

A MINIMAL TEST FOR POLITICAL THEORIES

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“Among human beings, unlike (say) mayflies, generations do not succeed one another in the sense that one is off the scene before the next comes along. “Generations” are an abstraction from a continuous process of population replacement.”¹

The purpose of this paper is to introduce and defend a minimal requirement that any acceptable political theory must meet. This Minimal Test is outlined in the next section. Subsequent sections of the paper defend the appropriateness of this test, and demonstrate how it raises serious problems for several prominent political theories.

I: THE MINIMAL TEST

Traditional theories of justice deal with relations between members of the present generation. Recently, a number of theorists have asked whether such theories can be extended to cover the relations between the present generation and future generations.² Unfortunately, many of these attempts place too much weight on contingent features of human life; features which seem to have little relevance for the study of justice. An acceptable theory of justice should be more soundly based.

Consider the following tale:

Life Among the Mayfly Folk: unlike human beings, the Mayfly people do not have overlapping generations. They live on a planet that takes a hundred of our years to orbit its sun. Each of their four seasons lasts 25 years. The planet is inhabitable in spring, summer and autumn, but not in winter. At the beginning of spring, the Mayfly people’s cocoons hatch, and a new generation

of Mayfly people are born fully grownup. The previous generation has left behind an established civilization, complete with computers to teach the new generation everything they need to know. This new generation lives for 75 years, adding to the store of culture and knowledge, building new buildings, and so on. At the end of autumn, before the planet becomes uninhabitable, the Mayfly people reproduce, leaving behind eggs which will grow into the next generation. Then they all die. None of the Mayfly people have particular descendants. They all collectively produce the next batch of eggs. No particular egg is specifically genetically related to any particular member of the current generation.

The story gives rise to the following question: What obligations do the current generation of Mayfly people have to the next generation? The Minimal Test proposed in this paper is as follows: No adequate political theory may conclude that the current generation of Mayfly people have no obligations whatever to the next generation. This test merely sets a minimum standard against which to measure political theories. It does not tell us what justice requires of the present generation. It merely stipulates that it must not require nothing. (We should note that the Minimal Test does not require a theory of justice to conclude that the Mayfly people have the same obligations as earthlings. It is sufficient to say that they have some obligations.)

Despite its limited focus, the Minimal Test is significant, as it creates problems for several prominent political theories. The next three sections explain how political egoism, libertarianism and Rawlsian hypothetical social contract theory all seem to fail the Minimal Test. Sections V and VI ask whether the Minimal Test is appropriate, while the case against our three theories is revisited in more detail in Sections VII though IX.

II: HOW POLITICAL EGOISM FAILS THE MINIMAL TEST

Political egoism is based on the idea that morality, human society and political institutions all are (or should be seen as) systems of mutual advantage.³ A system of justice arises when everybody pursues their own individual advantage. People come together to make agreements that are mutually advantageous to each of them, and these agreements constitute just political arrangements.

Consider two adjacent generations of Mayfly people (G and G+1). Unlike

a human generation, the Mayfly people of Generation G will not need the G+1 Mayfly people to look after them in their old age, because they don't have any old age. By the time the next generation comes along, all the members of Generation G will be dead. The facts of Mayfly biology generate a total absence of reciprocal power relations between different generations. Generation G can do a great deal to affect the lives of Generation G+1. They could use up all the resources of the planet, pollute the atmosphere, or deliberately cause the next generation to be horribly deformed. By contrast, Generation G+1 cannot do anything to Generation G. This suggests that, under Egoism, the present generation of Mayfly people have no obligations at all with respect to the next generation.

Political Egoism thus fails the Minimal Test. This failure is merely a stark example of a general feature of Political Egoism, which is that obligations of justice cannot arise in the absence of Hume's "circumstances of justice", which Rawls describes as "the normal conditions under which human cooperation is both possible and necessary".⁴ These conditions do not apply to relations between successive generations of Mayfly people: the present generation cannot cooperate with their descendants, nor do they need to, in order to survive.

