

CHAPTER I

INTRODUCTION TO THE PROBLEM

1. The Problem of Posterity

"What do I owe posterity? After all, what has posterity ever done for me?" So goes a familiar cynical disclaimer. A less cynical but more logical disclaimer is presented by the following syllogism:

- (I) One cannot have duties toward the non-existent.
- (II) Posterity does not exist.
- (III) *Ergo*: We have no duties to posterity.

While I shall later present arguments against premise (I), I will readily concede that the syllogism seems to have a certain intuitive cogency to it. And if one is uneasy with the conclusion, this discomfort is likely to be based upon other than strictly logical grounds. We do desire the perpetuation of ideas, objects, and institutions that we prize, and we do care about the conditions and, more fundamentally, the continuation of human life and culture into the remote future.

If these reflections appear to be somewhat dogmatic, consider a thought experiment. Suppose that astronomers were to determine, to the degree of virtual certainty, that in two hundred years the sun would become a nova and extinguish all life and traces of human culture from the face of the earth. In the words of the poet Robinson Jeffers:

. . . These tall
Green trees would become a moment's torches and vanish, the
oceans would explode into invisible steam,
The ships and the great whales fall through them like flaming
meteors into the emptied abysm, the six mile
Hollows of the Pacific sea-bed might smoke for a moment.
The earth would be like the pale proud moon,
Nothing but vitrified sand and rock would be left on earth.
(1927, p. 597)

Suppose, then, that this were known to be, in two hundred years, the fate of our planet. Would not this knowledge and this awareness profoundly affect the temperament and moral activity of those persons now living who need not fear, for themselves or for anyone they might love or come to love, personal destruction in this eventual final catastrophe?

It is dreadful to contemplate the total annihilation of human life and culture even two hundred years hence. But if, in fact, most persons would be saddened by this thought, then we may reply to the cynical disclaimer by asking: *why* is this obliteration so dreadful to contemplate? We *need* not care personally, and yet we *do* care. We are not indifferent to the fate of future persons unknown to us

and unknowable or to the future career of institutions, species, places, objects and ideas which precede and survive our brief acquaintance thereof. Furthermore, we seem to feel that if, without exorbitant cost, we can preserve and enhance natural areas or human artifacts and institutions for the use and enjoyment of future generations, we have a *prima facie* duty to do so. This is not a casual or an extraordinary sentiment, for, as Laslett (1971) points out, "No little portion of political life rests upon" the premise that we have moral duties toward the yet-unborn:

The speeches of ministers, the propaganda of parties, the actions of planners, the demands of administrators, unhesitatingly assume that men ordinarily recognize the rights of generations yet to come. . . . This assumption is well founded in behavior. We do in fact respond quite spontaneously to an appeal on behalf of the future. (p. 78)

Apparently, our pride of community, of culture, and of self is enhanced by the assurance that, having accepted the gift of civilization, we have increased its value to our successors. We wish, that is, to perceive ourselves in the stream of history not only as recipients of a culture and tradition but also as builders of the future, as determiners of the conditions of future life. "To the extent that men are purposive," Delattre (1972) writes:

The destruction of the future is suicidal by virtue of its radical alteration of the significance and possibilities of the present. The meaning of the present depends upon the vision of the future as well as the remembrance of the past. This is so in part because all projects require the future, and to foreclose projects is effectively to reduce the present to emptiness. (p. 256)

Thus, it is likely that we would feel a most profound malaise were we to be confronted with the certain knowledge that, beyond our lifetimes but early in the future of our civilization, an exploding sun would cause an abrupt, final, and complete end to the career of humanity, and to all traces thereof. Fortunately, the available scientific evidence indicates that the sun will burn safely and constantly for several more billions of years. But whatever the solar contingencies, the physics of the sun is quite beyond our present or projected control. On the other hand, current social policies and technological developments *are* within our control, and many now being contemplated and enacted may bear enormous implications for the conditions of life for generations yet unborn.

