RAWLS AND THE DUTY TO POSTERITY

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[Society] is a partnership in all science; a partnership in every virtue and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead and those who are to be born. Each contract of each particular state is but a clause in the great primaeval contract of eternal society,> linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place.

Edmund Burke

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ABSTRACT

The question of the duty to posterity, while commonplace in political rhetoric and the popular media, is virtually absent in the professional writings of contemporary moral philosophers. A noteworthy exception is John Rawls. In his influential and much acclaimed new book, "A Theory of Justice," Rawls affirms that it is conceptually intelligible to claim that the members of one generation have moral duties to their successors, and that such a claim can be defended and validated from the point of view of his contract theory of justice.

The dissertation undertakes three general and interrelated tasks: namely, conceptual analysis, exposition, and criticism. Specifically: in Chapter II, the concepts of "duty" and "right" are analyzed and their logical relationships are explicated. In the next chapter, several objections to the intelligibility of the notions of "duty to posterity" and "rights of posterity" are examined, and each of these objections is rejected. Accordingly, it is concluded that future persons can properly be said to "have rights" and that present persons can properly be said to have duties to posterity.

Chapters IV and V are primarily expository and provide the subject material for the concluding two chapters. According to Rawls's theory of justice, "the original position" (a hypothetical group of individuals that are (a) equal, (b) ignorant of their individual personal circumstances in actual life, (c) aware of the general laws of human nature, and (d) motivated to maximize their personal prospects) would adopt principles of justice that would provide for the needs and interests of certain members of immediately succeeding generations.

Rawls's general contractarian approach to justice seems, at first, to be a promising source of support for the duty to posterity. However, when he attempts to formulate and defend his principle of just savings, problems abound. In particular: (a) he introduces a puzzling restriction that all members of the original position belong to the same (if unknown) generation in history; (b) he introduces a "motivation" to care for posterity by stipulating (contrary to his general criteria of right and his rules of the original position) that all members of the original position understand that they are "heads of families" in actual life, (c) from these and other assumptions he concludes that each generation should care primarily for members of immediately succeeding generations but not for remote generations, and (d) that this provision for posterity should take the form of "savings" of material resources, capital, and just institutions. In Chapter VI, all of these assumptions are challenged and rejected as being restrictive upon the duty to posterity.

In the concluding chapter it is proposed that a more comprehensive and consistent defense of the interests of posterity can be formulated within Rawls's theory (a) if the contracting members of the original position are understood to belong to "any" and "all" generations, (b) if the concept of "just savings" is expanded to a broader concept of "just provision" (including "anticipations," "forebearances," etc.), and (c) if the "heads of families" condition is replaced by an assumption that normal persons are motivated to identify with the well being of institutions, persons, projects and ideals "beyond" themselves (i.e., that they have a need for "self-transcendence"). The dissertation closes with an informal suggestion that self-transcendence might supply the motivation assumption needed in the original position to adopt a broad, comprehensive, and inclusive "principle of just provision" for posterity.

FOREWORD AND ACKNOWLEDGMENTS

2001

In February of this year, I scanned the typescript of the final draft of the 1976 Dissertation, and transferred it to computer files (Word Perfect format). The following is the result of that effort.

The text is not a revision; it is a reformatting, virtually identical to that of the original. Typographical and spelling errors have been corrected, along with a very few textual changes designed to clarify originally intended meanings. Emphasis by underlining in the original has been replaced throughout with italics, and footnotes have been relocated as endnotes. Contemporary (2001) commentary on the text is found in footnotes, designated by lettering. Related material written after the dissertation (in 1976) appear in Addenda which follow Chapters 3 and 6 and in two Appendixes.

By replacing the original double-spaced Courier font with single-spaced Times New Roman, the number of pages have been reduced almost by half – from 458 to 255 (which includes about a dozen pages of added material).

The posterity issue has received a major portion of my scholarly attention since the completion of this dissertation. While most of my work on the topic has moved beyond the scope of the dissertation, several post-doctoral conference papers and publications issued directly therefrom. In particular, and in chronological order:

— In the summer of 1977, I participated in an NEH Summer Seminar directed by Thomas Nagel. For that seminar, I prepared a brief version of the final two chapters of the dissertation.