III: HOW LIBERTARIANISM FAILS THE MINIMAL TEST

The central libertarian idea is that people have absolute, inviolable property rights. Everybody owns themselves, together with whatever they justly acquire, whatever is justly transferred to them by a previous owner, and whatever they produce using their own labour.⁵ All politically enforceable rights follow from these property rights. I can justly do whatever I want with anything that I justly own. If I own all my money, I can do whatever I want with it. It might be *desirable for me to give some money to the poor. Perhaps I would be a better person if I did.* However, justice requires that I be allowed to refrain from giving money to the poor, if I so choose.

It seems reasonable to suppose that, under Libertarianism, the present generation of Mayfly people will own all the resources of their planet.⁶ They are thus free to dispose of those resources in whatever way they choose, without regard for the interests of the next generation. The members of the present generation could justly construct a large bomb that will destroy the planet in fifty years time. Alternatively, they could leave instructions directing that everything they had not consumed be destroyed after their deaths. It would

then be unjust for the next generation to fail to carry out those instructions! It would also be perfectly just for the present generation to leave the next generation without enough food to survive. Libertarianism thus fails the Minimal Test.

IV: HOW RAWLS FAILS THE MINIMAL TEST

John Rawls' *A Theory of Justice* is probably the most influential work in political philosophy of the 20th century. Rawls is not interested in a contract which actual people might enter into. Rather, he asks what contract people would agree to under certain idealised circumstances.

The basic device Rawls uses to generate his principles of justice is the Original Position, from which people choose the principles which will govern their society. This choice is made from behind a Veil of Ignorance. The choosers know what their society will look like if any given principle is adopted, but they do not know who they will be in that society.⁷ To take a simplified example, suppose that, in a very simple society, there are two groups: the Rich and the Poor. To discover what justice requires in such a society, we ask the following question: Which principles of justice would a rational person choose, if they did not know whether they themselves would be one of the Rich or one of the Poor?

Rawls stipulates that the participants in the Original Position are maximisers. When choosing under conditions of uncertainty, they choose a course of action in which the worst possible outcome is at least as good as the worst possible outcome under any alternative course of action. Rawls also assumes that everyone in the original position belongs to the same generation.

Assume that we have placed the present generation of Mayfly people in the Original Position. If these people choose as rational maximisers, then they will choose the general principle that people in the present generation can do whatever they like to future generations. After all, they know they will not be on the receiving end of that principle themselves. (By contrast, they would not choose a principle which permitted the rich to do whatever they like to the poor, as they would not know whether or not they would end up on the receiving end of such a principle.) Rawlsian Hypothetical Social Contract Theory thus fails the Minimal Test.

V: IS THERE INTERGENERATIONAL JUSTICE ON THE MAYFLY WORLD?

There are three principal ways in which proponents of the political theories discussed above might respond to the Minimal Test. The first is to argue that it is legitimate to conclude that the present generation of Mayfly people has no obligations towards the next generation. The second is to deny that the Mayfly tale provides an appropriate test case for political theories. The third response is to show that the theory in question can accommodate obligations between successive generations of Mayfly people.

The simplest response to the Minimal Test is to defend the claim that the present generation of Mayfly people actually does have no obligations to their descendants. If this claim is defensible, then the fact that a political theory implies it cannot constitute an objection to that theory.

There are two possible strategies available. The first is to argue that, while human beings do have obligations to future generations, Mayfly people do not. The second option is to deny that human beings have such obligations either. I shall argue that neither option is acceptable.

Apart from the peculiarities of their life cycle, in all other respects the Mayfly people are just like us. They are rational agents. They feel pleasure and pain. They have life plans, goals, interests, needs, relationships, friendships, artistic, scientific and cultural endeavours, and so on. The impact of pollution and deformity on their lives is likely to be very similar to the effect that analogous earthly catastrophes would have on us. The differences in their reproductive cycle do not seem to be sufficient to render justice inapplicable to the Mayfly people. Any theory that distinguished so sharply between human beings and Mayfly people would thus be placing too much weight on morally insignificant differences.