Consider, for example, just one troublesome aspect of the current nuclear power debate: the storage and disposal of radioactive wastes. If the United States opts for a massive program of nuclear power, large quantities of these substances, which include the most toxic materials known to man, will be produced and will need to be quarantined from the biosphere for hundreds of thousands of years. This, says physicist Alvin Weinberg (1972), will entail a "Faustian bargain" whereby we gain the use of "this magical energy source" at the price of a vigilance and longevity of our social institutions that we are quite unaccustomed to." (p. 33) The Center for Science in the Public Interest finds this "bargain" to be quite unacceptable. In a recent report the Center contends that the decision to adopt a nuclear energy economy will lead to major and enduring changes in the natural and social environment. "The creation by the fission process of tons of highly toxic chemicals that will not vanish, but remain for millennia to come, is a permanent and serious modification of the mode of

human existence." Accordingly, the report concludes, the "nuclear decision" transcends issues of technology and science. "Rather this decision, touching the life and welfare of every human being now living and to live in future generations, deeply involves questions of morality" (Millert and Fritsche, 1974, p. 51).

Further environmental issues might be cited, such as global warming due to the use of fossil fuels, or the effects of fluorocarbons (e.g., aerosol propellants) upon the stratospheric ozone or of chlorinated hydrocarbons (e.g., DDT) upon the ecosystem, all of which pose enduring threats to the earth's biosphere and, thus, to the security and abundance of life for future generations.

Surely we of this generation wield an unprecedented power to enhance or to diminish the life prospects of our posterity. With this power comes dreadful responsibility; we may choose to ignore it, but we cannot evade it. To paraphrase Lincoln, we of this generation will be held accountable in spite of ourselves.

2. The Posterity Problem in Contemporary Philosophical Thought

The question of our duty to posterity is, I contend, both timely and urgent. But, if so, this urgency has not been evident in the work of contemporary American scholarship, particularly in the fields of philosophy and the philosophy of education. In January, 1975, I received startling evidence of this from Xerox University Microfilms. Earlier, I had submitted an order for a computer scan of all 430,000 doctoral dissertation titles on record at the Xerox facilities in Ann Arbor, Michigan. The object of this search was a list of all dissertations containing in their titles the terms "posterity," "future generations," and "unborn generations." The result: no entries – a null class!¹

Additional research has been generally unproductive. In virtually none of the philosophy anthologies, texts, or histories that I examined were the words "posterity" or "future generations" to be found in the index. Nor is the word "posterity" indexed in *The Encyclopedia Britannica* (15th edition), the *Encyclopedia of Philosophy*, *The Reader's Guide to Periodical Literature* (since 1965), or *The Humanities and Social Sciences Index* (since 1965). And not only is it *not* one of Dr. Adler's "102 great ideas," it has no prominence in the *Syntopicon of the Great Books*.^{2a}

All this is not meant to suggest that contemporary philosophers have totally ignored the issue of the duty to posterity. Through an examination of such related topics as moral philosophy, a careful

^aThis situation has improved significantly in the last quarter century, since the completion of this dissertation. As of April, 2001, there are 123 dissertations listed in *Dissertation Abstracts* with the keyword "posterity" in the title or abstract (of which this dissertation is the first in the chronological order). In addition, "future generations" generates 363 "hits" in the titles and abstracts in *Dissertation Abstracts*. A search of "posterity" or "future generations" or "unborn generations" (the "Boolean Sum") produced 145 titles in *The Philosopher's Index*, with an earliest publication date of 1971.

scrutiny of all issues of *The Philosophers' Index* (published since 1968) and some good luck, I have located about a score of recent philosophical papers which deal explicitly with the problem. Also, although the corpus of explicit opinion on the topic may be scanty, contemporary moral philosophy provides a wealth of useful and suggestive material bearing upon the question of duty to posterity. My task, then, will be to define and to clarify the posterity problem, and, specifically, to examine critically John Rawls' recent and significant response to this problem.

3. Some Dimensions of the Problem of Posterity

The question of the duty to posterity is not, strictly speaking, a single "question"; it is, rather, a large and complex family of questions. I shall list several of them presently. We can begin with perhaps the most fundamental question of all: do we, in fact, *have* duties to posterity? There are, of course, a variety of arguments affirming such a duty, and we will examine only a few of these arguments. First, however, it might be useful to sketch some of the objections *against* this duty.

