

## INTERGENERATIONAL JUSTICE

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POLI 561/CMPL 506, Fall 2009 (3 credits)  
M 14:35–17:25  
New Chancellor Day Hall 201

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### 1. Aims and Learning Objectives

The problem of justice between generations is as important as it is controversial. Some theorists have denied the existence of any obligation between people presently living and those yet unborn; others make those obligations an essential aspect of the human condition. Some claim that intergenerational justice puts significant constraints on our choice of institutions; others consider such demands trivial, or vague.

In this course, we will explore the philosophical, political, and legal dimensions of the problem of justice between generations as an answer to the general question: *are there are moral obligations that obtain between present and future persons and, if so, what is the mechanism by which these duties are acquired or met, and what is the content of the obligation itself?*

We will examine the issue from a conceptual framework (what is a generation? can future persons be said to exist?), moral (what are the morally relevant circumstances in which obligations between generations arise? what does one generation owes to those that follow it? to those that precede it?), political (do the demands of intergenerational justice presume certain institutional structures?), and legal (what institutions of public and private law are necessary to satisfy the demands, if any, of justice between generations?).

### 2. Prerequisites

This course is cross-listed as an Honors seminar in Political Theory and a seminar in Legal Theory. *As an Honors seminar in Political Theory*, the course is open to graduate students, final-year Honors students concentrating in the subfield of political theory; undergraduates must have completed at least one upper (300 or 400) level course in political philosophy. *As a seminar in Legal Theory*, the course is open to advanced undergraduate and graduate Law students; it is highly recommended that students have some prior knowledge of moral or political theory or moral or political philosophy. *All other students* must obtain permission of the instructor to enroll, which will be granted on the basis of prior preparation and available space.

### 3. Required texts

The following required texts have been ordered at the McGill Bookstore.

- Parfit, *Reasons and Persons* (Oxford University Press, 1986)
- Gosseries and Meyer, eds., *Intergenerational Justice* (Oxford University Press, 2009)

The reading will be supplemented by articles and chapters posted on the course page at myCourses (WebCT) or linked to an online source; there is no course packet. Please bring your copy of the week's reading to class with you.

### 4. Grading and teaching arrangements

The class will follow a seminar format, although I will regularly reserve a period ranging from 15 to 45 minutes for a brief lecture introducing the material. Please come to each class prepared to initiate topics of conversation and to draw others' attention to important themes or passages in the text, as well as answer direct questions posed by me or your classmates. Class attendance is mandatory, and lack of attendance will affect your participation grade.

For the sake of uniformity, the practices and procedures of the Faculty of Law will govern the handling of assignments and the assessment of late and other penalties. Papers are due at 3:00pm at the Student Affairs Office of the Faculty of Law (on the fourth floor of New Chancellor Day Hall). The SAO will accept all papers, and assess late penalties only for Law students, but in the interest of fairness I will apply the same policies to all students in the course. I have no discretion to grant extensions on papers for Law students, and will thus refuse discretion to grant any extensions for any student except on the same grounds as the SAO would have done so.

Documented illnesses or family emergencies are ordinarily the only grounds for exceptions or extensions. Emailed papers are not valid as evidence that you finished it by the deadline, except under the circumstances mentioned in the previous paragraph, or by prior (and exceptional) arrangement.

In order to pass the course as a whole, you must receive a passing grade for each of the course components. Excessive absences, a consistent failure to take part in discussion or do a presentation, or failing to turn in any one of the papers will thus result in a failing grade for the course as a whole.

#### *Paper option 1 (short papers)*

Three papers of 2500-3500 words each are due on October 9, November 13, and December 11. Guidelines for paper topics will be distributed, though you may propose alternative topics in advance. Note that the due dates are not class dates.

These papers are not research papers and do not require consulting any works outside the syllabus, though you are free to do so. If you have doubts about consulting additional sources, contact me with sufficient time.

If you choose paper option 1, the course will be graded as follows:

- Participation in discussions: 25% (*including presentation; see below*)
- Short papers: 25% each

I encourage you to consult a style guide, such as the *Chicago Manual of Style*, the *MLA Handbook for Writers of Research Papers*, or the *Canadian Guide to Uniform Legal Citation*. Additional guidelines for writing papers in political and legal theory and philosophy are available here: <http://profs-polisci.mcgill.ca/levy/guidelines.pdf> (from Jacob Levy, McGill University) and here: <http://carneades.pomona.edu/1998-2006/2005-Hobbes/writing.shtml> (from Michael Green, Pomona College).

### *Paper option 2 (term paper)*

A single term paper of 8,000-10,000 words is due on December 11. This is a research paper and should show some engagement with both primary works outside the bounds of the syllabus and some secondary works.

You should discuss the topic with me at least three weeks before the due date. An abstract or outline of roughly two pages should be e-mailed to me no more than two weeks before the due date. It should include (a) a statement of the problem you will be discussing, (b) a proposed thesis about the problem, an outline of your argument in its favor, and significant objections you predict you will need to address, (c) a preliminary bibliography, with an annotation justifying the inclusion of each work.

