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THE SENSE OF JUSTICE: SOME TEMPORAL EXTENSIONS

Gabriel RADU*

„Despre dreptate între generații" ('On Justice Between Generations'), Axel Gosseries, București, Paideia Publishing House, 2011, 344 pages
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The competition of the theories of justice advanced to new challenges by scrutinizing both the future and the past. Some authors consider that such an approach would not bring anything new, because they believe obligations to future generations are legitimated by belonging to our actual moral community. The uncertain corelation between the hazard of existence of future people and current policy decisions fueled a lot of dilemmas regarding the very existence of any right of those who will live in the future. Next generations, their identities or even their numbers may depend on the decisions we take today.

The message of Axel Gosseries's book, "Despre dreptate între generaţii", regards specifically the corelations that could be morally established between generations. Such corelations were developed in the frames of strong arguments of the the existence and content of the intergenerational obligations, whether for natural resources, political constitutions or states debt. But not only natural resources are focused in a discussion about justice between generations. Essential political problems, as the prohibition of revision of certain constitutional provisions might indicate a clear violation of the rights of future generations to organize their own society (eg. art. 152 of the Romanian Constitution). Whatever the justifications for the protected political values, such a constitutional provision could be understood as a restriction of generational sovereignty of our successors. In a broad sense, any new constitution represent in itself a problem of justice between generations, especially when we are concerned about the legal impossibility of revising some of it's provisions. Imposing a fixed line of constitutional reasoning to the future generations would be morally the

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same thing as imposing a political model to a foreign state, against their own choices (Jefferson's letter to Madison, 1789). The process of materialization of the constitutional frames for the future is not performed in a historical vacuum, but represents a link of the intergenerational relations with the past, expressing the strong will and ideals of the past generations.

The analytical approach proposed by the author consist in a dialectical presentation of relevant principles of intergenerational justice and then, based on them, initiates a deductive reconstruction of the theory in a systematic manner. His synoptic vision proposes a theoretical two-way navigation on the time axis, each time looking at the acceptable implications and consequences in a moral plan. The difficulty in this case of approach is that the author proposes an answer to any possible problems, which cannot be fully convincing on the possibility of existence of such obligations to people who are not existing yet. The intergenerational relation is examined by fundamental questions for any theory of justice: the actual generations do they have any obligation to future generations? And if so, what do we owe and on what criteria? In outlining its strategy, Axel Gosseries provides a systematic approach to the question of intergenerational justice problem, providing a convincing and comprehensive answer, grounded in three stages:

I. The problem of the concepts of moral theories and the possibility of our moral claims.

Here are formulated three key questions:

a. Are there any obligations to future generations? Difficulties in formulating some answers here consist in the non-life and non-identity problems

b. The second question shows an interest whether deceased people have a place in a theory of justice between generations, by identifying the metaphysical and moral status of past generations and if this status is relevant in the proofing the existence of the rights of past generations.

c. To what extent a person can be hold responsible to the acts of his generation, person which was unable to resist them?

II. The analysis of the possibility and a configuration of an architecture for a theory of justice between generations

III.Practical implications of these theoretical developments with applications to biodiversity conservation and the pension system problem.

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The author's declared intention is to offer a metaetic plausible theory plan, solid and fully relevant in practical domains.

The proposed method is characterized by the author himself as a constructivist one, where the exegesis of other great authors is essential but insufficient. On this occasion, Axel Gosseries reinforces some necessary conditions in political philosophy: defining the terms of a fair debate, explaining the rules which must be followed in a discussion and interests that require a certain representation. In his constructivist approach the author leans towards an coherentism in spite of a foundationalist one, which was considered too rigid in confrontation with moral practical applications. The coherentism approach involves an agreement between the general principles and our particular judgments to a specific case. The absence of this agreement leads us either to adjust the principles, or to change our individual judgments, to achieve reflective equilibrium. The intergenerational relation which intuitively requires compliance with a principle of responsibility is critically processed by the author with a specific reference to the principle of responsibility of Hans Jonas, as follows:

If we concede meaning to our life, even if we are aware of our mortality, why then we deny this at the species level, when we refer to future generations?

Also in this case, we are in a situation of a logical flaw, a sort of petio principii justifying responsibility by saving the possibility of existence of this responsability itself.

Moreover, if we admit the individual as an end in itself, why then a moment of my existence is conceived as a tool for a later time, namely why does a person's life has to extract a meaning from the existence of her successors?

A central point in intergenerational relation is represented by the problem of prejudice generated by present generations to future generations, generating the so-called wrongful life. Here, Axel Gosseries brings a clarifying remark, showing that it is possible that a random fact reflected on someone, doesnt turns necessarily in a prejudice. Often, what represents a wronful life for lawyers is considered a paradigm of non-identity for philosophers, as Derek Parfit suggested.

The practical applicability of moral foundations of intergenerational rights and obligations is demonstrated by Axel Gosseries in the analysis of restoring justice in the judicial plan, eloquent in this

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situation is the so-called 'case Perruche'. Moral controversies have been generated by the verdict of the French Supreme Court of Cassation, which ruled in a case relatated to a damage produced by a team of doctors in a so-called wrongful life. Starting from this case, Axel Gosseries analysed the implications of the non-identity problem, problem also stated by Derek Parfit in his "Reasons and Persons", which showed that our present actions have also a future effect not only on living conditions created for future generations, but also to the identity of these people. The author demonstrated how the concept of injury involves some counterfactual comparisons.

