future Generations' (REFUGE) programme 2000–2002, spokesperson since 2003. Author of several articles, including *Environmental Crisis and the Democratic State* (Liget, 2000), *Greens in the Eagle's Nest – On the Political Representation of the Green Movement* (Magyar Narancs, 2003) writer of the handbook *Introduction to Environmental Ethics* (manuscript, 2001), editor of numerous publications, for example *Rights of Future Generations* (Protect the Future!, 2001), *Environment and Ethics* (L'Harmattan, 2005). All publications are in Hungarian.

Nira Lamay was born in 1972. Studied law at the University of Jerusalem, and is studying for her M.A. in Political Sciences ('Politics, Society and Law') at Tel-Aviv University. Worked from 1998 till 2000 for the Central

District Attorney as a criminal prosecutor. Was from 2000 till 2001 teaching assistant at the College of Management Business School. In 2000, she worked as a legal adviser for the Constitution, Law and Justice committee of the Knesset. Since December 2001, she works for the Knesset Commission for Future Generations, a commission she participated in the establishing of and in which she is deputy commissioner and in charge of law, legislation and international relations, and co-ordinates science and technology issues.

Prof. Dr habil. Christoph Lumer was born in 1956. Studied philosophy, sociology and history at the universities of Münster (Germany), Bologna (Italy) and the Free University of Berlin (Germany). In 1980, M.A. in sociology; in 1986, Ph.D. in philosophy at the University of Münster. From 1987 to 1999, first assistant professor then associate professor later for philosophy at the University of Osnabrück (Germany). From 1999 until 2001 visiting professor for philosophy at the University of Siena (Italy); 2001/2002 leading researcher in the project 'How good is life?' at the University of Osnabrück. Since 2002, professor of moral philosophy at the University of Siena. His main working areas are: general ethics, applied ethics (in particular environmental ethics), theory of practical rationality and desirability theory, philosophical anthropology, theory of argumentation. Publications: *Praktische Argumentationstheorie (Practical Theory of Argumentation)*; Braunschweig: Viewig, 1990, in German); *Rationaler Altruismus (Rational Altruism)*; Osnabrück: Universitätsverlag Rasch, 2000, in German); *The Greenhouse: A Welfare Assessment and Some Morals* (University Press of America, Lanham 2002, in English) as well as more than 60 articles. In preparation: *Cognitive Theory of Action*.

Rocus van Opstal was born in 1959. Studied econometrics at Erasmus University Rotterdam, the Netherlands. From 1981 till 1985 research assistant and researcher at the Economics Faculty of the Erasmus University. Works since 1985 for the Netherlands Bureau for Economic Policy Analysis (CPB); from 1985 till 1994 as a researcher, and since 1995 as head of different units and sectors of the CPB, such as the Short Term Analysis and Fiscal Affairs Department. His publications are mainly about the labour market, and he has published in 1985 and 1989 an article in the *European Economic Review*.

Dr Philipp Schuller was born in 1966. Studied history at Harvard University, USA, and earned a doctorate from St Antony's College at Oxford University, UK, with a thesis on Japanese politics. He was visiting research fellow at the Institute for International Policy Studies, Tokyo.

In 1999, he co-authored, with Peer Ederer, the best-selling book *Geschäftsbericht Deutschland AG* (*Business report Germany corporation*; Stuttgart: Schäffer-Poeschel Verlag, in German). He is co-founder of the think tank *Deutschland Denken!* which creates and publishes innovative public policy choices. He has worked for Deutsche Bank for eight years and is now a director of Terrafirma GmbH, a private equity firm in Frankfurt and London.

Judge (ret.) Shlomo Shoham was born in 1949. Studied at the Bar-Ilan University in Israel where he graduated as a lawyer in 1976. In 1993, he became judge at the Regional Court of Ashdod, Israel. In 1995, he changed his professional career in the direction of politics, and became legal adviser of the Law and Justice Committee and Anti-Drugs Committee of the Knesset Constitution. Since 2002, he has been commissioner for Future Generations of The Knesset. From 1980 until now he has been a lecturer continuously at different universities, such as the Bar-Ilan University, College of Management, Tel-Aviv University and the Hebrew University.

Dr Bernd Süßmuth was born in 1972. He studied political sciences at the School of Political Sciences Munich, Germany, and economics at the University of Munich; earned his M.A. in economics from the University of Munich in 1997; earned his doctorate from the University of Munich in 2002, dissertation title: ‘Business Cycles in the Contemporary World’ (Berlin: Physica-Springer, 2002, in English) – granted Best Dissertation Award 2002 from the Department of Economics, University of Munich. Present position: assistant professor in the Department of Business and Economics at Munich University of Technology; faculty member of the Munich Intellectual Property Law Centre at Max Planck Institute for Intellectual Property, Competition, and Tax Law, Munich; previous affiliations: University of Munich (Germany) 1997–2001, University of Modena (Italy) 2001–2002, University of Bamberg (Germany) 2002–2004; between 2000 and 2005 author of several articles in refereed scholarly journals, including *the Journal of Economic Dynamics and Control*, *Applied Economics*, *the German Economic Review* and *the International Game Theory Review*.