*Paper option 2 will satisfy the Minimum Writing Requirement for undergraduate students in the Faculty of Law, as "[w]riting an essay in a two-credit or three-credit course in which the essay constitutes no less than 75% of the final weight of grading assigned to the course."*

If you choose paper option 2, the course will be graded as follows:

- Participation in discussions: 25% (*including presentation; see below*)
- Term Paper: 75%

The term paper is intended to take the form of a publishable article, whether for a philosophy, political theory, or law journal. As such, I ask that you write the paper in accordance with the format, style, and citation guidelines of a reputable journal that regularly publishes articles in moral, political, and legal theory and philosophy. When you should select your target journal, you might want to keep in mind its 'fit' with the article you are writing, in terms of article length, methodology, and content.

The exhortation to consult a style guide, and to look at the guidelines for writing papers mentioned in the previous section, also applies here although it will be dictated, in part, by your choice of journal.

### *Presentations*

As a component in the participation grade, all students must give a presentation on an assigned reading or topic. The presentation should highlight important arguments in the reading, address challenges to or questions about the author's position, and propose an agenda for class discussion. Arrangements for these presentations will be made during the first week of class. There will likely be more than one presentation per class meeting.

### 5. Additional Notices

McGill University values academic integrity. Therefore all students must understand the meaning and consequences of cheating, plagiarism and other academic offences under the Code of Student Conduct and Disciplinary Procedures (for more information, see <http://www.mcgill.ca/integrity>).

In accord with McGill University's Charter of Students' Rights, students in this course have the right to submit in English or in French any written work that is to be graded.

In the event of extraordinary circumstances beyond the University's control, the content and/or evaluation scheme in this course is subject to change

If you have a disability please contact the instructor to arrange a time to discuss your situation. It would be helpful if you contact the Office for Students with Disabilities at 398-6009 (online at <http://www.mcgill.ca/osd>) before you do this.

## 6. Schedule of Readings

R&P = Parfit, *Reasons and Persons*

G&M = Gosseries and Meyer (eds.), *Intergenerational Justice*

SEP = Stanford Encyclopedia of Philosophy (<http://plato.stanford.edu>)

*All other readings will be posted online.*

### **Recommended general readings:**

Bickham, "Future generations and contemporary ethical theory"

Gosseries, "Theories of intergenerational justice: a synopsis"

SEP: <http://plato.stanford.edu/entries/justice-intergenerational/>

### **Sept. 14 Introduction to the problem**

R&P Ch. 16

Velleman, "Persons in prospect"

*Further reading:*

Kavka, "The paradox of future individuals"

SEP: <http://plato.stanford.edu/entries/nonidentity-problem/>

### **Sept. 21 Non-identity and populations**

R&P Chs. 17-19 and Concluding Chapter

*Further reading:*

SEP: <http://plato.stanford.edu/entries/repugnant-conclusion/>

Cowen, "What Do We Learn from the Repugnant Conclusion?"

G&M Ch. 12 (Arrhenius)

### **Sept. 28 The non-existence challenge**

Beckerman and Pasek, "The rights of future generations"

Gosseries, "Future generations, future rights"

### **Oct. 5 Past generations / future projects**

Steiner, *An Essay on Rights*, pp. 249-61

Baier, "The rights of past and future persons" in Partridge (ed.),

*Responsibilities to Future Generations*, p. 177

Wellman, *Real Rights*, pp. 146-157

Meyer, "More than they have a right to..."

*Further reading:*

O'Neill, "Future generations, present harms"

Sperling, *Posthumous Interests*

### **Oct. 9 First short paper due**

- Oct. 19**      **Communitarianism**  
de-Shalit, *Why Posterity Matters*, Ch. 1  
G&M Ch.1 (Thompson)
- Oct. 26**      **Libertarian approaches**  
Epstein, "Justice across the generations"  
Schmidtz, "Property"  
G&M Ch. 2 (Steiner and Vallentyne)
- Nov. 2**        **Contractarian approaches**  
Gauthier, *Morals by Agreement* pp. 141-46, 268-72, 298-305  
G&M Ch. 3 (Gardiner)
- Further reading:*  
G&M Ch. 9 (Kumar)
- Nov. 9**        **The circumstances of justice**  
Rawls, *A Theory of Justice*, §§22-24  
Barry, *Theories of Justice* §24  
G&M Ch. 6 (Heyd)
- Further reading:*  
Hume, *A Treatise on Human Nature*, Bk. III, pt. II, sec. II  
Hume, *Enquiry Concerning the Principles of Morals*, Sec. III, pt. I  
Mulgan, "A Minimal Test for Political Theories"
- Nov. 13**      **Second short paper due**
- Nov. 16**      **Just savings**  
Rawls, *A Theory of Justice*, §44-45  
Rawls, *Justice as Fairness: A Restatement*, §49  
G&M Chs. 7 and 8
- Nov. 23**      **Constitutionalism and future generations**  
Jefferson and Madison correspondence  
Otsuka, *Libertarianism without Inequality*, Ch. 7  
Muñiz-Fraticelli, G&M Ch. 14
- Further reading:*  
Gosseries, "Constitutions and future generations"
- Nov. 30**      **Political institutions**  
Van Parijs, "The disenfranchisement of the elderly"  
Tremmel, "Establishing intergenerational justice in national constitutions"  
*Selected constitutional texts*

**Dec. 3 Environmental policy and social insurance schemes**  
*Minors Oposa vs. Sec. of the Dept. of Environ. and Nat'l Res.* (1993)  
G&M Ch. 13 (Wolf)  
Daniels, *Am I my Parents' Keeper*, Ch. 1

*Further reading:*

Allen, "The Philippine children's case..."

**Dec. 11 Third short paper and Term paper due**

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