Is obvious that a situation of a victim resulted from an act of injury must be worse than when the action had not occurred. Extending the problem to any claims of future generations to the present generation, the author brings in the debate the non-identity problem. A moral solution to such problems points out an important aspect, that some generations overlap.Thus, a previous generation, which would have consumed more natural resources and degraded the environment to a greater extent, can compensate next generations even before its natural extinction. This strategy approach was called by the author as 'ratrapaj' strategy (which could be translated as a strategy of ‚retroactive adjustment'), a strategy that does not affect the identity of future generations. Also, this strategy has the advantage of operating as a possibility in the fulfillment of obligations between past and present generations or between present and future generations. The strategy, as well as the activation of non-identity problem in the space of intergenerational obligations, are important contributions of Axel Gosseries in the intergenerational justice theories.

Establishing an intergenerational obligations in the theory of justice the author carried out a reliable analytical approach to the concept of moral obligation, not only in content but also in intensity. He also emphasizes that a violation of moral obligation makes sense only if it cause injury. The damage, of course, can not be felt by a deceased person. So we cannot be holders of obligations with reference to the deceased person. Verifying the truth of this argument, the author puts forward three 'lateral theories' (Callahan, Partridge, Wellman) and a 'frontal' one (Feinberg), theories unable to express the meaning and force of our obligations related to deceased persons. Fainberg's attempt failed by the impossibility to argue the existence of a damage produced to the

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deceased persons by posthumous acts, relying on a mortalist premise ('death people does not exist'), because this fact would 'mobilizes a representation of our obligations to the deceased very complex and starts from improbable metaphysical assumptions'.

An interesting question of the book is that it tries to answer how to decide in the case of satisfying preferences between the living people and the dead ones? A kind of reasoning may suggests that we need to know all the preferences. So, it is proposed to ask each person during his life time to express specifically three wishes for the humanity that will survive him. As it is known, the political program was outlined by previous generations and was expressed constitutionally, but the a question is to what extent we have a moral duty to respect, even partial this program which was set by previous generations?There were some various proposals in this regard, for example.it was proposed an electoral vote suffrage, in which every individual throughout his life would have ten suffrage rights (Tim Mulgan).Those who wish to continue to influence public affairs after their death may decide to reserve a certain number of these votes for elections that will take place after their death. Their responsibility consists in appointing a representative who will be responsible to vote for them after their death. Axel Gosseries believes that, despite a criticism of extravagance, such a system could have the merit of making possible the coexistence in a democratic state the views both of mortalists and immortalists, and the state also would be impartial to different metaphysical conceptions.

The first two chapters of the book examine the conditions which make possible the existence of obligations to future people. Because only the possibility of obligations is not enough to establish the existence or their content, providing some positive reasons in this sense is proposed with the third chapter of the work.

The author summarizes four possible theories of intergenerational justice: commutative - based on the idea of equivalent benefits, aggregation – when it maximize a given good, distributive - egalitarian in its strict sense, and maximin – an aggregate-distributive theory, where it maximize the minimum and we can allow inequality in the case of improving the fate of the most disadvantaged.

In the case of indirect reciprocity theory, the author illustrates two principles. The first principle answers to the question „why?" in the case of our intergenerational obligations, by a kind of justification like "we owe

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something to the next generation because we received also something from the previous generation" - which is the case of indirect reciprocity. The second case concerns a substantial dimension in which we have to transfer to the next generation at least as much as we received from the previous generation (the prohibition of waste).

Some moral dilemmas occur when we evaluate the priority of some alternative options: it would be preferable a direct reciprocity to previous generation or an indirectly reciprocity directed to the most disadvantaged members of our present generation?

An extansion of moral obligations to future generations requires a review of the lockean clauses that define the conditions of legitimate takeover, the equivalence clause (which is left in common for others must be in a sufficient quantity and of the same quality) and non-embezzlment clause. Intergenerational equivalence clause is presented by the author in three versions:

Intergenerational equivalence clause 1- Each generation should leave to next generations at least as much as the first generation (prehistorical) initially took

Intergenerational equivalence clause 2- Each generation is obliged to leave to next generations at least as much as could acquire the next generation without any previous generation, or better said, if none of the previous generations would have led by their actions to any improvement or degradation to what would the generation that follows us inherited.

Intergenerational equivalence clause 3- Each generation is obliged to leave to the next generation at least as much as could acquire the next generation if the current generation would not have existed, or if the actual generation would not be led by its action to any improvements or degradation of what we would inherited.

In the field of intergenerational justice theories, Axel Gosseries is concerned by some moral aspects as the legitimacy of state subsidies and about the state neutrality related to the conceptions of a successful life.

The last chapter of the book is devoted to the analysis of moral approaches of the biodiversity issue and pension reform. Possible effects are studied through the indirect reciprocity principle and liberal egalitarianism, both applications based on reflective equilibrium mechanisms.

The volume 'Despre dreptate între generații' ('On Justice Between Generations') by prof. Axel Gosseries raises many interesting issues in

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political philosophy, as in general theory of law, and the non-identity and non-existence issues are two important elements which both generate significant objections to the validity of our obligations to future generations. Even democracy theories face some difficulties while the number of those decesead exceeds that of the living ones. Classical political constitutionalism values the will of the previous generations, now deceased, views once materialized could infringe the actual political options.

Published at Paideia, the volume manages to fill a gap in our political philosophy literature, in an interdisciplinary field of interest, enriching the knowledge in this field.

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