— §16, "The Right to Exist," was expanded into "To Be or Not to Be: That is the Paradox," presented at the Western Division (now Central Division) meeting of the American Philosophical Association, Detroit Michigan, April 27, 1980. It is a projected as a chapter in my book, now in preparation, *To Ourselves and Our Posterity.*

— "Beyond Just Savings," drawn from §§40-42, was read at the Pacific Division of the American Philosophical Association, San Francisco, March 24, 1978.

— §37 "The First and Last Generations" yielded "Justice to the First and the Last," presented (by proxy) to the Utah Academy of Sciences, Arts and Letters, March 24, 1978.

— §§43-44 was developed into "Why Care About the Future," which first appeared in my anthology, *Responsibilities to Future Generations* (Prometheus Books, 1981).

— Chapter 4 and parts of Chapter 5 were revised and expanded into a small book, *Approaching Rawls,* which I prepared for several classes, beginning with a Philosophy class at the University of California, Santa Barbara, in 1982. It was never submitted for publication.

— Material from Chapters 2 and 3, appeared as "On the Rights of Future Generations," in *Upstream/Downstream: Issues in Environmental Ethics,* Temple University Press, 1990.

Following the successful completion of my PhD preliminary exams in August, 1974, I immediately I turned my attention to the task of selecting a dissertation topic and writing a proposal, which was submitted in December, 1974. The original topic, "Concerning our Duties to Posterity," consisted of an ambitious analysis of the posterity issue – an issue virtually absent in the philosophical literature of the time. My committee, and in particular Dr. Sterling McMurrin, correctly recognized that I had selected a topic suitable for a career rather than a dissertation. Far better, they advised, that I devote my critical attention to a single philosopher's treatment of the posterity issue. The next step was easy, since John Rawls stood virtually alone among contemporary philosophers in his explicit attention to what he called "justice between generations." Also, at that time and for several years thereafter, Rawls's book was "Topic One" among moral philosophers, generating what Thomas Nagel called "The Rawls Industry" – the production of several hundred published books and papers.

"Rawls and the Duty to Posterity," proved to be a far better topic, and I have never regretted accepting the good advice of my committee.

Dr. McMurrin also admonished me to be ruthlessly concise and direct – "stay on point and cut out all the fat." In this regard, I was less than successful. I never fully abandoned my original ambition to survey the issue of "the duty to posterity" which, in turn, led to an analysis of the concepts of "duties," "obligations," "responsibilities" and "rights." Hence, Chapters 2 and 3. As it turned out, Chapter 3 ("The Duty to Posterity: Some Conceptual Questions") became the foundation for some productive work and publications well beyond the date of completion of the dissertation.

I am enduringly grateful to each member of my committee (enumerated below). I have lost track of Profs. Parsons, Buchanan and Meux, who have presumably retired. Bill Whisner, a cherished personal friend of long-standing, died in 1999.

My debt to the late Sterling McMurrin (1912-1996) is beyond reckoning. He was a man of international reputation (formerly the US Commissioner of Education), renowned for his wit, scholarship, intelligence and integrity. Throughout my term as a student at the University of Utah (intermittently from 1955 to 1976) McMurrin served as Academic Vice President, Provost and Dean of the Graduate School. And yet, from these exalted offices, he often reached down and encouraged this often bewildered and discouraged young student. I first encountered McMurrin personally in 1956 as a student in his Philosophy of History class. He took favorable notice of my work, and was thereafter an advocate and counselor throughout much of my often turbulent career as a student and then a scholar. McMurrin served as a member of my Masters Thesis committee ("A Preface to Linguistic Relativity," 1961). Quite simply, whatever I may have accomplished in my professional career would not have been, were it not for Sterling McMurrin.

1976

The Chairman of my dissertation committee, Michael Parsons, provided helpful criticism and encouragement throughout the research and writing. Additional acknowledgment and thanks are due to each member of my committee: Mike Parsons, Sterling McMurrin, Fred Buchanan, Milt Meux, and Bill Whisner — all gentlemen, scholars, and friends.

This final year of work on the dissertation was significantly aided by the use of the home and resources of my parents, Dr. and Mrs. E. DeAlton Partridge. Above all, I am indebted to my wife, Elinore. Despite her considerable scholarly responsibilities, she has spent a sizeable portion of her time reading and editing the manuscript. She has provided both constant support and encouragement for the project, as well as expert professional advice concerning the style and clarity of expression of the text.