To be consistent, a political theory that denies that justice requires anything of the present Mayfly generation must also conclude that the present human generation has no obligations of justice to their descendants. Whatever we do to those who come after us, our behaviour cannot possibly be unjust.

This conclusion is very implausible. It seems bizarre to conclude that, because future generations are at our mercy, we can behave towards them as we please. Many people will feel that, far from being beyond the realm of justice, cases of such extreme power imbalances are precisely where justice is

most required. It thus seems reasonable to seek a political theory that provides for at least some intergenerational justice.

VI: IS THE MINIMAL TEST UNREASONABLE?

Proponents of political theories which fail the Minimal Test might argue that it is futile to test any theory against a story which is so different from the way things are in the world that we live in. Our intuitions have evolved to deal with the actual world. They cannot reliably be applied to such weird tales.

There are many respects in which we cannot imagine what life would be like for the Mayfly people. On the other hand, we can imagine enough about their lives to have some idea of what would be good (or, at least, bad) for the Mayfly people. Even if some of the worthwhile features of our lives are related to our particular system of reproduction, or to the fact that our generations overlap, many other worthwhile features can be abstracted away from such biological details. We can easily imagine the Mayfly people having those good things in their lives. Therefore, we can reasonably stipulate that the lives of the Mayfly people are morally significant.

The Minimal Test requires only that there be some things that one generation of Mayfly people might do to the next generation that would be unjust. We can imagine (or stipulate) the Mayfly situation in sufficient detail to be sure of this.

Suppose that the Mayfly people actually exist on some distant planet. We travel to that planet in our starship, teleport down, and see creatures behaving in certain ways. After several months exploring the Mayfly culture, we discover that the current generation is planning to destroy the environment, and then create a horribly deformed new generation. Do we really need to become experts in Mayfly biology before we can even ask whether or not this is unjust?⁸

I conclude that the Minimal Test provides a reasonable standard against which to measure any proposed political theory.

VII: HOW OUR THREE THEORIES MIGHT PASS THE MINIMAL TEST

The final response to the Minimal Test is to argue that, despite the arguments presented above, one's preferred political theory actually does pass the Minimal Test.

It is at this point that the differences between the Mayfly world and the

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actual world will come into play. At first sight, many political theories seem unable to generate any obligations to future generations, even in the actual world. Proponents of such theories argue, however, that they can accommodate such obligations. Unfortunately, it turns out that the arguments used to generate obligations to future generations often rely too heavily on contingent features of the actual world. In the Mayfly world, such arguments break down. To see this, let us now look at each of the three theories in turn.

VIII: HOW EGOISM MIGHT PASS THE MINIMAL TEST

Not surprisingly, Egoists may be reluctant to conclude that the present generation has no obligations at all with respect to future generations. Egoist justifications of such obligations fall into two main types. The first appeal to the sentiments of existing people, while the second base obligations to future generations on relations between co-existing people.

The Egoist may say that, as it happens, people care about their descendants. Currently existing people care about their children (or their children's children or whatever). When egoistic agents come to design political institutions, they will take account of the interests of their descendants. The descendants will be represented at the bargaining table, not in their own right, but because of their ancestors' concern for them.

The problem with this solution is that making moral obligations dependent upon sentiments leaves them very contingent. What you are obliged to do is a matter of what sentiments you happen to have. This is especially significant in the Mayfly world, where an individual has no personal descendants. Mayfly people are thus unlikely to have stronger sentimental attachments to the next generation than to their contemporaries. If (as the Political Egoist presumably believes) their sentiments towards contemporaries are insufficient to generate obligations of justice, then their inter-generational sympathies are likely to be similarly ineffectual.⁹

An alternative for the Egoist is to focus on relations between one generation and the next. Perhaps the present generation has obligations to the next generation, who will then have obligations to the generation after that, and so on. As successive generations overlap, there are opportunities for them to interact for mutual advantage. Justice between successive generations is thus a possibility for the Egoist.