Jacqueline Timmerhuis was born in 1961. Executive secretary and spokesperson of CPB Netherlands Bureau for Economic Policy Analysis. Studied economics and law at Erasmus University Rotterdam, the Netherlands. From 1986 to 1991, she worked at the Netherlands Ministry of Housing, Spatial Planning and the Environment. From 1991 to 1998, she served the mayor and aldermen and the city council of Rotterdam (the

Netherlands) as economic adviser in port affairs. Since 1998, she has worked at CPB, in charge of CPB's external affairs.

Dr Joerg Chet Tremmel was born in 1970. M.B.A. in economics from the European Business School, M.A. in political sciences from the University of Frankfurt, Ph.D. at the University of Stuttgart, all in Germany; title of first dissertation: *Bevölkerungspolitik im Kontext ökologischer Generationengerechtigkeit (Population Policies in the context of Ecological Social Justice between generations)*; Wiesbaden: DUV 2005), title of second dissertation (forthcoming): *A Theory of Intergenerational Justice*. He has founded the Foundation for the Rights of Future Generations (FRFG) in 1997, and is scientific director of it. His main publications are: *Der Generationenbetrug (The generation fraud)*; Eichborn Verlag, 1996), *Nachhaltigkeit als politische und analytische Kategorie (Sustainability as a political and analytical category)*; Munich: oekom Verlag, 2003). He has edited the following anthologies: *Ihr habt dieses Land nur von uns geborgt (You have only borrowed this land from us)*; Rasch und Röhring Verlag, 1997), *Die 68er. Warum wir Jungen sie nicht mehr brauchen. (The generation of 1968)*; Kore Verlag, 1998), *Was bleibt von der Vergangenheit? Die junge Generation im Dialog über den Holocaust (What is left of the past? The younger generation discusses the holocaust)* (Berlin: C. H. Links Verlag, 1999), *Handbuch Generationengerechtigkeit (Handbook of intergenerational justice)*; Munich: oekom Verlag, 2003). All publications are in German.

Prof. Michael Wallack was born in 1945. Studied at the City College of New York and the Syracuse University, USA. Since 1970, associate professor of political sciences at the Memorial University of Newfoundland. Published in 2002 an article with the title 'Biological Innovation, Justice Between Generations and the Minimum Irreversible Harm Principle' (in English), for the European Consortium for Political Research. He authored the article 'The Minimum Irreversible Harm Principle: Green Intergenerational Liberalism' (in English) as a contribution to *Liberal Democracy and Environmentalism: the End of Environmentalism?* published in the European Political Science Series of Routledge in February 2004.

Prof. Dr Robert K. Frhr. von Weizsäcker was born in 1954. He studied mathematics and economics at the University of Bonn (Germany); received a Ph.D. at the London School of Economics/University of Bonn in 1985; attained the postdoctoral lecture qualification (Habilitation) at the University of Bonn in 1990; lecturer at the University of Bonn 1990–1992; Heisenberg fellow of the German National Science Foundation 1991–1992; lecturer in economics at Humboldt University Berlin

1991–1992; previous positions as full professor of economics: University of Halle-Wittenberg (Germany), 1992–1995, University of Mannheim (Germany), 1995–2003, as of 2003 chair in public finance and industrial organization at Munich University of Technology (Germany); faculty member of the Munich Intellectual Property Law Center at Max Planck Institute for Intellectual Property, Competition, and Tax Law, Munich; visiting scholar at Cambridge University (UK), Université Catholique de Louvain (Belgium), London School of Economics, Stanford University (USA), and the International Monetary Fund in Washington DC (USA); research fellow: Centre for Economic Policy Research (CEPR) London, CESifo Munich, Institute for the Study of Labour (IZA), Bonn (Germany); member and head of numerous boards, councils, and committees of professional and scientific associations; editor and panel member of several scholarly journals; published eight books and more than 50 articles, mainly on public and corporate finance, the economics of education, and industrial organisation.

Stephan Willms was born in 1970. Studied economics at the Complutense University in Madrid (Spain) and business administration at the University of Bayreuth (Germany). He is co-founder of the think tank *Deutschland Denken!* which creates and publishes innovative public policy choices. His company, *Enablers International Ltd*, advises businesses on their international business development, especially to Eastern Europe and China.