One group of objections arises from the meta-ethical maxim that "*ought* implies *can*." Applying the maxim to the case at hand, one may surmise that having a duty to make just and benevolent provision for posterity implies that we are *able* to do so. If we have no such ability, then there is no such duty. There are several reasons to question our ability to affect favorably and deliberately the life of future generations. We might, for example, ask: (a) are we able adequately to predict the future so as to make proper provision for the needs of posterity? (Consider earlier attempts at prediction which seem quaint and wide of the mark today, e.g., Jules Verne and H. G. Wells. Consider, too, the controversy raised by the projections in the Club of Rome's study of the *Limits to Growth*, 1972.) (b) Can we anticipate the needs and tastes of posterity? Will our descendants want what we preserve and prepare for them? (c) Will posterity miss what it has never known? (e.g., wildlife, wilderness, etc.). If not, need we bother to preserve them? (d) Are we able to plan to act appropriately to bring about desired results or to avoid projected problems? (Jay Forrester of the Massachusetts Institute of Technology, 1971, has indicated that technological "fixes" often produce opposite, counter-intuitive results. For example, freeways have often been found to increase traffic congestion within the cities. As Passmore (1974) points out, "much of what has been most devastating has been sincerely done for posterity's sake" (p. 89).)

In addition to all this, we might ask: "Can we afford to care for posterity?" and "Need we bother?" That is to say, respectively: (e) might not the political, social, economic, psychological, and aesthetic costs of significant improvement of posterity's prospects simply be beyond what our generation should reasonably be called upon to bear? (f) Does posterity need our care? Can't future generations take care of themselves so long as we turn over our scientific and technological knowledge and techniques? Won't they find adequate resources and solutions on their own?

Challenges such as these have led many to prefer a policy of avoiding harm to posterity to a policy of attempting to promote benefits. This negative approach to the posterity question is warranted by such considerations as the following: (a) it is much easier and less controversial to identify and to

avoid the causes of future suffering and deprivation than it is to promote and preserve the wellsprings of future happiness and prosperity; and (b) while it is the business of future generations to determine and pursue their own happiness as they choose, it is *our* duty *not* to foreclose the range of options available to future generations when they face and make these choices. Accordingly, to return to our earlier example, we should forebear from burying atomic wastes that will likely require the watchful scrutiny of our successors for hundreds of thousands of years. This "ethic of forbearance" has positive implications as well. For instances, we should take care to preserve free and just institutions and to insure that the sciences and technology continue to flourish, so that the options of future generations might, in fact, remain open. The "ethic of forbearance" is eloquently expressed by John Passmore (1974) at the close of his provocative book, *Man's Responsibility for Nature*: "We should do nothing," he writes, "which will reduce [the] freedom of thought and action" of mankind a century hence, "whether by destroying the natural world which makes that freedom possible or the social traditions which permit and encourage it" (p. 195).

Let us assume, then, that we do, in fact, *have* duties to future generations, if only "duties of forbearance." We then face numerous additional questions concerning these duties. Among them: (a) what do we mean by "posterity?" How far ahead, in time, do our duties thereto extend? (b) What is the nature of the "duties" or "obligations" or "responsibilities" to posterity? Indeed, which of these terms best describes our moral relationship to future generations? (I will attempt to answer the latter question in Chapter II. For the moment, I will group all three concepts under the term "duties.") (c) Do our *duties to posterity* entail correlative *rights of posterity*? (Again, I shall examine this question in Chapter II.) (d) Upon whom do these duties fall, and to what varying degree? (e) What do these duties require of us? Toward what ends should these duties aim? (f) How are we to balance our duties and obligations to our contemporaries and immediate progeny with our duties to remote posterity? (g) What are the needs of future generations for which we are obliged to make provision? Can we, in fact, identify these needs? If so, how? (h) To what *kinds* of future persons are we and are we not duty-bound? (i) What constitutes a justification or validation of these duty-claims?

Evidently, we are encountering here an enormous problem in moral philosophy, a problem which calls upon empirical data and analytical concepts from a wide spectrum of sciences and disciplines, in addition to ethical theory. My purpose has been to sketch just a few of the many facets of this vast and complex issue. Clearly, any attempt to answer even a few of these questions "from the ground up" is beyond the scope of this dissertation. For the remainder of this work, these questions will generally be explored as they apply to John Rawls's discussion of "justice between generations" in his important book. *A Theory of Justice*.

Having completed this preliminary sketch of the problem of the duty to posterity, we turn now to a brief account of Rawls's contribution to moral philosophy.