Whatever its fate in the actual world, this strategy clearly doesn't even get off the ground in the Mayfly world, as there is no overlap between successive generations.

I conclude that neither of the Political Egoist's main strategies will succeed in the Mayfly world. Even on closer inspection, Political Egoism fails the Minimal Test.

IX: HOW LIBERTARIANISM MIGHT PASS THE MINIMAL TEST

Libertarians might attempt to ground obligations to future generations by appealing to sentiments or by exploiting the overlapping nature of human generations. As we saw in the previous section, whatever their fate in the actual world, neither of these approaches is viable in the Mayfly world. If Libertarians wish to pass the Minimal Test, they must look elsewhere.

One place to look would be to what Nozick calls the "Lockean proviso".¹⁰ This is a limitation on just acquisition, which says that you can only acquire things if you leave "as much and as good for others". You cannot justly acquire the last portion of some particular resource, as this would leave nothing for others.

As stated here, the Lockean proviso would seem to rule out many undesirable things which the present generation of Mayfly people might want to do to their descendants. However, as Nozick himself realises, the original Lockean proviso will not work for limited resources, as it would imply that no one could justly acquire anything. For instance, as land is a scarce resource in the Mayfly world, no one can leave as much land available for others. So no one could ever justly acquire land. Nozick thus reinterprets the proviso as follows: an acquisition is just if and only if it leaves other people no worse-off than they would have been if the acquisition had not taken place.

For our purposes, the significant feature of the new proviso is that it includes a counterfactual person-affecting element, whereby we seek to compare how someone actually fares with how they would have fared if things had turned out differently. Such comparisons are problematic when we are dealing with future generations.

Suppose that the facts of Mayfly person biology are similar to ours in the following way: the identity of future individuals is highly dependent upon precise biological facts. (In the same way that my existence was dependent

upon the coming together of a particular sperm with a particular egg.) Minor variations in the behaviour of the present Mayfly generation will thus affect which Mayfly people exist in the next generation. The choice of a resource acquisition policy is thus what Derek Parfit has called a Different People Choice, as different Mayfly people will come into existence if different policies are chosen.¹¹

It is thus very likely that the future people who will exist under any particular acquisition policy would not have existed if the present generation had acted differently. An overall pattern of acquisition will be just if and only if it does not leave those future people worse-off than they would have been if they had not existed. On the one hand, such a proviso might be very permissive, as it would sanction any acquisition policy which lead to a future in which people had lives which were worth living. (As such people could not claim to have been made worse-off by any such acquisition.) On the other hand, the proviso may turn out to be implausibly demanding, as it would rule-out any acquisition policy which lead to a future in which some people had lives which were not worth living.¹²

It seems, then, that the only solutions open to Libertarians are highly problematic. It is far from clear that Libertarianism will be able to pass the Minimal Test.

X: HOW RAWLSIANS MIGHT PASS THE MINIMAL TEST

Unlike Egoists and Libertarians, Rawlsians are committed to the idea that one role of a theory of justice is to protect the weak from the strong. The inference from the defencelessness of future generations to their lack of enforceable rights is thus unlikely to be palatable to Rawlsians. They will wish to ensure that their theory can accommodate obligations to future generations. Let us look at various Rawlsian solutions, and ask how they might fare in the Mayfly world.

Rawls own original solution to the problem of intergenerational justice is to add a motivational assumption, whereby those in the Original Position are assumed to care about the fate of their descendants, at least for the next generation or two.¹³

There are several problems with this solution. These are similar to the problems that arise for sentimental egoism. First of all, why are we allowing

some altruistic concern for descendants into the original position, when we do not allow concern for one's contemporaries? This is especially significant in the Mayfly world, where no individual has any personal descendants.