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

2 *Handbook of intergenerational justice*

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)

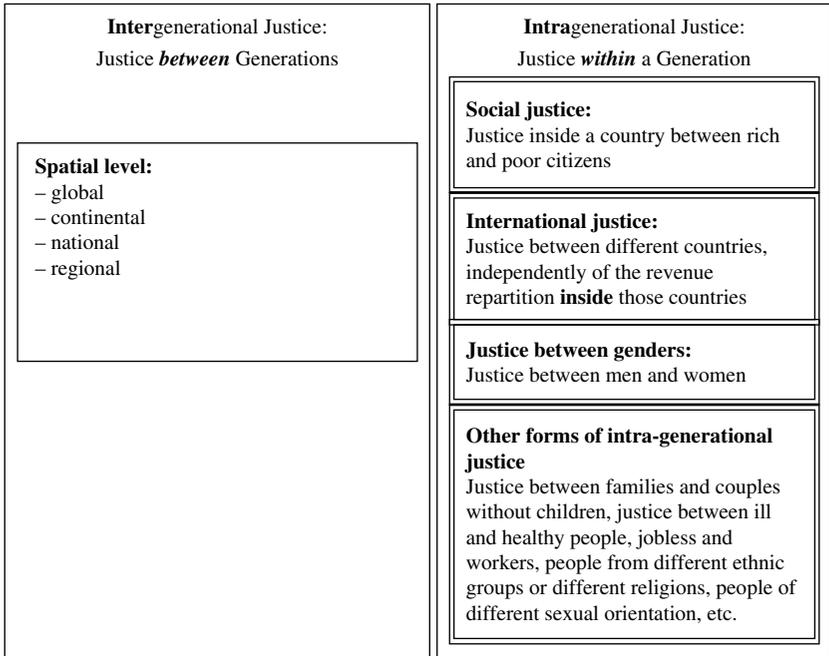
As long as this was true, the ethicist could confine himself to devising intra-generational ethics. His ethical universe was composed by contemporaries with a foreseeable life span. Jonas dubs this the ‘neighbor ethics’:

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).

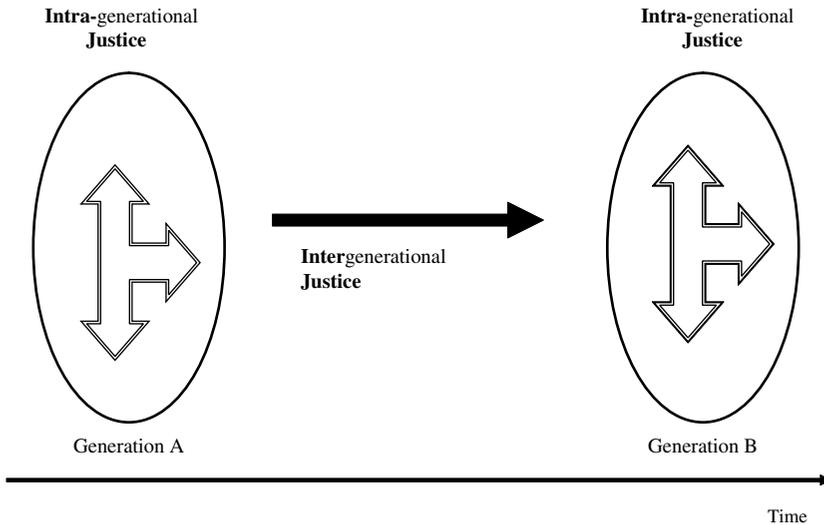
4 *Handbook of intergenerational justice*



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).

6 Handbook of intergenerational justice

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.' (Jörissen <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.

The chapter derived in part from a call for papers for the scientific symposium 'Institutionalisation of Generational Justice and Prospective Policies – International Experiences' which was held from 21–23 June 2005 in Berlin, Germany. The symposium was mainly sponsored by the Fritz-Thyssen-Stiftung, a private foundation dedicated to the support of schol-

arship and research. We are extremely grateful for this financial support as well as for the hospitality of the Bertelsmann Foundation who offered their villa as venue for the conference; an offer that we gratefully accepted.

The Foundation for the Rights of Future Generations is grateful to many people for their assistance in proof-reading, translating and formatting, namely Catherine Pitt, Novella Benedetti, Tabea Schlimbach, Cécile Guyen, Diederik van Iwaarden, Andrea Heubach, Yanti Ehrentraut, Frauke Austermann and Lisa Marschall.

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.'

Bibliography

- Ahrens, John (1983), *Preparing for the Future. An Essay on the Rights of Future Generations*, Bowling Green, OH: Transaction Publisher.
- Auerbach, Bruce E. (1995), *Unto the Thousandth Generation. Conceptualizing Intergenerational Justice*, New York/Frankfurt am Main: Peter Lang.
- Bandman, Bertram (1982), 'Do Future Generations have the Right to Breathe Clean Air?', *Political Theory*, **10**, 95–102.
- Barry, Brian (1977), 'Justice between Generations', in Hacker, P. M. and J. Raz (eds), *Law, Morality and Society. Essays in Honour of H. L. A. Hart*, Oxford: Clarendon Press, pp. 268–84.
- Barry, Brian (1989), *Theories of Justice*, Berkeley, CA: University of California Press.
- Barry, Brian and Richard Sikora (eds) (1978), *Obligations to Future Generations*, Philadelphia: Temple University Press.