4. John Rawls's Theory of Justice: A Preliminary Glance

Few recent works in moral philosophy have had an initial impact among philosophers, as well as scholars outside the profession, comparable to that of John Rawls's. *A Theory of Justice* (1971). Scarcely four years have passed since the book's publication; yet, at least two books and over 100 scholarly papers have been printed in response to the provocative ideas therein.^{3a} While, understandably, many of the papers have been sharply critical, few have denied that Rawls's work displays bold originality, elegant and powerful structure, impressive depth and breadth of scholarship, and wide-ranging implications. Stuart Hampshire (1972) describes *A Theory of Justice* as "the most substantial and interesting contribution to moral philosophy since the war" (p. 34). Peter Caws (1972) has called it "an indigenous American philosophical masterpiece of the first order" (p. 24). Robert Nozick (1974), while in fundamental disagreement with Rawls's conclusions, acknowledges that "political philosophers now must either work within Rawls's theory or explain why not" (p. 183). Whether or not the work is, in Feinberg's (1973) words, "a philosophical classic" (p. 263), and whether as Gardner (1975) predicts, it "is likely to occupy an important place in the history of ethics" (p. 255), must await the judgment of history. However, the initial critical response leaves the serious student of moral philosophy with little excuse not to read this important book.

Why all the excitement? What has Rawls wrought? What, for that matter, has he attempted? In his preface to *A Theory of Justice*, Rawls states:

What I have attempted to do is to generalize and carry to a higher order of abstraction the traditional theory of the social contract as represented by Locke, Rousseau, and Kant. In this way I hope that the theory can be developed so that it is no longer open to the more obvious objections often thought fatal to it. Moreover, this theory seems to offer an alternative systematic account of justice that is superior, or so I argue, to the dominant utilitarianism of the tradition. [i.e., of *our* tradition] . . . My ambitions for the book will be completely realized if it enables one to see more clearly the chief structural features of the alternative conception of justice that is implicit in the contract tradition and points the way to its further elaboration. Of the traditional views, it is this conception, I believe, which best approximates our considered judgments of justice and constitutes the most appropriate moral basis for a democratic society. (viii)⁴

This all seems to be quite straightforward and unpretentious. Indeed, in another part of the paragraph quoted above, Rawls remarks: "I must disclaim any originality for the views I put forward." This modest reflection, which has caught the attention of several commentators, might be one of the more misguided sentences in the book. Not "original?" Then neither is the *Pieta* "original," for Michelangelo learned his craft from the Florentine masters, and nature provided the raw material for the work. But, of course, Rawls is wrong here. To be sure, he has drawn significant concepts, devices, and objectives from the too-long-neglected contract theory of justice. But the work is

^{3a}Some ten years later, I learned that over five-hundred refereed scholarly papers had been published concerning Rawls's *A Theory of Justice*. In an NEH Summer Seminar that I attended in 1977, Thomas Nagel referred to this phenomenon as "The Rawls Industry."

thoroughly contemporary, utilizing such diverse and current disciplines as philosophical analysis, transformational grammar, game theory, probability theory, and developmental psychology. The resulting system, "justice as fairness," is broad not only in its range of sources but also in its implications. *A Theory of Justice* has, quite properly, attracted the attention of legal scholars, political scientists, economists, sociologists, psychologists, and educators, as well as philosophers. Within its 587 pages of text are included cogent discussions of taxation, representative government, moral psychology, social structure, civil disobedience, and the duty to posterity.

With the publication of *A Theory of Justice*, moral philosophy is "relevant" once again. The domination of contemporary ethics by conceptual analysis and metaethics has been diminished by this significant new work in normative ethics. Utilitarianism, perhaps the prevalent normative theory in contemporary Anglo-American moral philosophy, is receiving its severest challenge in decades. Rawls is not, of course, solely responsible for all of this. The important journal, *Philosophy and Public Affairs*, commenced publication a year before Rawls's book appeared. Furthermore, earlier writings of such philosophers as Stephen Toulmin, Marcus Singer, Kurt Baier, Kai Nielsen, and Rawls himself previewed and fostered this recent turn in moral philosophy. However, whether it be a cause or effect of this change or, more likely, a combination thereof, Rawls's masterpiece presents a wealth of ideas whose time has come or, in some cases, *returned*.^a