A second problem is that Rawls' motivational assumption only works for two generations or so. This might be sufficient for relations between one generation and the next, but it doesn't cover relations between this generation and far distant ones. For instance, it would permit the present generation to pursue a policy that would have a disastrous effect on those who will be alive in three centuries time, so long as it would not harm the next few generations. If Rawls is to take account of these longer term issues, then he will need to stipulate that those in the original position are concerned for their descendants into the indefinite future. Now the original position begins to look even more bizarre. The people in it are concerned for their own descendants for hundreds and hundreds of years, but they are not at all concerned about the people who live next door. In the Mayfly world, this seems a very odd way to generate principles of justice.¹⁴

A more robust response for Rawls might be to extend the veil of ignorance, so that people don't know what generation they will be in. This will ensure that each generation looks after the interests of the next, because they don't know which one they will belong to.¹⁵

The central problem with this solution is that, as we saw in the previous section, the existence and identity of future Mayfly people depends upon the behaviour of the present generation. Until the present generation has decided how they will live, there is no fact of the matter as to who will exist in the future.

We thus have two alternatives. The first is to extend the veil of ignorance to include all the generations who will ever live. Those in the original position don't know which generation they will belong to, but they do know that they will exist at some point.

The other alternative is to extend our veil of ignorance to include all the generations who might exist. Not only do those in the original position not know which generation they will belong to, they do not even know whether they will ever exist at all.

Each of these options leads to familiar paradoxes, which are made especially striking on the Mayfly world. In the actual world, the production of the next

generation is the result of a set of isolated individual choices. On the Mayfly world, by contrast, the production of the next generation is a deliberate project undertaken by the whole community. Any adequate set of principles of justice for the Mayfly people must thus include a detailed and explicit population policy.

A crucial role of any population policy is to determine the size of the next generation. Assume that I am a Mayfly person assigned with the task of choosing such a policy in the Original Position. If I know that I will exist, then I will presumably favour a situation in which a very small number of Mayfly people each have a very large share of primary goods over a situation in which a much larger number of Mayfly people each have a very slightly smaller share of primary goods.¹⁶ This preference will remain even if the former population will be so small that it lacks the resources to produce a new generation. If I know that I will exist, then I am concerned only to maximise the opportunities open to those who will exist. This seems a very unattractive result.¹⁷

Alternatively, assume that I do not know whether I will exist in the future. Under Mayfly biology, as under human biology, it is a very contingent matter which particular people get to exist. The number of possible combinations of genetic material in any generation is enormous. The number of possible Mayfly people is thus vastly greater than the number of people who will ever actually exist.

This new original position is thus very hard to imagine.¹⁸ Furthermore, it seems likely to generate some uncomfortable results. Unlike human beings, each generation of Mayfly people must make a conscious and deliberate decision to continue their race. They could easily decide not to produce a next generation, at no cost to themselves. (Unlike a human generation, who would then be left with no-one to care for them in their dotage.)

A Mayfly person in the original position will prefer non-existence to a life that is not worth living. According to Rawls, those in the original position are exceptionally risk averse. Therefore, they will prefer an empty world to a world in which there are millions of extremely happy Mayfly people and one Mayfly person with a life which contains too much uncompensated suffering. (This is because, in the original position, no one would know whether they would be the one who ends up with the life not worth living.)

Any population policy which brings into existence a new generation of Mayfly people will lead to there being some Mayfly people whose lives are not worth living. (After all, the Mayfly people are not medical wizards, so some physical and mental sufferings will inevitably be incurable.) Therefore, in the new original position, the only just population policy will be one which leads to universal non-existence.

We could only avoid this result by denying that any life is ever not worth living. The Mayfly people in the original position would then want to maximise the number of people who exist, irrespective of the quality of their lives. This is because they will want to *minimise their chances of failing to exist*. They would thus favour a situation in which a vast number of Mayfly people each have a bare minimum of primary goods over a situation in which a slightly smaller number of Mayfly people each have an ample share of primary goods. It seems bizarre to say that justice requires such a result!¹⁹

The Mayfly world thus provides a striking illustration of the problems surrounding any attempt to derive obligations to future generations from the original position. Given the complexities involved, it is far from clear that Rawlsian hypothetical social contract theory will be able to pass the Minimal Test.