- Brown-Weiss, Edith (1989), *In Fairness to Future Generations*, Tokyo/New York: United Nations University/Transnational Publishers.
- Daniels, Norman (1988), *Am I my Parents' Keeper? An Essay on Justice Between the Young and the Old*, Oxford: Oxford University Press.
- Delattre, Edwin (1972), 'Rights, Responsibilities, and Future Persons', *Ethics*, **82**, 254–58.
- De-Shalit, Avner (1992), 'Environmental Policies and Justice Between Generations. On the Need for a Comprehensive Theory of Justice Between Generations', *European Journal of Political Research*, **21**, 307–16.
- Dobson, Andrew (2000), 'Drei Konzepte ökologischer Nachhaltigkeit' (Three concepts of ecological sustainability), *Natur und Kultur*, **112**, 62–85.
- English, Jane (1977), 'Justice between Generations' *Philosophical Studies*, **31**, 91–104.
- Jonas, Hans (1979), *Das Prinzip Verantwortung. Versuch einer Ethik für die technologische Zivilisation*, Frankfurt am Main: Suhrkamp (The Imperative of Responsibility, Chicago, IL: University of Chicago Press, 1985).
- Jonas, Hans (1980), 'Technology and Responsibility: The Ethics of an Endangered Future', in Partridge, Ernest (ed.) *Responsibilities to Future Generations. Environmental Ethics*, Buffalo, NY: Prometheus Books, pp. 23–36.
- Jörissen, Juliane, Jürgen Kopfmüller and Volker Brandl (1999), *Ein integratives Konzept nachhaltiger Entwicklung*, (An integrated concept of sustainable development), Forschungszentrum Karlsruhe (Technik und Umwelt), Wissenschaftliche Berichte FZKA 6393, Karlsruhe.
- Kant, Immanuel (1785), *Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht*, Reprinted in Weischedel, Wilhelm (ed.) (1968), *Werke*, Frankfurt am Main: Wissenschaftliche Buchgesellschaft.
- Laslett, Peter and James S. Fishkin (eds) (1992), *Justice Between Age Groups and Generations*, New Haven/London: Yale University Press.
- Meadows, Dennis L., Donella H. Meadows, Jorgen Randers and William Behrens (1972), *The Limits to Growth: A report for the Club of Rome's Project on the Predicament of Mankind*, New York: Universe Publishing.
- Nullmeier, Frank (2004), 'Die politische Karriere des Begriffs "Generationengerechtigkeit" und seine wissenschaftliche Bedeutung' (The political career of the term 'Generational Justice' and its scientific meaning), *Intergenerational Justice Review* (German edition), **4**, 9–10.
- O'Neill, John, Kerry Turner and Ian J. Bateman (eds) (2002), *Environmental Ethics and Philosophy*, Cheltenham, UK and Northampton, MA: Edward Elgar.
- Palmer, Joy A. (2001), *Fifty Key Thinkers on the Environment*, London: Routledge.
- Parfit, Derek (1987), *Reasons and Persons*, 3rd revised edition (1st edition 1984), Oxford: Oxford University Press.
- Parfit, Derek (1981), 'Future Generations: Further Problems', *Philosophy and Public Affairs*, **7**, 113–72.
- Partridge, Ernest (ed.) (1980), *Responsibilities to Future Generations*, Buffalo, NY: Prometheus Books, pp. 61–72.
- Partridge, Ernest (1990), 'On the Rights of Future Generations', in Donald Scherer (ed.), *Upstream-Downstream. Issues in Environmental Ethics*, Philadelphia: Temple University Press, pp. 40–66.
- Rawls, John (1971), *A Theory of Justice*, Cambridge, MA: Harvard University Press.
- Renn, Ortwin and Anja Knaus (1998), *Den Gipfel vor Augen – Unterwegs in eine nachhaltige Zukunft* (The peak in front of you – on the way to a sustainable future), Marburg: Metropolis Verlag.
- Simon, Julian L. (1998), *The Ultimate Resource 2*, Princeton, NJ: Princeton University Press.
- Tremmel, Jörg (2003), *Nachhaltigkeit als politische und analytische Kategorie* (Sustainability as a political and analytical category), München: oekom Verlag.
- Tremmel, Jörg (2004), '"Nachhaltigkeit" – definiert nach einem kriteriengebundenen Verfahren' ('Nachhaltigkeit/Sustainability' – defined in a criteria-bound procedure), *GAI*, **13** (1), 26–34.