Clearly, the contents and implications of Rawls's theory of justice encompass far more material than can be dealt with in the space of this dissertation. Earlier, the general problem of the duty to posterity was also seen to be too large to handle. The solution is to deal with the intersection of these topics. My task will be to present and to evaluate critically Rawls's analysis, in *A Theory of Justice*, of the duty to posterity or, in his terminology, "justice between generations." The guiding questions for this dissertation can now be formulated: (a) is Rawls's search for principles of "justice between generations" logically coherent and conceptually intelligible? (b) Is Rawls's derivation of these principles consistent with the general tenets and structure of his theory? (c) Has Rawls presented the best available argument in behalf of posterity, in the context of his general theory? (d) Might a representative member of a future generation conclude that his rights and interests have been justly served if predecessor generations have acted according to the "principles of justice," and have been motivated by the "sense of justice," as articulated by John Rawls in *A Theory of Justice*?

5. The Plan of the Dissertation

The title of this dissertation – "Rawls and the Duty to Posterity" – suggests the general structure thereof. The three primary tasks of the dissertation are, in order: (a) a conceptual analysis of the general question of the duty to posterity; (b) a presentation of the relevant aspects of Rawls's theory of justice, and (c) a critical examination of Rawls's treatment of the issue of the duty to posterity. In

^aThe scope and significance of Rawls's theory, "Justice as Fairness," is illustrated by a brief unpublished piece now on my website, "On Civic Friendship." It may be found at Appendix III, and at "The Online Gadfly" (www.igc.org/gadfly/liberal/civic.htm).

the chapter that immediately follows (Chapter II), I will examine the concepts of *obligation*, *duty*, and *rights*. I will also explore the issue of the relationship ("correlativity") between duties and rights. The next chapter (Chapter III) deals with the intelligibility of the notions of "duties to posterity" and "rights of posterity." Rawls's theory of justice will be presented in the two chapters that follow. The first of these (Chapter IV) will offer a summary of Rawls's general theory – particularly those aspects of the theory that bear upon the posterity question. The second of these expository chapters (Chapter V) will contain a detailed account of Rawls's views concerning the duty to posterity or, as he calls it, "justice between generations." The final two chapters will analyze Rawls's position concerning posterity. In these chapters, the concepts that were articulated and refined in the earlier analytic chapters (II and III) will play an important role. Chapter VI will deal primarily with the internal consistency and the strength of Rawls's argument for "justice between generations." In the final chapter I will propose a solution, within the context of Rawls's general theory of justice, to the problems raised in Chapter VI. In addition, I will list some unsettled questions and suggest some avenues of further inquiry.

For all its length, this dissertation will, of necessity, suffer from many omissions. For example, in presenting Rawls's views, I have devoted little space to a detailing of the considerable number of criticisms that have been published in response to his book. I have also omitted or severely condensed most of Rawls's careful and detailed arguments in support of his general theory. In addition, I have only briefly examined the implications of Rawls's position on the posterity question in view of contemporary social, political and economic circumstances. Instead, I merely pose some troubling questions and sketch some implications that come to mind as Rawls's principles of justice between generations are considered in the context of ecological facts and values. While I hope eventually to pursue the issue of ecological values at some length, I cannot do so within the space of this dissertation.

NOTES

1. Xerox University Microfilms, January 11, 1975, Datrix II Service, 300 North Zeeb Road, Ann Arbor, Michigan 48106. Because of this astonishing outcome, Xerox offered to run another scan free of charge, with the option of changing the list of code words. In this second run, I used the same three terms and added the word "future." The result: I received a list of 150 titles (the maximum for the order), in reverse chronological order, beginning with the most recent. All these dissertations were submitted between late 1971 to late 1974. All titles contained the word "future." None contained the words "posterity," "unborn generations," or "future generations."
2. The dearth of material on the subject has been noted elsewhere. After citing one of his earlier publications, Golding remarked: "I know of no other explicit discussion of the topic" (1972, p. 85). And Laslett asks: "Why is it that the skein of intricate issues which we have been fingering so gingerly here has never to my knowledge been picked up before in the literature of philosophy, ethical or political?" (1971, p. 189).
3. As tabulated from titles listed in the *Philosophers Index*, *The Book Review Index*, the *Reader's Guide to Periodical Literature*, and references cited in various papers read for this dissertation.
4. References to Rawls's *A Theory of Justice* will appear several hundred times throughout the dissertation. Accordingly, for the sake of simplicity, and when the context permits, *all* references to this work will consist merely of a page number in parentheses.