CONCLUSION

Any adequate political theory must provide a plausible account of our obligations to future generations. It must also derive those obligations from morally significant features of our relationship to those who will live in the future, not from contingent accidents of human biology. The Minimal Test outlined in this paper offers a simple way to assess whether political theories are able to meet this challenge. It appears that several popular contemporary political theories will have difficulty passing that test.

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NOTES

- ¹ Brian Barry, "Justice Between Generations", in P. M. S. Hacker and J. Raz (ed.), *Law, Morality and Society: Essays in Honour of H. L. A. Hart*, Oxford: Clarendon Press, 1977, pp. 268-284, at p. 268.
- ² For a general discussion of traditional political philosophy and future generations, see Brian Barry "Circumstances of Justice and Future Generations", in R. Sikora and B. Barry (eds.), *Obligations to Future Generations* (Philadelphia: Temple University Press) 1978 pp. 204-248.
- ³ This view goes back to Plato. The most prominent modern exponent of this view is David Gauthier (see his *Morals by Agreement*, Oxford, Clarendon Press, 1986).
- ⁴ John Rawls, *A Theory of Justice*, Oxford: Oxford University Press, 1971, p. 126.
- ⁵ This view goes back to Locke. The most prominent modern exponent of this view is Robert Nozick (see his *Anarchy, State, and Utopia*, Blackwells, 1974).
- ⁶ Though some reasons to be wary of this supposition are discussed briefly in Section IX below.
- ⁷ *A Theory of Justice*, pp. 17-22.
- ⁸ It is worth noting that many of the tales told by Egoists, Libertarians and Rawlsians also abstract away from the details of human reproduction. The standard model for human interactions is a group of grown-up adults. Complicated facts about where babies come from, and who is going to look after them, are generally ignored. Theorists who ignore such facts when it suits them can hardly appeal to them to discredit an inconvenient thought experiment.
- ⁹ Indeed, Dasgupta cites evidence which suggests that, even in the actual world, people's concern even for their own descendants definitely does not extend indefinitely into the future. It is quite strong for a generation or two, and then it tapers out very sharply. (See P. Dasgupta, "Savings and Fertility: Ethical Issues", *Philosophy and Public Affairs*, 1994, volume 23, number 2, pp. 99 - 127, at p. 103; and P. Dasgupta, *An Inquiry into Well-being and Destitution*, Oxford: Clarendon Press, 1993, chapter twelve.)
- ¹⁰ For Nozick's discussion of the proviso, see *Anarchy, State, and Utopia*, pp. 175-182.
- ¹¹ *Derek Parfit Reasons and Persons* (Oxford: Oxford University Press) 1984, pp. 355-356.
- ¹² The argument in the text assumes that a life not worth living is worse than non-existence. If we deny this claim, and if the choice of acquisition policy is a Different People Choice, then every possible acquisition policy will satisfy Nozick's new proviso.

- ¹³ See *A Theory of Justice*, pp. 284-293. (Rawls himself has since abandoned this view. For his latest solution, see his *Political Liberalism*, New York: Columbia University Press, 1993, pp. 273-274.)
- ¹⁴ In his original discussion, Rawls focuses on the just rate of savings between one generation and the next, not on longer term issues such as environmental pollution.
- ¹⁵ Many of the arguments presented below are adapted from those in Brian Barry *Theories of Justice*, Berkeley: University of California Press, 1989, pp. 179-203.
- ¹⁶ These goods include "liberty and opportunity, income and wealth, and the bases of self-respect" (*A Theory of Justice*, p. 303.)
- ¹⁷ This argument is analogous to Parfit's objection to Average Utilitarianism. (See *Reasons and Persons*, pp. 420-422.)
- ¹⁸ Also, as Brian Barry notes, "we are bound to worry about the good sense of choosing principles to advance the interests of potential people most of whom will never exist". (*Theories of Justice*, p. 195.)
- ¹⁹ This puzzle is analogous to Parfit's Repugnant Conclusion. (See *Reasons and Persons*, pp. 387-390.)